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12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 ONLINE POLICY GROUP, NELSON CHU
 15 PAVLOSKY, and LUKE THOMAS SMITH,

16 Plaintiffs,

17 v.

18 DIEBOLD, INCORPORATED, and DIEBOLD
 19 ELECTION SYSTEMS, INCORPORATED,

20 Defendants.

No. C-03-4913 JF

SUPPLEMENTAL DECLARATION OF
 DAVID E. WEEKLY IN SUPPORT OF
 PLAINTIFFS' APPLICATION FOR
 PRELIMINARY INJUNCTION

21
 22 I, David E. Weekly, hereby declare as follows.

23 1. I am Colocation Director for the Online Policy Group ("OPG"), one of the Plaintiffs
 24 in the above-captioned action. This Declaration is intended to supplement my previous Declaration,
 25 which I incorporate in full by this reference. I make this supplemental Declaration to inform the
 26 court of matters since the filing of my first declaration.

27 2 Since filing that declaration, I learned that another user of OPG's colocation
 28 facilities was hosting the Diebold e-mail archive ("e-mail archive") at issue in this proceeding.

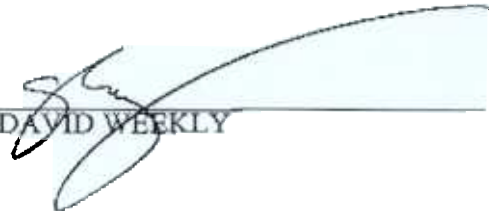
1 3. Based upon the direct threats in the letter that Diebold sent to Hurricane Electric,
2 and OPG's conversation with Hurricane Electric, I immediately asked that user to remove the e-
3 mail archive from his machine pending the determination of this Court. I was concerned that the
4 hosting of these documents would jeopardize all of OPG's Internet connectivity.

5 4. I am informed and believe that user has removed the e-mail archive from his
6 machine, with some frustration at having to do so.

7 5. I believe that this situation will recur, as many OPG users are interested in the
8 debate surrounding e-voting and others are likely to seek to post the e-mail archive in the future.

9 I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct and that this declaration was executed in Hillsborough
11 California.

12 Date: 11/7/03


DAVID WEEKLY

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