

1 PATRICIA L. GLASER - State Bar No. 55668
 pglaser@glaserweil.com
 2 FRED D. HEATHER - State Bar No. 110650
 fheather@glaserweil.com
 3 AARON P. ALLAN - State Bar No. 144406
 aallan@glaserweil.com
 4 GLASER WEIL FINK HOWARD
 AVCHEN & SHAPIRO LLP
 5 10250 Constellation Boulevard, 19th Floor
 Los Angeles, California 90067
 6 Telephone: (310) 553-3000
 Facsimile: (310) 556-2920

7 Attorneys for Plaintiff
 8 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
 corporation,

13 Plaintiff,

14 v.

15 ROCKET LAWYER INCORPORATED,
 16 a Delaware corporation,

17 Defendant.

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

Hon. Gary A. Feess
 Courtroom: 740

**DECLARATION OF AARON P.
 ALLAN IN SUPPORT OF REPLY
 MEMORANDUM OF POINTS AND
 AUTHORITIES TO
 LEGALZOOM.COM, INC'S
 MOTION FOR RULE 11
 SANCTIONS**

Date: October 27, 2014
 Time: 9:30 a.m.
 Courtroom: 740

Complaint Filed: November 20, 2012

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF AARON P. ALLAN

I, AARON P. ALLAN, declare and state as follows:

1. I am an attorney at law duly admitted to practice before all courts of the State of California and am a Partner of the law firm of Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP, attorneys of record herein for Plaintiff LegalZoom.com, Inc. (“LegalZoom”). I submit this declaration in support of the Reply Memorandum of Points and Authorities to LegalZoom’s Motion for Rule 11 Sanctions. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. Attached hereto as Exhibit A is a true and correct copy of a letter which I received from Rocket Lawyer’s counsel Michael Jones, dated August 20, 2014, which enclosed a motion for Rule 11 sanctions that Rocket Lawyer was threatening to file in connection with LegalZoom’s pending motion for partial summary judgment.

3. Attached hereto as Exhibit B is a true and correct copy of a letter dated September 9, 2014, which I sent back in response to Mr. Jones’ letter, stating LegalZoom’s disagreement with Mr. Jones’ position on Rule 11 sanctions and proposing a means for the parties to avoid motion practice on that disagreement.

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 this 13th day of October, 2014, at Los Angeles, California.



Aaron P. Allan

EXHIBIT A

GOODWIN PROCTER

Michael T. Jones
650.752.3279
mjones@goodwinprocter.com

Goodwin Procter LLP
Counselors at Law
135 Commonwealth Drive
Menlo Park, CA 94025-1105
T: 650.752.3100
F: 650.853.1038

August 20, 2014

VIA E-MAIL AND FEDERAL EXPRESS

Fred D. Heather (*fheather@glaserweil.com*)
Aaron P. Allan (*aallan@glaserweil.com*)
Barak Vaughn (*bvaughn@glaserweil.com*)
Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP
10250 Constellation Boulevard, 19th Floor
Los Angeles, CA 90067

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

Dear Counsel:

Pursuant to Federal Rule of Civil Procedure 11(c)(2), enclosed please find Rocket Lawyer's Motion for Rule 11 Sanctions based on the factual misrepresentations in LegalZoom's Motion for Partial Summary Judgment and supporting declarations. Specifically, the statements relating to LegalZoom's lack of control over the content of LegalSpring.com are directly contradicted by the documents produced by LegalZoom and Travis Giggy in this action. Also enclosed is the Declaration of Michael T. Jones in support of this Motion with accompanying exhibits, a proposed order, and a proof of service.

Under Rule 11, LegalZoom now has twenty-one (21) days in which to withdraw its Motion for Partial Summary Judgment and declarations. Should LegalZoom decide not to withdraw these offending documents within the twenty-one day safe harbor period, Rocket Lawyer intends to seek leave of Court to file the enclosed Motion to seek relief from the Court.

Please let us know if you would like to discuss.

Sincerely,



Michael T. Jones

Enclosures

cc: Forrest A. Hainline III
Hong-An Vu
Brian W. Cook

EXHIBIT B

Aaron Allan

From: Aaron Allan
Sent: Tuesday, September 09, 2014 9:00 AM
To: Jones, Michael T
Cc: Fred Heather
Subject: Rocket Lawyer's Rule 11 Motion
Attachments: LegalZoom, Inc. v. Rocket Lawyer.pdf

Michael,

Please see the attached letter, and please call me to discuss.

Aaron P. Allan | Partner
Glaser Weil Fink Howard Avchen & Shapiro LLP
10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067
Main: 310.553.3000 | Direct: 310.282.6279 | Fax: 310.785.3579

Glaser Weil

10250 Constellation Blvd.
19th Floor
Los Angeles, CA 90067
310.553.3000 TEL
310.556.2920 FAX

Aaron P. Allan

September 9, 2014

Direct Dial
310.282.6279
Direct Fax
310.785.3579

Email
aallan@glaserweil.com

VIA EMAIL & FEDERAL EXPRESS

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

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

Dear Michael,

I am writing in response to your letter dated August 20, 2014, which enclosed Rocket Lawyer’s Motion for Rule 11 Sanctions. We strongly disagree with the arguments upon which Rocket Lawyer’s motion is based. There is no possibility that the Court has been misled by LegalZoom’s motion for partial summary judgment because each of the factual matters Rocket Lawyer complains were not adequately disclosed by LegalZoom were thoroughly disclosed and argued by Rocket Lawyer in its opposition papers. Moreover, the issue of whether LegalZoom “did not author or control the content of” Legalspring.com remains subject to competing legal arguments by the parties. The Court can appropriately review the parties’ respective briefs on this subject and make a determination. There has been no omission of facts by LegalZoom on this issue, and no attempt to deceive the Court.

Notwithstanding the above, and solely to avoid what we view as time wasting and unnecessary motion practice, LegalZoom is prepared to withdraw that portion of its partial summary judgment motion, section III.B.3, which argues for judgment based on a lack of authorship or control of the content at Legalspring.com. The remainder of LegalZoom’s motion would remain ripe for determination by the Court.

Please let me know immediately whether this would be an acceptable means for the parties to avoid motion practice on this issue. If it is, then LegalZoom will file an appropriate notice with the Court which withdraws section III.B.3.

Michael T. Jones
Goodwin Procter LLP
September 9, 2014
Page 2

Please respond to this letter, by either calling or emailing me, before filing your motion with the Court.

Sincerely yours,

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

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

APA:cc

Glaser Weil Fink Jacobs
Howard Avchen & Shapiro LLP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE 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 October 13, 2014, I electronically filed the following document(s) using the CM/ECF system.

DECLARATION OF AARON P. ALLAN IN SUPPORT OF REPLY MEMORANDUM OF POINTS AND AUTHORITIES TO LEGALZOOM.COM, INC'S MOTION FOR RULE 11 SANCTIONS

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 October 13, 2014 at Los Angeles, California.

/s/ Fred D. Heather

Fred D. Heather