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9 *Attorneys for the Plaintiffs*

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN MATEO

12 AARON VAN FLEET, PAUL
13 OVBERG, and JAMES LONGFIELD,
14 individually and on behalf of all others
15 similarly situated,

16 Plaintiffs,

17 v.

18 TRION WORLDS, INC.,

19 Defendant.

NO. CIV 535304

**DECLARATION OF VENKAT
BALASUBRAMANI IN
SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

Complaint Filed: September 8, 2015

CLASS ACTION

Assigned for All Purposes to:
Honorable Marie S. Weiner,
Department 2

DEPARTMENT: 2
DATE: October 18, 2019
TIME: 10:00 a.m.

1 I, Venkat Balasubramani, declare as follows:

2 **A. Background and Experience**

3 1. I am a member of the law firm of Focal PLLC, one of the lawyers for
4 the Plaintiffs in this matter. I am admitted to practice in the State of California
5 and am a member in good standing of the bars of the states of Washington,
6 Oregon, and California. I respectfully submit this declaration in support of
7 Plaintiffs' Motion for Class Certification in the above-captioned class action.
8 Except as otherwise noted, I have personal knowledge of the facts set forth in this
9 declaration, and could testify competently to them if called upon to do so.

10 2. Focal PLLC is a law firm in Seattle, Washington that focuses on
11 technology and internet-related clients and matters. Half of our practice is
12 litigating cases relevant to technology and internet companies. These include
13 trademark and copyright disputes, disputes related to web-crawling or
14 aggregation, and liability relating to user-submitted content. We also often
15 represent clients in commercial disputes.

16 3. I am the lead attorney from Focal in the instant litigation. I am a
17 founding member of Focal, and concentrate my practice in complex litigation.

18 4. I received a B.A. in Environmental Studies from the University of
19 California at Los Angeles in 1993. In 1996, I received my J.D. from the
20 University of Denver, Order of the Coif. Prior to forming Focal, I was a sole
21 practitioner for several years. At the start of my career, I clerked for the
22 Honorable John C. Coughenour in the United States District Court for the
23 Western District of Washington, and also worked at Perkins Coie, a large Seattle
24 firm.

25 5. I am a frequent speaker at legal conferences on a wide variety of
26 topics, including consumer class actions, employment litigation, and electronic
27 discovery, and I have been awarded an "AV" rating in Martindale-Hubbell by my

1 peers. I also publish commentary on a widely-recognized law blog (The
2 Technology & Marketing Law Blog) maintained by a law professor (Eric
3 Goldman). My comments regarding ongoing legal matters have been cited in
4 various publications, ranging from *The Hollywood Reporter* to GeekWire and
5 *Fortune Magazine*.

6 6. I am actively involved in several professional organizations and
7 activities. For example, I am a member of the South Asian Bar Association of
8 Washington and was a past president of that organization. Our firm is also a
9 member of NAMWOLF, which is the National Association of Minority and
10 Women Owned Law Firms.

11 7. I have been named to the annual Washington Super Lawyers list for
12 the past nine years (2010 - 2018) by *Washington Law & Politics Magazine*.

13 **B. Qualifications of Other Focal Attorneys**

14 8. The other Focal lawyer primarily responsible for our work in this
15 case is Sean McChesney. He graduated from Seattle University School of Law in
16 2005. He has a wide range of experience with disputes in state and federal court.
17 His practice includes trademark and copyright registration, enforcement and
18 licensing; drafting of website terms of service agreements and privacy policies;
19 Digital Millennium Copyright Act (DMCA) compliance; and online advertising,
20 promotions, contests and sweepstakes.

21 **C. The Prosecution of This Action**

22 9. Focal has invested approximately three hundred and fifty hours with
23 an approximate value of \$157,000, and over \$2,000 in costs, in the prosecution of
24 this action.

