

ORIGINAL

1 William L. Robinson (State Bar No. 087647)  
2 Lori A. Winfree (State Bar No. 205351)  
3 NIXON PEABODY LLP  
4 2040 Main Street, Suite 850  
Irvine, California 92614  
Telephone: (949) 475-6900  
Facsimile: (949) 475-6910

5 Attorneys For Defendants SHEPPERTON DESIGN  
6 STUDIOS LIMITED and ANDREW AINSWORTH

7  
8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

10  
11 LUCASFILM LTD., a California ) No. CV05-3434 RGK (MANx)  
12 corporation, )  
13 ) **DECLARATION OF ANDREW**  
14 Plaintiff, ) **AINSWORTH IN SUPPORT**  
15 v. ) **OF REPLY BY DEFENDANTS**  
16 SHEPPERTON DESIGN STUDIOS ) **TO PLAINTIFF'S**  
17 LIMITED, a United Kingdom company ) **OPPOSITION TO THEIR**  
18 incorporated in England, ANDREW ) **MOTION TO DISMISS FOR**  
19 AINSWORTH, an individual, and DOES ) **LACK OF JURISDICTION**  
20 1 through 10, both inclusive, ) **(FRCP 12(b)(2))**  
21 ) Date of hearing: Sept. 19, 2005  
22 Defendants. ) Time: 9:00 a.m.  
23 ) Assigned to:  
24 ) Judge R. Gary Klausner  
25 ) Room 850  
26 )

24 1. I, Andrew Ainsworth, do declare and state as follows:  
25 2. I am the Director and sole Shareholder of Shepperton Design  
26 Studios, Ltd. ("Shepperton"), a United Kingdom company, incorporated in  
27 England. I have personal knowledge of the facts stated in this declaration,  
28 and if called as a witness could competently testify to them. I make this

FILED ON CM  
SEP 20 2005  
[Signature]  
507820

1 declaration in support of the Reply of Defendants to Plaintiff's Opposition to  
 2 their Motion to Dismiss for Lack of Jurisdiction filed concurrently herewith  
 3 and for no other purpose.

4 3. Shepperton Design Studios was my personal trading name,  
 5 adopted in the 1970s and a company of the same name was incorporated in  
 6 February 2004 to continue the business I had carried on personally until then.

7 4. The emails attached to the Declarations of Jason Hayes and Craig  
 8 Rundels in support of Plaintiff's Opposition were part of a mass mailing to all  
 9 email addresses on file at Shepperton from prior customers.

10 5. When a customer, anywhere in the world, purchases a product  
 11 from Shepperton or makes a general inquiry, they have the option of giving  
 12 their email address at that time for future mailings.

13 6. These email addresses are stored in a central database for future  
 14 use and the email addresses are not identified by location of the consumer.

15 7. I did not purposefully pull out California consumers' email  
 16 addresses and it was not my intent and purpose to target California consumers  
 17 with Shepperton's mass mailings.

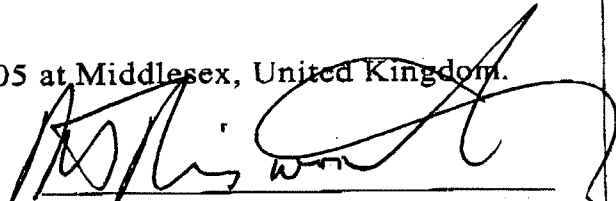
18 8. Until it was brought to my attention in Plaintiff's Opposition, I did  
 19 not know with any certainty whether any of the email recipients of  
 20 Shepperton's mass mailings were located in California.

21

22 I declare under penalty of perjury under the laws of England, the United  
 23 States of America, and the State of California that the foregoing is true and  
 24 correct.

25 Executed September 9<sup>th</sup>, 2005 at Middlesex, United Kingdom.

26  
 27  
 28



Andrew Ainsworth

1 **PROOF OF SERVICE**

2 I, the undersigned, certify that I am employed in the County of Orange, State  
3 of California; that I am over the age of eighteen years and not a party to the within  
4 action; and that my business address is 2040 Main Street, Suite 850, Irvine, CA  
5 92614. On this date, I served the following document(s):

6 **DECLARATION OF ANDREW AINSWORTH IN SUPPORT OF**  
7 **DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO THEIR**  
8 **MOTION TO DISMISS FOR LACK OF JURISDICTION**

9 on the parties stated below, through their attorneys of record, by placing true copies  
10 thereof in sealed envelopes addressed as shown below by the following means of  
11 service:

12       : By First-Class Mail — I am readily familiar with the firm's practice for  
13 collection and processing of correspondence for mailing. Under that practice, the  
14 correspondence is deposited with the United States Postal Service on the same day as  
15 collected, with first-class postage thereon fully prepaid, in Irvine, California, for  
16 mailing to the office of the addressee following ordinary business practices.

17       : By Personal Service — I caused each such envelope to be given to a courier  
18 messenger to personally deliver to the office of the addressee.

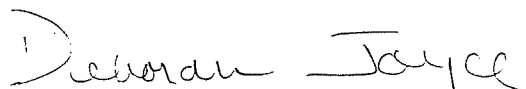
19   X  : By Overnight Courier — I caused each such envelope to be given to an  
20 overnight mail service at Irvine, California, to be hand delivered to the office of the  
21 addressee on the next business day.

22   X  : By Facsimile — by personally sending a true and correct copy of the above-  
23 described document(s) to the party(ies) listed on the attached/below mailing list from  
24 facsimile machine number (949) 475-6910 to the facsimile machine number(s)  
25 indicated on the attached/below mailing list. I certify that said transmission was  
26 completed and that all pages were received by the recipient(s) and that a report was  
27 generated by facsimile machine number (949) 475-6910 which confirms said  
28 transmission(s) and receipt(s).

29 Peter J. Anderson  
30 LAW OFFICES OF PETER J.  
31 ANDERSON  
32 100 Wilshire Boulevard, Suite 2010  
33 Santa Monica, CA 90401  
34 Fax: (310) 260-6040

Attorney for Plaintiff

35 I declare that I am employed in the office of a member of this court at whose  
36 direction the service was made. Executed on September   2  , 2005, at Irvine,  
37 California.

38 

Deborah Joyce