

AMERICAN ARBITRATION ASSOCIATION

In Re:

[REDACTED]

Claimant,

v.

STUBHUB, INC.,

Respondent.

Case No.:

[REDACTED]

DECLARATION OF DANIEL J. KAVANAUGH

I, Daniel J. Kavanaugh, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am counsel for Respondent, StubHub, Inc. (“StubHub”) in the above-captioned matter.

2. I contacted Inspiro via email on October 7, 2025 and provided a copy of the subpoena issued for Bryan Calero. I spoke with members of Inspiro’s legal affairs department on October 9, 2025 via telephone. During this phone call I provided information concerning the nature of the dispute at issue in this arbitration and advised that the subpoenaed employee would likely be expected to provide testimony concerning the handling of a customer service phone call with the Claimant. I also advised that I had been ordered to advise the arbitrator and Claimant whether the subpoenaed employee would participate in the arbitration by October 13, 2025. Inspiro’s legal affairs representatives informed me they would consider the subpoena and would advise me in writing as to whether the subpoenaed employee would be made available to participate in the arbitration.

3. On October 13, 2025 at 8:23 PM EST, Inspiro's Senior Vice President of Legal Affairs informed me that Bryan Colero would not participate in the arbitration. A true and correct copy of the aforementioned email exchange is attached hereto as **Exhibit A**.

4. I contacted IntouchCX via email on October 6, 2025 and provided a copy of the subpoenas issued for Edvin Castillo, Gerald Jacinto, and Steven Salamanca. I spoke with IntouchCX's Chief Legal Officer on October 7, 2025 via telephone. During this phone call I provided information concerning the nature of the dispute at issue in this arbitration and advised that the subpoenaed employees would likely be expected to provide testimony concerning the handling of a customer service phone call each subpoenaed employee had with the Claimant. I also advised that I had been ordered to advise the arbitrator and Claimant whether the subpoenaed employee would participate in the arbitration by October 13, 2025. IntouchCX's Chief Legal Officer informed me he would consider the subpoena and would advise me in writing as to whether the subpoenaed employee would be made available to participate in the arbitration.

5. I sent a follow up email to IntouchCX's Chief Legal Officer on October 14, 2025 at 5:45 AM EST. On October 14, 2025 at 11:01 AM EST, IntouchCX's Chief Legal Officer informed me that IntouchCX was unable to make any of the subpoenaed individuals available to testify at the arbitration hearing. A true and correct copy of the aforementioned email exchange is attached hereto as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct.

s/ Daniel J. Kavanaugh

Respectfully submitted this 14th day of October, 2025.

s/ Daniel J. Kavanaugh
Daniel J. Kavanaugh (FL Bar No. 123580)

William J. Ford (TX Bar No. 24142242)
HOLLAND & KNIGHT LLP
200 South Orange Avenue, Suite 2600
Orlando, FL 32801
Phone: (407) 244-1139
Fax: (407) 244-5288
Primary Email: daniel.kavanaugh@hklaw.com
Secondary Email: kelly.wilson@hklaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 14, 2015, I electronically submitted the foregoing to the American Arbitration Association via email at Priscillacortez@adr.org and served a copy to Claimant via email to [REDACTED].

s/ Daniel J. Kavanaugh _____
Daniel J. Kavanaugh

EXHIBIT A

Kavanaugh, Daniel J (ORL - X21139)

From: Cavistany, Debbie Liezl B. <Debbie.Cavistany@Inspiro.com>
Sent: Monday, October 13, 2025 8:23 PM
To: Dy, Stanley Ching U.; Kavanaugh, Daniel J (ORL - X21139)
Cc: Ford, William J (ORL - X21134); Bogan, Brittney (ORL - X25419); Morales, Jared Augusto M.
Subject: RE: StubHub Legal Action

Categories: Filed

[External email]

Hi, Daniel:

Thank you for your patience, Bryan Colero (Inspiro employee) will not participate in the arbitration case.

