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17 Attorneys for Plaintiff
18 Nintendo of America Inc.

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA

21 NINTENDO OF AMERICA INC., a
22 Washington corporation

23 Plaintiff,

24 v.

25 MATTHEW STORMAN, an
26 individual, JOHN DOES 1-10,
27 individuals and/or corporations,

28 Defendant.

Case No. 2:19-CV-07818-CBM-RAO

**DECLARATION OF WILLIAM C.
RAVA IN SUPPORT OF
NINTENDO'S MEMORANDUM IN
SUPPORT OF MOTION FOR
RECONSIDERATION**

The Honorable Consuelo B. Marshall

1 William C. Rava declares as follows:

2 1. I am a partner of the law firm Perkins Coie LLP and counsel for
3 plaintiff Nintendo of America Inc. (“Nintendo”) in this action. I make this
4 declaration based on personal knowledge and I am competent to do so.

5 2. On Thursday, June 3, 2021, my colleague Christian Marcelo and I
6 conducted a telephonic meet-and-confer with defendant Matthew Storman at 4 p.m.
7 PDT. I explained that the local rules set fast deadlines on certain motions, on which
8 the parties were required to meet-and-confer, even if the parties might still be
9 digesting the order and considering next steps. Among other topics, we discussed
10 Nintendo’s plan to file a motion for reconsideration of the denial of injunctive
11 relief. We advised that Nintendo was considering filing such a motion on the
12 grounds of a change in the law granting a presumption of irreparable harm plus the
13 other factors present in the case. Mr. Storman stated that he was still considering
14 what to do with RomUniverse and that if he were to bring back the website it might
15 have video game content and ROMS from companies other than Nintendo but
16 would not have Nintendo content.

17 3. Pursuant to the parties negotiated agreement (Doc. No. 71) and the
18 related Court order (Doc. No. 72), Mr. Storman had an initial sanctions payment of
19 \$50 due on Monday, June 7, 2021. As required, we had provided Mr. Storman with
20 wire instructions on May 21, 2021 by email at 1:47 pm PDT; in that email, we also
21 reminded Mr. Storman of the June 7, 2021 payment deadline. A true and correct
22 copy of that email, with certain bank information redacted, is attached hereto as
23 Exhibit A. As of the filing of this declaration, Mr. Storman had not made the
24 required \$50 payment.

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

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EXECUTED this 9th day of June, 2021, at Seattle, Washington.

s/ William C. Rava

William C. Rava