

EXHIBIT A

1 Brett L. Gibbs, Esq. (SBN 251000)
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6 *Attorney for Defendant-Appellee*
7 *Hard Drive Productions, Inc.*

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10 IN THE UNITED STATES COURT OF APPEALS
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12 FOR THE NINTH CIRCUIT
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INGENUITY13 LLC,

Plaintiff-Appellant,

v.

JOHN DOE,

Defendant-Appellee.

No. 13-55880

**DECLARATION OF BRETT L. GIBBS
SUPPORTING MOTION TO WITHDRAW
AS COUNSEL OF RECORD**

I, Brett L. Gibbs, declare as follows:

1. I am an attorney at law licensed to practice in California, and admitted in the Ninth Circuit Court of Appeals. My business address is 38 Miller Avenue, #263, Mill Valley, CA, 94941. I am currently counsel of record for Defendant-Appellee in this matter.

2. I was working as "Of Counsel" to Prenda Law, Inc., and later as in-house counsel employee of Livewire Holdings, LLC, and, in those positions, I was the attorney of record for Ingenuity13, LLC in the underlying lawsuit – i.e. *Ingenuity13 LLC v. Doe*, No. 2:12-cv-8333-ODW(JCx) (C.D. Cal. Filed September 27, 2012).

3. On or around January 28, 2013, I filed a voluntary dismissal without prejudice in the underlying district court case. As such, that case was voluntarily dismissed and the case was officially "closed" as of January 28, 2013.

1 4. I do not currently work for Prenda Law, Inc. and/or Livewire Holdings, LLC, and I
2 have not done so since February 28, 2013, the date on which I left these companies.

3 5. My only representation of Ingenuity13, LLC was only through these companies.

4 6. Ingenuity13, LLC was not my personal client; I was only acting on behalf of Prenda
5 Law, Inc. and Livewire Holdings, LLC in my representation.

6 7. I did not sign the notice of appeal in this matter, which was signed by Mark Lutz, and
7 that I never entered his appearance in this appeal.

8 8. Also, notably, I am not being paid by either paid by Prenda Law, Inc., Livewire
9 Holdings, LLC, and/or Ingenuity13, LLC (or anyone else for that matter) for the representation of
10 Ingenuity13, LLC on appeal.

11 9. I am not being paid and no such fee agreement exists because I never agreed to be the
12 appellate attorney for Ingenuity13, LLC on appeal.

13 10. Ingenuity13, LLC has been given written notice of this withdrawal.

14 11. The following is the last known address I have with regard to Ingenuity13, LLC:

15 Ingenuity13, LLC
16 C/O Mark Lutz, CEO of Ingenuity13, LLC
17 2100 M. Street Northwest
18 Suite 170-417
19 Washington, D.C. 20037

20 12. I declare under penalty of perjury under the laws of the United States of America that
21 the foregoing is true and correct based on my own personal knowledge, except for those matters
22 stated on information and belief, and those matters I believe to be true. If called upon to testify, I
23 can and will competently testify as set forth above.

24 **DATED: May 21, 2013.**

25 By: /s/ Brett L. Gibbs,