

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

SOARING HELMET CORPORATION, a
Washington Corporation,

Plaintiff,

v.

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

Defendant.

NO. C 09-0789 JLR

DECLARATION OF HEATHER M.
MORADO IN SUPPORT OF
MOTION IN LIMINE TO EXCLUDE
EVIDENCE REDUCING SOARING
HELMET'S DAMAGES

My name is Heather Morado. I am over the age of 21, have personal knowledge of the facts stated herein, and am otherwise competent to make this declaration. I declare as follows:

1. I am an attorney at Invicta Law Group, PLLC, counsel to Plaintiff in this matter.

2. Attached hereto as Exhibit A are true and correct copies of Plaintiff's first set of interrogatories and first set of requests for production of documents that were served on Defendant Nanal, Inc. ("Defendant") on June 11, 2010.

DECLARATION OF HEATHER M. MORADO – 1

INVICTA LAW GROUP, PLLC
1000 SECOND AVENUE, SUITE 3310
SEATTLE, WA 98104-1019
FAX (206) 903-6365
TEL (206) 903-6364

1 3. Attached hereto as Exhibit B is a true and correct copy of Defendant's answer
2 to Plaintiff's interrogatory number 3, dated July 30, 2010.

3 4. Attached hereto as Exhibit C is a true and correct copy of Defendant's
4 answers to Plaintiff's interrogatory numbers 5 and 12, dated July 30, 2010.

5 5. Attached hereto as Exhibit D is a true and correct copy of Plaintiff's August
6 16, 2010 letter to counsel for Defendant regarding discovery issues to be discussed in the
7 parties' CR 37 conference.

8 6. On August 18, 2010, I engaged in a CR 37 telephone conference with counsel
9 for Defendant.

10 7. Attached as Exhibit E is a true and correct copy of the August 18, 2010 e-mail
11 to counsel for Defendant confirming our discussion in the CR 37 conference that Defendant
12 would supplement its deficient responses and produce documents requested by Soaring
13 Helmet.

14 8. Attached hereto as Exhibit F is a true and correct copy of an e-mail I received
15 from counsel for Defendant, confirming that it would remedy its inadequate discovery
16 responses, which specifically included interrogatory numbers 3, 5, 12, and request for
17 production number 15.

18 9. Attached hereto as Exhibit G is a true and correct copy of Plaintiff's August
19 20, 2010 follow-up letter to counsel for Defendant requesting the promised supplemental
20 discovery responses.

21 10. Attached hereto as Exhibit H is a true and correct copy of the September 15,
22 2010 letter to counsel for Defendant again requesting the promised supplemental discovery
23 responses.

1 11. Attached hereto as Exhibit I is a true and correct copy of Nanal's "corrected"
2 response to interrogatory number 3, dated September 16, 2010.

3 12. Attached hereto as Exhibit J are true and correct copies of Defendant's
4 supplemental responses to interrogatories 5 and 12, dated September 16, 2010.

5 13. Attached hereto as Exhibit K is a true and correct copy of page 55, lines 12-18
6 of the Deposition of Albert Bootesaz 30(b)(6).

7 14. Attached hereto as Exhibit L are true and correct copies of page 53, lines 22-
8 25; page 54, lines 1-3 and lines 16-21 of the Deposition of Albert Bootesaz 30(b)(6).

9 15. I did not file a motion to compel evidence of Defendant's gross and net profits
10 attributable to the sales of XElement Vega jackets because Defendant contended that this
11 evidence did not exist.

12 16. Attached hereto as Exhibit M is a true and correct copy of Plaintiff's
13 September 21, 2010 letter to counsel for Nanal.

14 17. Attached hereto as Exhibit N is a true and correct copy of the October 1, 2010
15 letter I received from counsel for Nanal.

16 18. Attached hereto as Exhibit O is a true and correct copy of Defendant's
17 supplemental document production, dated October 15, 2010.

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1 I declare under penalty of perjury under the laws of the state of Washington that the
2 foregoing is true and correct to the best of my knowledge and belief.

3 DATED this 4th day of January, 2011.

4 INVICTA LAW GROUP, PLLC

5 By 

6 Heather M. Morado, WSBA #35135
7 Attorney for Plaintiff
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