

Honorable Thomas S. Zilly

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

VENICE PI, LLC,
Plaintiff,
v.
SEAN O’LEARY JR., et al.
Defendants.

Civil Action No. 17-cv-988TSZ

VENICE PI, LLC,
Plaintiff,
v.
JONATHAN DUTCZAK, et al.
Defendants.

Civil Action No. 17-cv-990TSZ

VENICE PI, LLC,
Plaintiff,
v.
MARTIN RAWLS, et al.
Defendants.

Civil Action No. 17-cv-991TSZ

VENICE PI, LLC,
Plaintiff,
v.
INA SICOTORSCHI, et al.
Defendants.

Civil Action No. 17-cv-1074TSZ

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VENICE PI, LLC,
Plaintiff,
v.
GREGORY SCOTT, et al.
Defendants.

Civil Action No. 17-cv-1075TSZ

VENICE PI, LLC,
Plaintiff,
v.
YELENA TKACHENKO, et al.
Defendants.

Civil Action No. 17-cv-1076TSZ

VENICE PI, LLC,
Plaintiff,
v.
CELINA POTTER, et al.
Defendants.

Civil Action No. 17-cv-1160TSZ

VENICE PI, LLC,
Plaintiff,
v.
TONJA LAIBLE, et al.
Defendants.

Civil Action No. 17-cv-1163TSZ

VENICE PI, LLC,
Plaintiff,
v.
VICTOR TADURAN, et al.
Defendants.

Civil Action No. 17-cv-1164TSZ

1 VENICE PI, LLC,

2 Plaintiff,

3 v.

4 JESSE COOPER, et al.

5 Defendants.

Civil Action No. 17-cv-1211TSZ

6 VENICE PI, LLC,

7 Plaintiff,

8 v.

9 JASMINE PATTERSON, et al.

10 Defendants.

Civil Action No. 17-cv-1219TSZ

11 VENICE PI, LLC,

12 Plaintiff,

13 v.

14 DAVID MEINERT, et al.

15 Defendants.

Civil Action No. 17-cv-1403TSZ

16 **SUPPLEMENTAL DECLARATION OF DAVID A. LOWE**

17 I, David A. Lowe, declare as follows:

18 1. I am counsel for Plaintiff. I make this declaration on person knowledge, and
19 confirm that all exhibits are true and accurate copies of the referenced documents.

20 2. In my earlier declaration I stated the following:

21 I understand that Mr. Griffin is an individual who worked briefly for Crystal Bay
22 Corporation in the 2012-2013 to verify infringement detection data licensed from Excipio.
23 As explained in the Supplemental Declaration of Ben Perino, Excipio is a company to
24 which parts of the GuardaLey infringement detection system were outsourced in the 2012-
25 2015 time period (see K 16), and which in turn licensed the technology to others, believed
26 to have included Crystal Bay. I have no personal knowledge about Crystal Bay, and never
worked with that entity. The only information I can glean from that entity is obtained from
the South Dakota Secretary of State website, attached as Exhibit A, which indicates that
the entity was formed in March 2012 and ceased existence in or around March 2015. [...] Mr. Griffin apparently verified infringement detection data and submitted a number of
declarations in various jurisdictions confirming the data, similar to what has been done in
these cases by Mr. Arheidt. But I have never met or worked with Mr. Griffin and, to the

1 best of my knowledge and investigation, have never submitted a declaration from him in
2 any case in this jurisdiction.

3 (Dkt. 38, p. 4-5)

4 3. Mr. Lynch asserts that I “incorrectly claim[ed] that no declarations of ‘Darren M.
5 Griffin’ have been filed in this District.” (Dkt. 45-1, p. 25) However, this is not what my
6 declaration stated. Rather, my declaration makes clear that I have never submitted a declaration
7 from Darren Griffin in any case in this jurisdiction. (Dkt. 38, p. 4-5) I did not file any of the cases
8 cited by Mr. Lynch; rather, they were instead filed by other counsel for plaintiffs in those cases.

9 4. In addition, my earlier declaration states that I have never worked with Crystal Bay,
10 which is true. While the plaintiff in certain cases provided us with investigator declarations from
11 individuals working with Crystal Bay at the time (e.g., Daniel Macek), I never had any occasion
12 to interact with Crystal Bay directly. As accurate stated in my earlier declaration, I do not have
13 knowledge of this entity apart from the noted association one or more investigators apparently had
14 with the entity at some point in time, and I have no knowledge or the formation, maintenance,
15 ownership or workings of this entity. Again, the only information I can glean from Crystal Bay is
16 obtained from the South Dakota Secretary of State website.

17 5. Plaintiff’s response to this Court’s show cause order was not prepared by Malibu
18 Media, LLC and to my knowledge neither I nor my firm has ever represented Malibu Media, LLC.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 EXECUTED May 10, 2018.

21 s/David A. Lowe, WSBA No. 24,453

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served to all counsel or parties of record who are deemed to have consented to electronic service via the Court’s CM/ECF system, and to all Defendants at their last known address via U.S. mail.

s/ David A. Lowe