

**FILED**  
LOS ANGELES SUPERIOR COURT

MAR 14 2002

JOHN A. CLARKE, CLERK

BY JENNY GHEA, DEPUTY

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

10 C-CUBED SOLUTIONS, INC., a )  
11 Delaware corporation, C-CUBED )  
12 PRIVATE SOLUTIONS LIMITED, a )  
13 business entity formed in India, and )  
14 ROCKY STEFANSKY, )

15 Plaintiffs,

16 v.

17 MARC HABERMAN aka MOSHE )  
18 HABERMAN, an individual, )

19 Defendant.

20 ROCKY STEFANSKY, )

21 Petitioner, )

22 v. )

23 MARC HABERMAN aka MOSHE )  
24 HABERMAN, an individual, C-CUBED )  
25 SOLUTIONS, INC., a Delaware )  
26 corporation, and C-CUBED PRIVATE )  
27 SOLUTIONS LIMITED, a business )  
28 entity formed in India, )

Respondents. )

Case no. BC255351

**DECLARATION OF JACOB  
WURZBURGER IN SUPPORT OF  
MOTIONS FOR RECONSIDERATION  
OF RULING ON REQUEST TO VACATE  
ARBITRATION AWARD AND FOR  
RENEWAL OF PETITION TO  
CONFIRM AWARD**

Date: April 22, 2002  
Time: 9:00 a.m.  
Hon. Helen Bendix

Dep't 18

Complaint filed: August 2, 2001  
Trial date: (none set)

1 I, Jacob Wurzburger, declare as follows:

2 1. I am over the age of 18 and not a party to this case. I make this  
3 declaration in support of Petitioner's Motions.<sup>1</sup> I have personal knowledge of the facts set  
4 forth herein and could competently testify thereto if called upon to do so.

5 2. Around July 2000, I was working as a commercial real estate and  
6 mortgage broker and sharing office space with Mr. Haberman and his company, C-Cubed. I  
7 had actually been involved in raising money for Mr. Haberman's company, and, at the time,  
8 he was occupying space in my offices at no charge.

9 3. Around July 2000, Mr. Haberman told me that he wanted to sign up  
10 Sylmark as C-Cubed's first big customer and that he planned to accomplish this by making a  
11 side payment to Mark to get him to give C-Cubed his business.

12 4. On hearing this, I expressed my disapproval of such a venal idea and  
13 suggested, instead, that Mr. Haberman try to get to know Mark better by attending his  
14 father's synagogue, where, I told him, Mark prays. I believe my words were something to  
15 the effect of "go daven [pray] in his father's shul [synagogue] and build a relationship with  
16 him rather than bribing him."

17 5. I told Mr. Haberman that, by attending Rabbi Bess's synagogue and  
18 forming a friendship with Mark, he would lead Mark to regard him as a person he might be  
19 inclined to help in business.

20 6. In those conversations, I repeatedly referred to the synagogue Mark  
21 attended as "his father Rabbi Bess's synagogue." Indeed, within the orthodox Jewish  
22 community in the area near the synagogue, it is better known as "Rabbi Bess's synagogue"  
23 than by its formal name, Kehilas Yaakov.

24  
25  
26  
27 <sup>1</sup> Unless otherwise specified, all capitalized terms shall have the same meanings as  
28 those given to them in Petitioner's brief in support of the Motions.

1           7.     Sometime in the early fall of 2000, after landing the Sylmark account,  
2 Mr. Haberman was in his office showing me a website he had found while conducting an  
3 Internet search for references to his new client.

4           8.     The website was one on which customers of popular companies could  
5 post complaints for public view concerning the companies' products or customer service.

6           9.     Mr. Haberman read aloud from this website a customer complaint about  
7 Sylmark that said something to the effect of "I've discovered who's behind the AbSlide [one  
8 of Sylmark's products], and it's a certain Mark Bess who lives or runs the business in the  
9 900-- ZIP code."

10          10.    Mr. Haberman then jokingly said to me something to the effect of "How  
11 funny would it be if I added a posting that said 'and his father is the rabbi of a major  
12 synagogue in Los Angeles?'"

13          11.    In early July 2001, either just as Mr. Haberman was hoping to move the  
14 arbitration to Los Angeles or just after he learned from Rabbi Union that he could do so —  
15 but in any event *before* the proceedings had begun — Mr. Haberman was boasting to me (we  
16 were still sharing office space) about the strategic advantages he believed he would gain by  
17 having the Beis Din conduct the arbitration.

18          12.    When another individual present said to him something to the effect of  
19 "Aren't you concerned that Rabbi Bess is going to be one of the arbitrators, given that his  
20 son is one of your customers?" Mr. Haberman's response was something to the effect of  
21 "I'm not worried about that."

22          13.    Mr. Haberman even went further to make statements to the effect that he  
23 thought the Beis Din would "judge for the local guy, not the out-of-town investor," and that  
24 "Mark Bess would be on my side, and, if anything, it would help."

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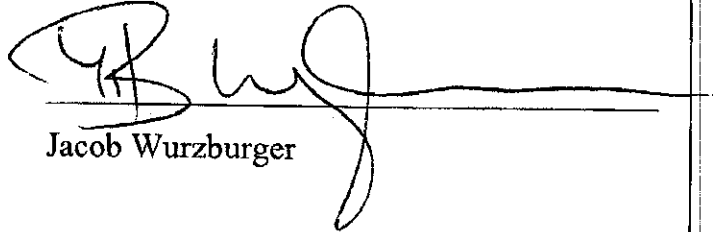
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1 I declare under penalty of perjury under the laws of the State of California that  
2 the foregoing is true and correct.

3 Executed on March 14, 2002, at Los Angeles, California

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6 Jacob Wurzburger

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