I		THE HONORABLE JAMES L. ROBART
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7	INI THE I MITTED OT A	TES DISTRICT COLIDT
8	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE	
9	AT SE.	ATTLE
10	ATIGEO LLC, a Washington limited liability) Civil Action No. 2:13-CV-1694-JLR
11	company, and MICHAEL SANDOVAL, an individual; and)) DECLARATION OF
12	Plaintiffs,) ROLAND K. TELLIS) IN SUPPORT OF PLAINTIFFS'
13	vs.	OPPOSITION TO BURGYAN'S OMOTION FOR SUMMARY JUDGMENT
14	OFFSHORE LIMITED D, a California partnership; DENNIS MONTGOMERY,))
15	individually and as a partner of Offshore Limited D; ISTVAN BURGYAN,	
16	individually and as a partner of Offshore Limited D; DEMARATECH, LLC,	
17	a California limited liability company; and DOES 1-25, inclusive;	
18)
19	Defendants.))
20	I, Roland K. Tellis, declare and state:	
21	1. I am a partner in the law firm of Baron & Budd, co-counsel of record for Plaintiffs	
22	Atigeo LLC and Michael Sandoval in this matter. I am competent to testify, and this declaration	
23	is based on my personal knowledge unless the context indicates otherwise.	
24	2. On March 14, 2013 in connection with a different lawsuit, I issued a document	
25	subpoena from by the U.S. Bankruptcy Court for the District of Montana to Network Solutions	
26	LLC. This subpoena sought, among other things, Network Solutions business records reflecting TELLIS DECLARATION IN SUPPORT OF PLS' OPP'N TO BURGYAN'S SUMMARY JUDGMENT MOTION (NO. 2:13-CV-1694-JLR) — 1 STOEL RIVES LLP 600 University Street, Ste. 3600 Seattle, Washington 98101 (206) 386-7542	

the owners and users of the website domain names that are the subject of the above-captioned litigation. **Exhibit 1** hereto is a true and correct copy of this subpoena to Network Solutions.

- 3. On March 21, 2013, Network Solutions' parent company, Web.com Group, Inc., produced documents from its records in response to the subpoena.
- 4. Attached hereto as **Exhibits 2, 3, and 4**, respectively are a record on the account holder of the website domain name <atigeo.co>, excerpts of the primary user history record for this account, and a record reflecting other website domain names held by this same account.
- 5. It is my understanding that Network Solutions created and maintained these records during the ordinary course of its business.
- 6. Using the telephone number listed for the account holder identified in these reports 760-341-3289 I performed a Google search of publicly available information on the Internet. Those searches connected to websites showing that this telephone number is the contact number for Demaratech LLC, which Burgyan has acknowledged is his company. In additional to listing this telephone number for Demaratech, one website also identifies Demaratech's address as 42829 Cook Street, Palm Desert, CA 92211. A search using this telephone number and Burgyan's name turned up another website identifying Burgyan as the owner of Demaratech and listing 760-341-3289 as the contact number for Burgyan and Demaratech, along with the address listed in Demaratech's business formation papers included in Burgyan's supplemental document production of March 12, 2014. True and correct copies of screenshots of these Google search results are attached hereto as **Exhibit 5**.
- 7. On January 8, 2014, Plaintiffs, through their counsel, served written discovery on each Defendant in the above-captioned lawsuit.
- 8. On February 7, 2014, Defendant Offshore Ltd D served responses to Plaintiffs' written discovery. **Exhibit 6** hereto is a true and correct copy of Offshore Ltd D's responses.
- 9. On February 7, 2014, Defendant Demaratech LLC served responses to Plaintiffs' written discovery. **Exhibit 7** hereto is a true and correct copy of Demaratech's responses.

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- On February 7, 2014 Defendant Istvan Burgyan ("Burgyan") served his first set of 10. responses and objections to Plaintiffs' written discovery requests. Those responses are attached as Exhibit 1 to the Declaration of Peter Nierman in support of Burgyan's Motion for Summary Judgment, filed with the Court as Dkt. 47.
- On March 12, 2014, Burgyan filed supplemental responses and objections to 11. Plaintiffs' written discovery requests. Exhibit 8 hereto is a true and correct copy of Burgyan's supplemental responses.
- Based on the records provided by Network Solutions, there is sufficient evidence 12. to conclude that Burgyan (directly or through an entity he owns or controls) owns, controls, or uses the account under which the <atigeo.co> domain name is registered. These records also show that this account was used to register and update the domain names of the other websites that are the subject of the above-captioned lawsuit.
- This evidence further warrants discovery into: (a) the activities of each Defendant 13. in this lawsuit in connection with the accounts identified in the Network Solutions records attached hereto as Exhibits 3, 4, and 5, including payment and communication history; (b) complete responses from all Defendants to Plaintiffs' written discovery and document requests; (c) depositions of each Defendant; and (d) if necessary, taking the depositions of nonparties with the knowledge of the registration of the website domain names and the creation of the offending websites and the statements made therein.
- Based on the evidence gathered by Plaintiffs to date and submitted herewith, there 14. is sufficient reason to conclude that further discovery will show that Burgyan was involved in the offending websites in at least the following ways: (a) Burgyan was responsible for the Network Solutions account(s) used to register the offending website domain names; (b) Burgyan served as the point of contact for the accused websites; and (c) Burgyan played a role in updating the website domain names and publishing the content.

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1	I declare under penalty of perjury under the laws of the United States that the foregoing is
2	true and correct.
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4	Executed this 24th day of March 2014 in Encino, California.
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6	<u>s/ Roland K. Tellis</u> Roland K. Tellis
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26	TELLIS DECLARATION IN SUPPORT OF PLS' OPP'N TO BURGYAN'S

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CERTIFICATE OF SERVICE I hereby certify that on March 24, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record in the above case. STOEL RIVES LLP Melissa Wood, Practice Assistant Dated at Seattle, WA on March 24, 2014

TELLIS DECLARATION IN SUPPORT OF PLS' OPP'N TO BURGYAN'S SUMMARY JUDGMENT MOTION (NO. 2:13-CV-1694-JLR) — 5

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