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9 Attorneys for Defendants  
10 ALS SCAN, INC., ALEX KIRN,  
11 APIC WORLD-WIDE, INC. and  
12 STEVE EASTON

13  
14 UNITED STATES DISTRICT COURT  
15  
16 NORTHERN DISTRICT OF CALIFORNIA  
17

18 GLOBAL INNOVATIONS, INC., a Maryland  
19 corporation, and RAMSEY LAMERSON, an  
20 individual,  
21 Plaintiff,  
22 vs.  
23 ALS Scan, Inc., a Maryland corporation, WAYNE  
24 KIRN, an individual, APIC WORLD-WIDE,  
25 INC., a Florida corporation and STEVE EASTON,  
26 an individual,  
27 Defendants.

Case No.: C03-1277 JSW

**DECLARATION OF OWEN SEITEL IN  
SUPPORT OF MOTION TO DISMISS FOR  
LACK OF PERSONAL JURISDICTION  
(F.R.C.P 12(b)(2)), OR, IN THE  
ALTERNATIVE TO DISMISS PURSUANT  
TO THE COURT'S DISCRETION UNDER 28  
U.S.C. §2201, OR, IN THE ALTERNATIVE  
TO TRANSFER FOR CONVENIENCE (28  
U.S.C. §1404(a))**

Date: August 1, 2003

Time: 9:00 a.m.

Courtroom 2, 17<sup>th</sup> Floor

Honorable Judge Jeffrey S. White presiding

28 I, Owen Seitel, do state as follows under penalty of perjury:

29 1. I am an attorney for Defendants ALS SCAN, INC. ("ALS"), a Maryland corporation,  
30 ALEX KIRN (sued erroneously herein as Wayne Kim), APIC WORLD-WIDE, INC., a Florida  
31 corporation, and STEVE EASTON ("defendants"). I have personal knowledge all matters stated herein.

1 If called as a witness, I could testify competently regarding the matters stated.

2 2. I am licensed to practice before all courts in the state of California.

3 3. Upon receipt of plaintiffs' Motion to Enjoin Prosecution of the Maryland Action (Case  
4 No. 03 CV-1028, Maryland District Court), I contacted Mr. Charles Carreon, counsel for plaintiffs  
5 Global Innovations, Inc. and Ramsey Lamerson ("plaintiffs"). I informed Mr. Carreon of defendants'  
6 intention to file a Motion to Dismiss, or alternatively to Transfer this action filed in the Northern District  
7 of California.

8 4. As a result of my discussion with Mr. Carreon, the parties stipulated that plaintiff's  
9 hearing on the Motion to Enjoin Prosecution, originally set for May 30, 2003, would be continued until  
10 August 1, 2003 and that I would bring defendants' Motion to Dismiss, or alternatively, to Transfer  
11 would be set for the same day.

12 5. Accordingly, defendants' motion is timely if filed and served by Friday, June 27, 2003.

13 6. Defendant ALS Scan, Inc. is a Maryland corporation with its principal place of business  
14 in Columbia, Maryland engaged in the business of online publishing of adult-oriented content.

15 7. Defendant ALS Scan, Inc. is not incorporated in California; nor has it qualified to do  
16 business in California. Defendant ALS Scan, Inc. has no subsidiary incorporated or qualified to do  
17 business in California.

18 8. Defendant Alex Kirn is an individual resident of Ellicot City, Maryland. Mr. Kirn is the  
19 primary shareholder and CEO of defendant ALS Scan, Inc. Mr. Kirn does not own real or personal  
20 property in the State of California.

21 9. The following are the names and addresses of all persons known to be percipient  
22 witnesses to any of the matters raised in the pleadings in this action, and the matters upon which they are  
23 expected to testify:

24 a. Amy LaPerle is employed in the Columbia, Maryland ALS Scan office and is  
25 expected to testify as to the following matters: registration of ALS Scan copyrights and authentication of  
26 copyright registration certificates, cease and desist notices sent to Global/Lamerson and websites found  
27 on the Global system illegally displaying ALS materials.

