

1 Anthony J. Dain (Bar No. 98947)
2 Frederick K. Taylor (Bar No. 159838)
3 Frederic G. Ludwig, III (Bar No. 205332)
4 PROCOPIO, CORY, HARGREAVES &
5 SAVITCH LLP
6 530 B Street, Suite 2100
7 San Diego, California 92101
8 Telephone: 619.238.1900
9 Facsimile: 619.235.0398

10 Thomas B. Vertetis
11 GORDON THOMAS HONEYWELL
12 MALANCA PETERSON & DAHEIM LLP
13 1201 Pacific Ave., Ste. 2100
14 Tacoma, CA 98401

15 Attorneys for Defendant,
16 Kevin Hertz

17 UNITED STATES DISTRICT COURT
18 FOR THE WESTERN DISTRICT OF WASHINGTON
19 AT SEATTLE

20 MICROSOFT CORPORATION, a Washington
21 Corporation,

22 Plaintiff,

23 v.

24 KEVIN HERTZ, a California resident, and JOHN
25 DOES 2-50 d/b/a Myauctionbiz.biz,

26 Defendant.

Case No.: CV04-2219C

DECLARATION OF FREDERICK K.
TAYLOR IN SUPPORT OF REQUESTS
TO BE RELIEVED AS COUNSEL OF
RECORD FOR DEFENDANT KEVIN
HERTZ

Date: Not Set
Time:
Dept:
Judge: John C. Coughenour

27 **DECLARATION OF FREDERICK K. TAYLOR IN SUPPORT OF REQUESTS**
28 **TO BE RELIEVED AS COUNSEL OF RECORD FOR DEFENDANT KEVIN HERTZ**

I, Frederick K. Taylor, declare:

1. I am an associate attorney with the law firm of Procopio, Cory, Hargreaves & Savitch LLP, and represent Defendant, Kevin Hertz in the above-entitled matter.

2. Both Procopio, Cory, Hargreaves & Savitch LLP and Gordon Thomas Honeywell Malanca Peterson & Daheim LLP wish to withdraw as counsel for Mr. Hertz in this matter.

3. The reason for this withdrawal is that the attorneys in each firm believe that a conflict has arisen that no longer allows us to provide effective representation to Mr. Hertz.

1 Further, continuing to represent Mr. Hertz would create an unreasonable financial burden for
2 each firm.

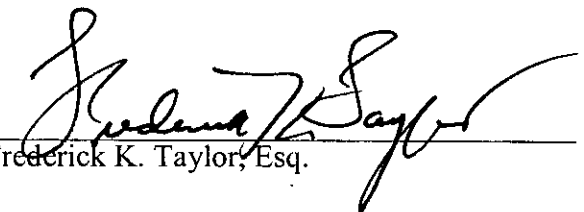
3 4. Mr. Hertz has been informed of this request to be relieved and counsel and I do
4 not anticipate that Mr. Hertz will object to either firm withdrawing. To that end, I am informed
5 and believe that Mr. Hertz is actively seeking new counsel.

6 5. Mr. Hertz will not be prejudiced by this withdrawal. New counsel will have
7 ample time before the June 12, 2006, and also has time to conduct additional discovery prior to
8 the discovery cut-off of February 12, 2006.

9 6. Lastly, Procopio, Cory, Hargreaves & Savitch LLP is preparing for, and will
10 represent Defendant at his upcoming September 30 deposition.

11
12 I declare under penalty of perjury pursuant to the laws of the State of Washington that the
13 foregoing is true and correct, except as to those matters which are stated upon information and
14 belief, and as to such matters, I am informed and believe that they are true and correct.

15 DATED: September 28, 2005

16
17
18 By: 
19 Frederick K. Taylor, Esq.

20
21
22
23
24
25
26
27
28