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8 Attorneys for Defendant
9 Brock Pierce

FILED
LOS ANGELES SUPERIOR COURT

MAY 14 2004

JOHN A. CLARKE, CLERK

By M. ALBUQUEZ, DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ALEXANDER BURTON; MARK RYAN;
and MICHAEL E., a minor, by and through
his Guardian ad Litem, BONNIE MOUND,

Plaintiffs,

vs.

MARC COLLINS-RECTOR; CHAD
SHACKLEY; BROCK PIERCE; DIGITAL
ENTERTAINMENT NETWORK, INC.;
DOES 1 through 100, inclusive; ABC
CORPORATIONS 1 through 100, inclusive,

Defendants.

CASE NO. LC053103

DECLARATION OF
GREGORY D. TRIMARCHE

Date: May 17, 2004

Time: 8:30 a.m.

Dept. NW "T"

Action Filed:

July 20, 2000

Trial Date:

May 17, 2004

I, Gregory D. Trimarche, hereby declare as follows:

1. I am a shareholder in the firm of Greenberg Traurig, LLP ("GT"), counsel to defendant Brock Pierce.
2. I have personal knowledge of the facts set forth below and, if called to testify, could and would testify competently thereto.
3. To the best of my knowledge, the settlement agreements in this Action between Defendant Brock Pierce and Plaintiff Michael Egan, and between Defendant Brock Pierce and Plaintiff Mark Ryan, respectively, dated as of March 30, 2004 (the "Settlement Agreements"), were negotiated during March 2004, directly by and between Pierce, Egan and Ryan, with the assistance of a mutual

1 friend who (as I understood the process) had acted as a mediator/facilitator in bringing about the
2 settlements. My only involvement in the settlements was that, after the settlements had been reached
3 between the parties, I was asked by my client Pierce to draft the agreements and transmit them to an
4 attorney named David Rivers in Las Vegas, Nevada, who I understood had been retained by Ryan and
5 Egan to assist them with respect to the settlements because their counsel in this Action, Daniel Cheren,
6 was unwilling to do so.

7 4. During the entire settlement negotiation process leading up to the Settlement
8 Agreements, neither I nor any attorney or other employee of Greenberg Traurig had any direct contact
9 with Ryan or Egan. However, on May 10, 2004, approximately five weeks after the Settlement
10 Agreements had been executed, Michael Egan called me in my office to discuss the Settlement
11 Agreements – specifically, to advise me that his attorney Cheren had put significant pressure on both
12 Ryan and Egan not to enter into those agreements and was continuing to pressure Ryan and Egan not to
13 move forward with the settlements.

14 5. To that end (and the only other contact I have had with Michael Egan), on May 13, 2004,
15 Egan sent me a copy of a letter that he had sent to his counsel, Daniel Cheren, at or about the time of the
16 execution of the Settlement Agreements (dated April 16, 2004, copy attached as Exhibit A to this
17 declaration), in which, among other things, he advised Mr. Cheren that he wished to dismiss the case
18 against Pierce, and requested that Mr. Cheren file a voluntary dismissal within five days. To date, Mr.
19 Cheren has failed and refused to file that dismissal, despite the provisions calling for such in the
20 executed Settlement Agreements, and the abovementioned April 16 letter from Egan demanding such
21 dismissal.

22 I declare under penalty of perjury that the above is true and correct, and executed on May 14th,
23 2004, at Irvine, California.

24 
25 GREGORY D. TRIMARCHE

EXHIBIT "A"

ADT

Fax Coe

*To Greg Trimarche
949-252-8805*

2 Pages Included

*Sorry for the
Please Deliv. -
Coe
Let me know the outcome*

*From Michael
Eoa*

EXHIBIT A-1

To: Daniel J. Cheren
C/o Choren & Associates
16055 Ventura Boulevard Suite 525
Encino, CA 91436
(818)990-7700 Phone
(818)990-9888 Facsimile

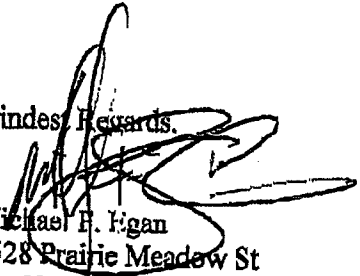
April 16, 2004

RE: Order of Dismissal for Brock Pierce

Dear Mr. Choren,

Please except this as a formal written notice of my decision to dismiss the case against Mr. Pierce. I feel that this case has been a part of my life for to long and I am not willing to allow the nightmare to go any further. My mind has been put through to much turmoil and I am not willing to allow it to happen anymore. It is to hard on me to move forward and I hope you for once respect my opinion. I have felt pressured by you and do not want you to try to pressure me into to moving forward again. I realize you have a lot of time an effort involved an I appreciate all of your work that you have done to this point. Hopefully we will be able to collect on Collins-Rector- & Shackley sometime in the near future. Upon receipt of this letter I expect a order of dismissal to be entered within 5 business days. Daniel, I have also been asking from the beginning of July 2000 for you to cc: me on all correspondence, filings, and general updates. I have informed you several times that I wanted to receive this and have yet to receive one correspondence. Thank You in Advance for forwarding all documents pertaining to the Collin-Rector-Shackley Case!

Kindest Regards,


Michael E. Egan
3528 Prairie Meadow St
Las Vegas, Nevada 89129

Sent via Facsimile (818)990-9888 and USPS Certified return receipt

EXHIBIT A-2

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the aforesaid county, State of California; I am over the age of 18 years and not
4 a party to the within action; my business address is 18300 Von Karman Avenue, Suite 850, Irvine, CA
92612.

5 On **May 14, 2004**, I served the DECLARATION OF GREGORY D. TRIMARCHE on the
6 interested parties in this action by placing the true copy thereof, enclosed in a sealed envelope, postage
prepaid, addressed as follows:

7 Daniel J. Cheren, Esq.
8 16055 Ventura Blvd., Suite 525
9 Encino, CA 91436
Tel: (818) 990-7700
Fax: (818) 990-9888

10 **(BY MAIL)**

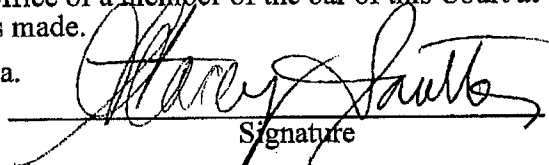
11 I deposited such envelope in the mail at Santa Monica, California. The envelope was mailed
with postage thereon fully prepaid.

12 I am readily familiar with the business practice of my place of employment in respect to the
13 collection and processing of correspondence, pleadings and notices for mailing with United
States Postal Service. The foregoing sealed envelope was placed for collection and mailing
14 this date consistent with the ordinary business practice of my place of employment, so that it
will be picked up this date with postage thereon fully prepaid at Santa Monica, California, in
15 the ordinary course of such business.

16 **(STATE)** I declare under penalty of perjury under the laws of the State of California
that the foregoing is true and correct.

17 **(FEDERAL)** I declare under penalty of perjury that the foregoing is true and correct,
and that I am employed at the office of a member of the bar of this Court at
18 whose direction the service was made.

19 Executed on May 14, 2004, at Irvine, California.

20 
Signature
21 Stacey A. Sautter