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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELF-MAN, LLC,)	Case No.: Case No.: 2:13-CV-507-RSL
Plaintiff,)	DECLARATION OF COUNSEL IN SUPPORT OF
v.)	PLAINTIFF’S MOTION FOR AN EXPEDITED
DOES 1 – 194,)	STATUS CONFERENCE PURSUANT TO
Defendants.)	F.R.Civ.P. 16(a)
)	NOTE ON MOTION CALENDAR:
)	September 20, 2013

I, Maureen C. VanderMay, submit the following declaration:

1. I am counsel of record for Plaintiff in the above-entitled matter.
2. I make this declaration in support of Plaintiff’s Motion for an Expedited Status Conference Pursuant to F.R.Civ.P. 16(a). My statements are true to the best of my own knowledge, except as to those matters which are therein alleged on information and belief, and as to those matters, I believe them to be true.
3. Upon receipt of the Court’s order of August 7, 2013, I immediately began contacting the Internet Service Providers to which Plaintiff had previously issued subpoenas in this action and forwarded to each of them a copy of the Court’s order.

DECLARATION OF COUNSEL IN SUPPORT OF PLAINTIFF’S MOTION FOR AN EXPEDITED STATUS CONFERENCE PURSUANT TO F.R.Civ.P. 16(a) (Case No.: 2:13-CV-507-RSL) – Page 1	The VanderMay Law Firm PC 2021 S. Jones Blvd Las Vegas, Nevada 89146 (702) 538-9300
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1 4. As of this date, our office has received some but not all of the subpoenaed data. We are
2 actively working with the Internet Service Providers from which we do not yet have complete
3 responsive data.

4 5. Since receipt of the Court's order allowing this action to proceed, I have also been diligently
5 working on an amended complaint in this action. I have spent a considerable amount of time
6 reviewing decisional law which relates to claims of copyright infringement, particularly in the
7 context of unlawful downloading of copyrighted works.

8 6. I have also been in communication with various attorneys who had previously contacted our
9 office stating that they represent one or more prospective Defendants in this action. In several
10 instances I have engaged in fairly extensive discussions regarding the theories of liability that we
11 intend to pursue in our amended complaint.

12 7. In light of these communications and the time frame that the Court has afforded to Plaintiff
13 for naming and serving the Defendants in this action, Plaintiff has moved for an initial status
14 conference pursuant to F.R.Civ.P. 16(a). Plaintiff has made this motion because in our view such
15 a conference would facilitate the orderly and cost effective processing of this action.

16 8. With respect to timing, in light of the Court's impending deadline to name and serve the
17 Defendants to this action, we have asked that the Court schedule such a conference at its soonest
18 convenience after September 13, 2013. This date is based upon the fact that I have a
19 longstanding commitment to be in a remote area of northern Michigan until that date. The only
20 other date in the near term on which I am not available is September 23, 2013, due to a long
21 scheduled mediation in Portland, Oregon. My other commitments in the upcoming weeks can be
22 rescheduled in order to allow me to appear for a status conference in this action.

23 ////

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25 ////

26 DECLARATION OF COUNSEL IN SUPPORT OF
27 PLAINTIFF'S MOTION FOR AN EXPEDITED
28 STATUS CONFERENCE PURSUANT TO
F.R.Civ.P. 16(a) (Case No.: 2:13-CV-507-RSL) – Page 2

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1 I hereby declare that the above statement is true to the best of my knowledge and
2 belief, and that I understand it is made for use as evidence in court and is subject to penalty
3 for perjury.

4 DATED: September 5, 2013

5 Respectfully submitted,

6 The VanderMay Law Firm PC

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14 Of Attorneys for Plaintiff
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