“(9) During my time at Balboa, the company has publicly announced customer information in places such as video testimonials that are posted on Balboa's website, YouTube, Twitter, LinkedIn, and Facebook. These can be found at [http://www.balboacapital.com/testimonials/](http://www.balboacapital.com/testimonials/). The company "likes" its customers on Facebook, therefore a list of all customers Balboa "likes" is shown to anyone who visits Balboa's Facebook page. Similar to Balboa's "likes" on Facebook, it also frequently tweets on Twitter different companies to connect with and to follow on follow Friday ("#FF"). Many of these companies Balboa publicly asks people to follow on its Twitter page are customers of Balboa. Similarly, on Balboa's LinkedIn page, it has 1,541 followers as of March 11, 2014, many of whom have been Balboa customers. Balboa also has a Google+ page on which it is connected to 1,707 people/companies in its circle as of March 11, 2014, many of whom have been Balboa customers. In addition, Balboa frequently releases press releases when it reaches financing deals with customers. Through all of these means, Balboa publicly advertises the identities of many of its customers.”


Information contained on Balboa's own website discloses how public information regarding Balboa's customers is and, in large part, Balboa is the one that has made that information public.

On Balboa's "About Balboa Capital" page, Balboa explains that "Balboa Capital has been the trusted financing resource for *many thousands* of businesses since 1988." [[Previously filed Declaration of Tiffany Brosnan in Support of Defendants' Opposition to Ex Parte Application for Temporary Restraining Order ("Brosnan Decl."), ¶3, Ex. A (emphasis added).] Balboa proudly uses its website to showcase these customers in an attempt to drive additional business. Under the "Testimonials" page, Balboa explains that "Balboa Capital's equipment leasing professionals strive to provide the best customer service possible. This is no more evident than in the amount of video testimonials we receive, many of which are
featured here." \[Brosnan Decl., ¶4, Ex. A.\] The site has links to approximately 45 videos, categorized by industry. \[Id.\] On the videos the customer typically identifies him or herself and his or her business, often with the company logo displayed. \[Id.\] Balboa also maintains a YouTube site where these videos can be found and a link to that site is provided on Balboa's website. \[Brosnan Decl., Tif3, 10, Ex. B.\] Balboa's Facebook page also features the customer videos and a link to that page is provided on Balboa's website. \[Brosnan Decl., 113, 11, Ex. C.\] Balboa also lists its Facebook "Likes" on its Facebook page, many of which are its customers. \[Hansen Decl., ¶9.\] Anyone who visits Balboa's Facebook page can see all of these "likes"/customers. \[Id.\]

Similarly, Balboa frequently tweets on Twitter different companies that it recommends people connect with and follow on "follow Friday" ("#FF"). \[Brosnan Decl., ¶14, Ex. F.\] A link to Balboa's Twitter feed is provided on Balboa's website. \[Brosnan Decl., ¶3.\] Many of these companies that Balboa publicly asks people to follow on its Twitter page are Balboa's customers. \[Hansen Decl., ¶9.\] Balboa also has a Google+ page, accessible through Balboa's website, on which it is connected to 1,707 people/companies in its circle as of March 11, 2014 and shares customer testimonial videos. \[Brosnan Decl., ¶113, 13, Ex. E.\] Many of these people and companies Balboa is connected to are its customers. \[Hansen Decl., ¶9.\] Anyone who goes on Balboa's Twitter or Google+ page can see all of this information. Through social media, Balboa itself has

publicly advertised the identities of many of its customers.
Balboa’s LinkedIn page, also accessible through its website, has content similar to its Facebook page and Google+ page, such as the link to the customer videos and connections with many of its customers. [Brosnan Decl., ¶13, 12, Ex. D; Hansen Decl., ¶9.]

The public announcement of Balboa's customers does not end with the video testimonials and "likes" of its customers or requests that people connect or follow its customers. Balboa also publishes its press releases on its website. [Brosnan Decl., ¶9, Ex. A.] In these press releases, Balboa proudly publishes to anyone who wants to pick up the press release, announcements such as the following: "Balboa Capital Becomes Qualified Lender for Carl's Jr. and Hardee's Franchise Owners," "Balboa Capital Becomes Preferred Lender for McAlister's Deli Franchise Owners," and "Balboa Capital Becomes Preferred Financing Resource for LED Lighting Company, LEDtronics, Inc." [Id.]

All of this information was readily available to Defendants' attorney by going to one website — Balboa's own. [Brosnan Decl., ¶3, Ex. A.] The customers are even easier to find by someone who knows the equipment financing business.

9. **Motion for Attorney Fees**
   http://www.leasingnews.org/PDF/MotionAttorneyFees_52014.pdf

   **Complete Set of articles:**
   http://www.leasingnews.org/Conscious-Top%20Stories/balboa.htm