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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ELF-MAN, LLC,

Plaintiff,

vs.

RYAN LAMBERSON,

Defendant.

No. 2:13-CV-00395-TOR

DEFENDANT’S MEMORANDUM
IN OPPOSITION TO ECF NOS. 121
& 122

Date: December 15, 2017
Time: 6:30 p.m.
Without Oral Argument

Defendant Ryan Lamberson, by and through his counsel and assignee Lee & Hayes PLLC, submits this Memorandum in Opposition to Elf-Man LLC’s (“Elf-Man”) and Ms. VanderMay’s untimely Motions to Extend Time to Respond to Motion to Intervene and/or Unseal. ECF Nos. 121 & 122.

Local Rule 7.1(b)(2)(B) required a response to ECF No. 114 and ECF No. 116 on Tuesday, November 14, 2017. Defendant Mr. Lamberson filed timely responses.

1 ECF Nos. 118-120. Plaintiff Elf-Man filed nothing. Local Rule 7.1 mandates denial
2 of the Motions to Extend Time.

3 Elf-Man’s counsel appears to remain in direct touch with Elf-Man’s
4 investigators and its unnamed “representatives.” Elf-Man’s counsel is actively filing
5 BitTorrent cases on behalf of several plaintiffs all claiming to use the same
6 investigator (Daniel Arheidt) and that investigator is directly connected to Daniel
7 Macek, the purported investigator in this case. Lynch Dec.¹ at ¶¶16-19.

8 Elf-Man’s counsel claims it could not contact Elf-Man and is unaware of Elf-
9 Man’s status. That status is “active.” Lynch Dec. at ¶3. Elf-Man’s principal and
10 registered agent, Mr. Richard Jefferies, remains active in the Frederick, Maryland
11 film community, just as he was at the time of this case. Mr. Jefferies has an IMDb
12 page and a LinkedIn page identifying him in Maryland. Mr. Jefferies does not appear
13 to be hiding his existence or contact information. *Id.* at ¶¶3-7.

14 Elf-Man LLC did not actively participate in the underlying litigation. For
15 example, no one from Elf-Man testified in opposition to the Motions for attorneys’
16 fees and sanctions. Mr. Ubersax testified he was a producer of the movie, ECF No.
17 87, but never claimed any owner/manager role in Elf-Man – no one did. Similarly,
18 (i) Mr. Macek testified he was a consultant to Crystal Bay Corporation, ECF No. 88,
19 but no one from Crystal Bay Corporation testified; and (ii) Mr. Patzer testified he

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21 ¹ Declaration of J. Christopher Lynch in Opposition to ECF Nos. 121 & 122
22 (“Lynch Dec.”).

1 was a consultant to Excipio, ECF No. 89, but no one from Excipio testified; and (iii)
2 Mr. Paige implied he was a consultant to IPP, ECF No. 90, but no one from IPP
3 testified.

4 Elf-Man did, however, participate (perhaps unknowingly) in what appears to
5 be widespread fraud on the U.S. District Courts. *Id.* at ¶¶8-19. For example, sealed
6 document ECF No. 43-5 is an “explanation” of the relationship of Elf-Man to its
7 investigators, but this “explanation” ignores submission by Elf-Man of numerous
8 Declarations of “Darren M. Griffin” in other districts. *Id.* at ¶¶8-19. Given Elf-Man’s
9 role in what appears to be fraud on the U.S. District Court system, Elf-Man should
10 not receive any equity, such as its requested extension of time.

11 Elf-Man’s Motion, ECF No. 121, and its former counsel’s Motion, ECF No.
12 122, are filed late in violation of the Local Rules. Elf-Man has unclean hands and
13 this Court should not grant its late motion filings. Mr. Lamberson respectfully
14 requests that these Motions be denied.

15 RESPECTFULLY SUBMITTED this 21st day of November, 2017.

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CERTIFICATE OF SERVICE

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2 I hereby certify that on the 21st day of November, 2017, I caused to be filed
3 the foregoing with the Clerk of the Court using the CM/ECF system, which in turn
4 automatically generated a Notice of Electronic Filing (NEF) to all parties in the case
5 who are registered users of the CM/ECF system. The NEF for the foregoing
6 specifically identifies recipients of electronic notice.

7
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