Regards,

Debbie Liezl B. Cavistany - Martinez
Senior Vice President, Legal Affairs
Inspiro

T [632 8884 6222](tel:63288846222) local 53588
M [63 908 886 3552](tel:639088863552)
E debbie.cavistany@inspiro.com
www.inspiro.com

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From: Dy, Stanley Ching U. <Stanley.Dy@inspiro.com>
Sent: Wednesday, 8 October 2025 9:36 pm
To: Daniel.Kavanaugh@hklaw.com
Cc: William.Ford@hklaw.com; Brittney.Bogan@hklaw.com; Cavistany, Debbie Liezl B. <Debbie.Cavistany@Inspiro.com>; Morales, Jared Augusto M. <Jared.Macanche@inspiro.com>
Subject: Re: StubHub Legal Action

Thank you Danny

Stan

From: Daniel.Kavanaugh@hklaw.com <Daniel.Kavanaugh@hklaw.com>
Sent: Wednesday, October 8, 2025 9:35 PM
To: Dy, Stanley Ching U. <Stanley.Dy@inspiro.com>
Cc: William.Ford@hklaw.com <William.Ford@hklaw.com>; Brittney.Bogan@hklaw.com <Brittney.Bogan@hklaw.com>; Cavistany, Debbie Liezl B. <Debbie.Cavistany@Inspiro.com>; Morales, Jared Augusto M.

<Jared.Macanche@inspiro.com>

Subject: RE: StubHub Legal Action

Thank you, Stan. I've circulated a calendar invite accordingly.

-Danny

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From: Dy, Stanley Ching U. <Stanley.Dy@inspiro.com>

Sent: Wednesday, October 8, 2025 7:32 AM

To: Kavanaugh, Daniel J (ORL - X21139) <Daniel.Kavanaugh@hklaw.com>

Cc: Ford, William J (ORL - X21134) <William.Ford@hklaw.com>; Bogan, Brittney (ORL - X25419)

<Brittney.Bogan@hklaw.com>; Cavistany, Debbie Liezl B. <Debbie.Cavistany@inspiro.com>; Morales, Jared Augusto M.

<Jared.Macanche@inspiro.com>

Subject: Re: StubHub Legal Action

[External email]

Hi Daniel,

Good morning

Can we please meet Thurs 9am EST

Please include our legal counsel Debbie and Nicaragua Ops lead Jared, copied here.

Thanks,

Stan

From: Daniel.Kavanaugh@hklaw.com <Daniel.Kavanaugh@hklaw.com>

Sent: Tuesday, October 7, 2025 11:57 PM

To: Dy, Stanley Ching U. <Stanley.Dy@inspiro.com>

Cc: William.Ford@hklaw.com <William.Ford@hklaw.com>; Brittney.Bogan@hklaw.com

<Brittney.Bogan@hklaw.com>

Subject: StubHub Legal Action

Hello Mr. Dy,

██████████ initiated a binding arbitration proceeding against StubHub concerning a transaction in which the seller was unable to deliver the tickets ordered to ██████████ (AAA Case No.: ██████████). ██████████ requested to take depositions of individuals he spoke to when he called StubHub's customer service, but the arbitrator denied the request to take depositions. Instead, the arbitrator has issued subpoenas for several individuals who spoke with ██████████ to seek their virtual appearance at our final hearing so they can provide testimony.

I have attached the subpoena issued for Bryan Colero. StubHub has been instructed to "strongly urge" third-party vendors and their employees to comply with the subpoenas and make the employees available to testify (remotely).

Are you available on Wednesday this week for a phone call to discuss? I'm not sure what time zone you are in – I'm in the Eastern time zone, but I will make whatever time is most convenient for you work. Thank you!

-Danny

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EXHIBIT B

Kavanaugh, Daniel J (ORL - X21139)

From: Himesh Ghai <himesh.ghai@intouchcx.com>
Sent: Tuesday, October 14, 2025 11:01 AM
To: Kavanaugh, Daniel J (ORL - X21139)
Cc: Ford, William J (ORL - X21134); Bogan, Brittney (ORL - X25419)
Subject: Re: StubHub Legal Action

[External email]

Hello Daniel,

Thank for your note.

We are unable to make the subpoenaed individuals available to testify at the final arbitration hearing referred to in your note below.

