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10 Attorneys for Plaintiff, Michael J. Flynn, Esq.

11 UNITED STATES DISTRICT COURT  
12 DISTRICT OF NEVADA

13 Michael J. Flynn, Esq.,  
14 Plaintiff,  
15 vs.

CASE NO.: 3:09-cv-00422-ECR-VPC

16 Liner, Grode, Yankelevitz, Sunshine,  
Regenstreif, & Taylor, LLP, and all of its  
17 partners;  
18 Deborah Klar, individually and as a partner in  
the Liner Law firm;  
19 Teri Pham, individually and as a partner in  
the Liner Law Firm.

**DECLARATION OF MICHAEL FLYNN IN  
SUPPORT OF HIS RESPONSE TO THE  
KLAR AND PHAM MOTION TO DISMISS**

20 Defendants.  
21

22 I, Michael J. Flynn swear under the pains and penalties of perjury that I have personal  
23 knowledge of the following facts; and if called as a witness could and would attest to the same  
24 as being true and accurate:

25 1. I am domiciled in Massachusetts because it is my intent to make it my domicile. As  
26 of the date of the filing of the complaint in this action I was domiciled in Massachusetts because  
27 of my intent to make it my domicile, my physical presence there, and the facts recited herein.

28 2. I own my home in Boston, Massachusetts. I have a Massachusetts driver's license.  
I am only licensed to practice law in Massachusetts. My physical law office is located there. For

1 approximately thirty nine years I have engaged in an evolving multi--state law practice based  
2 on pro hac vice admissions in numerous states, but all based on my Massachusetts law license  
3 and my continual office location there from 1970 to the present. In recent years, after the  
4 termination of my partnerships in 2004 and December, 2006, my practice of law has centered  
5 around the Nevada cases at issue in this litigation; and in connection with cases now pending in  
6 Montana, regardless of where I am physically present.

7 3. My family life is centered in Massachusetts. Five of my seven siblings live there,  
8 one in New Hampshire, and one in Colorado. My mother lives there. I am very close to all of my  
9 family; and our family life is centered in Massachusetts around decades of family activities there,  
10 often involving over 40 members of our extended family, including parents, children,  
11 grandchildren and great grand children..None of my three children live in California.

12 4. My academic background from grade school through law school is all based in  
13 Massachusetts.

14 5. I do not recall any pro hac vice appearances in California for approximately the last  
15 ten years since a case I appeared in in the Central District of California on or about 1999 - 2001.

16 6. I am an avid Massachusetts sports fan of its professional and collegiate teams,  
17 regularly attend sporting events there, am a Red Sox season ticket holder and have been  
18 intermittently since the late 80's, either in my name or as a sub-licensee. I am not a California  
19 sports fan, dislike their teams, have never attended any California professional sporting events  
20 other than one Angels game many years ago, and several Lakers games against the Boston  
21 Celtics in the 1980's.

22 7. The address on my February, 2006 pro hac vice application was a rental that  
23 terminated in April, 2006. I then rented another condo in Rancho Santa Fe, CA where I have a  
24 part time "residence." That rental is currently "month to month" based on my specific "intent"  
25 made in late 2006 to spend the majority of my time in Massachusetts. I recently testified to these  
26 facts in an unrelated Massachusetts case. Prior to December, 2006, the Flynn & Stillman office,  
27 used solely by Mr. Stillman, was located at a separate address which defendants referenced in  
28 the perjured declaration of Montgomery. I never worked in that office. That office terminated with

1 the termination of the partnership in December, 2006. I have never held myself out as a  
2 California lawyer. All of my letterheads recite that I am only admitted or licensed in  
3 Massachusetts. In my present condo “residence” in California, I have no employees, no  
4 secretary, no signs, no professional listings, nothing that makes it a “law office.”

5 8. Nevada is the defining locus and forum for the facts , issues, pleadings, witness  
6 and document location, and events in my complaint. My pleadings and the court order attached  
7 as Exhibits 1 through 6 to the Request for Judicial Notice filed herewith are true and correct  
8 copies on file in the California Superior Court in the case of Montgomery v Flynn, BC 375335.  
9 Those pleadings accurately recite the “California facts” merged into the judgment entered by  
10 operation of law based upon the court’s dismissal on November 27, 2007 of the underlying  
11 Montgomery case, which was filed by the lawyer-defendants in this case. Evidence supports the  
12 computer hacking allegations in the complaint that defendants’ filed said case in California on  
13 August 3, 2007 for the purpose of circumventing the Nevada Rules of Professional obligating  
14 both them and me, because they knew that I was legally obligated pursuant to Nevada Rules of  
15 Professional Conduct, Rule 3.3, to inform the Nevada District Court of the perjury and frauds  
16 perpetrated by Montgomery when I was his lawyer, along with other lawyers who were likewise  
17 deceived, but which perjury and frauds were perpetrated by Montgomery without my knowledge  
18 or involvement. Similarly, when they knew of Montgomery’s perjury in prior declarations and in  
19 his September 10, 2007 Declaration - the subject of the Sanctions order - throughout August and  
20 September of 2007, they were obligated to comply with Rule 3.3. Defendants’ sanctioned  
21 conduct in Nevada to defeat Nevada jurisdiction and ethical rules based on perjury, and the  
22 “California facts,” as recited in my California pleadings and merged into the California judgment  
23 constitutes the basis for my claims in this case.

24 Signed under the pains and penalties of perjury this 23 rd day of November, 2009 under the laws  
25 of Nevada and the United States.

26 /s/  
27 Michael J. Flynn  
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**CERTIFICATE OF SERVICE**

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Pursuant to NRCP 5(b), I certify that I am an employee of LOGAR PULVER, and that on

the 23<sup>rd</sup> day of November 2009, I

- deposited for mailing in the U.S. Mail, with sufficient postage affixed thereto
- sent via Federal Express or other overnight delivery service
- delivered via facsimile machine to fax number:
- personally delivered
- caused to be delivered via Reno-Carson Messenger Service
- served through the CM/ECF electronic notification system

the foregoing document addressed to:

David R. Grundy, Esq.  
Alice Campos, Esq.  
Joy R. Graber, Esq.  
6005 Plumas Street  
Reno, NV 89519

and

Daniel T. Hayward, Esq.  
Laxalt & Nomura  
9600 Gateway Drive  
Reno, NV 89521

/s/  
ZACHARY DRAPER  
Legal Assistant to Logar Pulver

1875 Plumas Street, Suite 1  
Reno, NV 89509  
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