

GAUNTLETT & ASSOCIATES

David A. Gauntlett (SBN 96399)
James A. Lowe (SBN 214383)
Brian S. Edwards (SBN 166258)
18400 Von Karman, Suite 300
Irvine, California 92612
Telephone: (949) 553-1010
Facsimile: (949) 553-2050
jal@gauntlettlaw.com
bse@gauntlettlaw.com

Attorneys for Defendants
Akanoc Solutions, Inc.,
Managed Solutions Group, Inc.
and Steven Chen

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

LOUIS VUITTON MALLETIER, S.A.,

Plaintiff,

vs.

AKANOC SOLUTIONS, INC., et al.,

Defendants.

) Case No.: C 07-3952 JW

) Hon. Magistrate Judge Howard R. Lloyd

) **DECLARATION OF JAMES A. LOWE
IN SUPPORT OF MOTION TO COMPEL
THE DEPOSITION OF PLAINTIFF
LOUIS VUITTON MALLETIER, S.A.**

) [Fed. R. Civ. P. 30(b)(6), 37(a)]

) Date: April 22, 2008

) Time: 10:00 a.m.

) Dept.: Courtroom 2, 5th Floor

1 I, JAMES A. LOWE, declare:

2 1. I am an attorney duly licensed to practice law before this Court and am a Senior
3 Associate of the law firm of Gauntlett & Associates, counsel of record for Defendants Managed
4 Solutions Group, Inc., ("MSG"), Akanoc Solutions, Inc., and Steven Chen.

5 2. I have personal knowledge of the facts stated in this declaration and could testify
6 competently to them if called upon as a witness.

7 3. This declaration is submitted in support of MSG's Motion to Compel the deposition
8 of plaintiff Louis Vuitton Malletier, S.A. ("LV").

9 4. On April 1, 2008, I took the deposition of Robert Holmes, LV's investigator in this
10 case, in Dallas, Texas. Attached hereto as **Exhibit "1504"** are true copies of excerpts of record of
11 the transcript from that deposition.

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

14 Executed at Irvine, California on April 8, 2008.

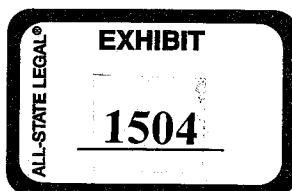
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16 
17 JAMES A. LOWE
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EXHIBIT 1504

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LOUIS VUITTON MALLETTIER, S.A.,)
)
 PLAINTIFF)
 VS) C.A. NO. C 07 3952 JW
)
AKANOC SOLUTIONS, INC., MANAGED)
SOLUTIONS GROUP, INC., STEVEN)
CHEN AND DOES 1 THROUGH 10,)
INCLUSIVE,)
 DEFENDANTS)
_____)

ORAL DEPOSITION OF ROBERT L. HOLMES,
produced as a witness at the instance of the Defendants,
and duly sworn, was taken in the above-styled
and -numbered cause on the 1st day of April, 2008, from
9:31 AM to 6:22 PM, before Ronald R. Cope, a CSR in and
for the State of Texas, Registered Professional Reporter
and Certified Realtime Reporter, reported by machine
shorthand at the offices of U.S. Legal
Support/MillerParker, Inc., 5910 North Central
Expressway, 100 Premier Place, Dallas, Texas, 75206,
pursuant to the Federal Rules of Civil Procedure and the
provisions stated on the record or attached hereto.



ROBERT L. HOLMES

1 A. Your question was who?

2 Q. (BY MR. LOWE) Who.

3 A. Nikolay.

4 Q. Mr. Livadkin?

5 A. Yes, sir.

6 Q. Okay. And what -- first of all, when was that?

7 A. I do not remember exactly.

8 Q. Can you approximate it?

9 A. Sometime in 2007.

10 Q. And what were you asked to do?

11 A. Make undercover purchases from websites.

12 Q. Just any websites, or were you given some
13 specific websites?

14 A. There were a series of assignments.

15 Q. Tell me about them.

16 A. Some websites -- I typically receive
17 assignments from clients for specific websites.

18 Q. So in this particular case, tell me the process
19 that your investigation went through. You received an
20 assignment, you did something, then you did something
21 else. So how did it start, and then what did you do?

