Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF DELAWARE

ELM 3DS INNOVATIONS, LLC.,	
Plaintiff,	
v.	**CIVIL ACTION NO. 14-CV-1430-LPS-JLH**
SAMSUNG ELECTRONICS CO., LTD., ET AL,	
Defendant.	

SUSAN R. BROWN'S AMENDED MOTION FOR PROTECTIVE ORDER AS TO SUBPOENA FOR DOCUMENTS FROM DISSOLUTION OF MARRIAGE CASE AND SUBPOENA FOR DEPOSITION UNILATERALLY SCHEDULED BY SAMSUNG ELECTRONICS CO., LTD.

SUSAN R. BROWN, in proper person, hereby files this, her Amended Motion for Protective Order as to Subpoena for Documents from Dissolution of Marriage Case and Subpoena for Deposition Unilaterally Scheduled by Samsung Electronics Co., Ltd., and alleges as follows:

Background

1. Counsel for the Defendant, SAMSUNG ELECTRONICS CO., LTD., ET AL (hereinafter referred to as "Defendant"), has issued a Subpoena to Produce Documents and for Testimony of the undersigned. This Subpoena was served in Florida and emanates from a case that is pending in Delaware District court. Defendant, Samsung's, counsel appear to be located in California.

2. The undersigned is a marital and family lawyer in the state of Florida. While the undersigned is admitted to Florida's Southern District Federal Court, the undersigned is not admitted to the Federal Court in Delaware, where this Motion is being filed. Accordingly, the undersigned is filing this Motion as a pro se individual, as opposed to an attorney.

3. The undersigned represented Julia Leedy, who appears not to be a party to this action, in a dissolution of marriage case in Broward County, Florida in 2012.

4. The undersigned was served with a Subpoena for Deposition and records seeking documents and information regarding patent valuations relating to Julia and Glenn Leedy's dissolution of marriage case that was

filed in 2011 and settled via Marital Settlement Agreement over nine years ago. The dissolution of marriage case ended with the January 7, 2013 Final Judgment of Dissolution of Marriage.

5. The undersigned communicated with Mrs. Leedy immediately prior to filing this response. Mrs. Leedy advised the undersigned that she objects to production of her dissolution of marriage records (that are not otherwise in the public record). Because Mrs. Leedy is not a party to this action, this Objection is Mrs. Leedy's only vehicle to object to her private information regarding a divorce case that was filed over ten years ago being provided to counsel for Samsung. The undersigned has already advised counsel for Samsung that she does not have any patent valuations or records that actually value the patents owned by Plaintiff. Plaintiff was Mr. and Mrs. Leedy's family business which Mr. Leedy was left in control of after the dissolution of marriage.

Objection to Documents Requested

6. The Subpoena on the undersigned is directed to the issue of valuation of patents in Mr. and Mrs. Leedy's dissolution of marriage case. As reflected by the Marital Settlement Agreement, which counsel for Samsung clearly has a copy of, the patents in question were never valued because of the impossibility of valuing groups of "unsold" patents that include both patents created during the parties' marriage and patents created after the cutoff date for defining assets as marital (which is the date of filing a dissolution of marriage action). As reflected in the Marital Settlement Agreement that Mr. and Mrs. Leedy entered into, the parties thereto agreed that Mr. Leedy would need to perform "non-marital" work and spend "non-marital" money in order to sell the patents. The valuation issue in the dissolution of marriage case was settled by the agreement for the implementation of different formulas that would control the marital portion of various patent groups. Because of the agreement to use these formulas, no documents exist that would show the value of any patent or patent group.

7. In addition, the dissolution of marriage case was settled over nine years ago, and any valuation agreed to in 2012 would not be determinative of the values of the patents in 2022.

8. Besides the Marital Settlement Agreement, the only document that the undersigned found in the file available to her (which is a digital file) that addressed the valuation issue, is the transcript of the Wife's deposition. The Broward County court docket reflects that the Wife's deposition was never filed. Any testimony of the Wife in her unfiled deposition was clearly not relied on in the Marital Settlement Agreement

that included formulas for valuation of the different patent groups. From the face of the Marital Settlement Agreement, it is clear that the settlement for equitable distribution of Plaintiff Elm 3DS Innovations was based on several formulas that used "coverture fractions." The valuation was clearly not based on Mrs. Leedy's personal opinion of the patents that Plaintiff owned. [1]

9. Rule 502 of the Federal Rules of Civil Procedure defines the work product privilege as tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial.

10. The Wife's unfiled deposition appears to fall under this definition since it was tangible material prepared in anticipation of litigation and trial.

11. Because of the attorney-client privilege, the undersigned objects to providing a copy of the deposition transcript, which appears to fall under the definition of work product.

12. The undersigned is required to err on the side of caution and object to providing possibly privileged documents. This Court should determine whether the work product privilege applies prior to requiring the production of the unfiled unused deposition transcript.

13. The undersigned has communicated with Mrs. Leedy, who objects to personal information from her dissolution of marriage case (that involves other issues besides the patents) dating back to 2011 and 2012 being provided to an entity involved in litigation involving her late Husband's business.

Subpoena for the Undersigned's Testimony via Deposition

14. The February 15, 2022 deposition was not coordinated and was unilaterally scheduled by Defendant.

15. There is no location for the deposition. There is no Zoom link provided.

16. The Federal Rules provide limitations on the locations of witness depositions. Certainly, the undersigned is not required to travel to submit to a deposition. If a deposition occurs, the undersigned requests that it be taken by Zoom on a date that is coordinated in advance.

[1] The reference to attached pages of Mrs. Leedy's deposition has been deleted. Its inclusion was an error that was based on the erroneous use of an earlier draft of this motion. (prepared prior to the undersigned communicating with Mrs. Leedy).

17. While the undersigned does not recall much detail from a case almost ten years ago, the discovery requested by Defendant places the undersigned in a position where she is being asked to disclose potentially confidential settlement negotiations in a case. The Marital Settlement Agreement speaks for itself as to the lack of a specific valuation of patents.

Relief Sought

18. For the reasons stated above, this Honorable Court should enter an Order of Protection relative to the taking of the deposition of Susan R. Brown on February 15, 2022 and production of the unfiled deposition transcript.

19. This court should also enter an Order of Protection as to production of Mrs. Leedy's unfiled deposition transcript.

20. The Defendant has improperly scheduled the deposition of the undersigned, and the Court should award the undersigned attorney's fees.

WHEREFORE, SUSAN R. BROWN respectfully requests this Honorable Court enter an Order of Protection relative to the Defendant's request to take her deposition on February 15, 2022, production of the unfiled deposition transcript, award attorney's fees and costs relative to the prosecution of this Motion, as well as grant such other and further relief as this Court deems just and proper under the circumstances.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all interested parties on the attached service list on this 17th day of February, 2022.

SUSAN R. BROWN, P.A.
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BY: _____
SUSAN R. BROWN
Florida Bar No. 440795

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