

1 Marc J. Randazza, Esq. SBN 269535  
2 Randazza Legal Group  
3 3969 Fourth Avenue, Suite 204  
4 San Diego, CA 92103  
5 888-667-1113  
6 305-437-7662 fax  
7 [mjr@randazza.com](mailto:mjr@randazza.com)

8 Attorney for Plaintiff  
9 LIBERTY MEDIA HOLDINGS, LLC

10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO DIVISION**

12 LIBERTY MEDIA HOLDINGS, LLC  
13 A California Corporation

14 Plaintiff,

15 vs.

16 ALAN PHILLIPS

17 Defendants.

) Case No. 11-CV\_00029-JAH-JMA

) **DECLARATION OF ERIC GAPP IN**  
) **SUPPORT OF MOTION FOR**  
) **ALTERNATE SERVICE ON**  
) **DEFENDANT ALAN PHILLIPS**

18 1. I, Eric Gapp, declare under penalty of perjury as follows:

19 2. I am the Vice President of Intellectual Property Management for Plaintiff Liberty Media  
20 Holdings, LLC.

21 3. The following is based upon personal knowledge and, if called upon, I could competently  
22 testify to the following facts.

23 4. I am familiar with the actions of foreign-based, offshore intellectual property thieves. It  
24 is within my knowledge and expertise that a large percentage of intellectual property thieves take  
25 active steps to avoid liability for their actions, such as providing incomplete contact information,  
26 and taking other active steps to avoid service.

27 5. Plaintiff has contracted with Gaby Saliba of Alternative Document Services, Inc., a  
28 process service company located Calgary, Alberta, Canada.

1 6. In my conversations with Mr. Saliba, he has stated that the address for Defendant Alan  
2 Phillips at 3600 Brenner Dr. NW, Calgary, Alberta, T2L 1Y2, Canada, is incomplete as this  
3 address is for a large condominium complex.

4 7. Mr. Saliba has stated that there is no directory, and his conversations with other residents  
5 of the complex have been unfruitful in his quest to find Mr. Phillips.

6 8. Both myself and Mr. Saliba have attempted to research various directories and databases,  
7 however, have been unable to locate Mr. Phillips.

8 9. Mr. Saliba is in the process of conducting a skip trace search, however, has been unable  
9 to yield any results.

10 10. Mr. Alan Phillips is a former member of the Plaintiff's website.

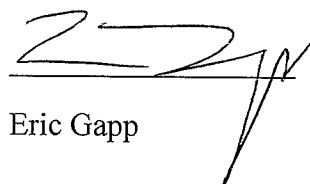
11 11. When signing up for his membership, Mr. Phillips was required to provide certain  
12 information, including an email address. See Exh. 1 to Plaintiff's Motion for Alternate Service.

13 12. Mr. Phillips provided the email address [galanalt@yahoo.ca](mailto:galanalt@yahoo.ca). See Exh. 1.

14 13. The Plaintiff has communicated with Mr. Phillips through this email address.

15 14. It is my opinion that, if Alan Phillips was served with documents in this case via email,  
16 he would receive them and have notice of the claims against him.

17 Signed under penalty of perjury this 26 day of January, 2011, in San Diego, California.

18  
19   
20 Eric Gapp