22 A. Usually I receive an assignment from a client
23 to purchase a specific product or a specific-brand
24 product from a website. We do that, we process the
25 evidence, and we forward it to the client, typically.

1 Q. Is that really the extent of your work for
2 them?

3 A. No, sir.

4 Q. What else do you do?

5 A. Depending upon what the client requests, we
6 investigate the people who are selling the product and
7 the other entities involved.

8 Q. In this particular case, tell me what you did.

9 A. I received several assignments from
10 Mr. Livadkin, and all of them -- I would say most of
11 them required me to make purchases from websites, and
12 some of them required me to investigate the entities
13 involved.

14 Q. When you were -- you say you were given
15 assignments. Does that mean that you were asked to look
16 at a particular website and make a purchase from that
17 website?

18 A. Often, yes.

19 Q. Okay. What other assignment do you get from
20 Mr. Livadkin?

21 MR. COOMBS: In connection with this case?

22 MR. LOWE: In this case, yes.

23 A. Investigate the entities involved.

24 Q. (BY MR. LOWE) And what does that involve?

25 A. It involves me establishing what I call virtual

1 counsel as well; but obviously, no system is perfect.

2 Q. So the reports you made certainly went to the
3 client. Mr. Livadkin would be your contact there?

4 A. Yes, sir.

5 Q. And presumably copies went to Mr. Coombs?

6 A. Yes, sir.

7 Q. In connection with your investigation of
8 websites that Mr. Livadkin assigned you to look at, what
9 do you typically do? What course of investigation do
10 you normally follow when Louis Vuitton asks you to
11 investigate a website?

12 MR. COOMBS: Beyond what he's already
13 testified to?

14 MR. LOWE: Yes.

15 A. I answered that question earlier. If you have
16 a specific question, I'll be happy to answer it.

17 Q. (BY MR. LOWE) That is a specific question. In
18 other words, you get an assignment from Mr. Livadkin.
19 What do you do? Does he tell you what to do, or do you
20 have a process that you normally follow?

21 A. I have a process.

22 Q. And what is that process?

23 A. Typically, once an assignment is received in
24 our office, it's given a case number and a case name,
25 and then it's input into a database. And then it's

1 given a file, physical file, manila file folder, and
2 then the assignment is either printed or copied and put
3 into that file. That file is given to someone in our
4 office, who makes a purchase, and then that file is
5 filed until the purchase arrives. And once the purchase
6 arrives, we process the evidence and either forward it
7 to the client or store it ourselves.

8 Q. Now, before you make a purchase, do you have to
9 do anything else, like actually look at a website or
10 determine what's for sale?

11 A. Yes, sir.

12 Q. Tell me about that. What process do you follow
13 there?

14 A. The same process you would if you bought
15 something off of amazon.com.

16 Q. I don't know that I do that. Why don't you
17 tell me what you do.

18 A. We look at it.

19 Q. You go to the website?

20 A. Yes, sir.

21 Q. Okay. And you're looking for something
22 specific, for example, if Louis Vuitton has hired you to
23 do the work?

24 A. If the client requests a specific product, we
25 will select that product if it is available; and if the

1 party before the completion of the deposition.

2 I further certify that I am neither
3 attorney or counsel for, nor related to or employed by
4 any of the parties to the action in which this
5 deposition is taken, and further that I am not a
6 relative or employee of any attorney or counsel employed
7 by the parties hereto, or financially interested in the
8 action.

9 CERTIFIED TO BY ME on this the 7th day of
10 April, 2008.

11
12
13 RONALD R. COPE, CSR, RPR, CRR, CLR
14 Texas CSR 1813
15 Expiration Date: 12/31/09
16 US Legal Support/MillerParker
17 CRCB Registration No. 343
18 100 Premier Place
19 5910 North Central Expressway
20 Dallas, Texas 75206-5190
21 (214) 369-3376

22 Charge for transcript and exhibits \$ _____

23 To be paid by Defendant James A. Lowe
24
25

ROBERT L. HOLMES