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11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 ROBERT JACOBSEN,) No. C06-1905-JSW
15)
Plaintiff,)
16 v.) **DECLARATION OF VICTORIA K.
HALL IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**
17 MATTHEW KATZER, et al.,)
18) Date: Friday, December 4, 2009
Defendants.) Time: 9:00 a.m.
19) Courtroom: 11, 19th Floor
20) Judge: Hon. Jeffrey S. White
21)
22)
_____)

23
24 I, Victoria K. Hall, have personal knowledge to the facts stated herein and hereby declare as
25 follows:

26 I am an attorney licensed in California, and I represent Robert Jacobsen, the plaintiff and
27 counter-defendants, in this action. I am submitting this Declaration in Support of the Plaintiff's
28 Motion for Summary Judgment.

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1. Attached as Exhibit A is a true and correct copy of excerpts from the Deposition of Jerry Britton.
2. Attached as Exhibit B is a true and correct copy of excerpts from the Deposition of Robert Jacobsen.
3. Attached as Exhibit C is a true and correct copy of excerpts from the Deposition of Matthew Katzer.
4. Attached as Exhibit D is a true and correct copy of excerpts from the Deposition of Michael Mosher.
5. Attached as Exhibit E is a true and correct copy of excerpts from the Deposition of Howard Penny.
6. Attached as Exhibit F is a true and correct copy of excerpts from the Deposition of Gerry Pruss.
7. Attached as Exhibit G is a true and correct copy of excerpts from the Deposition of Fred Severson.
8. Attached as Exhibit H is a true and correct copy of excerpts from Defendants' Responses to Plaintiff Robert Jacobsen's First Set of Request for Admissions.
9. Attached as Exhibit I is a true and correct copy of excerpts from Defendants' Responses to Plaintiff Robert Jacobsen's Second Set of Interrogatories.
10. Attached as Exhibit J is a true and correct copy of the Final Judgment on Consent in Dawson & Katzer v. Britton, Case No. 04-1627-JE (filed D. Or. Apr. 8, 2005).
11. Attached as Exhibit K is a table that I created after comparing Exhibits F through AO of Matthew Katzer's Declaration in Support of Opposition to Motion for Preliminary Injunction [Docket #261]. This table identifies the pages from QSI's NMRA DCC Reference Manual for QSI Quantum HO Equipped Locomotives Version 3.0 that Mr. Katzer used in his comparisons in Exhibits F through AO. For each page, the table includes a total of the words that Mr. Katzer stated were copied from that page. Once the word was identified as having been copied, I did not count the word again if Mr. Katzer claimed it had been copied to another location in the JMRI file. The table also identifies which page was used in a particular exhibit. According

1 to my count, Mr. Katzer claims that 169 words were copied.

2 12. After identifying a PDF version of QSI's NMRA DCC Reference Manual for QSI Quantum
3 HO Equipped Locomotives Version 3.0 (KAM-2002214), I converted the PDF file to a text file
4 and then imported it in Microsoft Word. Once the document was imported, I used the Word
5 Count feature to determine the number of words in the manual. According to the Word Count
6 feature, the manual has 65,159 words.

7 13. Attached as Exhibit L is a true and correct copy of selected exhibits used during Mr. Mosher's
8 deposition.

9 14. Attached as Exhibit M is a true and correct copy of selected documents used during Mr.
10 Penny's deposition.

11 15. Attached as Exhibit N is a true and correct copy of an email exchange between Mr. Severson
12 and Mr. Penny in 2005.

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15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct.

17
18 Executed this 30th day of October, 2009, in Bethesda, Maryland.

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20 By _____ /s/
21 Victoria K. Hall