Regards,

Himesh

On Tue, Oct 14, 2025 at 5:44 AM Daniel.Kavanaugh@hklaw.com <Daniel.Kavanaugh@hklaw.com> wrote:

Hello Himesh,

Please let us know if the subpoenaed individuals will be made available to testify during the final arbitration hearing at your earliest convenience. Thank you.

-Danny

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From: Kavanaugh, Daniel J (ORL - X21139) <Daniel.Kavanaugh@hklaw.com>
Sent: Monday, October 6, 2025 5:55 PM
To: Himesh Ghai <himesh.ghai@intouchcx.com>
Cc: Ford, William J (ORL - X21134) <William.Ford@hklaw.com>; Bogan, Brittney (ORL - X25419) <Brittney.Bogan@hklaw.com>
Subject: Re: StubHub Legal Action

Thank you, Himesh. You should receive a calendar invite for tomorrow at 11:30 AM EST. I look forward to speaking with you.

- Danny

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daniel.kavanaugh@hklaw.com | www.hklaw.com

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From: Himesh Ghai <himesh.ghai@intouchcx.com>
Sent: Monday, October 6, 2025 5:28:48 PM
To: Kavanaugh, Daniel J (ORL - X21139) <Daniel.Kavanaugh@hklaw.com>
Cc: Ford, William J (ORL - X21134) <William.Ford@hklaw.com>; Bogan, Brittney (ORL - X25419) <Brittney.Bogan@hklaw.com>
Subject: Re: StubHub Legal Action

[External email]

Hello Danny,

Thanks for your note. Tomorrow, I am available (all EST) 11:30am - 12:30pm and 1pm - 2:30pm.

Himesh

On Mon, Oct 6, 2025 at 5:22 PM Daniel.Kavanaugh@hklaw.com <Daniel.Kavanaugh@hklaw.com> wrote:

Hello Mr. Ghai,

██████████ initiated a binding arbitration proceeding against StubHub concerning a transaction in which the seller was unable to deliver the tickets ordered to ██████████ (AAA Case No.: ██████████ ██████████ requested to take depositions of individuals he spoke to when he called StubHub's customer service, but the arbitrator denied the request to take depositions. Instead, the arbitrator has issued subpoenas for several individuals who spoke with ██████████ to seek their virtual appearance at our final hearing so they can provide testimony.

I have attached the subpoenas issued for Edwin Castillo, Gerald Jacinto, and Steven Salamanca. StubHub has been instructed to "strongly urge" third-party vendors and their employees to comply with the subpoenas and make the employees available to testify (remotely).

Are you available on Tuesday or Wednesday this week for a phone call to discuss? I'm not sure what time zone you are in – I'm in Eastern, but I will make whatever time is most convenient for you work. Thank you!

-Danny

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From: David Lewy <david.lewy@intouchcx.com>

Sent: Monday, October 6, 2025 4:26 PM

To: Kavanaugh, Daniel J (ORL - X21139) <Daniel.Kavanaugh@hklaw.com>

Cc: Ford, William J (ORL - X21134) <William.Ford@hklaw.com>; Bogan, Brittney (ORL - X25419)

<Brittney.Bogan@hklaw.com>; Himesh Ghai <himesh.ghai@intouchcx.com>

Subject: Re: StubHub Legal Action

[External email]

Introducing you to our Chief Legal Council Himesh Ghai.

David Lewy

On Mon, Oct 6, 2025, 4:07 PM Daniel.Kavanaugh@hklaw.com <Daniel.Kavanaugh@hklaw.com> wrote:

Hello Mr. Lewy,

My firm and I represent StubHub, Inc. concerning a binding arbitration proceeding brought against it by one of its users. The Arbitrator has issued subpoenas for several of the customer service representatives that handled calls related to the underlying dispute.

You are one of the few individuals at Intouch CX that StubHub has contact information for. If possible, could you please forward my email to someone in your legal/general counsel department so that I can communicate directly with them concerning the subpoenas?

Any help would be greatly appreciated. Thanks!

-Danny

Daniel J. Kavanaugh | Holland & Knight

Associate

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