

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 15-cv-20782-MARTINEZ/GOODMAN

DENNIS L. MONTGOMERY,

Plaintiff,

v.

JAMES RISEN, HOUGHTON MIFFLIN
HARCOURT PUBLISHING CO., MIFFLIN
HARCOURT CO., HMH HOLDINGS, INC.,

Defendants.

DECLARATION OF LAURA HANDMAN

I, Laura Handman, declare:

1. I am a partner at Davis Wright Tremaine LLP and represent Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and Houghton Mifflin Harcourt Company, improperly sued as HMH Holdings, Inc., in this action. I make this declaration in support of: (1) Defendants' Motion to Dismiss or Transfer for Lack of Personal Jurisdiction Over Risen and Houghton Mifflin Harcourt Company, Dismiss or Transfer for Improper Venue, Transfer Under 28 U.S.C. § 1404(a), or Dismiss for Failure to State a Claim and Memorandum in Support; and (2) Defendants' Renewed Special Motion to Dismiss the Complaint Under the Applicable Anti-SLAPP Statute and Memorandum in Support. Unless otherwise indicated, I make the following statements based on my own personal knowledge, and if called as a witness, I could and would testify competently to these facts under oath.

2. Attached as Exhibit 1 is a true and correct copy of the January/February 2010 *Playboy Magazine* article, "The Man Who Conned the Pentagon," by Aram Roston, as available

on LexisNexis. The *Playboy Magazine* article has not been retracted or the subject of any defamation lawsuit.

3. Attached as Exhibit 2 is a true and correct copy of the February 19, 2011 *New York Times* article, “*Hiding Details of Dubious Deal, U.S. Invokes National Security*,” by Eric Lichtblau and James Risen, available at http://www.nytimes.com/2011/02/20/us/politics/20data.html?_r=0. The *New York Times* article has not been retracted or the subject of any defamation lawsuit.

4. Attached as Exhibit 3 is a true and correct copy of the Business Entity Summary found on the website of the Secretary of the Commonwealth of Massachusetts, Corporations Division, available at http://corp.sec.state.ma.us/CorpWeb/CorpSearch/CorpSummary.aspx?FEIN=041456030&SEARCH_TYPE=1, stating that Houghton Mifflin Harcourt Publishing Company is a Massachusetts corporation.

5. Attached as Exhibit 4 are true and correct copies of the pages from the website of the Delaware Secretary of State’s office stating that Houghton Mifflin Harcourt Company is a Delaware corporation and from the Florida Secretary of State’s office that the company is not authorized to do business in Florida.

6. Attached as Exhibit 5 are true and correct copies of: (1) a document entitled “Check Your Voter Status” dated April 13, 2015 for Dennis Lee Montgomery bearing the address 3640 SW 22nd Street, Miami, FL 33145, produced by Montgomery on April 24, 2015 and Bates stamped Plaintiff’s Initial Disclosures 057; (2) a FedEx receipt dated April 13, 2015, produced by Montgomery on April 24, 2015 and Bates stamped Plaintiff’s Initial Disclosures 061; and (3) screenshots of the web page of the Extended Stay America located at 3640 SW 22nd Street, Miami, FL 33145.

7. Attached as Exhibit 6 is a true and correct copy of the Stipulation to Transfer of Action to the United States District Court for the Western District of Washington, ECF No. 19, filed in *Atigeo LLC v. Offshore, Ltd.*, No. 2:13-cv-01694-JLR (W.D. Wash. Sept. 12, 2013).

8. Attached as Exhibit 7 is a true and correct copy of the June 10, 2014 *Seattle Weekly* article, "*Seattleland: Sheriff Joe Arpaio's Yarrow Point Connection*," by Rick Anderson, available at <http://www.seattleweekly.com/home/952998-129/seattleland-sheriff-joe-arpaio-s-yarrow-point>.

9. Attached as Exhibit 8 is a true and correct copy of the February 18, 2015 Order in *Montgomery v. NV Mortg. Inc.*, No. 2:13-cv-00360-RAJ, ECF No. 66 (W.D. Wash.).

10. Attached as Exhibit 9 is a true and correct copy of the November 1, 2006 *Wall Street Journal* article, "*Congressman's Favors for Friend Include Help in Secret Budget*," by John R. Wilke, available at <http://www.wsj.com/articles/SB116234941031409783>.

11. Attached as Exhibit 10 is a true and correct copy of web pages from the Florida Department of State regarding Alex James LLC.

12. Attached as Exhibit 11 is a true and correct copy of the February 15, 2007 *Wall Street Journal* article, "*Nevada Governor Faces FBI Probe into Contracts*," by John R. Wilke.

