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

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
INTERVENOR’S MOTION TO
UNSEAL EXHIBITS**

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.
19

1 2. Attached hereto as Exhibit 1 is a chart listing the sealed exhibits
2 attached to: (1) Elf-Man’s motion to dismiss Lamberson’s counterclaims (ECF
3 No. 37); (2) Lamberson’s motions to compel discovery (ECF Nos. 42, 50 and 57);
4 (3) and Lamberson’s motion for sanctions under Rule 11 and 28 U.S.C. 1927
5 (ECF Nos. 78 and 80). Also included is the docket number under which each
6 exhibit was filed under seal, a description of each exhibit, and citations to where
7 each exhibit appears in the parties’ briefing.

8 3. Based on a review of the unsealed record in this case, the exhibits
9 that CFJ requests to be unsealed will elucidate (1) whether Elf-Man failed to
10 make the necessary disclosures of parties with an interest in the outcome of the
11 litigation; (2) the nature and propriety of the relationship between Elf-Man, LLC
12 and the investigators it alleged had witnessed the alleged infringing activity; and
13 (3) whether Elf-Man’s counsel made a reasonable inquiry prior to instituting the
14 action.

15 I declare under penalty of perjury under the laws of the state of Washington
16 and the United States of America that the foregoing is true and correct. Executed
17 in Spokane, Washington, on this 17th day of October, 2017.

18
19 /s/ Rick Eichstaedt, WSBA #36487
Richard K. Eichstaedt, WSBA #36487

20 DECLARATION OF RICHARD K. EICHSTAEDT IN
21 SUPPORT OF INTERVENOR’S MOTION TO
UNSEAL EXHIBITS - 2
CASE NO: 2:13-cv-00395-TOR

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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20 DECLARATION OF RICHARD K. EICHSTAEDT IN
21 SUPPORT OF INTERVENOR'S MOTION TO
UNSEAL EXHIBITS - 3
CASE NO: 2:13-cv-00395-TOR

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DATED this 31st day of October, 2017.

KIRK D. MILLER, P.S.

By: /s/ Kirk D. Miller, WSBA #40025
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DECLARATION OF RICHARD K. EICHSTAEDT IN
SUPPORT OF INTERVENOR’S MOTION TO
UNSEAL EXHIBITS - 4
CASE NO: 2:13-cv-00395-TOR

— EXHIBIT 1 —

EXHIBIT FILED IN CONNECTION WITH	PARTIES' DESCRIPTION OF SEALED EXHIBIT	EXHIBIT FILED UNDER SEAL AT ECF No.	REFERENCES
Motion to Dismiss Defendant Lamberson's Counterclaims (ECF No. 37)	Agreement between Elf-Man, LLC and Vision Films, Inc., dated May 1, 2012 (assigning the exclusive rights in the movie <i>Elf-Man</i> from Elf-Man LLC to Vision Films, Inc.).	ECF No. 40-1	ECF No. 39 at ¶ 2
Motion to Dismiss Defendant Lamberson's Counterclaims (ECF No. 37)	Elf-Man's "To Whom it May Concern" Memorandum dated February 15, 2013 (acknowledging that it had assigned the exclusive rights in <i>Elf-Man</i> to Vision Films).	ECF No. 40-2	ECF No. 39 at ¶ 3
Motion to Compel Discovery (ECF No. 42)	Elf-Man's written explanation (describing Mr. Patzer's role in the investigation).	ECF No. 44-5	ECF No. 43 at ¶ 11
Motion to Compel Discovery (ECF No. 50)	Letter dated April 30, 2014 (clarifying Elf-Man's relationship with named investigators).	ECF No. 52-2	ECF No. 50 at 7
Motion to Compel Discovery (ECF No.)	Ms. VanderMay's explanation of the relationship between Elf-Man and investigators (including the April 2012 agreement between APMC and Vision Films).	ECF No. 66-2	ECF No. 65 at ¶ 8
Motions for Sanctions under Rule 11 and 28 U.S.C. 1927 (ECF Nos. 78 and 80)	Printout of BitTorrent Activity entered August 8, 2014 (report of activity associated with Lamberson's IP address).	ECF No. 85-2	ECF No. 84 at ¶ 15