

HONORABLE THOMAS O. RICE

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*Counsel for Defendant Ryan Lamberson*

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

ELF-MAN, LLC,

Plaintiff,

vs.

RYAN LAMBERSON,

Defendant.

No. 2:13-CV-00395-TOR

DECLARATION OF RYAN  
LAMBERSON

I, Ryan Lamberson, declare as follows:

1. I am over 18 years of age and am competent to testify. I make this  
declaration based on my own personal knowledge.

DECLARATION OF  
RYAN LAMBERSON - 1

LEE & HAYES, PLLC  
601 West Riverside Avenue, Suite 1400  
Spokane, Washington 99201  
Telephone: (509)324-9256 Fax: (509)323-8979

1           2.     On or around September 21, 2013, I was served with a copy of the  
2 summons and complaint for this matter, and in that summons I was accused of  
3 infringing a movie called Elf-Man.  
4

5           3.     Until September 21, 2013, the day I was served with the summons and  
6 complaint, I had never heard of or watched the movie Elf-Man.  
7

8           4.     I did not copy, in any form or format, the movie Elf-Man, and I do not  
9 know anyone that has. In particular, I did not load a DVD of Elf-Man onto a  
10 computer and copy it in that manner, and I do not know anyone that has.  
11

12          5.     On Sunday December 2, 2012 at 4:39:20 PM Universal Time (8:39:20  
13 AM Pacific Time), I was not using bittorrent to copy Elf-Man. Likewise, I was not  
14 using bittorrent to copy Elf-Man at 4:39:20 PM on Sunday December 2, 2012. As  
15 I have stated, I never copied Elf-Man at all.  
16

17          6.     I did not join a swarm in an attempt to download the movie Elf-Man,  
18 and I do not know anyone that has.  
19

20          7.     I did not download or upload any pieces of the Elf-Man movie  
21 through a bittorrent swarm or any other computerized method, and I do not know  
22 anyone that has.  
23

24          8.     I did not "seed" or otherwise distribute the Elf-Man movie to third  
25 parties in any manner at any time, and I do not know anyone that has.  
26

1           9.     If I did know of someone who loaded, copied, or shared the Elf-Man  
2 movie, I would have shared such information with my counsel.  
3

4           10.    At the time that I was allegedly infringing the Elf-Man movie, my  
5 household had a Netflix account where I would have been able to watch the Elf-  
6 Man movie for free, or at no marginal cost.  
7

8           11.    As a result of this lawsuit, I have been extremely inconvenienced and  
9 suffered significant hardship, both financially and emotionally.  
10

11           12.    I have I had to deal with the stress and embarrassment of being sued  
12 in a federal court.  
13

14           13.    I have had to provide pictures of my personal and private belongings  
15 to parties I do not know.  
16

17           14.    I have had to reveal the names of my friends, neighbors, and family  
18 members, some of whom are minor children.  
19

20           15.    I have spent significant time reviewing and attempting to understand  
21 complex legal documents and principles.  
22

23           16.    I have had to take time off of work to participate in a deposition that  
24 never happened, and I was not able to work that day, which resulted in a day of lost  
25 wages, a sum of \$101.12.  
26

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1 I declare under penalty of perjury under the laws of the United States that  
2 the foregoing is true and correct.  
3

4 DATED this 2nd day of July, 2014, in Spokane, Washington.  
5  
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7   
8 Ryan Lamberson  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of July, 2014, I caused to be 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:

David A. Lowe

lowe@lowegrahamjones.com

LEE & HAYES, PLLC

By: s/ J. Christopher Lynch

J. Christopher Lynch, WSBA #17462

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