13. Attached as Exhibit 12 is a true and correct copy of the June 27, 2005 report of NBC News, "*FBI Probes Nevada Governor for Corruption*," by Lisa Myers, Jim Popkin and the NBC Investigative Unit, available at http://www.nbcnews.com/id/18613647/ns/nbc_nightly_news_with_brian_williams-nbc_news_investigates/t/fbi-probes-nevada-governor-corruption/#.VSX-_53D_IU.

14. Attached as Exhibit 13 is a true and correct copy of the Nov. 2, 2008 article, "*Attorney: Nevada Gov. Gibbons cleared in FBI probe*," by Matt Appuzzo, Associated Press,

that appeared in *USAToday* and elsewhere, available at

http://usatoday30.usatoday.com/news/washington/2008-11-03-1691861413_x.htm.

15. Attached as Exhibit 14 is a true and correct copy of the August 29, 2008 *Bloomberg News* article, “*Yellowstone Club Divorcee Entangled in Terrorist Software Suits*,” by Anthony Effinger, available at

<http://www.bloomberg.com/apps/news?pid=newsarchive&sid=aehZLi13aTPI>.

16. Attached as Exhibit 15 is a true and correct copy of excerpts of the transcript of the November 18, 2010 deposition of Dennis L. Montgomery in *In re Dennis & Kathleen Montgomery*, No. 10-bk-18510 (Bankr. C.D. Cal.).

17. Attached as Exhibit 16 is a collection of news articles about Dennis Montgomery or his software, published before publication of Mr. Risen’s book in October 2014.

18. Attached as Exhibit 17 is a true and correct copy of the October 1, 2012 article, “*Obama’s Counterterrorism Czar Gave Bogus Intel to Bush White House*,” by Aram Roston, available at <http://www.defensenews.com/article/20121001/C4ISR01/310010001>.

19. Attached as Exhibit 18 is a true and correct copy of excerpts of the Government’s Compliance with Court Order of August 17, 2006, in *In re Search Warrant*, No. 3:06-cv-00263, ECF Nos. 70-5, 70-8 (D. Nev. Sept. 11, 2006).

20. Attached as Exhibit 19 is a true and correct copy of the Supplemental Affidavit of Timothy L. Blixseth in *In re Yellowstone Mountain Club, LLC*, No. 08-61570, ECF No. 2117 (Bankr. Mont. Jan. 17, 2011),.

21. Attached as Exhibit 20 is a true and correct copy of the Affidavit of Michael J. Flynn in *In re Yellowstone Mountain Club, LLC*, No. 09-00014, ECF No. 473-1 (Bankr. Mont. Mar. 1, 2006).

22. Attached as Exhibit 21 is a true and correct copy of excerpts of the post-confirmation hearing Questions for the Record submitted by the U.S. Senate Select Committee on Intelligence to Mr. John Brennan, *available at* <http://www.intelligence.senate.gov/130207/posthearing.pdf>.

23. Attached as Exhibit 22 is a true and correct copy of an Order in *Ortega Melendres v. Arpaio*, No. 07-cv-02513, ECF No. 1060 (D. Ariz. May 8, 2015), attached to which is a May 2, 2015 letter filed with the court by Montgomery's counsel.

24. Attached as Exhibit 23 is a true and correct copy of Montgomery's Motion for Intervention of Right and Memorandum of Law in Support of Intervenor's Motion to Recuse/Disqualify Judge G. Murray Snow Under 28 U.S.C. § 144, in *Ortega Melendres v. Arpaio*, No. 07-cv-02513, ECF Nos. 1057 and 1058 (D. Ariz. May 7, 2015).

25. Attached as Exhibit 24 is a true and correct copy of the March 20, 2015 filing in *Klayman v. Obama*, No. 1:13-cv-00851-RJL, ECF Nos. 129 and 129-1 (D.D.C.).

26. Attached as Exhibit 25 is a true and correct copy of a March 19, 2015 printout of a Twitter account bearing the name "Dennis L Montgomery" at Yarrow Point, Washington. The banner image on this Twitter page has changed since then.

27. Attached as Exhibit 26 is a true and correct copy of the decision *Atigeo LLC v. Offshore Ltd.*, 2014 WL 239096 (W.D. Wash. Jan. 22, 2014).

28. Attached as Exhibit 27 is a true and correct copy of Defendants' Initial Disclosures Under Federal Rule of Procedure 26(a)(1)(A) served on Plaintiff on April 24, 2015.

Under 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 15, 2015.



Laura R. Handman