25 **D. Other Cases Litigated by Focal**

26 11. Focal has been involved in numerous cases involving technology and
27 internet issues. Some representative cases are listed below:

- 1 • *craigslist, Inc. v. 3Taps Inc., et al.*, No. CV 12-03816 CRB, 942 F.
2 Supp. 2d 962 (N.D. Cal. 2013): represented apartment mapping
3 website in lawsuit brought by craigslist, alleging copyright,
4 trademark, and other claims.
- 5 • *Morici v. HashFast LLC, et al.*, No. 2014-cv-00087, 2015 U.S. Dist.
6 LEXIS 107449 (N.D. Cal. Aug. 14, 2015): represented purchaser
7 alleging that sellers of Bitcoin mining equipment engaged in
8 misleading trade practices.
- 9 • *Nasser v. Whitepages*, No. 5:12cv097, 2013 U.S. Dist. LEXIS
10 166133 (W.D. Va. Nov. 21, 2013): represented online directory
11 service in lawsuit alleging defamation and invasion of privacy claims
12 based on alleged mistaken listing of telephone number.
- 13 • *1st Tech. LLC v. Bodog Entm't Grp. S.A.*, No. C08-0872-JCC, 2008
14 U.S. Dist. LEXIS 76189 (W.D. Wash. Sept. 30, 2008): represented a
15 judgment creditor who sought to enforce a judgment against a large
16 portfolio of domain names.
- 17 • *Kimzey v. Yelp Inc.*, No. C13-1734RAJ, 21 F. Supp. 3d 1120 (W.D.
18 Wash. 2014): represented online service provider in lawsuit alleging
19 defamation based on content submitted by third party.
- 20 • *Amazon.com LLC v. Lay*, No. C10-664 MJP, 758 F. Supp. 2d 1154
21 (W.D. Wash. 2010): First Amendment and privacy case involving
22 North Carolina's attempts to seek information regarding customer
23 purchase information (case resolved after the court granted the
24 request for an injunction on behalf of Amazon and the customers).
- 25
26
27

1 I declare under penalty of perjury under the laws of the State of California
2 that the foregoing is true and correct.

3
4 EXECUTED this 27th day of September, 2019 at Seattle, Washington.

5 /s/ Venkat Balasubramani, CSB #189192
6 Venkat Balasubramani, CSB #189192
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1 **PROOF OF SERVICE**

2 I am a citizen of the United States and am employed in King County,
3 Washington. I am over the age of eighteen (18) years and not a party to this
4 action; my business address is 936 North 34th Street, Suite 300, Seattle,
5 Washington, 98103-8869.

6 On September 27, 2019, I served the preceding document by placing a true
7 copy thereof enclosed in a sealed envelope and served in the manner and/or
8 manners described below to each of the parties herein and addressed as on the
9 attached list.

10 **BY MAIL:** I caused such envelope(s) to be deposited in the mail at my
11 business address, addressed to the addressee(s) designated. I am
12 readily familiar with Terrell Marshall Law Group PLLC’s practice for
13 collection and processing of correspondence and pleadings for mailing.
14 It is deposited with the United States Postal Service on that same day in
the ordinary course of business.

15 **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand
to the addressee(s) designated.

16 **BY OVERNIGHT COURIER SERVICE:** I caused such envelope(s) to be
17 delivered via overnight courier service to the addressee(s) designated.

18 **BY FACSIMILE:** I caused said document to be transmitted to the telephone
19 number(s) of the addressee(s) designated.

20 **BY ELECTRONIC MAIL:** I caused said document to be transmitted to the
21 email addresses of the addressee(s) designated.

22 I declare under penalty of perjury under the laws of the State of
23 Washington that the foregoing is true and correct.

24 Executed at Seattle, Washington, on this 27th day of September, 2019.

25 By: /s/ Elizabeth A. Adams, CSB #290029
26 Elizabeth A. Adams, CSB #290029
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PROOF OF SERVICE LIST

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