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NDS Group PLC and NDS Americas, Inc.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

Groupe Canal+ S.A., et al.,  
Plaintiffs,  
v.  
NDS Group PLC, et al.,  
Defendants.

Case No. C02-01178 (VRW)

**DECLARATION OF PETER  
LYNSKEY IN SUPPORT OF  
DEFENDANTS' MOTION TO  
TRANSFER**

Judge: Hon. Vaughn R.  
Walker

Hearing Date:

I, PETER LYNSKEY, hereby declare under penalty of perjury pursuant to 28 U.S.C.  
§1746 as follows:

1. I am Vice President, Strategic Accounts and Assistant General Manager of  
NDS Americas, Inc., the senior executive for NDS located in the California offices in the  
United States. I report to Dov Rubin, the Vice President and General Manager of NDS  
Americas, Inc. and a Vice President of NDS Group PLC, whose offices are in New York.  
As Vice President, Strategic Accounts and Assistant General Manager, my duties include  
the management and control of all of the US based accounts that NDS Americas oversees  
as well as the general management of the California and Florida based operations

LYNSKEY DECL. IN SUPPORT OF  
NDS MOTION TO TRANSFER  
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1 including staffing and budgeting components. I joined NDS Americas in 1999, and I  
2 became Vice President, Strategic Accounts & Assistant General Manager in October  
3 2001. Before joining NDS, I worked at STAR Television for 9 years, a wholly owned  
4 News Corporation company based in Hong Kong as General Manager, Operations &  
5 Engineering.

6 2. The information set forth in this declaration is based on my personal  
7 knowledge and the opinions stated are my true opinions.

8 3. NDS Americas is a wholly-owned subsidiary of NDS Group PLC. NDS  
9 Americas is a company incorporated in Delaware.

10 4. The headquarters and principal place of business of NDS Americas is in  
11 Newport Beach, California. NDS Americas has approximately 100 employees, of which  
12 approximately 65 work out of the Newport Beach offices. NDS Americas also has offices  
13 in New York, New York, in Lake Forest, California (which is located approximately 10  
14 miles south of Newport Beach and is in Orange County district), and Miami Lakes and  
15 Fort Lauderdale, Florida.

16 5. NDS Americas does not have an office in northern California. I understand  
17 that the U.S. District Court for the Northern District of California covers Alameda, Contra  
18 Costa, Del Norte, Humboldt, Lake Marin, Mendocino, Monterey, Napa, San Benito, Santa  
19 Clara, Santa Cruz, San Francisco, San Mateo, and Sonoma counties in California. NDS  
20 Americas does not have an office within the Northern District of California. It has no  
21 employees, officers or directors who work in the Northern District of California. NDS  
22 Americas owns no real property in the Northern District of California, and it has no  
23 telephone listings or mailing addresses in the Northern District of California.

24 6. NDS Americas's registered agent for service of process is John Workman  
25 (the Controller), at 3501 Jamboree Road, Suite 200, in Newport Beach California.

26 7. NDS Americas has five clients based in the United States, none of whom are  
27 based in the Northern District of California. Two are based in Los Angeles, two are based  
28 in southern Florida, and one is based in Long Island, New York. NDS Americas has not

1 contracted with persons residing in the Northern District of California to act on its behalf  
2 with respect to marketing, distributing, or servicing any of its products or services. NDS  
3 Americas pays no franchise or corporate taxes for revenues or activities that occur within  
4 the Northern District of California.

5 8. The two individuals working for NDS Americas that have been identified in  
6 Canal+'s allegations are John Norris and Chris Tarnovsky. Mr. Norris is employed out of  
7 NDS Americas's headquarters in Newport Beach. Mr. Tarnovsky is employed out of the  
8 same office, although he predominately works out of his home office in southern  
9 California.

10 9. NDS Americas's company records, including its company's primary  
11 servers, are located in Newport Beach. To the extent that NDS Americas has  
12 documentary evidence that bear on the allegations of Canal+'s complaint, that evidence  
13 would be in southern California.

14 I declare under penalty of perjury under the laws of The United States of  
15 America that the foregoing is true and correct and that this declaration was executed on  
16 April 19, 2002, at Newport Beach, California.

17  
18 s/ Peter Lynskey  
PETER LYNSKEY

19 I attest under penalty of perjury that concurrence in the filing of this  
20 document has been obtained from Peter Lynskey.

21 Dated: April 22, 2002

By

22 s/ David Eberhart  
DAVID EBERHART  
23 Attorneys for Defendant  
NDS GROUP PLC and  
24 NDS AMERICAS, INC.

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