

The Honorable James L. Robart

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SOARING HELMET CORPORATION, a  
Washington corporation,

Plaintiff,

v.

NANAL, INC., d/b/a LEATHERUP.COM, a  
Nevada corporation,

Defendant.

No. C09-789-JLR

DECLARATION OF STACIA N. LAY IN  
SUPPORT OF DEFENDANT NANAL,  
INC.'S MOTIONS IN LIMINE

NOTE ON MOTION CALENDAR:  
January 21, 2011

I, Stacia N. Lay, on oath declare and state as follows:

1. I am an associate attorney with the law firm Hendricks & Lewis, PLLC. I represent Defendant Nanal, Inc. ("Nanal") in this action. I am over the age of 18 and, if called upon to testify, could testify competently to the matters stated herein.

2. Attached hereto as **Exhibit 1** is a true and correct copy of Plaintiff's Amended Initial Disclosures Pursuant to FED. R. CIV. PRO. 26(a)(1), which we received on or about February 3, 2010. Based on the page numbering, the copy received appears to be missing a couple of pages.

3. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiff's Second Amended Complaint, Docket No. 48, which was e-filed in this action on May 13, 2010.

4. Attached hereto as **Exhibit 3** are true and correct excerpts from Plaintiff's Answers to Defendant Nanal, Inc.'s First Set of Interrogatories Nos. 1-22 to Plaintiff Soaring

DECLARATION OF STACIA N. LAY (C09-789-JLR) - 1  
{94672.DOC}

1 Helmet Corporation, which we received by email on June 21, 2010 and by mail on June 23,  
2 2010.

3 5. Attached hereto as **Exhibit 4** are true and correct excerpts from Defendant Nanal,  
4 Inc.'s First Set of Requests for Production Nos. 1-29 to Plaintiff Soaring Helmet Corporation and  
5 Objections and Responses Thereto, which we received by email on July 30, 2010 and by mail on  
6 August 2, 2010.

7 6. Attached hereto as **Exhibit 5** are true and correct excerpts from Plaintiff's  
8 Supplemental Answers to Defendant Nanal, Inc.'s First Set of Interrogatories Nos. 1-22 to  
9 Plaintiff Soaring Helmet Corporation, which we received by email on August 26, 2010 and by  
10 mail on August 27, 2010.

11 7. Attached hereto as **Exhibit 6** are true and correct excerpts from Plaintiff's  
12 Answers to Defendant's First Set of Requests for Admission, which we received by email on  
13 September 17, 2010 and by mail on September 21, 2010.

14 8. Attached hereto as **Exhibit 7** is a true and correct copy, without the attached  
15 exhibit, of the Declaration of Jeanne DeMund in Support of Plaintiff's Response to Defendant's  
16 Motion for Summary Judgment, Docket No. 61, which was e-filed in this action on November  
17 22, 2010.

18 9. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of  
19 Wayne Layman in Support of Plaintiff's Response to Defendant's Motion for Summary  
20 Judgment, Docket No. 62, which was e-filed in this action on November 22, 2010.

21 10. Attached hereto as **Exhibit 9** is a true and correct copy of the Declaration of Joy  
22 Loga in Support of Plaintiff's Response to Defendant's Motion for Summary Judgment, Docket  
23 No. 63, which was e-filed in this action on November 22, 2010.

24 11. Attached hereto as **Exhibit 10** is a true and correct copy, without the attached  
25 exhibits, of the Declaration of Claudia Mallard in Support of Plaintiff's Response to Defendant's  
26 Motion for Summary Judgment, Docket No. 64, which was e-filed in this action on November  
27 22, 2010.

1           12. Attached hereto as **Exhibit 11** is a true and correct copy of the Declaration of  
2 Heather M. Morado in Support of Plaintiff's Response to Defendant's Motion for Summary  
3 Judgment and Exhibit N thereto, Docket Nos. 66 and 66-14, respectively, which were e-filed in  
4 this action on November 22, 2010.

