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5 Appearing Specially for Morgan E. Pietz and Nicholas Ranallo

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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**
9

10 **INGENUITY 13, LLC, a Limited Liability**
11 **Company Organized Under the Laws of the**
12 **Federation of Saint Kitts and Nevis,**

13 **Plaintiff,**

14 **vs.**

15 **JOHN DOE,**

16 **Defendant.**

USDC Case No.: 2:12-cv-08333-ODW-JC
[Consolidated with Case Nos. 2:12-cv-6636;
2:12-cv-6669; 2:12-cv-6662; 2:12-cv-6668]

**DECLARATION OF LAWRENCE E.
HELLER IN SUPPORT OF RESPONSE TO
JOHN STEELE'S MOTION FOR
RECONSIDERATION OF THE COURT'S
ORDER OF JUNE 21, 2013**

Date: July 12, 2013
Time: 11:00 a.m.
Courtroom: 11 [Hon. Otis D. Wright, II]

17
18 I, LAWRENCE E. HELLER, do hereby declare as follows:

19 1. I am an attorney at law licensed to practice in the State Of California and admitted
20 to practice before the Central District of California. I am also a partner in the law firm of Heller
21 & Edwards, which are attorneys specially appearing for Morgan E. Pietz and Nicholas Ranallo
22 in response to John Steele's Motion for Reconsideration of the Court's June 21 Order in Light
23 of Pietz's Recent Admission. I am accordingly familiar with the fact recited hereinbelow and
24 am available and competent to testify thereto.

25 2. This declaration is being submitted in support of Morgan Pietz and Nicholas
26 Ranallo's Request that this court set an OSC Re: Sanctions ordering John Steele to show why
27 his conduct in filing this motion is not a violation of Rule 11(b) or, in the alternative, to have this
28 court set a hearing date for Pietz to bring his own motion for sanctions (section IV of

1 Opposition.

2 3. The sanctions which will be requested consist of, among other possible sanctions,
3 my attorney's fees incurred in opposing the Motion to Vacate as follows. I spent three (3) hours
4 meeting with my client and reviewing the files in this litigation in order to prepare the Response
5 to the Motion for Reconsideration; I thereafter spent five (5) hours preparing the Response to
6 the Motion for Reconsideration and associated pleadings, and I anticipate spending an additional
7 four (4) hours traveling to, and appearing at, the hearing of this motion on July 12, 2013, for a
8 total of twelve (12) hours. My general hourly charge to my clients, and to Mr. Pietz and Mr.
9 Ranallo, is \$450 per hour, which I believe is well below the standard for practitioners of my
10 stature and experience in the Southern California community. Mr. Pietz has, and will incur
11 \$5,400.00 defending this baseless and frivolous motion.

12 3. I have been practicing litigation and trying cases in the state of California in both
13 federal and state courts, and in various other domestic and foreign jurisdictions, for close to forty
14 (40) years. Although my practice encompasses virtually all forms of litigation other than
15 personal injury and family law, my present field of specialty is in intellectual property litigation.
16 I have handled at least dozens, if not hundreds, of matters in this field. I can supply this court
17 with more of my *bona fides* at the hearing for sanctions.

18

19 I declare under penalty of perjury under the laws of the state of California that the
20 foregoing is true and correct.

21 Executed this 8th day of July 2013 at Beverly Hills, CA 90212.

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/s/Lawrence E. Heller
Lawrence E. Heller, Declarant

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I declare that I am over the age of eighteen (18) years and not a party to this action. My business address is 9454 Wilshire Boulevard, Fifth Floor, Beverly Hills, California, and I am employed in the office of a member of the bar of this Court at whose direction this service was made.

On July 8, 2013, I served the foregoing document described as

DECLARATION OF LAWRENCE E. HELLER IN SUPPORT OF RESPONSE TO STEELE'S MOTION FOR RECONSIDERATION OF THE COURT'S ORDER OF JUNE 21, 2013

on all interested parties in this action by placing a true and correct copy of the document in a sealed envelope addressed as follows:

SEE ATTACHED PROOF OF SERVICE LIST

- BY MAIL** as follows: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope(s) was (were) sealed, and with postage thereon fully prepaid, placed for collection and mailing on this date in the United States Mail at Los Angeles, California.
- BY PERSONAL SERVICE** as follows: I caused such envelope(s) to be delivered by hand to the addressee(s) by _____ Messenger Service. Delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening.
- BY OVERNIGHT COURIER SERVICE** as follows: I caused the above-referenced document to be delivered to _____ for overnight courier service to the addressee(s).
- BY CM/ECF NOTICE OF ELECTRONIC FILING** as follows: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF electronic filing system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.
- BY FACSIMILE TRANSMISSION** as follows: I transmitted the above document by facsimile to its intended recipient(s) at the facsimile number indicated above or in the attached Proof of Service List.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on July 8, 2013, at Beverly Hills, California.

/s/Cora Mayrina
Cora Mayrina

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PROOF OF SERVICE LIST

Ingenuity 13, LLC v. John Doe
USDC Case No.: 2:12-cv-08333-ODW-JC

[Consolidated with Case Nos. 2:12-cv-6636; 2:12-cv-6669; 2:12-cv-6662; 2:12-cv-6668]

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By ECF Electronic Notice:

Prenda Law, Inc., through counsel Heather Rosing, Esq., and Philip Vineyard, Esq.
Putative John Doe, through counsel Morgan Pietz, Esq., and Nicholas Ranallo, Esq.
Morgan Pietz and Nicholas Ranallo, through special counsel Lawrence Heller, Esq.