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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KEVIN MCCLINTIC, on behalf of himself)
and all others similarly situated,)

Plaintiff,)

v.)

LITHIA MOTORS, INC.)

Defendant.)

No. 11-cv-00859

**DECLARATION OF CHRIS
COOLEY IN SUPPORT OF LITHIA
MOTORS, INC.'S OPPOSITION TO
PLAINTIFF-INTERVENOR DAN
McLAREN'S MOTION TO
INTERVENE**

CHRIS COOLEY declares as follows:

1. I am employed by Lithia Motors, Inc., and I am in charge of Lithia's one-to-one marketing department. I make the following statements based upon my personal knowledge of the facts set forth herein.

2. Dan McLaren is a former employee of Lithia Motors, Inc. He began working for Lithia as an advertising department specialist in April of 2008. He was subsequently promoted to an advertising department manager, and his position then changed to Regional Marketing Manager in July of 2009. As a part of his duties, McLaren worked with a number of Lithia dealerships to advertise and market to Lithia's customers.

3. McLaren urged the dealerships to consider marketing to their customers via text messages. I participated in a meeting with McLaren in which he proposed advertising to customers via a new text message technology. He encouraged Lithia to use a technology that

1 would obtain individuals' cell phone numbers as they stepped onto Lithia's dealership lots.
2 He wanted Lithia to then send these individuals advertisements via text messages. Lithia
3 chose not to go forward with this method of advertising. However, during his employment at
4 Lithia, McLaren was advocating that Lithia communicate to its customers via text message
5 campaigns.

6 4. McLaren's position was eliminated on March 5, 2011.

7 I declare under penalty of perjury under the laws of Washington and the United States
8 of America that the foregoing is true and correct.

9 DATED this 8th day of August, 2011, at Medford, Oregon.

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Chris Cooley

1 **CERTIFICATE OF SERVICE**

2 Pursuant to RCW 9.A.72.085, the undersigned certifies under penalty of perjury under
3 the laws of the State of Washington, that on the 8th day of August, 2011, the document
4 attached hereto was presented to the Clerk of the Court for filing and uploading to the
5 CM/ECF system. In accordance with their ECF registration agreement and the Court's rules,
6 the Clerk of the Court will send e-mail notification of such filing to all CM/ECF participants
7 and any non-CM/ECF participants will be served in accordance with the Federal Rules of
8 Civil Procedure.

9 **Kim Williams**
10 **Rob Williamson**
11 Williamson & Williams
12 17253 Agate Street NE
13 Bainbridge Island, WA 98110
14 E-Mail: roblin@williamslaw.com
15 E-Mail: kim@williamslaw.com

16 **Clifford A Cantor**
17 627 208TH AVE SE
18 SAMMAMISH, WA 98074-7033
19 425-868-7813
20 Fax: 425-868-7870
21 Email: cacantor@comcast.net
22 *ATTORNEY TO BE NOTICED*

23 **John C Ochoa**
24 EDELSON MCGUIRE LLC
25 350 NORTH LASALLE STREET
26 STE 1300
CHICAGO, IL 60654
630-572-7209
Email: jochoa@edelson.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

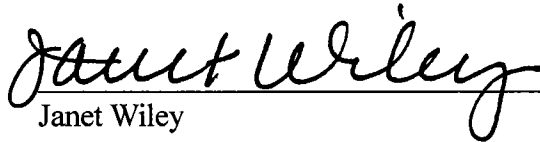
Michael J McMorro
EDELSON MCGUIRE LLC
350 NORTH LASALLE STREET
STE 1300
CHICAGO, IL 60654
312-589-6370

1 Email: mjmcmmorrow@edelson.com

2 *PRO HAC VICE*

3 *ATTORNEY TO BE NOTICED*

4 DATED this 8th day of August, 2011 at Seattle, Washington.

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6 Janet Wiley

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