

EXHIBIT C

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

GREE, INC.,

Plaintiff,

v.

SUPERCELL OY,

Defendant.

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Case Nos. 2:19-cv-00070-JRG-RSP
2:19-cv-00071-JRG-RSP
2:19-cv-00161-JRG-RSP
2:19-cv-00172-JRG-RSP
2:19-cv-00200-JRG-RSP
2:19-cv-00237-JRG-RSP

JURY TRIAL DEMANDED

DECLARATION OF TOMOKI UMEYA

I, Tomoki Umeya, declare as follows:

1. I am over the age of 18 years and competent to make this Declaration. The following facts are my own personal knowledge, and I could competently testify thereto if called upon to do so.

2. I have been employed by GREE, Inc. (“GREE”) since August 2013, and my title is Vice President, General Counsel, Legal & General Affairs Unit. I am licensed to practice law in the State of New York.

3. GREE is willing to make additional witnesses available for deposition in the above-referenced matters. Unfortunately, in light of the COVID-19 pandemic and the restrictions of Japanese law, this has not proven possible.

4. Under Japanese law, all depositions that occur in Japan must be held at either the U.S. Embassy in Tokyo or the U.S. Consulate in Osaka. *See* <https://jp.usembassy.gov/u-scitizen-services/attorneys/depositions-in-japan/>. Under Japanese Law no telephone or videoconference depositions are permitted of witnesses residing in Japan.

5. On March 24, 2020, I spoke with GREE’s Japanese counsel Mr. Mugi Sekido regarding possible solutions to allow remote depositions of GREE witnesses in Japan to occur during the COVID-19 pandemic despite these restrictions under Japanese law. At my request,

Mr. Sekido spoke with officials of the Consular Affairs Bureau of Japanese Ministry of Foreign Affairs (“Consular Affairs Bureau”) which is in charge of foreign civil litigations involving Japanese persons or companies. The purpose of this conversation was to determine whether the parties could proceed with video depositions of GREE witnesses through a special request to the Ministry of Foreign Affairs.

6. On March 25, 2020, Mr. Sekido spoke with the Consular Affairs Bureau Office regarding the request. A representative of the Consular Affairs Bureau explained that such special requests are never granted for video depositions, that current Japanese law does not allow for depositions over videoconference, and that amendment of the law would be necessary to do so. Further, Mr. Sekido explored whether assistance from the United States government through a diplomatic channel would support a request for video depositions given the current pandemic. However, Mr. Sekido was informed that even support from the United States government would not change the status of the Japanese law or permit depositions over videoconference.

7. Unfortunately, in-person depositions at the U.S. Embassy in Tokyo or the U.S. Consulate in Osaka are not possible because the Ministry of Foreign Affairs of Japan is denying foreign nationals permission to enter Japan if the individual has visited certain identified countries within 14 days prior to the application for landing, including the United States. *See* https://www.mofa.go.jp/ca/fna/page4e_001053.html. Therefore, attorneys for GREE and Supercell from the United States would not be permitted entry for these depositions.

8. I understand that Supercell’s counsel has requested that GREE employees travel to other countries, such as Cambodia, Laos, or Mexico, to give depositions by telephone or videoconference, with the parties’ counsel participating remotely from the United States. However, the Ministry of Foreign Affairs of Japan requires Japanese nationals returning from identified countries to quarantine for 14-days upon return to Japan. *See* https://www.mofa.go.jp/ca/fna/page4e_001053.html. This would apply if any GREE employees were to travel to countries such as Cambodia, Laos, or Mexico for purposes of depositions.

9. Additionally, GREE employees would require visas to enter into Cambodia and Laos, as the Laotian government suspended visa exemptions for Japanese nationals. See <https://www.kh.emb-japan.go.jp/files/100048451.pdf>; <https://www.kh.emb-japan.go.jp/files/100048452.pdf>; <http://www.mofa.gov.la/index.php/statements/notices/3525-visa-restrictions-from-20-march-2020-20-april-2020>. Visa issuance for those countries is heavily restricted. Further, the Mexican government recently raised the level of its national alert to Phase 3.

10. On April 7, 2020, the Japanese government and Tokyo metropolitan government declared a state of emergency. See https://japan.kantei.go.jp/98_abe/statement/202004/_00001.html; https://www.metro.tokyo.lg.jp/english/topics/2020/0410_00covid19.html. On April 16, the Japanese government extended the state of emergency to all prefectures in Japan, which covers Tokyo and the prefectures next to Tokyo, where GREE's employees reside. The emergency situation measures were implemented April 7 and are set to last through May 6.

11. In addition to these restrictions, GREE has introduced policies asking employees to work from home, and prohibiting employees from traveling outside Japan for business purposes.

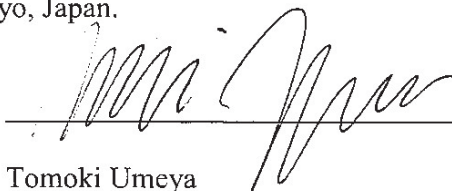
12. In light of these conditions, I have numerous concerns regarding depositions of GREE witnesses outside of Japan right now. For example, if GREE orders its employees to travel to foreign countries for depositions, GREE may have concerns under Article 5 of the Japanese Labor Contract Act. See Art. 5, Labor Contracts Act, Act No. 128 (Dec. 5, 2007) ("In association with a labor contract, an Employer is to give the necessary consideration to allow a Worker to work while ensuring the employee's physical safety."). Ordering employees to travel outside of Japan would place the employees at risk of infection and risk one's physical safety.

13. GREE has concerns about employees traveling to the United States due to the high number of coronavirus cases and the 14-day quarantine period on return. Further, GREE has concerns about the level of medical treatment available in countries such as Cambodia, Laos,

or Mexico compared to the United States and Japan, if our employees were to become infected and need emergent medical treatment during their travel.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29th day of April 2020 in Tokyo, Japan.


Tomoki Umeya