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11 Attorneys Specially Appearing for
12 PRENDA LAW, INC.

13 **UNITED STATES COURT OF APPEALS**
14 **FOR THE NINTH CIRCUIT**

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501 WEST BROADWAY, SUITE 600
SAN DIEGO, CALIFORNIA 92101

15 INGENUITY 13 LLC,

16 Plaintiff,

17 and

18 PRENDA LAW, INC.,

19 Movant – Appellant,

20 v.

21 JOHN DOE,

22 Defendant - Appellee.

Ninth Circuit Case No. 13-55881

Underlying District Court Case No.
2:12-cv-8333-ODW(JCx)

**DECLARATION OF HEATHER L.
ROISING IN SUPPORT OF
KLINEDINST’S MOTION TO
WITHDRAW AS COUNSEL FOR
PRENDA LAW, INC.**

Judge: Hon. Otis D. Wright, II
Magistrate Judge: Hon, Jacqueline Chooljian
Complaint Filed: September 27, 2012
Trial Date: None set

23 I, Heather L. Rosing, declare as follows:

24 1. I am over the age of 18 years and a partner with the law firm
25 Klinedinst PC, counsel of record for Prenda Law, Inc. (“Prenda”). I am a member
26 in good standing with the California State Bar and admitted to practice in all of the
27 State’s courts, as well as in the federal courts for the Southern and Central Districts
28 of the State of California and the Ninth Circuit Court of Appeals.

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1 2. I have personal knowledge of the following facts and, if called upon
2 as a witness, could competently testify thereto, except as to those matters which are
3 set forth as based upon my information and belief and, as to such matters, I am
4 informed and believe that they are true and correct.

5 3. My firm was retained on March 7, 2013, to specially appear on behalf
6 of John Steele, Paul Hansmeier, Paul Duffy, Angela Van Den Hemel, and Prenda
7 before the U.S. District Court for the Central District of the State of California in
8 the matter entitled *Ingenuity 13, LLC v. John Doe*, assigned case number 2:12-cv-
9 8333-ODW(JCx) by the Central District. My special appearance and my clients’
10 special appearances were made pursuant to the district court’s March 5, 2013 order
11 (ECF No. 66), which was related to an order to show cause initially issued against
12 appellant Brett Gibbs on February 7, 2013 (ECF No. 48). The final and other
13 intermediate orders from those proceedings are the subject matter of Prenda’s
14 pending appeal before this Court.

15 4. The district court issued a March 14, 2013 order (ECF No. 86)
16 expanding the reach of the Gibbs’ order to show cause proceedings to our clients.
17 Based on the court’s disclosure that punitive sanctions and incarceration were
18 possible outcomes from the proceedings, we sought and obtained separate counsel
19 for Steele and Hansmeier, who thereafter specially appeared through their separate
20 counsel.

21 5. We were retained to and agreed to specially appear on behalf of and
22 represent Duffy, Van Den Hemel, and Prenda only and solely through the order to
23 show cause proceedings. Duffy, Van Den Hemel, and Prenda Law, Inc. were
24 aware of and agreed to this limited scope of representation, and throughout the
25 representation, we reminded our clients about the limited scope of our
26 representation. As part of our duties, we agreed to communicate any necessary
27 information to any subsequent counsel after the conclusion of the OSC
28 proceedings.

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1 6. On May 6, 2013, the district court issued an Order Issuing Sanctions
2 against, among others, two of our clients, Prenda and Paul Duffy. At that point,
3 the district court order to show cause proceedings were complete, and our
4 representation accordingly concluded. Our individual clients, Paul Duffy and
5 Angela Van Den Hemel, executed substitutions of attorney forms, substituting
6 themselves on an in pro per basis in the matter.

7 7. With regard to Prenda, my office (me and my associates, David
8 Majchrzak and Philip Vineyard) – in accordance with Central District Local Rule
9 83-2.9.2.3 –provided to Prenda verbal and written guidance concerning the
10 consequences of our withdrawal and the preclusion of corporations appearing *pro*
11 *se* before the district and appellate courts. Prenda voluntarily agreed to stipulate to
12 our withdrawal while it sought appellate counsel (ECF No. 144).

13 8. Despite the fact that we had never been retained to do an appeal, and
14 Prenda had consented to our withdrawal, the district court summarily denied the
15 withdrawal of Klinedinst as counsel of record for Prenda. Attached hereto as
16 Exhibit A is a true and correct copy of the order. The ECF number assigned to the
17 district court’s order is 147. As a result, to protect our client, we were mandated to
18 file the notice of appeal and an accompanying application for a stay. We now seek
19 withdrawal from the Ninth Circuit, since we are in that forum and our
20 representation is still limited to the order to show cause proceeding in the district
21 court.

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

Executed the 23nd day of May, 2013, at San Diego, California.

/s/Heather L. Rosing
Heather L. Rosing

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