

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

ENDORSED
FILED IN MY OFFICE THIS

APR 10 2008

Juanita M. Duan
CLERK DISTRICT COURT

KENDRA GOERS

ECLIPSE AVIATION CORPORATION,
a Delaware corporation,

Plaintiff,

vs.

Case No. CV 2008 02624

JOHN DOE; JANE DOE;
And various other unknown individuals designated
VARIOUS DOES,

Defendants.

COMMISSION TO ISSUE AND/OR OBTAIN SUBPOENA IN CALIFORNIA

This matter came before the Court on Eclipse Aviation Corporation's ("Eclipse's") Motion For Commission to Issue and/or Obtain Subpoena in California (the "Motion") and the Court, being duly advised in the premises,

HEREBY FINDS that the Motion is well taken and should be granted;

THE COURT FURTHER FINDS that Google, Inc., Google Blogspot, and/or affiliates thereof (together "Google") may have information that is relevant to the action current pending in this Court between Eclipse and John Doe, et al.;

THE COURT FURTHER FINDS that Google has refused to comply with a subpoena issued in this action, a copy of which is attached hereto as Exhibit A (the "New Mexico Subpoena"), and insists that it will only respond to a subpoena issued by the Superior Court of California, County of Santa Clara;

IT IS THEREFORE ORDERED, that in confidence of your prudence and fidelity, the Court appoints Eclipse (acting through its California counsel, Miller, Morton, Caillat & Nevis, LLP, 25 Metro Drive, 7th Floor, San Jose, California 95110), to issue and/or request the issuance

EXHIBIT A

of a subpoena from the Superior Court of California, County of Santa Clara, in accordance with the law and practice of said court, in the general form and with the general content of the New Mexico Subpoena.

IT IS FURTHER ORDERED that this Commission will expire three months from the date hereof.

LINDA M. VANZI

Hon. Linda M. Vanzi, Second Judicial District Court Judge

Submitted and approved:

JACOBVITZ, THUMA & WALKER
a Professional Corporation

By: _____

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