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BRILLIANT DIGITAL ENTERTAINMENT, INC.;  
8 MONTO HOLDINGS PTY. LTD.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 IN RE: PERSONAL WEB TECHNOLOGIES,  
13 LLC ET AL., PATENT LITIGATION,

Case No.: 5:18-md-02834-BLF

14 AMAZON.COM, INC., and AMAZON WEB  
15 SERVICES, INC.,

Case No.: 5:18-cv-00767-BLF

Case No.: 5:18-cv-05619-BLF

16 Plaintiffs

17 v.

18 PERSONALWEB TECHNOLOGIES, LLC and  
LEVEL 3 COMMUNICATIONS, LLC,

19 Defendants.

**DECLARATION OF THOMAS M. ROBINS III IN SUPPORT OF OPPOSITION OF BRILLIANT DIGITAL ENTERTAINMENT, INC. AND MONTO HOLDINGS PTY. LTD. TO AMAZON'S ADMINISTRATIVE MOTION FOR RELIEF FROM PROTECTIVE ORDER [DKT. 854]**

20 PERSONALWEB TECHNOLOGIES, LLC, and  
21 LEVEL 3 COMMUNICATIONS, LLC,

22 Plaintiffs,

23 v.

24 TWITCH INTERACTIVE, INC.,

25 Defendant.

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1 I, Thomas M. Robins III, declare:

2 1. I am an attorney at law duly licensed to practice before all of the Courts of the State  
3 of California and am admitted to practice before this Court. I am a shareholder in Frandzel Robins  
4 Bloom & Csato, LC ("FRBC"), attorneys for Third Parties Brilliant Digital Entertainment, Inc.  
5 ("BDE") and Monto Holdings, PTY, Ltd. ("Monto") both of which are Secured Lenders to Personal  
6 Web Technologies, LLC ("PW"). If called as a witness I could and would competently testify to  
7 the following based on my own personal knowledge.

8 2. The Receivership Action was filed in State Court in early April 2021. The second  
9 cause of action (and paragraph 29 of the first cause of action) of Amazon's complaint-in-intervention  
10 seek to have the loans of the Secured Lenders to PW subordinated to its judgment, based on the  
11 actions of the Secured Lenders in filing that action and in obtaining appointment of the receiver,  
12 along with the pre-suit demands on PW. While ¶¶ 10 and 19 of the complaint-in-intervention  
13 vaguely reference "chameleon-like" conduct of PW aimed at "thwarting" Amazon's judgment  
14 collection efforts (citing to Exh. A to the complaint-in-intervention (Lavin Decl., Exh. 2), by  
15 definition, such conduct had to have occurred after the judgment was ordered, which occurred  
16 March 2, 2021. The anti-SLAPP motions seek to strike those allegation which, by definition, relate  
17 to conduct from April 2021 to the present regarding the prosecution of the Receivership Action. As  
18 can be seen from Lavin Decl., Exhibit 2 (the complaint-in-intervention) no specific conduct before  
19 that time is alleged. Yet, with the post-March 2021 period as the relevant time frame for the anti-  
20 SLAPP motions, the BDE/MONTO/ECA documents identified in the Motion, with the exception of  
21 two, are all dated prior to 2018 when the PW v. Amazon litigation was filed.

22 3. Of the two BDE/MONTO/ECA documents that post-date January 1, 2018,  
23 MONTO000001845 is a list of PW members as of May 2019 (information that has been long known  
24 to Amazon and never disputed) and BDE00005801 is a portion of a retainer agreement dated June  
25 16, 2022 (over a year after the receiver was appointed) between Michael Weiss (PW, manager) and  
26 Lewis Roca, entered into in connection with representation of Mr. Weiss who had been ordered to  
27 appear before Judge Freeman at a hearing regarding production of PW documents and in connection  
28 with a subpoena Amazon had served on Mr. Weiss personally, as to which BDE undertook to pay

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1 the fees incurred by Mr. Weiss. Amazon cites this document -- not for anything having to do with  
2 its allegations of collusion and nefarious conduct in the Receivership Action -- but because it  
3 supposedly evidences BDE directly paying PW expenses. (As the Court knows, after Lewis Rocha's  
4 appearance for Mr. Weiss at the District Court's hearing, that firm has substituted into these post-  
5 judgment proceedings as counsel for PW and is paid through the Receivership.)

6 4. The bulk of the rest of the BDE/MONTO/ECA documents identified in the Motion  
7 are from 2010–2013, with a smattering from 2014-2017, and largely relate to private financial  
8 information.

9 5. Certain of the PWEB documents include documents noted as "PRIV" or "SAM"  
10 (referring to the Stubbs firm). Of concern here is that although there has been a privilege waiver  
11 ordered as to PW in this litigation, Amazon provides no authority or argument that such a waiver  
12 would carry over into any State Court proceedings.

13 6. Amazon also seeks release of an August 22, 2019 deposition transcript of Kevin  
14 Bermeister, BDE CEO and non-executive chairman of PW, that was taken over a year and a half  
15 before the events commencing in April 2021. However, this transcript contains 207 pages of  
16 testimony, and Amazon cites no specific pages and makes no showing of relevance of any portion  
17 thereof to the anti-SLAPP motions or to any portion thereof.

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

20 Executed at Los Angeles, California, March 13, 2023.

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23 THOMAS M. ROBINS III  
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**PROOF OF SERVICE**

**5:18-md-02834-BLF**

I, the undersigned, declare and certify as follows:

I am over the age of eighteen years, not a party to the within action and employed in the County of Los Angeles, State of California. I am employed in the office of Frandzel Robins Bloom & Csato, L.C., members of the Bar of the above-entitled Court, and I made the service referred to below at their direction. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

On **March 13, 2023**, I served true copy(ies) of the **DECLARATION OF THOMAS M. ROBINS III IN SUPPORT OF OPPOSITION OF BRILLIANT DIGITAL ENTERTAINMENT, INC. AND MONTO HOLDINGS PTY. LTD. TO AMAZON'S ADMINISTRATIVE MOTION FOR RELIEF FROM PROTECTIVE ORDER [DKT. 854]**, the original(s) of which is(are) affixed hereto. to the party(ies) listed below.

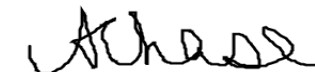
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BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

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

Executed on **March 13, 2023**, at Los Angeles, California.



Annette Chase