

THE HONORABLE JAMES L. ROBERT

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ATIGEO LLC, a Washington limited liability company; and MICHAEL SANDOVAL, an individual,

Plaintiffs,

v.

OFFSHORE LIMITED D, a California business organization, form unknown; OFFSHORE LIMITED D, a California partnership; DENNIS MONTGOMERY, individually and as a partner of Offshore Limited D; ISTVAN BURGYAN, individually and as a partner of Offshore Limited D; DEMARATECH, LLC, a California limited liability company; and DOES 1-10, inclusive,

Defendants.

Case No. 2:13-cv-01694 JLR

DECLARATION OF MICHAEL SANDOVAL IN SUPPORT OF PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL

I, Michael Sandoval, declare and state:

1. I am the CEO and Chairman of Plaintiff Atigeo LLC ("Atigeo"), and an individual party in this action. I am competent to testify, and I have personal knowledge of all facts set forth herein.

2. In early to mid-2012, Dennis Montgomery contacted me, stating he wished to reconnect and asking me to invest in new business ventures of his, including one called

1 Lumavision. Mr. Montgomery was once an employee of a company in which Atigeo held an
2 interest, Opspring LLC (“Opspring”).

3 3. Between February and June 2012 Mr. Montgomery sent me emails on various
4 topics, including information about his new business ventures and ideas. True and correct copies
5 of my email correspondence with Mr. Montgomery during this time period are attached hereto as
6 **Exhibit 1.**

7 4. While searching for and reviewing these emails in response to discovery requests
8 in this case, I remembered that Istvan Burgyan also contacted me in early to mid-2012 about
9 investing in the business ventures that Mr. Montgomery had discussed with me. Mr. Burgyan
10 said he was following up on Mr. Montgomery’s earlier request for financial investment and
11 encouraged me to invest in Lumavision. Mr. Burgyan stated that he was developing some of the
12 computer applications for this venture, which he described as a company that would develop
13 computer applications, including a computer graphics imagery program for changing images on
14 gift bags.

15 5. I communicated back and forth with Mr. Montgomery about his investment
16 request and eventually told Mr. Montgomery that I was not interested in making an investment in
17 his company.

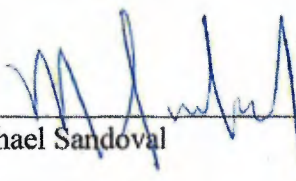
18 6. In response, Mr. Montgomery stated, “If you’re not with me, you’re against me,”
19 and told me that I did not want to wind up like others who had not cooperated with him and had
20 “learned the hard way.”

21 7. Following my communications with Mr. Montgomery and Mr. Burgyan, false and
22 disparaging statements about Atigeo and me began appearing on the websites at issue in this
23 case.

24 I declare under penalty of perjury of the laws of the United States that the foregoing is
25 true and correct.

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Executed this 17th day of July 2014, in Bellevue, Washington.



Michael Sandoval

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DECLARATION OF MICHAEL SANDOVAL IN SUPPORT OF
PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL
(No. 2:13-cv-01694 JLR) - 3

STOEL RIVES LLP
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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that I caused a true and correct copy of the foregoing to be electronically
5 filed with the Clerk of the Court using the CM/ECF system which will send notification of such
6 filing to the following participants:

7 Paul Edward Brain pbrain@paulbrainlaw.com, jdavenport@paulbrainlaw.com

8 Shellie McGaughey shellie@mcbdlaw.com, katie@mcbdlaw.com

9
10
11 Stoel Rives LLP

12
13 s/Melissa Wood
14 *Melissa Wood, Legal Secretary*
15 *Dated at Seattle, WA on July 18, 2014*