

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
 2 Gary E. Gans (Bar No. 89537)
 3 garygans@quinnemanuel.com
 4 John S. Purcell (Bar No. 158969)
 5 johnpurcell@quinnemanuel.com
 6 Viola Trebicka (Bar No. 269526)
 7 violatrebicka@quinnemanuel.com
 8 Ryan Q. Keech (Bar No. 280306)
 9 ryankeech@quinnemanuel.com
 865 South Figueroa Street, 10th Floor
 Los Angeles, California 90017-2543
 Telephone: (213) 443-3000
 Facsimile: (213) 443-3100

10 Attorneys for Defendant ARRI Inc.

11
 12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA
 14 SOUTHERN DIVISION
 15

17 BAND PRO FILM & DIGITAL, INC.,
18 a California corporation,

19 Plaintiff,

20 vs.

21 ARRI INC., a Delaware corporation,
22 and MICHAEL BRAVIN, an
23 individual,

24 Defendants.
25

CASE NO. CV-12-03226-CJC (ANx)

**DECLARATION OF VIOLA
 TREBICKA IN SUPPORT OF
 DEFENDANT ARRI INC.'S
 MOTION TO ENFORCE THE
 COURT'S MAY 8, 2013 ORDER
 AND FOR SANCTIONS**

Date: July 25, 2013

Time: 10:00 a.m.

Crtrm.: 6B

Discovery Cut-Off: November 22, 2013

Pretrial Conference: February 24, 2014

Trial Date: March 4, 2014

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF VIOLA TREBICKA

I, Viola Trebicka, declare as follows:

1. I am a member of the bar of the State of California and an associate with Quinn Emanuel Urquhart & Sullivan LLP, attorneys for defendant ARRI Inc. I make this declaration of personal, firsthand knowledge, and if called and sworn as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of ARRI's First Set of Interrogatories, served on February 6, 2013.

3. Attached hereto as Exhibit B is a true and correct copy of Band Pro's Responses to ARRI's First Set of Interrogatories, served on March 8, 2013.

4. Attached hereto as Exhibit C is a true and correct copy of Band Pro's Second Amended Responses to ARRI's First Set of Interrogatories, served on May 17, 2013. These answers contained qualified most of the substantive responses and provided evasive and incomplete answers to many of the interrogatories. These answers were also unverified.

5. Attached hereto as Exhibit D is a true and correct copy of Band Pro's Third Amended Responses to ARRI's First Set of Interrogatories, served on May 31, 2013.

6. Attached hereto as Exhibit E is a true and correct copy of Band Pro's Fourth Amended Responses to ARRI's First Set of Interrogatories, served on June 18, 2013.

7. ARRI had to spend time and money filing motions to compel Band Pro to comply with discovery and the Court's Order. It has been prejudiced in discovery and trial preparation because, *inter alia*, ARRI has been forced to cancel Band Pro's Rule 30(b)(6) deposition and cannot take meaningful depositions until it has been provided with complete answers to its interrogatories, particularly Interrogatory Nos. 8 and 9. Meaningful trial preparation has been delayed because,

1 *inter alia*, ARRI does not have the information concerning what alleged trade secret
2 information Band Pro claims ARRI actually received and used.

3 8. Attached hereto as Exhibit F is a true and correct copy of meet
4 and confer correspondence sent from me to counsel for Band Pro on May 24, 2013.

5 9. Attached hereto as Exhibit G is a true and correct copy of meet
6 and confer correspondence sent from counsel for Band Pro to me on May 28, 2013.

7 10. Attached hereto as Exhibit H is a true and correct copy of meet
8 and confer correspondence sent from counsel for ARRI to counsel for Band Pro on
9 May 30, 2013.

10 11. Attached hereto as Exhibit I is a true and correct copy of meet
11 and confer correspondence sent from counsel for Band Pro to counsel for ARRI on
12 May 30, 2013.

13 12. Attached hereto as Exhibit J is a true and correct copy of meet
14 and confer correspondence sent from me to counsel for Band Pro on May 31, 2013.

15 13. Attached hereto as Exhibit K is a true and correct copy of meet
16 and confer correspondence sent from counsel for Band Pro to me on June 4, 2013.

17 14. Attached hereto as Exhibit L is a true and correct copy of meet
18 and confer correspondence sent from me to counsel for Band Pro on June 7, 2013.

19 15. Attached hereto as Exhibit M is a true and correct copy of meet
20 and confer correspondence sent from counsel for Band Pro to me on June 10, 2013.

21 16. Attached hereto as Exhibit N is a true and correct copy of meet
22 and confer correspondence sent from me to counsel for Band Pro on June 10, 2013.

23 17. Attached hereto as Exhibit O is a true and correct copy of an
24 excerpt of ARRI's website, which is available to the public and was last accessed on
25 April 16, 2013.

26 18. On April 4, 2013, Band Pro took the deposition of Defendant
27 Michael Bravin. A true and correct copy of relevant excerpts of the rough transcript
28 of that deposition is attached hereto as Exhibit P.

1 19. On September 22, 2011, a plea agreement was filed in case
2 number CR-11-00807, *United States v. Bravin*. A true and correct copy of that plea
3 agreement is attached hereto as Exhibit Q.

4 20. Attached hereto as Exhibit R is a true and correct copy of an
5 expert report served on the parties to this action by counsel for Band Pro on May 23,
6 2013.

7 21. Attached hereto as Exhibit S is a true and correct copy of the
8 scheduling order in this action.

9 22. In its Second Amended Answers to Interrogatories 8 and 9 (after
10 the May 8 Order), Band Pro listed Bates numbers for thousands of documents.
11 Many of these documents could not possibly have been accessed by Bravin because
12 they were dated after July 7, 2010, after Band Pro alleges it changed the password to
13 Amnon Band's email account.

14 23. Other documents identified in Band Pro's Second Amended
15 Answers to Interrogatories 8 and 9 included (i) ARRI's price lists for motion picture
16 camera lenses; (ii) letters from third parties to the government in response to
17 subpoenas in Bravin's criminal investigation; (iii) personal emails from Bravin to
18 Band after Bravin left Band Pro; and (iv) a press release. True and correct copies of
19 representative examples of these documents, Bates labeled BANDPRO 204-08, 258-
20 59, 272, 526-27, and 646, are attached hereto as Exhibit T.

21 24. Attached hereto as Exhibit U are a true and correct copies of
22 documents found in Band Pro's production Bates labeled BANDPRO 2249, 2308,
23 2733, 2991, 3022, and 3101.

24 25. Attached hereto as Exhibit V are true and correct copies of
25 documents found in Band Pro's production Bates labeled BANDPRO 1657, 2244,
26 2374, 2554-7, 3197, and 3535.

27
28

