

1 **Michael J. Flynn, Mass. State Bar No.172780**
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4 *Admitted Pro Hac Vice*

5
6 **UNITED STATES DISTRICT COURT**
7
8 **DISTRICT OF NEVADA**

9 DENNIS MONTGOMERY, and the) 3:06-CV-00056-PMP-VPC
MONTGOMERY FAMILY TRUST,) **BASE FILE**
10) 3:06-CV-00145-PMP-VPC
Plaintiffs,)
11)
v.) **DECLARATION OF ATTORNEY DIMARE**
12) **IN SUPPORT OF ATTORNEY FLYNN'S**
ETREPPID TECHNOLOGIES, LLC,) **MOTION FOR COSTS**
13 WARREN TREPP, and the UNITED)
STATES DEPARTMENT OF DEFENSE,)
14 Defendants.)
15)
16 AND ALL RELATED MATTERS.)
17)

18 I, Carla DiMare, declare:

- 19 1. I am an attorney licensed to practice in Massachusetts and California. I have been
20 practicing for seventeen years after serving two paid judicial clerkships, one in Massachusetts Superior
21 Court in one in U.S.D.C., Boston, Massachusetts. I have appeared pro hac vice as counsel for
22 Montgomery, his wife and "family trust" in the above captioned Nevada cases and the related criminal
23 search case: 3:06-cv-00056, 00145, and 0263; and I had to withdraw. I have personal knowledge of
24 the facts stated herein and if called as a witness, I could and would testify competently and truthfully
25 to them.
26 2. I submit this declaration because the Montgomerys and their Los Angeles law firm,
27 the Liner firm, are currently and deliberately trying to violate and circumvent this Court's September
28 4, 2007 Order, docket no. 256, regarding withdrawal and Mr. Flynn's files, by running to a

1 “commissioner” in Los Angeles for a writ of possession of Mr. Flynn’s files. If they are
2 successful—and they do not have jurisdiction or venue—they would be violating this Court’s Order
3 regarding the military and state secrets privilege and there is a great chance they could undo this
4 Court’s and the DoJ’s meticulous hard work and time spent preserving military and state secrets. I also
5 file this because of Montgomery’s deliberately untruthful allegations in his response and declaration.

6 3. Dennis Montgomery agreed to pay me. In addition, Mr. Montgomery’s partner, Edra
7 Blixseth, a reported “billionaire,” also agreed to pay me and told attorney Flynn and myself that we
8 should do whatever legal work needed to be done to protect “Dennis and the technology,” essentially
9 money did not matter, and that we would be paid.

10 4. Montgomery and I had and have an agreement that I would give my time to attorney Flynn,
11 and Montgomery would pay Mr. Flynn for my work (and he would then pay me). In fact, for months
12 that was the process, so that Montgomery would receive one bill. My hourly rate of \$300 an hour is
13 at or below the hourly rate for an attorney with my experience in the community. My detailed bills
14 reflect the enormous amount of time I worked for Montgomery and Edra Blixseth. (I actually worked
15 more, but did not bill for all of my time.) Contrary to Montgomery’s erroneous claims, pursuant to
16 my agreement with Montgomery, Mr. Flynn has always been “authorized” to collect my money, and
17 I want him to collect the money Montgomery and Edra Blixseth indisputably owe me, but have refused
18 to pay, particularly since they ignored my June 26, 2007 demand for payment.

19 5. The most recent bill, which was sent to Montgomery, Blixseth and their company, Opspring,
20 at their proper addresses, reflects the amount that they owe attorney Flynn and me for fees and costs,
21 plus interest at the legal rate. (That bill was through approximately mid-July and there will be another
22 bill, although I expect it to be relatively small). Both Montgomery and his partner Edra Blixseth have
23 breached their agreements to pay me, and I know that they both have the money to pay their bills. In
24 light of the overwhelming and indisputable evidence it is incomprehensible that Montgomery is now
25 disputing these fees. It is also incomprehensible that these rich people—Montgomery and
26 Blixseth—are refusing to pay me and attorney Flynn, who are sole practitioners, the money that they
27 indisputably owe us.

28 6. In fact, Montgomery and Blixseth praised and thanked attorney Flynn and myself for our

1 “terrific” legal work, and I have numerous e-mails to prove this. In one e-mail dated March 19, 2007,
2 after a successful ruling, Edra Blixseth said, “F@*#N A!!!!!!!!!!!!!!!!!!!!!! the best is yet to be. Mike
3 and Carla thank you, thank you, thank you” Montgomery reacted the same. So for
4 Montgomery to now claim dissatisfaction with our work, as a way to avoid paying the money he owes
5 us, is very revealing of who he is. Not once did Montgomery or Blixseth ever dispute Mr. Flynn’s
6 bills, as Montgomery now contends.

7 7. As hundreds of pleadings, including my pro hac vice application, show, I have my own law
8 practice, Law Office of Carla DiMare, which I had years before these cases.

9 8. Montgomery’s and the Liner firm’s repeated claims that they have filed a Los Angeles lawsuit
10 and San Diego arbitration are clearly *irrelevant*. They should be dismissed for many reasons,
11 including lack of jurisdiction and venue. As everyone knows, these are Nevada not California cases.

12 9. It is false and malicious for Montgomery and his wife to allege that attorney Flynn held
13 himself as a California attorney and was practicing law in California. These are Nevada cases; the
14 services that were performed were for these Nevada cases; hundreds if not a thousand public pleadings
15 and correspondence list only his Massachusetts bar license and say “Admitted only in Massachusetts;”
16 and his pro hac vice application and order were for these Nevada cases. Montgomery’s deceitful and
17 brazen allegations are contrary to the overwhelming and indisputable evidence. Moreover, since the
18 Liner firm knows that Montgomery’s allegations are false, dishonest and meritless, it is extremely
19 disappointing that they have participated in Montgomery’s deceit. All of the Montgomerys’ attorneys
20 have ethical duties to not allow Montgomery to make things up and file documents with their names,
21 when they know his allegations are false.

22 I declare under the penalty of perjury under the laws of the United States, and the State of Nevada that
23 the foregoing is true and correct. Executed on Sept. 24, 2007 in Boston, Massachusetts.

24 /s/ _____

25 Carla DiMare, Esq.