

VICTORIA K. HALL (SBN 240702)  
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Attorney for Plaintiff  
ROBERT JACOBSEN

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROBERT JACOBSEN,

Plaintiff,

v.

MATTHEW KATZER, et al.,

Defendants.

No. C-06-1905-JSW

**DECLARATION OF VICTORIA HALL  
WITH PLAINTIFF'S UPDATED  
CERTIFICATE OF INTERESTED  
PERSONS AND ENTITIES**

Courtroom: 2, 17th Floor  
Judge: Hon. Jeffrey S. White

I, Victoria Hall, have personal knowledge to the facts stated herein and hereby declare as follows:

1. I am the attorney for Plaintiff Robert Jacobsen in this matter. I am submitting this Declaration with Plaintiff's Updated Certificate of Interested Persons and Entities.

2. Attached as Exhibit A is a true and correct copy of the initial disclosures I received from R. Scott Jerger on Sept. 5, 2006.

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

3 Executed this 6th day of October, 2006, in Rockville, Maryland.  
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7 By \_\_\_\_\_/s/\_\_\_\_\_  
8 Victoria Hall  
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# Hall Declaration Exhibit A

R. Scott Jerger (*pro hac vice*)  
Field & Jerger, LLP  
610 SW Alder Street, Suite 910  
Portland, OR 97205  
Tel: (503) 228-9115  
Fax: (503) 225-0276  
Email: [scott@fieldjerger.com](mailto:scott@fieldjerger.com)

John C. Gorman (CA State Bar #91515)  
Gorman & Miller, P.C.  
210 N 4th Street, Suite 200  
San Jose, CA 95112  
Tel: (408) 297-2222  
Fax: (408) 297-2224  
Email: [jgorman@gormanmiller.com](mailto:jgorman@gormanmiller.com)

Attorneys for Defendants  
Matthew Katzer and Kamind Associates, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROBERT JACOBSEN, an individual,  
  
Plaintiff,  
  
vs.  
  
MATTHEW KATZER, an individual, KAMIND  
ASSOCIATES, INC., an Oregon corporation dba  
KAM Industries, and KEVIN RUSSELL, an  
individual,  
  
Defendants.

Case Number C06-1905-JSW

Hon. Jeffrey S. White

**DEFENDANTS MATTHEW  
KATZER AND KAMIND  
ASSOCIATES, INC.'S INITIAL  
DISCLOSURES UNDER FED. R.  
CIV. P. 26(a) (1)**

Pursuant to Fed. R. Civ. P. 26(a)(1), defendants Matthew Katzer and Kamind Associates, Inc. hereby make the following initial disclosures.

I. Witnesses

<b>Witness</b>	<b>Address and Telephone (if known)</b>	<b>Subject Matter</b>
Robert Jacobsen	1927 Marin Ave. Berkeley, CA 94707-2407	JMRI Activities
John Ploucher	406 Belmont Way San Jose, Calif 95125	JMRI Activities
AJ Ireland	450 S. Cemetery St, Suite 206 Norcross, GA 30071	JMRI Activities
Zana Ireland	450 S. Cemetery St, Suite 206 Norcross, GA 30071	JMRI Activities, MRIA
Steve Chu	Lawrence Berkeley National Lab 1 Cyclotron Road Mail Stop 50A-4119 Berkeley, CA 94720-8155 (510)486-5111	JMRI Project
Graham Fleming	Lawrence Berkeley National Lab 1 Cyclotron Road Mail Stop 50A-4119 Berkeley, CA 94720-8155 (510)486-6100	JMRI Project
AX Sandy Merola	Lawrence Berkeley National Lab Chief Information Officer 1 Cyclotron Road Mail Stop 50A-4112 Berkeley, CA 94720-8154 (510)486-7440	Lbl.gov emails
Marjorie D. Shapiro	Department of Physics University of California 366 LeConte Hall MC 7300 Berkeley, CA 94720-7300 (510)-642-7166	JMRI Project
Shelton Waggener	University of Calif, Berkeley Chief Information Officer Berkeley, CA 94720-7300 (510)-642-4096	Physic.edu emails

