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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

GLAS-WELD SYSTEMS, INC., an Oregon  
corporation,

Plaintiff,

v.

MICHAEL P. BOYLE, dba SURFACE  
DYNAMIX; and CHRISTOPHER M. BOYLE

Defendants.

Case No. 6:12-cv-02273-AA

**PLAINTIFF GLAS-WELD INC.'S  
REPLY IN SUPPORT OF ITS MOTION  
FOR DEFAULT JUDGMENT**

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Page 1 - **PLAINTIFF GLAS-WELD INC.'S REPLY IN SUPPORT OF ITS MOTION  
FOR DEFAULT JUDGMENT**

2133090

Plaintiff Glas-Weld Systems, Inc., (“Glas-Weld”), submits the following as its Reply in support of its Motion for Default Judgment against defendants Michael Boyle and Christopher Boyle (“the Motion”).

## I. INTRODUCTION

Since Glas-Weld filed the Motion on July 24, 2014, more than six weeks have passed. During that time, defendants Michael Boyle and Christopher Boyle have made no effort to address the discovery violations and deficiencies identified in the Motion. Their respective oppositions (Doc. Nos. 147 & 148) similarly make no effort to address or explain any of the numerous discovery violations and deficiencies. Instead defendants blame Glas-Weld for their own refusal to obey this Court’s Orders and the Federal Rules of Civil Procedure.

Specifically, Michael Boyle’s response in opposition to the Motion (Doc. No. 147) (“M.B. Opposition”) makes no effort to address or justify Michael Boyle’s discovery deficiencies and violations set out in Glas-Weld’s Motion. Instead, the crux of the M.B. Opposition is (1) Michael Boyle claims to have done his best to meet his discovery obligations, and (2) Michael Boyle is upset because Glas-Weld’s counsel did not spend hours explaining each of his discovery obligations and the manner in which to correct each of his discovery violations and deficiencies. Doc. No. 147 at 1, 4. The remainder of the M.B. Opposition – which is nothing more than a rant by Michael Boyle in violation of the Court’s September 6, 2014 Order (Doc. No. 67), disparaging Glas-Weld and its counsel by questioning their ethics and professionalism, disparaging his former counsel and *pro bono* attorney, and supporting his allegations with suspect, unsworn hearsay – is irrelevant to the issue at bar. Accordingly, Glas-Weld will direct this response to the two arguments set forth above, and briefly address Michael Boyle’s sanctionable behavior. Glas-Weld remains willing to address any question or issue the Court may have with respect to the remainder of Michael Boyle’s Opposition.

Christopher Boyle's response in opposition to the Motion (Doc. No. 148) ("C.B. Opposition") similarly makes no effort to address or justify the discovery deficiencies and violations set out in Glas-Weld's Motion. Instead, Christopher Boyle blames Glas-Weld's counsel for his refusal to observe the discovery rules, including his refusal to produce a single document in this litigation. Specifically he alleges that Glas-Weld did not respond to an email sent on July 2, 2014. However, Glas-Weld did respond to this email, which was based on a willful misreading of the Court's June 2, 2014 Order.

Neither defendant has made a good faith effort to meet their discovery obligations. And both defendants continue to claim ignorance as to what those obligations are despite the fact that Glas-Weld's Motion has set out the same. Accordingly, the Court should grant Glas-Weld a default judgment as to both defendants.

## II. ARGUMENT

### A. Michael Boyle's Excuses Are Unavailing

Rather than address any of the discovery violations and deficiencies raised in the Motion, Michael Boyle's primary argument is that he has done his best to comply with the June 2, 2014 Order and meet all of his discovery obligations. This argument is unsupported by the facts. Since Glas-Weld filed the Motion, the only supplementation received from Michael Boyle has been the service of an "Additional Response to Plaintiff[']s Request for Production #3," which provides a short list of products and quantities, and offers to make same available for inspection, but does not provide any of the documentation requested in conjunction therewith.<sup>1</sup> Michael Boyle also sent Glas-Weld an email claiming that he believed he had met all of his discovery obligations, and

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<sup>1</sup> This supplemental response is not attached as an exhibit to this reply because Michael Boyle has designated its contents as ATTORNEYS- EYES ONLY. Glas-Weld will make the response available for the Court's inspection upon request.

that he was unaware of any other deficiencies. Ex. A, Mike Boyle emails of August 26 & 27, 2014.

On July 24, 2014, in the body of the very Motion Michael Boyle purports to be opposing, Glas-Weld set out a summary of Michael Boyle's discovery violations and deficiencies. Motion, at 4-6. Nevertheless, Michael Boyle makes no attempt to try to address any of these deficiencies. Instead, the M.B. Opposition presents an unsupported and undocumented list of the quantity of imported products, and claims that to the best of his knowledge Michael Boyle had met all his obligations.

Moreover, in response to Michael Boyle's emails of August 26 & 27, 2014, Glas-Weld expressly referred Michael Boyle to Glas-Weld's motion practice for a list of his discovery deficiencies. Ex. A, Sobrado email of August 27, 2014. Nevertheless, Michael Boyle refused consider or address any of the deficiencies identified in the Motion notwithstanding the fact that he presumably read the Motion in order to respond to it.

Accordingly, Michael Boyle's claim that he has done his best to meet his discovery obligations is not supportable by the record, and Glas-Weld's Motion should be granted against Michael Boyle.

