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THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

COINLAB, INC., a Delaware Corporation,  
  
Plaintiff,  
  
v.  
  
MT. GOX KK, a Japanese corporation, and  
TIBANNE KK, a Japanese corporation,  
  
Defendants.

No. 2:13-cv-00777-MJP

**DECLARATION OF TOD L. GAMLEN IN  
OPPOSITION TO PLAINTIFF  
COINLAB'S MOTION TO COMPEL**

**NOTE ON MOTION CALENDAR:  
Friday, April 4, 2014**

I, Tod L. Gamlen, hereby declare as follows:

1. I am an attorney with Baker & McKenzie, LLP, and currently one of the counsel of record herein for the defendant Tibanne KK. I am duly admitted to practice before the courts of the State of California and have been admitted *pro hac vice* before this Court in this action to represent defendant MtGox KK and defendant Tibanne KK. I have personal knowledge of the matters set forth in this declaration. If called upon to testify in court, I could competently testify as to the matters declared herein.

2. I have been admitted *pro hac vice* to represent defendant Tibanne KK in this action and have appeared for Tibanne KK in this action. On Thursday March 20, 2014, a motion to withdraw as counsel for Tibanne KK was filed in this action (Doc. Nos. 39 and 40) in which

*DECLARATION OF TOD L. GAMLEN IN SUPPORT  
OF TIBANNE KK'S OPPOSITION TO PLAINTIFF  
COINLAB'S MOTION TO COMPEL -  
(2:13-cv-00777-MJP) - 1*

**HILLIS CLARK MARTIN & PETERSON P.S.**  
1221 Second Avenue, Suite 500  
Seattle, Washington 98101-2925  
Telephone: (206) 623-1745  
Facsimile: (206) 623-7789

1 Baker & McKenzie, including myself and Daniel Valles, and the firm of Hillis, Clark, Martin &  
2 Peterson, and its attorneys Louis D. Peterson and Joseph Genster, are moving to withdraw as  
3 counsel for Tibanne KK. However, until such time as this Court grants the motion to withdraw, I  
4 am counsel of record for Tibanne KK. As such, I am submitting this declaration in opposition to  
5 Plaintiff CoinLab's motion to compel.

6 3. In September and October, 2013 I was involved in Rule 26(f) conference  
7 discussions with counsel for CoinLab. During those discussions it was agreed that because  
8 MtGox KK and Tibanne KK were located in Japan, as were the persons that worked for them, any  
9 depositions of such parties and/or witnesses would take place in Taiwan.

10 4. On November 19, 2013, CoinLab served a Fed. R. Civ. P Rule 30(b)(6)  
11 deposition notice calling for the Rule 30(b)(6) designee of MtGox KK. On or about January 6,  
12 2014, after several meet and confer efforts over the deposition topics, CoinLab served an  
13 Amended Rule 30(b)(6) deposition notice with the final list of topics to be covered by the  
14 deposition. A true and correct copy of CoinLab's Amended Rule 30(b)(6) deposition notice and  
15 topic list are attached hereto as **EXHIBIT A**. That deposition notice scheduled the deposition of  
16 the MtGox KK Rule 30(b)(6) designee for January 21-22, 2014 in Taipei, Taiwan.

17 5. Attached hereto as **EXHIBIT B** is an email that I sent to CoinLab's counsel on  
18 November 22, 2013 asking if CoinLab was intending to take the individual depositions of Mark  
19 Karpeles and Gonzague Gay-Bouchery in Taiwan at the time he took the Rule 30(b)(6) deposition  
20 of MtGox KK; also attached is counsel's November 22, 2013 email in response.

21 6. On or about November 24, 2013, CoinLab served Rule 30(b)(6) deposition notices  
22 for MtGox NA, MtGox Inc., and Mutum Sigillum to occur at the same time as the MtGox KK  
23 deposition as CoinLab believes that "they have performed exchange services in the U.S. in breach  
24 of the Agreement's exclusivity provision." A true and correct copy of these deposition notices  
25 and accompanying e-mail are attached here to as **EXHIBIT C**.

26 7. During numerous meet and confer conversation between myself and counsel for  
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1 CoinLab, we reached an agreement that the Rule 30(b)(6) depositions of MtGox NA, MtGox Inc.,  
2 and Mutum Sigillum would proceed on January 23, 2014 if CoinLab still felt that they were  
3 necessary after deposing MtGox KK Rule 30(b)(6) witness. However, at the conclusion of the  
4 MtGox KK Rule 30(b)(6) deposition, CoinLab elected not to proceed with the remaining  
5 depositions as it felt that it had obtained all of the information it needed from MtGox KK Rule  
6 30(b)(6) witness.

7 8. The deposition of the MtGox KK Rule 30(b)(6) designee took place on January  
8 21-22 in Taipei, Taiwan. The person designated to testify on behalf of MtGox KK was Gonzague  
9 Gay-Bouchery. Mark Karpeles was in attendance at the deposition in the event Mr. Gay-  
10 Bouchery was unable to respond to certain questions.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of March 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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s/ Tod L. Gamlen  
\_\_\_\_\_  
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