1	Mark S. Richards	Department of Physics University of California 366 LeConte Hall MC 7300 Berkeley, CA 94720-7300 (510)-642-7166	JMRI Project
2	Stan Ames	8 Higate Road Chelmsford, MA 01824	JMRI/NMRA activities
3	James Sherman	18449 Morse Ln SW Beaverton, Or 97006	JMRI Activities
4	Yahoo	701 First Ave Sunnyvale, CA 94089	Blocked model railroad list
5	Jim Betz	7070 Via Ramada San Jose, CA 95139-1155	JMRI Activities
6	Joe Ellis	6074 Shady Oak St. Huber Heights, OH 45424	JMRI Activities
7	Ray Deblieck	1304 Santa Clara Ave Alameda, CA 94501	JMRI Activities
8	Jim Scorse	899 Ridge Road Webster, NY 14580	JMRI Activities
9	Didrik Voss	15226 12 <sup>th</sup> Dr. SE Mill Creek, WA 98012	JMRI Activities
10	Jon S. Miller	42002 Roberts Ave. Fremont, CA 94538	JMRI Activities
11	Peter Ely	11688 Sagewood Dr. Moorpark, CA 93021	JMRI Activities
12	Armin Bacher	450 S. Cemetery St, Suite 206 Norcross, GA 30071	JMRI Activities
13	Michael Woodill	5411 Berkeley Rd Santa Barbara, CA 93111	JMRI Activities
14	Dick Bronson	7918 Royal Ct. Waxhaw, NC 28173	JMRI Activities
15	Strad Bushby	515 Hexton Hill Rd. Silver Spring, MD 20904 (301) 384-2339	JMRI Activities
16	John E. Kabat	3341 Larkspur Dr. Longmont, CO 80503 (303) 774-9133	JMRI Activities
17	Dave Falkenburg	5199 Bela Dr., San Jose, CA 95129	JMRI Activities
18	Kent Williams	14168 Tyler-Foote Rd Nevada City, CA 95959	JMRI Activities
19	Jerry Britton	Pennsylvania	www.decoderpro.com

## II. Documents

Pursuant to FRCP 26(a)(1)(B), Katzer and Kamind Associates, Inc. provide the following description and location of all documents, data compilations and tangible things that are in the possession, custody or control of Katzer and Kamind Associates, Inc. and that may be used to support its claims or defenses:

<b>Document</b>	<b>Description</b>
Manuals	KAM model railroad software manuals for engine commander 1.x – 2.1, NMRA API documentation
Documentation	Misc. documentation and industry white papers
Marketing material	Sales and marketing material for model trains white papers (tech notes), sales collateral for 1996 – 1998
Sales presentation	Customer Model railroad presentations 1996 - 2005
Model railroad emails	Model Train emails received on monitored emails lists
lbl.gov and physic.edu emails	Emails received from lbl.gov and jake@physic.edu
Correspondence and newsletters	Model train correspondence and electronic emails from to/user and Model Railroad Industry Association Correspondence
Patent documentation	Patent filing documentation/disclosure for patent ‘329
Website pages and content	www.trainpriority.com, www.decoderpro.com
Web Log (“Blog”) and Blog emails	Blog postings and email correspondence received
Model Train Software	Model train software versions for Engine Commander V2-RC1 – Release 2 and Train Server 1.x (1996 – 1998)
<b>Location of all documentation</b>	1416 NW Benfield Dr. Portland, OR 97124

## III. Computation of Damages

Katzer and Kamind Associates, Inc. may seek damages in any counterclaim filed against plaintiff. As Katzer and Kamind Associates, Inc. have not filed an Answer at this time, and

1 as Plaintiff will file an Amended Complaint on September 11, 2006, it is impossible to  
2 calculate Katzer and Kamind Associates Inc.'s damages at this time. Katzer and Kamind  
3 Associates, Inc. reserve the right to seek damages in any future pleading and will update this  
4 initial disclosure document as necessary.

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6 IV. Insurance

7 Katzer and Kamind Associates, Inc. are unaware of any insurance agreement responsive to  
8 FRCP 26(A)(1)(D).

9 Dated September 5, 2006.

10 \_\_\_\_\_/s/  
11 R. Scott Jerger (*pro hac vice*)  
12 Field Jerger, LLP  
13 610 SW Alder Street, Suite 910  
14 Portland, OR 97205  
15 Tel: (503) 228-9115  
16 Fax: (503) 225-0276  
17 Email: scott@fieldjerger.com

18 I certify that on September 5, 2006, I served Defendants Matthew Katzer and Kamind Associates,  
19 Inc.'s Initial Disclosures on the following parties through their attorneys via first class mail,  
20 postage prepaid, and electronic mail:

21 Victoria K. Hall  
22 Law Office of Victoria K. Hall  
23 401 N. Washington Street, Suite 550  
24 Rockville, MD 20850  
25 victoria@vkhall-law.com

26 \_\_\_\_\_/s/  
R. Scott Jerger (*pro hac vice*)  
Field & Jerger, LLP