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Volvo Car USA LLC
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 JACK SCHROEDER, an
Individual; and BRITNI SUMIDA, an
11 individual;

12 Plaintiffs,

13 vs.

14 VOLVO GROUP NORTH AMERICA,
15 LLC, a Delaware limited liability
company; and VOLVO CAR USA LLC, a
16 Delaware limited liability company

17 Defendants.
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No.: 2:20-cv-05127-VAP (PVC)

DECLARATION OF HARRISON J. DOSSICK IN SUPPORT OF DEFENDANT VOLVO CAR USA LLC'S REQUEST FOR JUDICIAL NOTICE

Date: September 14, 2020
Time: 2:00 p.m.
Place: Courtroom 8A_

Compl. Filed: June 9, 2020
FAC Filed: June 29, 2020
SAC Filed: July 28, 2020

Honorable Virginia A. Phillips

[Notice of Motion and Motion to Dismiss, Request for Judicial Notice, and [Proposed] Order filed concurrently]

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DECLARATION OF HARRISON J. DOSSICK

I, Harrison J. Dossick, declare:

1. I am an attorney duly licensed to practice before all courts of the State of California and a partner with Reed Smith LLP, counsel of record for defendant Volvo Car USA LLC (“Defendant”). I submit this declaration in support of Defendant’s Request for Judicial Notice (“RJN”), filed concurrently with and in support of its Motion to Dismiss the Second Amended Complaint (“SAC”) of Plaintiffs Jack Schroeder and Britni Sumida (collectively, “Plaintiffs”). The following facts are true of my personal knowledge, and if called to testify, I could and would testify to the truth of the matters stated herein.

2. The documents attached as Exhibits 1 through 21 to the RJN are true and correct copies of screenshots taken of the webpages accessible from the links provided in the RJN and herein below.

3. Although the contents of most of Exhibits 1 through 21 can be readily verified from the links provided in the RJN and below, two of the RJN exhibits contain screenshots of content that no longer is accessible from the referenced URLs. Specifically, **Exhibit 2** to the RJN contains a screen shot of Porch House’s Behance Page Photo Gallery located at <https://www.behance.net/gallery/82978165>, which I personally accessed and printed on May 18, 2020. I was informed on or about May 29, 2020, that Porch House removed this gallery from Behance.net sometime after May 22, 2020. Similarly, **Exhibit 3** to the RJN contains a screen shot of a photograph that Porch House posted to its Instagram page on July 8, 2019 located at <https://instagram.com/p/Bzqp4xxqB29b>, which I personally accessed and printed on or about May 18, 2020. I was informed on or about May 29, 2020, that Porch House removed this gallery from Instagram.com sometime after May 22, 2020.

4. **Exhibit 12** to the RJN is a true and correct copy of a screenshot of

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1 Instagram’s “Sign Up” webpage, <https://www.instagram.com/accounts/emailsignup/>.
2 Underneath the “Sign up” button it states, “By signing up, you agree to our **Terms**,
3 **Data Policy**, and **Cookies Policy**.” The word “Terms” contains a hyperlink to
4 Instagram’s Terms of Service located at
5 <https://help.instagram.com/581066165581870>. The word “Data Policy” contains a
6 hyperlink to Instagram’s Data Policy located at
7 <https://help.instagram.com/519522125107875>.

8 **5. Exhibits 13-15** are archived screenshots of Instagram’s Website that
9 were obtained using the Internet Archive WayBack Machine. Upon information and
10 belief, the WayBack Machine functions as a digital archive of internet webpages
11 which stores copies of what websites looked like in the past. This is accomplished
12 through a process known as “caching,” or the storing of information presented on
13 given webpages. The Internet Archive receives cached versions of webpages from
14 “crawlers,” automated software programs which scour the internet and downloads
15 copies of the webpages they visit. As a result of this process, the WayBack Machine
16 provides an accurate copy of prior versions of webpages.

17
18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct. Executed on August 10, 2020 in Los
20 Angeles County, California.

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22 /s/ Harrison J. Dossick
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