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 LegalZoom.com, Inc.

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

Glaser Weil Fink Jacobs
 Howard Avchen & Shapiro LLP

12 LEGALZOOM.COM, INC., a Delaware
 13 corporation,

14 Plaintiff,

15 v.

16 ROCKET LAWYER INCORPORATED,
 a Delaware corporation,

17 Defendant.

CASE NO.: CV 12-9942-GAF (AGR_x)

Hon. Gary A. Feess
 Courtroom: 740


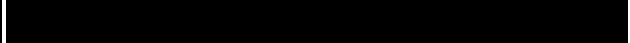
**EVIDENTIARY OBJECTIONS TO
 ROCKET LAWYER'S
 OPPOSITION TO LEGALZOOM'S
 MOTION FOR PARTIAL
 SUMMARY JUDGMENT**

Date: August 18, 2014
 Time: 9:30 a.m.
 Courtroom: 740

Complaint Filed: November 20, 2012

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1 Pursuant to the Court’s current standing Scheduling Order, Plaintiff
2 LegalZoom.com, Inc. (“LegalZoom”) hereby submits its Evidentiary Objections to
3 Rocket Lawyer Incorporated’s (“Rocket Lawyer”) alleged “Statement of Genuine
4 Issues in Support of Opposition to LegalZoom.com Inc.’s Motion for Partial
5 Summary Judgment”:

6 Rocket Lawyer’s Additional Undisputed Facts (“AUF”) Paragraph 45:
7 Objection to Paragraph 20, Exhibit 19 of the Declaration of Hong-An Vu (“Vu
8 Declaration”) on grounds that: (1) Exhibit 19 lacks foundation because it is not
9 accompanied by the testimony of a witness who has personal knowledge thereof and
10 can establish its meaning and/or authenticity (Fed. R. Evid. 602)¹; (2) Exhibit 19 is
11 speculative and irrelevant because it has no content showing that the statement “
12 ,” relates to the matter in dispute, namely
13 the statement does not specify LegalZoom reviews or any action with respect to
14 Legalspring.com (Fed. R. Evid. 401, 402; *Munoz v. PHH Corp.*, 2013 WL 684388, *3
15 (E.D. Cal. Feb. 22, 2013) (“If the inference to be drawn from the evidence is the
16 result of speculation or conjecture, the underlying evidence is not relevant.”)); and (3)
17 Exhibit 19 is misleading to the extent it implies that LegalZoom employees
18 manipulated LegalZoom reviews on Legalspring.com (Fed. R. Evid. 403).

19 AUF Paragraph 48: Objection to Paragraphs 10, 33-34, Exhibits 9, 32-33 of the
20 Vu Declaration on the grounds that: (1) Exhibits 9, 32-33 lack foundation because
21 they are not accompanied by the testimony of a witness who has personal knowledge
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23 ¹ Hong-An Vu is counsel of record for Rocket Lawyer. (Vu Decl., ¶1.) As the Court
24 recognized in its standing Scheduling Order, “The Court will accept counsel’s
25 receipt of documents in discovery if the fact that the document was in the opponent’s
26 possession is of independent significance. Documentary evidence as to which there is
27 no stipulation regarding foundation must be accompanied by the testimony, either by
28 declaration or properly authenticated deposition transcript, of a witness who can
establish its authenticity.” Scheduling Order, II.C.2 (emphasis in original). Rocket
Lawyer has failed entirely to satisfy this requirement as to the evidence upon which it
relies. This statement applies to all objections made herein on grounds of lack of
foundation.

1 thereof and can establish their meaning and/or authenticity (Fed. R. Evid. 602); (2)
2 Exhibits 9, 32-33 contain inadmissible hearsay, not subject to any exception (Fed. R.
3 Evid. 801-804) – a consumer’s indication on a website of the helpfulness of a review
4 is an out-of-court statement by a third party that Rocket Lawyer attempts to offer for
5 the truth of the matter asserted.

6 AUF Paragraph 49: Objection to Paragraphs 10, 33-34, Exhibits 9, 32-33 of the
7 Vu Declaration on the grounds that: (1) Exhibits 9, 32-33 lack foundation because
8 they are not accompanied by the testimony of a witness who has personal knowledge
9 thereof and can establish their meaning and/or authenticity (Fed. R. Evid. 602); (2)
10 Exhibits 9, 32-33 contain inadmissible hearsay, not subject to any exception (Fed. R.
11 Evid. 801-804) – a consumer’s indication on a website of the helpfulness of a review
12 is an out-of-court statement by a third party that Rocket Lawyer attempts to offer for
13 the truth of the matter asserted.

