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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,
 17 a Delaware corporation,

18 Defendant.

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

Hon. Gary A. Feess
 Courtroom: 740

DECLARATION OF AARON P. ALLAN IN SUPPORT OF (1) THE MOTION OF LEGALZOOM.COM, INC. TO SUPPLEMENT FACTUAL RECORD IN OPPOSITION TO DEFENDANT ROCKET LAWYER INCORPORATED'S MOTION FOR SUMMARY JUDGMENT; AND (2) LEGALZOOM.COM, INC'S EX PARTE APPLICATION FOR (1) ORDER SHORTENING TIME ON MOTION TO SUPPLEMENT THE RECORD SUPPORTING LEGALZOOM'S OPPOSITION TO ROCKET LAWYER'S MOTION FOR SUMMARY JUDGMENT, OR (2) IN THE ALTERNATIVE, TO CONTINUE THE HEARING ON THE PENDING CROSS MOTIONS FOR SUMMARY JUDGMENT

Date: TBD
 Time: TBD
 Courtroom: 740

DECLARATION OF AARON P. ALLAN

I, BARAK VAUGHN, declare as follows:

1. I am a partner at Glaser Weil Fink Howard Avchen & Shapiro, counsel of record for Plaintiff LegalZoom.com, Inc. (“LegalZoom”). I submit this declaration in support of LegalZoom’s Motion to Supplement Factual Record In Opposition To Defendant Rocket Lawyer Incorporated’s Motion For Summary Judgment (the “Motion”). Except as otherwise stated, I have personal knowledge of the matters stated herein and, if called upon to do so, I could and would competently testify to them under oath.

2. On September 25, 2014, I spoke on the telephone with Michael T. Jones, counsel for Rocket Lawyer, and we conferred about LegalZoom’s desire to supplement the record on Rocket Lawyer’s motion for summary judgment, and LegalZoom’s request that Rocket Lawyer not oppose a motion brought to supplement the record. Mr. Jones refused to stipulate that the record should be supplemented. Accordingly, I told Mr. Jones, and confirmed later that day in an email (attached hereto as Exhibit A), that LegalZoom would proceed to file a motion to supplement the record, and an ex parte application for an order shortening time on that motion to be heard on together with the pending summary judgment motions. I also indicated to Mr. Jones that we remained hopeful that Rocket Lawyer would reconsider its refusal to stipulate, and that we would hold off for another day on filing papers to permit such reconsideration. I did not hear from Mr. Jones the following day indicating that Rocket Lawyer had reconsidered its decision to oppose the motion and ex parte.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on this 29th day of September, 2014.


AARON P. ALLAN

EXHIBIT A

Aaron Allan

From: Aaron Allan
Sent: Thursday, September 25, 2014 11:10 AM
To: Jones, Michael T
Cc: Fred Heather; 'Cook, Brian W'; Barak Vaughn
Subject: LegalZoom v. Rocket Lawyer - Further Meet and Confer on Rule 11 Motion

Michael,

Thank you for discussing, this morning, our Rule 11 motion and our related correspondence. As I mentioned during the call, we have decided to file a motion to supplement the record, and an ex parte application for an order shortening time on that motion to be heard together with the summary judgment motions, in addition to our previously served Rule 11 motion. As Fred mentioned during the call, our offer to withdraw the Rule 11 motion in return for you agreeing not to oppose supplementation of the record on summary judgment is entirely appropriate because we are simply offering a way for you to cure the problem that our Rule 11 motion identifies: i.e., the original failure on your part to place these documents before the court which, in our view, clearly suggest a triable issue of fact. Our offer is therefore not a threat, and is merely an attempt to meet and confer and to propose a solution that would avoid motion practice.

As I also stated on the call, we remain hopeful that you will reconsider your position and not oppose these documents being placed before the court and considered as part of the summary judgment record; and to allow for that reconsideration, we will hold off on filing any documents until tomorrow morning. Absent hearing further from you today on this subject, we will plan to e-file our motion papers tomorrow.

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