5           13. Attached hereto as **Exhibit 12** is a true and correct copy of a document produced  
6 by Plaintiff in discovery in this action, Bates numbered SHC – 101. Defendant first received the  
7 document by email on September 17, 2010, followed by a hard copy received on September 21,  
8 2010.

9           14. Attached hereto as **Exhibit 13** is a true and correct copy of a letter, dated August  
10 11, 2010, that I sent to counsel for Plaintiff, Heather M. Morado, requesting a conference to  
11 discuss Plaintiff's responses to Nanal's first set of discovery requests. Counsel subsequently  
12 conferred on August 18, 2010, during which conference, Plaintiff's counsel agreed to provide  
13 supplemental interrogatory responses and documents pertaining to damages.

14           15. Attached hereto as **Exhibit 14** are true and correct copies of documents produced  
15 by Plaintiff in discovery in this action, Bates numbered SHC 189 through SHC 211, which  
16 Plaintiff has identified as proposed trial exhibit number 14.

17           16. Attached hereto as **Exhibit 15** are true and correct excerpts from Plaintiff's  
18 Response to Motion to Strike, Docket No. 80, which was e-filed in this action on December 28,  
19 2010.

20           17. Attached hereto as **Exhibit 16** is a true and correct copy of Defendant's Surreply  
21 Brief Re Plaintiff's "Praecipe" and Supplemental Declaration of Heather M. Morado in Support  
22 of Plaintiff's Response to Defendant's Motion for Summary Judgment, Docket No. 73, which  
23 was e-filed in this action on December 1, 2010.

24           18. Attached hereto as **Exhibit 17** are true and correct excerpts from Defendant  
25 Nanal, Inc.'s Motion for Summary Judgment, Docket No. 57, which was e-filed in this action on  
26 November 3, 2010.

19. Attached hereto as **Exhibit 18** are true and correct excerpts from Plaintiff's Response to Defendant's Motion for Summary Judgment, Docket No. 60, which was e-filed in this action on November 22, 2010.

20. Attached hereto as **Exhibit 19** are true and correct excerpts from Defendant Nanal, Inc.'s Reply in Support of Motion for Summary Judgment, Docket No. 67, which was e-filed in this action on November 26, 2010.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the Reply Declaration of Albert Bootesaz in Support of Defendant Nanal, Inc.'s Motion for Summary Judgment, Docket No. 68, which was e-filed in this action on November 26, 2010.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington, this 4th day of January, 2011.

s/Stacia N. Lay  
STACIA N. LAY

1 **PROOF OF SERVICE**

2 I am employed in the County of King, State of Washington. I am over the age of  
3 eighteen years and am not a party to the within action. My business address is Hendricks &  
4 Lewis PLLC, 901 Fifth Avenue, Suite 4100, Seattle, Washington 98164.

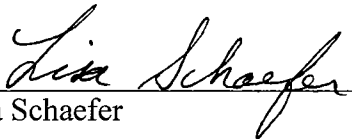
5 I hereby certify that on January 4, 2011, I electronically filed the foregoing with the Clerk  
6 of the Court using the CM/ECF system which will send notification of such filing to the  
7 following CM/ECF participants:

8 Heather M. Morado, Esq.  
9 Stacie Foster, Esq.  
10 Invicta Law Group, PLLC  
11 1000 Second Avenue, Suite 3310  
12 Seattle, Washington 98104  
13 Telephone: (206) 903-6364  
[hmorado@invictalaw.com](mailto:hmorado@invictalaw.com)  
[sfoster@invictalaw.com](mailto:sfoster@invictalaw.com)  
[sedmiston@invictalaw.com](mailto:sedmiston@invictalaw.com)

14 Attorneys for Plaintiff Soaring  
15 Helmet Corporation

16 I declare under penalty of perjury under the laws of the State of Washington that the  
17 foregoing is true and correct.

18 Executed January 4, 2011, at Seattle, Washington.

19  
20   
21 Lisa Schaefer