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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

GINA KIM, on behalf of a class consisting of herself and all other persons similarly situation,)	Cause No. 2:11-CV-00214 RSM
)	
Plaintiffs,)	DECLARATION OF CHRISTOPHER CARNEY IN SUPPORT OF MOTION TO STRIKE AND FOR SANCTIONS PURSUANT TO WASHINGTON'S ANTI-SLAPP STATUTE, RCW 4.24.525
vs.)	
COACH, INC., a Maryland corporation, and COACH SERVICES, INC., a Maryland corporation,)	
)	
Defendants.)	

I, Christopher Carney, declare as follows:

1. I am over the age of eighteen and competent to make the statements contained in this declaration.
2. I am one of the attorneys of record for Gina Kim in this matter, and I am one of the defendants named in defendant Coach, Inc.'s counterclaim, alleging that I and my colleague Jay Carlson have defamed Coach, Inc. ("Coach").
3. Shortly after Mr. Carlson, Mr. Moore and I filed and served the class action complaint against Coach, I was contacted by a reporter from King 5 News, a local television news broadcaster. Neither I nor anyone else associated with lawsuit had sought the attention of this reporter. The reporter requested an interview with Ms. Kim's attorneys concerning the nature of the claims in the lawsuit.
4. In order to reach an audience likely containing additional prospective class members and
Cause No. 2:11-CV-00214 RSM
DECLARATION OF CHRISTOPHER CARNEY - 1

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1 to solicit their participation in the class action lawsuit, Mr. Carlson and I agreed to be
2 interviewed about the lawsuit. During the interview, we answered questions about the claims
3 and discussed portions of the class complaint that we had filed and served.

4 5. In response to the reporter's questions, I remarked that Ms. Kim had offered for sale a
5 handbag that she acquired directly from Coach and that the bag was unquestionably legitimate.
6 From my investigation of the lawsuit I knew that the handbag was a genuine Coach product. I
7 knew that Ms. Kim had previously worked for a Coach retailer and had purchased the handbag
8 from Coach. I also knew that no one working on behalf of Coach had ever contacted Ms. Kim to
9 inquire about the handbag's authenticity and origin. Based on this knowledge, I expressed the
10 opinion that Coach had not investigated its threats against her or its unequivocal, and false,
11 statement that she was selling a counterfeit Coach handbag.

12 6. At the time that I made the statements in the interview concerning Coach's failure to
13 investigate their threats against Ms. Kim, I certainly believed them to be true. I knew that Coach
14 had falsely claimed that Ms. Kim was selling a counterfeit product, a claim it easily could have
15 checked through even minimal investigation. Ms. Kim had even posted photos of the actual
16 handbag at issue, which was a legitimate Coach bag, in her eBay ad. Coach never contacted her,
17 never looked at the handbag, and apparently never analyzed the photos of the handbag. There
18 was certainly a good faith basis for my contemporaneous belief in the truth of my opinion about
19 Coach's lack of investigation.

20 7. Since that time, Coach, in correspondence and in its Answer, has claimed that Ms. Kim's
21 colloquial use of the term "new" in her eBay listing was alone sufficient to justify Coach's
22 unequivocal statement that she had committed trademark infringement, and its threats of
23 litigation against her. See dkt # 6, p. 13-14, ¶ 13-14. This demonstrates what I have always
24 believed: that Coach and/or its attorneys did nothing to investigate their claims against Ms. Kim,
25 they simply read her listing and dispatched threatening and defamatory letters to Ms. Kim and to
26 eBay without investigation. Moreover, Ms. Kim's use of the word "new" to describe the
27 handbag was entirely accurate. According to the American Heritage Dictionary of the English
28 Language, new is defined as: "Never used or worn before now." Under this commonly accepted

