

CERTIFICATION

Plaintiff certifies, pursuant to L.R. 7.1, that this motion is unopposed.

AFFIDAVIT OF CHARLES CARREON

Charles Carreon declares:

1. This affidavit is submitted in support of plaintiff American Buddha's motion to extend the time for filing the plaintiff's opposition to defendant the City of Ashland's motion for summary judgment. The matters stated herein are true to the best of my knowledge and belief, and if called as a witness I could and would so competently testify.
2. Court reporter Laura Smith has advised that, due to the press of business and her holiday vacation, the transcripts will be prepared around January 15, 2007.
3. The transcripts record testimony taken from Ashland Fiber Net ("AFN") manager Rick Holbo, City Attorney Mike Franell, and AFN head Joe Franell. and contain material essential for presenting a meritorious opposition to the City's motion.
4. Witness Joe Franell was formally designated by the City to testify pursuant to Rule 30(b)(6) as to specified matters relevant to the determination of defendant's motion. The matters as to which he was designated to testify were:
 1. Whether the City of Ashland has a written policy enacted pursuant to the Digital Millennium Copyright Act ("DMCA");
 2. When the City of Ashland's written DMCA Policy was adopted;
 3. The nature of the relationship between Infostructure and the City of Ashland;
 4. All contracts between Infostructure and the City of Ashland;
 5. All emails, other correspondence, and records of telephone calls between and among the following persons or entities concerning the matters alleged in this lawsuit:
 - i. The City of Ashland
 - ii. Any employees of the City of Ashland, including but not limited to:
 1. Rick Holbo
 2. Joe Franell
 3. Mike Franell
 4. Infostructure
 - iii. Any employees of Infostructure, including but not limited to:
 1. John Dowd

2. Support Personnel
 3. Administrative Personnel
 4. Kathleen Parker;
 5. The husband of Kathleen Parker;
 6. The Washington Post;
 7. The Orlando Sentinel;
6. All facts that would support the City of Ashland's affirmative allegations and denials set forth in its Answer, and the persons having knowledge of those facts;
 7. All documents that would support the City of Ashland's affirmative allegations and denials set forth in its Answer, and the location of those documents;
 8. The reason why the City of Ashland turned off the AFN modem installed at 1131 Barrington Circle, Ashland, Oregon 97520 (the "Modem");
 9. What the City of Ashland knew about what the effect of turning off the Modem would be;
 10. Whether the City of Ashland knew that turning of the Modem would cause websites other than American-Buddha.com to be knocked off the Internet; and,
 11. Whether the City of Ashland knew that turning off the Modem would cause interference with all email service and websites being served through the Modem.
5. Mr. Franell testified to his knowledge as to some of these matters. Mr. Holbo and Mr. Franell also had knowledge of various of these material matters, and Mr. Holbo was determined to be the primary actor in the acts giving rise to the matters complained of by plaintiff herein. All three witnesses provided evidence raising disputed issues of fact necessary for inclusion in a meritorious opposition to the pending motion.
 6. The City has no objection to this motion, and requests that the period for filing its reply brief be no less than eleven days from the date when plaintiff's opposition is due.

I hereby declare, pursuant to the provisions of 28 U.S.C. § 1746 (2), under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Pacifica, California on December 14, 2006

Dated: December 14, 2006

By: /s/Charles Carreon
 CHARLES CARREON (93469)
 Attorney for Plaintiff American Buddha