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Attorney for Defendants
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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

LINSPIRE, INC, a Delaware corporation, Plaintiff, vs. WILLIAM LONG, an individual, KEVIN CARMONY, an individual, CHAD OLSON, an individual, RANDY LINNELL, an individual, THERESA BRENNAN, an individual, CLIFFORD BESHERS, an individual, and DOES 1 through 50, inclusive, Defendants. And related cross-actions.	Case No.: 37-2008-00092383-CU-FR-CTL **Hon. Timothy Taylor** **DECLARATION OF JOHN SANBORN** Action Filed: September 23, 2008 Trial Date: May 7, 2010

I, John Sanborn, declare:

1. I have personal, first-hand knowledge of the matters set forth in this declaration and could and would competently testify thereto.

2. I served as the IT Director for Linspire, Inc. from June 2004 through March 2008. During this time I was responsible for Linspire's IT department, including Linspire's internal network, data center and internal information system, including employee email.

3. On July 31, 2007, Linspire's CEO, Kevin Carmony resigned and cleaned out his office. When in the office, Mr. Carmony did a fresh installation of the Linspire operating

system on his work computer. There was nothing unusual or improper about this, as all important company documents and files were stored on a remote server, not an employee's local computer. It was not unusual for employees to have family photos, music, or other personal files on their computer, so re-installing the operating system on a departing employee's computer was not at all uncommon. In fact, there were times when departing employees were allowed to purchase their laptop computer to take them with them for their own use, as these computers may have been older and of little value to the company and the important company files would have been stored on Linspire's servers, not exclusively on the employee's computer.

4. A few days after Mr. Carmony resigned, I was asked by the Chairman, Michael Robertson, to retrieve the back ups for our email server, specifically to obtain Mr. Carmony's email. Linspire kept two weeks worth of email backups for the entire company and my investigation of these backups did not show any additional email that was not already available. Since I did not see any tampering of our backups and access is limited to only IT personnel, I could only concluded that there was no additional email to provide Mr. Robertson.

5. At no time did Mr. Carmony erase any back up files from Linspire's servers, email files or otherwise. Mr. Carmony did not have access to the passwords to have erased such files, nor did he, to my knowledge, possess the necessary skill set to even know how to erase any files from Linspire's back-up system.

I declare under penalty of perjury under the laws of the State of California, that the foregoing to be true and correct. Executed this 6 day of May, 2010.

John Sanborn

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **[Pleading Title]** on the following party:

Edward Cramp
Michelle Hon
DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101

by the following indicated methods:

[ ] by mailing a full, true and correct copy thereof in a sealed, first-class postage-paid envelope, addressed to the attorney as shown above, the last-known office address of the attorney, and deposited with the U.S. Postal Service at San Diego, California, on the date set forth below;

[ ] by causing a full, true, and correct copy thereof to be hand-delivered to the attorney on the date set forth below.

[ ] by sending a full, true, and correct copy thereby via overnight courier in a sealed, postage-paid envelope, addressed to the attorney as shown above, at the attorney's last-known office address, on the date set forth below.

[ ] by faxing a full, true, and correct copy thereof to the attorney at the fax number shown above, which is the last-known fax numbers for the attorney's offices, on the date set forth below.

[ ] by electronic mail.

DATED this ___ of _____, 2008.

_____
Guillermo Cabrera