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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF UTAH, CENTRAL DIVISION**

| | | |
|------------------------------------|---|--------------------------|
| EMMANUEL D. KEPAS, | : | |
| | : | |
| Plaintiff, | : | AFFIDAVIT OF |
| | : | EMMANUEL D. KEPAS |
| | : | |
| v. | : | |
| | : | |
| EBAY, INC., a Delaware Corporation | : | Case No. 2:06CV00612 DB |
| | : | |
| Defendants. | : | Judge: Dee Benson |
| | : | |
| | : | |

STATE OF UTAH)
 }ss
COUNTY OF SALT LAKE)

Emmanuel D. Kepas states and deposes under oath as follows:

1. I am over the age of eighteen years old, am competent to testify, and have personal knowledge of the facts alleged in this affidavit.

2. In July 2003, I was hired by eBay, on a probationary basis, to work at its Draper, Utah, facility as the Manager of its eWatch Team.

3. In November 2003, after determining that I satisfactorily completed my duties during my probationary employment period, eBay removed me from probationary status and extended me an offer of continued employment as the Manager of the eWatch Team.

4. However, this offer of continued employment was conditioned on my willingness to sign eBay's standard Arbitration Agreement. I signed the Arbitration Agreement on November 7, 2003.

Dated this 15th day of September, 2006.

/s/ Emmanuel D. Kepas

(I certify that I have a signed copy of the original which is available for inspection during normal business hours by the Court or a party to this action)

/s/ D. Scott Crook

SUBSCRIBED and SWORN this 15th day of September, 2006.

/s/ Kaila Johnson

Notary Public

(I certify that I have a signed copy of the original which is available for inspection during normal business hours by the Court or a party to this action)

/s/ D. Scott Crook

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of September, 2006, I electronically filed the foregoing **AFFIDAVIT OF EMMANUEL D. KEPAS** with the Clerk of Court using the CM/ECF system which sent notification of such filing and sent via first class, U.S. Mail, postage pre-paid to the following:

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Justin B. Palmer
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/s/ D. Scott Crook