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7 U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON  
8

9 ELF-MAN, LLC,

Plaintiff,

10 vs.

11 RYAN LAMBERSON, an individual,

12 Defendant.  
13  
14

NO: 2:13-cv-00395-TOR

**DECLARATION OF RICHARD K.  
EICHSTAEDT IN SUPPORT OF  
CENTER FOR JUSTICE'S  
MOTION TO INTERVENE**

15 I, Richard K. Eichstaedt, declare as follows:

16 1. I am the Executive Director of the Center for Justice (“CFJ”), a non-  
17 profit organization dedicated to access to justice, government accountability, and  
18 judicial transparency. In an era of “fake news” and “alternative facts,” we believe  
19 that government accountability and judicial transparency go hand-in-hand. We

1 also work with low-income clients targeted by debt collectors, unfair charges, and  
2 sales scams. To better serve our clients on a mass-scale, the CFJ also works with  
3 other agencies and organizations to pre-emptively identify patterns of unfair  
4 business practices.

5       2. Copyright infringement litigation and “copyright trolls” are an  
6 increasingly important matter of public interest. Indeed, federal courts, journalists  
7 and academics have all begun to notice the same troubling trend: a drastic  
8 increase in copyright infringement litigation where rights-holders file lawsuits  
9 without regard for whether the defendant has engaged in copyright infringement,  
10 merely seeking to coerce settlement payments.

11       3. When such litigation ensnares those who have not infringed, but who  
12 nonetheless face potentially thousands of dollars in statutory damages under  
13 federal copyright law, these innocent people face two significant hurdles: money  
14 and information. Even if an accused infringer has the resources to hire counsel,  
15 defense lawyers are unfamiliar with these cases, costing a potential defendant  
16 more in legal bills than the cash settlement offered by the copyright trolls.

17       4. The Lamberson case has revealed significant aspects of the trolling  
18 taking place in Washington. Based on the unsealed exhibits and declarations, it  
19 appears that a German operation provides “investigators” and “experts” to run

1 software that purports to identify infringing activities, but its investigators  
2 apparently have a direct financial interest and their software is questionable at  
3 best. Our review of the pleadings and docket in the present case shows that the  
4 sealed exhibits largely relate to the relationship between the plaintiff and the  
5 investigators that provided the information connecting the defendant to infringing  
6 activities. The parties behind this case appear to also have their fingerprints on  
7 dozens of copyright infringement cases filed in the Eastern and Western District  
8 of Washington.

9       5.       Sealed records in a copyright infringement case such as this directly  
10 impacts the Washington residents who may find themselves victims of a similar  
11 copyright “troll” operation. In my experience, the victims of deceptive and unfair  
12 consumer practices are, too often, those with the fewest resources to fight back.  
13 Moreover, because this case represents a part of a larger wave of copyright  
14 infringement litigation, those who find themselves wrongly accused of copyright  
15 infringement also have a substantial interest in peering behind the curtain and  
16 learning the actual identities of the entities they are being sued by in federal court.

17       6.       Open access also serves the general public interest in access to court  
18 records—a right that is particularly potent in cases of significant public  
19 importance. In short, the sealing of the records in this case prevents access to

1 materials of significant public concern that goes to the core of the CFJ's mission.  
2 If copyright holders are defrauding the courts and asserting frivolous claims to  
3 extract settlements, the public deserves to know. Unfortunately, improper use of  
4 confidentiality designations in litigation prevents the type of investigation needed  
5 to fully understand the scope of the issues. We therefore respectfully request that  
6 the Court grant CFJ's motion to intervene for the limited purpose of unsealing  
7 documents of public interest.

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

10 Executed in Spokane, Washington, on this 17th day of October, 2017.

11  
12 /s/ Rick Eichstaedt, WSBA #36487  
Richard K. Eichstaedt, WSBA #36487

1 CERTIFICATE OF SERVICE

2 I, Kirk D. Miller, hereby certify that on Oct. 31st 2017, I electronically  
3 filed the foregoing with the Clerk of the Court using the CM/ECF system which  
4 will send notification of such filing to the following:

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32 DECLARATION OF RICHARD K. EICHSTAEDT IN  
33 SUPPORT OF CENTER FOR JUSTICE'S MOTION TO  
34 INTERVENE - 5  
35 CASE NO: 2:13-cv-00395-TOR

1 DATED this 31st day of October, 2017.

2 KIRK D. MILLER, P.S.

3  
4 By: /s/ Kirk D. Miller, WSBA #40025  
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