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25 *Attorneys for Defendant*  
 26 **ROCKET LAWYER INCORPORATED**

27 **UNITED STATES DISTRICT COURT**  
 28 **CENTRAL DISTRICT OF CALIFORNIA**  
**WESTERN DIVISION**

19 LEGALZOOM.COM, INC., a Delaware  
 20 corporation,  
 21 Plaintiff,  
 22 v.  
 23 ROCKET LAWYER  
 24 INCORPORATED, a Delaware  
 25 corporation,  
 26 Defendant.

Case No. 2:12-cv-09942-GAF-AGR

**DECLARATION OF MICHAEL  
 JONES IN SUPPORT OF ROCKET  
 LAWYER'S OPPOSITION TO  
 LEGALZOOM'S MOTION FOR  
 RULE 11 SANCTIONS**

Date: October 27, 2014  
 Time: 9: 30 a.m.  
 Judge: Judge Gary A. Feess  
 Courtroom: 740  
 255 East Temple Street  
 Los Angeles, CA 90012  
 Action Filed: November 20, 2012



1           8.       Attached hereto as **Exhibit 3** is a true and correct copy of a letter I  
2 received from counsel for LegalZoom on September 25, 2014.

3           9.       On September 25, 2014, I again telephonically met and conferred with  
4 counsel for LegalZoom again urged Rocket Lawyer to allow LegalZoom to  
5 supplement the summary judgment record without opposition in order to avoid  
6 LegalZoom's Rule 11 Motion. Rocket Lawyer refused to waive its right to oppose  
7 an untimely motion to supplement the record to avoid a threat of sanctions.

8           10.      At numerous meet and confer discussions relating to discovery,  
9 counsel for LegalZoom has informed me and my colleagues that they have been  
10 actively reviewing documents for production.

11          11.      To date, LegalZoom and third party Travis Giggy, who is also  
12 represented by Glaser Weil Fink Howard Avchen & Shapiro LLP, have produced  
13 just over 3,300 documents.

14           I declare under penalty of perjury under the laws of the State of California  
15 that the foregoing is true and correct. Executed on this 1st day of October, 2014.

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*/s/ Michael T. Jones*  
MICHAEL T. JONES

# ***EXHIBIT 1***

***[CONFIDENTIAL - LODGED  
UNDER SEAL]***

***EXHIBIT 1***

# ***EXHIBIT 2***

**[CONFIDENTIAL - LODGED  
UNDER SEAL]**

***EXHIBIT 2***

***EXHIBIT 3***

***EXHIBIT 3***

# Glaser Weil

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Aaron P. Allan

September 25, 2014

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## VIA EMAIL

Michael T. Jones  
(mjones@goodwinprocter.com)  
Goodwin Procter LLP  
135 Commonwealth Drive  
Menlo Park, CA 94025

Re: **LegalZoom.com, Inc. v. Rocket Lawyer Incorporated – LegalZoom’s Rule 11 Motion**

Dear Michael,

Your letter sent yesterday afternoon purports to recount a position that we took on behalf of LegalZoom during a telephonic meeting and conference yesterday morning concerning LegalZoom’s Rule 11 motion which was originally served, but not filed, on September 2, 2014 (the “Rule 11 Motion”). Because your letter is mistaken about LegalZoom’s position, I am writing to correct the record.

Prior to our telephone call, you had expressed Rocket Lawyer’s position, in writing, that it did not view the Rule 11 Motion as having merit because the documents that Rocket Lawyer chose not to reveal to the Court would not (in your view) have created any triable issue of fact as to Rocket Lawyer’s pending motion for summary judgment. In response to that position, and in an attempt to meet and confer to *avoid* filing the Rule 11 Motion, we offered to *avoid* seeking sanctions if Rocket Lawyer would essentially agree to place the disputed documents before the Court. Our reasoning, as we explained during the call, was that if you are so confident that the disputed documents would not convince the Court that a triable issue precludes Rocket Lawyer’s motion for summary judgment, then let’s simply put those documents before the Court and let the Court decide. We offered to desist from filing the Rule 11 Motion if you would agree to allow us to put those documents before the Court without objection. You indicated that you were not inclined to do that. We then suggested that the parties further consider the issue over night, and we set up another telephone call for tomorrow at 10:00 a.m. to further discuss the issue.

We are therefore surprised at both the tone and substance of your letter, which purports to describe a conversation very different from the one which Fred and I participated in with you

Michael T. Jones  
Goodwin Procter LLP  
September 25, 2014  
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yesterday morning. We made no threats, and in fact offered to reconsider the entire topic over night. Moreover, your citation to Rule 5-100 is somewhat disingenuous given Rocket Lawyer's previously served motion for sanctions which not only was intended to seek a litigation advantage, but which in fact resulted in Rocket Lawyer obtaining the litigation advantage of LegalZoom withdrawing a single ground upon which it had relied in moving for partial summary judgment.

We are still considering the most appropriate way to proceed, given (a) Rocket Lawyer's attempt to bury these extremely relevant survey documents within a last minute production of over 15,000 documents made after Rocket Lawyer filed its summary judgment motion, (b) the subsequent passage of time spent by the parties to mediate, and (c) the additional passage of twenty-one days after we served the Rule 11 Motion. We still believe that judicial economy and the interests of the Court and the parties would be best served by simply agreeing to place these internal Rocket Lawyer survey documents before the Court without objection. But if the only solution is motion practice, then you are leaving us with no choice. We look forward to further discussions today.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'A. Allan', with a horizontal line extending to the right.

AARON P. ALLAN  
of GLASER WEIL FINK HOWARD AVCHEN & SHAPIRO LLP

APA:cc