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12 *Attorneys for Plaintiff WPEngine, Inc.*

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 WPENGINE, INC., a Delaware corporation,

16 Plaintiff,

17 vs.

18 AUTOMATTIC INC., a Delaware
19 corporation; and MATTHEW CHARLES
20 MULLENWEG, an individual,

21 Defendants.

Case No. 3:24-cv-06917-AMO

**DECLARATION OF YVONNE YI
ZHANG IN SUPPORT OF PLAINTIFF
WPENGINE, INC.’S ADMINISTRATIVE
MOTION FOR AN ORDER TO
SHORTEN TIME TO HEAR MOTION
FOR A PRELIMINARY INJUNCTION**

[L.R. 6-3]

Judge: Hon. Araceli Martinez-Olguin

Crtrm: 10 — 19th Floor

23 I, Yvonne Yi Zhang, declare as follows:

24 1. I am an attorney at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff
25 WPEngine, Inc. (“WPE”) in this action. I make this Declaration in support of WPE’s Administrative
26 Motion for an Order to Shorten Time to Hear Motion for a Preliminary Injunction (the
27 “Administrative Motion”). I have personal knowledge of the facts stated herein and if called as a
28 witness, I could and would testify thereto.

1 2. On October 18, 2024, WPE filed a Motion for a Preliminary Injunction (the “PI
2 Motion”). Dkt. 17. WPE through its PI Motion seeks to restore and preserve the status quo as it
3 existed prior to the actions by Defendants identified in the PI Motion.

4 3. The Court’s Scheduling Notes indicate that the earliest date for a civil motion hearing
5 is in March 2025, *see* <https://apps.cand.uscourts.gov/CEO/cfd.aspx?B375#>. As described in WPE’s
6 PI Motion and supporting declarations, WPE will suffer substantial and irreparable harm should its
7 Motion not be heard as soon as possible, on a shortened basis.

8 4. Pursuant to Local Rules 6-3 and 37-1, my colleagues and I met and conferred via
9 videoconference today with counsel for Defendants regarding the relief requested in the
10 Administrative Motion and WPE’s need for an expedited briefing and hearing schedule on its PI
11 Motion. In response, Defendants indicated that they would prefer an extended briefing schedule
12 rather than an expedited one. We confirmed that WPE would be willing to consider such an option
13 only if Defendants committed to maintaining the status quo and refraining from taking any further
14 adverse actions against WPE or its customers. The parties agreed to each confer with their clients
15 about these proposals.

16 5. After today’s call, we emailed Defendants’ counsel with the specifics of our proposal
17 in writing. Specifically, we confirmed the below expedited schedule for briefing and hearing:

- 18 • Defendants’ Opposition to the PI Motion due: October 25, 2024;
- 19 • WPE’s Reply in Support of the PI Motion due: October 30, 2024;
- 20 • Hearing on WPE’s PI Motion: November 4, 2024 (or possibly the 7th which is the
21 Court’s Law and Motion hearing date for that week), or as soon as the Court’s
 schedule allows.

22 Alternatively, in exchange for a longer schedule, WPE asked for assurances, such as by stipulation,
23 that Defendants would maintain the status quo and not take any further adverse actions toward WPE
24 or its customers, such as agreeing to the following until the time of the PI hearing:

- 25 • Defendants will not make any new / further modifications or changes to the
26 functioning of WPE’s plugins and extensions;
- 27 • Defendants will not make any new / further modifications or changes to the
28 functioning of WordPress’ plugins and extensions used by WPE and/or its
 customers;

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ATTESTATION

I, Rachel Herrick Kassabian, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Yvonne Yi Zhang has concurred in the aforementioned filing.

By /s/ Rachel Herrick Kassabian
Rachel Herrick Kassabian