

McCARTER & ENGLISH, LLP

Mellon Bank Center
1735 Market Street, Suite 700
Philadelphia, PA 19103
(215) 979-3800
Attorneys for Plaintiff
Healthcare Advocates, Inc.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

HEALTHCARE ADVOCATES, INC.,

Plaintiff,

v.

HARDING, EARLEY, FOLLMER &
FRAILEY; JOHN F.A. EARLEY, III,
CHARLES L. RIDDLE, FRANK J. BONINI,
JR., KIMBERLY TITUS, and JOHN DOES
1-5,

Defendants.

Civil Action No. 05-3524

Hon. Robert F. Kelly

DECLARATION OF SCOTT S. CHRISTIE

I, Scott S. Christie, declare pursuant to 28 U.S.C. §1746 and under the penalty of perjury of the laws of the United States of America that the following is true and correct to the best of my knowledge:

1. I am a Member of the firm of McCarter & English, LLP, counsel for defendant Healthcare Advocates, Inc. ("HCA"), the plaintiff in this case. I make this Declaration in support of Healthcare Advocates, Inc.'s Motion for Summary Judgment.

2. Attached as Exhibit A are true and correct copies of excerpts from the transcript of the deposition of Kevin Flynn, taken on September 28, 2006, and relevant exhibits from that deposition.

3. Attached as Exhibit B are true and correct copies of excerpts from the transcript of the deposition of Frank J. Bonini, taken on August 28, 2006, and relevant exhibits from that deposition.

4. Attached as Exhibit C are true and correct copies of excerpts from the transcript of the deposition of John F.A. Earley III, taken on August 30, 2006, and relevant exhibits from that deposition.

5. Attached as Exhibit D are true and correct copies of excerpts from the transcript of the deposition of Charles L. Riddle, taken on August 29, 2006.

6. Attached as Exhibit E are true and correct copies of excerpts from the transcript of the deposition of Kimber Titus, taken on September 22, 2006, and relevant exhibits from that deposition.

7. Attached as Exhibit F are true and correct copies of excerpts from the transcript of the deposition of Edward Felten, taken on February 2, 2007, and relevant exhibits from that deposition.

8. Attached as Exhibit G are true and correct copies of excerpts from the transcript of the deposition of Gideon Lenkey, taken on February 9, 2007, and relevant exhibits from that deposition.

9. Attached as Exhibit H are true and correct copies of excerpts from the transcript of the deposition of Molly Astrid Bragg, taken on September 13, 2006. This exhibit has been designated as Highly Confidential - Attorneys' Eyes Only and is being filed under seal pursuant to the Stipulated Confidentiality and Protective Order entered in this action.

10. Attached as Exhibit I are true and correct copies of excerpts from the transcript of the deposition of Gordon Mohr, taken on September 14, 2006, and relevant exhibits from that

deposition. This exhibit has been designated as Highly Confidential - Attorneys' Eyes Only and is being filed under seal pursuant to the Stipulated Confidentiality and Protective Order entered in this action.

11. Attached as Exhibit J is a contract between Google Inc. and The Regents of the University of California on behalf of its California Digital Library, which I obtained through accessing the website www.cdlib.org/news/ucgoogle_cooperative_agreement.pdf.

12. Attached as Exhibit K is a contract between Google Inc. and the Regents of the University of Michigan/University Library, Ann Arbor Campus, which I obtained through accessing the website <http://lib.umich.edu/mdp/umgooglecooperativeagreement.html>.

13. Attached as Exhibit L is a true and correct copy of a FedEx bill received from defendant Harding, Earley, Follmer & Frailey, which indicates that defendants shipped HEFF office computers to defendants' computer forensic expert in Massachusetts on February 24, 2006, and three FedEx bills which indicate that defendants' computer forensic expert shipped those computers back to defendants on February 25, 2006.

14. Attached as Exhibit M is a true and correct copy of the bill of defendants' expert Gideon Lenkey.

15. Attached as Exhibit N is a true and correct copy of a Memorandum of Law filed on July 8, 2004 in the case Flynn v. Health Advocate, Inc., Civil Action No. 03-3764, in the Eastern District of Pennsylvania.

Executed this 26TH day of February, 2007, at Newark, New Jersey.


SCOTT S. CHRISTIE