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Attorneys for Plaintiff JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of SORENSEN RESEARCH AND DEVELOPMENT TRUST, Plaintiff v. SUNBEAM PRODUCTS, INC., a Delaware Corporation; and DOES 1 – 100, Defendants. and related counterclaims.	Case No. 08cv306 BTM CAB **DECLARATION OF MELODY KRAMER IN SUPPORT OF MOTION FOR EXCEPTION TO STAY TO PRESERVE EVIDENCE** Date: September 12, 2008 Time: 11:00 a.m. Courtroom 15 – 5th Floor The Hon. Barry T. Moskowitz ***Oral Argument Has Been Respectfully Requested by Plaintiff***

1. I am not a party to the present action. I am over the age of eighteen. I have personal knowledge of the facts contained within the following paragraphs, and could and would competently testify thereto if called as a witness in a court of law.

2. At all times relevant herein I have been an attorney for Sorensen Research and Development Trust ("SRDT"), Plaintiff in the above-captioned matter.

3. This Declaration is being submitted in conjunction with Plaintiff's Motion for Exception to Stay for Preservation of Evidence.

4. I have requested an exception for stay for preservation of the evidence outlined in the accompanying motion by letters to Defendants' counsel, but Defendants have failed to agree. Exhibit A attached hereto is a true and correct copy of that correspondence.

5. Defendant has advised that the manufacturing process for at least one of the Accused Products is carried out in China, however, it is unclear as to who has possession, custody, or control of the molds and technical documents requested in the motion, thus no way to ensure preservation of evidence.

SWORN TO under penalty of perjury of the laws of the State of California and the United States, this 14th day of July, 2008.

/s/ Melody A. Kramer
Melody A. Kramer, Esq.

TABLE OF EXHIBITS

EXHIBIT A.....4

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VIA FAX 714-768-6850
And email Kening.LI@pinsentmasons.com

June 24, 2008

Kening Li, Ph.D.
Pinsent Masons
Room 345, 12 Zhong Shan Dong Yi Road
Shanghai, China 200002

George L. Fountain
Orion Law Group
3 Hutton Centre Drive, Suite 850
Santa Ana, CA 92707

RE: Sorensen Research & Development Trust v. Sunbeam Products, Inc.
USDC Southern California, Case No. 08cv308 BTM CAB
Request for agreement to conduct limited discovery during stay for the purpose of preserving evidence

Dear Messrs. Fountain and Li:

I have not received any response to my second letter regarding preservation of evidence dated June 4th requesting an agreement for preservation of certain items of evidence pending lift of stay of this case. Therefore, I am left to assume that your client is unwilling to cooperate with us and we will have no option but to make a request directly to the Court pursuant to the Order for Stay.

Be advised that on June 3, 2008 Judge Moskowitz granted our request for preservation of evidence in circumstances similar to those in this case, therefore we are confident that we will prevail in a request for the limited discovery we have requested from you.

Enclosed please find a copy of the transcript in the referenced Black & Decker hearing and resulting order wherein Judge Moskowitz granted my client an exception to

stay to conduct certain items of discovery, including conducting a plant inspection. As you can see, there is every reason to believe that Judge Moskowitz would also grant a motion allowing us to conduct the same type of discovery of Global Machinery.

If your client would like to avoid the necessity of motion practice on this issue, please reconsider your position and let me know immediately. Otherwise we will be filing a motion shortly.

Sincerely,

/s/ Melody A. Kramer

Melody A. Kramer

enclosure

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June 4, 2008

George L. Fountain
Orion Law Group
3 Hutton Centre Drive, Suite 850
Santa Ana, CA 92707

RE: Sorensen Research & Development Trust v. Sunbeam Products, Inc.
USDC Southern California, Case No. 08cv308 BTM CAB
Request for agreement to conduct limited discovery during stay for the purpose of preserving evidence

Dear Mr. Fountain:

I have not received any response to my letter dated May 6th requesting an agreement for preservation of certain items of evidence pending lift of stay of this case. Therefore, I am left to assume that your client is unwilling to cooperate with us and we will have no option but to make a request directly to the Court pursuant to the Order for Stay.

Be advised that yesterday Judge Moskowitz granted our request for preservation of evidence in circumstances similar to those in this case, therefore we are confident that we will prevail in a request for the limited discovery we have requested from you.

If your client would like to avoid the necessity of motion practice on this issue, please let me know immediately. Otherwise we will be filing a motion shortly.

Sincerely,

Melody A. Kramer

enclosure

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VIA FAX 714-768-6850 and FED-EX

May 6, 2008

George L. Fountain
Orion Law Group
3 Hutton Centre Drive, Suite 850
Santa Ana, CA 92707

RE: Sorensen Research & Development Trust v. Sunbeam Products, Inc.
USDC Southern California, Case No. 08cv308 BTM CAB
Request for agreement to conduct limited discovery during stay for the purpose of preserving evidence

Dear Mr. Fountain:

In accordance with the Order for stay by Judge Moskowitz, we are hereby requesting the Defendant's agreement to preserve certain items of evidence to ensure that they will not be lost during the time that this case is being stayed. If we are unable to reach an agreement, we will be asking the Court for an order to produce this evidence.

1. All prototype and production molds used in the production of the Accused Products that are currently in the possession or control of either Defendants or non-parties; and
2. All design and technical Documents for the Accused Product that are in the possession or control of either Defendants or non-parties.
3. Initial disclosures pursuant to Rule 26(a)(1), specifically including the identity and location of all manufacturers, suppliers, and importers for the products at issue.

The products at issue at this point include the following identified products, and any other products made with the same molds or similar manufacturing process:

Sunbeam Professional Iron
Sunbeam 4214 Steam Master Iron

Sunbeam Professional Iron

It is our understanding that manufacturing of the Accused Products may have been done in China by unidentified company or companies, not by the Defendants. As such, and because we are also aware of often complicated, sometimes international, chain of company ownership, there is simply no assurance that this necessary technical information will be available to my client once the stay is lifted. Furthermore, as we already pointed out to you, failure to identify manufacturers, suppliers, and importers will make it impossible for us to assure that all evidence is preserved.

Please advise us no later than May 27th if your client is willing to stipulate to this limited discovery during the stay, otherwise we will file a motion with the Court.

Additionally, please advise us by May 27th if Defendants have any categories of evidence that they want to ensure are preserved. Although we are cognizant of our general obligation to preserve evidence, we are willing to work with you to ensure that any particular categories of evidence that you think may be necessary when stay is lifted, are adequately preserved.

Thank you for your attention to this matter.

Sincerely,

Melody A. Kramer