

1 HARVEY SISKIND LLP  
2 D. PETER HARVEY (SBN 55712)  
3 e-mail: pharvey@harveysiskind.com  
4 SETH I. APPEL (SBN 233421)  
5 e-mail: sappel@harveysiskind.com  
6 Four Embarcadero Center, 39<sup>th</sup> Floor  
7 San Francisco, California 94111  
8 Telephone: (415) 354-0100  
9 Facsimile: (415) 391-7124

10 Attorneys for Defendants and Counterclaimants  
11 SEOK KI KIM and STV ASIA, LTD.

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 FRANK NEMIROFSKY,  
16  
17 Plaintiff,  
18  
19 v.  
20 SEOK KI KIM; STV ASIA, LTD., a British  
21 Virgin Islands corporation; and DOES 1  
22 through 20, inclusive,  
23 Defendants.  
24 SEOK KI KIM and STV ASIA, LTD., a  
25 British Virgin Islands corporation,  
26  
27 Counterclaimants,  
28  
29 v.  
30 FRANK NEMIROFSKY,  
31  
32 Counterdefendant.

Case No.: C 07 2769 JL

**DECLARATION OF SETH I. APPEL  
IN SUPPORT OF ADMINISTRATIVE  
MOTION TO FILE OPPOSITION TO  
PLAINTIFF'S EX PARTE MOTION TO  
EXTEND THE TEMPORARY PROTECTIVE  
ORDER UNDER SEAL**

I, Seth I. Appel, declare:

1. I am an attorney at the law firm of Harvey Siskind LLP, counsel for Defendants/ Counterclaimants Seok Ki Kim and STV Asia, LTD. (collectively, "Defendants"). I have personal knowledge of the following facts, and could and would testify competently thereto if called upon to do so.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. The *Ex Parte* Motion to Extend the Temporary Protective Order of Plaintiff/Counterclaimant Frank Nemirofsky (“Plaintiff”) relates to an agreement between Defendant/Counterclaimant STV Asia, LTD. (“STV”) and PRN Corporation (“PRN”). This agreement included the following provision: “The parties agree that the terms of this Agreement will be treated as confidential and maintained in confidence and will not be disclosed to any other person....” STV would be in violation of its obligations under the agreement if Defendants were to file their opposition to Plaintiff without portions shielded from the public.

3. On June 25, 2007, I called Plaintiff’s counsel, Robyn Callahan, to inquire about stipulating to the filing of a portion of Defendants’ opposition under seal. Ms. Callahan did not pick up her phone, so I left her a voicemail. I have not heard back from Ms. Callahan. However, it is reasonable to assume that Plaintiff would agree to the filing of a portion of Defendants’ opposition under seal, since a portion of Plaintiff’s motion was filed under seal.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed in San Francisco, California on June 25, 2007.

\_\_\_\_\_  
/s/  
SETH I. APPEL