14 AUF Paragraph 52: Objection to Paragraphs 16-18, Exhibits 15-17 of the Vu
15 Declaration on the grounds that: (1) Exhibits 15-17 lack foundation because they are
16 not accompanied by the testimony of a witness who has personal knowledge thereof
17 and can establish their meaning and/or authenticity (Fed. R. Evid. 602); (2) Exhibits
18 15-17 do not support the stated fact in AUF 52 (“LegalZoom worked with Giggy to
19 transfer operation of LegalSpring.com to LegalZoom”) because Exhibits 15-17 do not
20 contain any fact indicating that operation of Legalspring.com was transferred to
21 LegalZoom – the emails only indicate that [REDACTED]
22 [REDACTED]
23 [REDACTED] in order to do so (Fed. R. Civ. Proc.
24 56(c)(2)); (3) Exhibits 15-17 are misleading to the extent they imply that LegalZoom
25 operated LegalSpring.com, when there is no evidence indicating LegalZoom did so
26 (Fed. R. Evid. 403); and (4) Exhibits 15-17 are speculative and irrelevant because
27 they do not show that operation of Legalspring.com was transferred to LegalZoom
28 (Fed. R. Evid. 401, 402; *Munoz v. PHH Corp.*, 2013 WL 684388, *3 (E.D. Cal. Feb.

1 22, 2013) (“If the inference to be drawn from the evidence is the result of speculation
2 or conjecture, the underlying evidence is not relevant.”)).

3 AUF Paragraph 53: Objection to Paragraph 17, Exhibit 6 of the Vu Declaration
4 on grounds that: (1) Exhibit 6 lacks foundation because it is not accompanied by the
5 testimony of a witness who has personal knowledge thereof and can establish its
6 meaning and/or authenticity (Fed. R. Evid. 602); (2) Exhibit 6 is speculative and
7 irrelevant because the meaning of the term “██████████” is conjecture, particularly where
8 there is no ██████████ in evidence (Fed. R. Evid. 401, 402; *Munoz v. PHH Corp.*,
9 2013 WL 684388, *3 (E.D. Cal. Feb. 22, 2013) (“If the inference to be drawn from
10 the evidence is the result of speculation or conjecture, the underlying evidence is not
11 relevant.”)); and (3) Exhibit 6 is misleading to the extent it implies that LegalZoom
12 operated Legalspring.com (Fed. R. Evid. 403).

13 AUF Paragraph 56: Objection to Paragraphs 16-18, Exhibits 15-17 of the Vu
14 Declaration on the grounds that: (1) Exhibits 15-17 lack foundation because they are
15 not accompanied by the testimony of a witness who has personal knowledge thereof
16 and can establish their meaning and/or authenticity (Fed. R. Evid. 602); (2) Exhibits
17 15-17 do not support the stated fact in AUF 56 (“At the time the disclaimer was
18 added, LegalZoom was not merely treating LegalSpring like any affiliate, but instead
19 ██████████”) because Exhibits 15-17 do not
20 contain any fact indicating that LegalZoom ██████████
21 ██████████
22 ██████████
23 ██████████ in order to do so (Fed. R. Civ. Proc. 56(c)(2)); (3) Exhibits 15-17 are
24 misleading to the extent they imply that LegalZoom operated LegalSpring.com, when
25 there is no evidence indicating LegalZoom did so (Fed. R. Evid. 403); and (4)
26 Exhibits 15-17 are speculative and irrelevant because they do not show that
27 LegalZoom operated Legalspring.com (Fed. R. Evid. 401, 402; *Munoz v. PHH Corp.*,
28 2013 WL 684388, *3 (E.D. Cal. Feb. 22, 2013) (“If the inference to be drawn from

1 the evidence is the result of speculation or conjecture, the underlying evidence is not
2 relevant.”)).

3 In addition to the foregoing objections, LegalZoom objects to the evidence
4 Rocket Lawyer offers in support of AUF paragraphs 22-24, 26-44, 46-47, 50-51, 55
5 and 61-70, which evidence encompasses Paragraphs 3-10 and 12-34, Exhibits 2-9 and
6 11-33 of the Vu Declaration, on the grounds that Exhibits 2-9 and 11-33 lack
7 foundation because they are not accompanied by the testimony of a witness who has
8 personal knowledge thereof and can establish their meaning and/or authenticity (Fed.
9 R. Evid. 602). Each of these exhibits is something other than a deposition transcript,
10 a written discovery response, or a document where the fact that it was in the
11 opponent’s possession is of independent significance. *See* fn. 1, *supra*.

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DATED: August 4, 2014

Respectfully submitted,

GLASER WEIL FINK JACOBS
HOWARD AVCHEN & SHAPIRO LLP

By: /s/ Fred Heather
PATRICIA L. GLASER
FRED D. HEATHER
AARON P. ALLAN
Attorneys for Plaintiff
LegalZoom.com, Inc.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On August 4, 2014, I electronically filed the following document(s) using the CM/ECF system.

**EVIDENTIARY OBJECTIONS TO ROCKET LAWYER’S
OPPOSITION TO LEGALZOOM’S MOTION FOR PARTIAL
SUMMARY JUDGMENT.**

Participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on August 4, 2014 at Los Angeles, California.

/s/ Fred Heather
Fred Heather