### **B. Christopher Boyle's Excuses Are Unavailing**

Christopher Boyle similarly ignores all of the discovery violations and deficiencies set out in the Motion. Instead, Christopher Boyle's primary argument in the C.B. Opposition is that Glas-Weld allegedly did not respond to his email of July 2, 2014, where he asks Glas-Weld to clarify which Requests for Production to Christopher Boyle correlate to Requests for Production Nos. 12 and 18 to Michael Boyle.<sup>2</sup> However this

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<sup>2</sup> Christopher Boyle also argues that Glas-Weld did not properly meet and confer with him prior to filing the Motion. However, the same email was sent to both defendants on July 24, 2014 to confer on the relief sought in the Motion. Once Michael Boyle confirmed that same day that he would oppose the Motion, Glas-Weld could and did represent to the Court that the parties would not reach agreement on the Motion. Christopher Boyle alleges that he was not given "reasonable time" to reply to Glas-Weld's email. However this argument is disingenuous because

argument is a red herring, as Christopher Boyle's July 2, 2014 email is based on a willful misreading of the Court's June 2, 2014 Order, and Glas-Weld did respond to his email.

The Court's Order of June 2, 2014, orders defendants to "provide complete responses to discovery requests identified by plaintiff in its motion and supporting memoranda, including Interrogatory No. 8 and Requests for Production Nos. 12 and 18 ... within thirty (30) days from the date of this Order." Doc. No. 123, at 2. Christopher Boyle chose to interpret the Court's Order as **only** requiring document production in response to Requests for Production Nos. 12 and 18. But Glas-Weld's Motion for Partial Summary Judgment and its Reply in support of same (Doc. Nos. 96 & 115) address numerous other discovery violations that were subject to the Court's June 2, 2014 Order. Specifically Glas-Weld's Reply in Support of its Motion for Partial Summary Judgment specifically addresses Christopher Boyle's failure to provide good faith responses to all of Glas-Weld's Requests for Admission, and his failure to produce any documents at all in response to Glas-Weld's Requests for Production. Doc. No. 115 at 2, 7-8. Glas-Weld's Reply in support of its Motion for Partial Summary Judgment also sets out verbatim Requests for Production Nos. 12 & 18 to Michael Boyle, eliminating any confusion with respect to same. *Id.* at p. 6. It is clear that Christopher Boyle did not review Glas-Weld's Motion for Partial Summary Judgment and its supporting memoranda in a good faith effort to see what discovery requests were identified by Glas-Weld and provide complete responses to same, as required by the Court's June 2, 2014 Order.

Accordingly, Glas-weld responded to Christopher Boyle's email of July 2, 2014 in an email to both defendants the following day, informing them that their "supplementary responses [were] woefully deficient and fail to comply with the Court's June 2, 2014

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Christopher Boyle never responded to Glas-Weld's email, and he admits that he would have objected – which would change nothing in Glas-Weld's 7.1 certification to the Court.

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Order.” Doc. No. 133-5. Christopher Boyle ignored that email. Subsequently, on July 24, 2014 Glas-Weld served its Motion for Default Judgment on Christopher Boyle via email, providing him with a summary of all his discovery violations and deficiencies, including his failure to produce any documents, his failure to provide good faith responses to Glas-Weld’s Requests for Admission, and his deficient interrogatory responses. Motion at 6-7. Christopher Boyle ignored that email and Glas-Weld’s Motion as well, and the C.B. Opposition does not address those discovery deficiencies and violations.

Thus, Christopher Boyle’s attempt to pass the blame for his discovery violations and deficiencies onto Glas-Weld is unfounded, and the Court should Grant Glas-Weld a default judgment against Christopher Boyle.

**C. Glas-Weld Does Not Have A Duty To Advise Michael Boyle As to His Legal Obligations, And Its Counsel Is Ethically Precluded From Providing Such Advice**

Between his insults to Glas-Weld’s counsel and his former *pro bono* attorney, Michael Boyle accuses Glas-Weld of “refus[ing] to provide specifics” as to his discovery obligations, deficiencies and violations. M.B. Opposition at 3-4. He further asks that the Court “command the plaintiff’s counsel to notify defendant of any deficiencies.” *Id.* at 4. It is unclear what explanation Mr. Boyle wants with respect to his discovery deficiencies and obligations beyond that which Glas-Weld provided in its Motion. Any further explanation from Glas-Weld as to how to remedy the identified discovery violations would constitute legal advice regarding same. Not only is there no obligation for Glas-Weld to provide such advice to Michael Boyle, but Glas-Weld’s counsel is ethically precluded from providing such to Michael Boyle because Michael Boyle is adverse to Glas-Weld in this litigation. Accordingly, Glas-Weld has repeatedly informed Mr. Boyle that if he “want[s] the assistance of an attorney to ... explain [his] discovery obligations

beyond that which Glas-Weld has already provided to” him, that he should “hire an attorney.” Ex. A, Sobrado email of August 27, 2014 & Gale email of August 26, 2014.

**D. Michael Boyle Has Waived Attorney-Client Privilege With Respect To All Communications From His Former *Pro Bono* Attorney Regarding Michael Boyle’s Discovery Responses and Obligations**

Michael Boyle has waived his attorney-client communication privilege with his former *pro bono* attorney by putting his communications with his attorney at issue in this litigation. Attorney-client privilege is not absolute, and is waived when a client places privileged matters in controversy. *Gomez v. Vernon*, 255 F.3d 1118, 1131 (9th Cir. 2001); Fed. R. Ev. 502. As part of his excuses as to why he has not complied with his discovery obligations, Michael Boyle argues that until his former *pro bono* counsel’s “termination, the defendant [Michael Boyle] was assured [by his former counsel] that [Glas-Weld’s] discovery request[s] were complied with.” M.B. Opposition at p. 3. This statement directly puts into controversy all of Michael Boyle’s communications with his former counsel on the subject of discovery, particularly in view of the several communications from Glas-Weld’s counsel to Michael Boyle’s former *pro bono* counsel advising him of Michael Boyle’s discovery deficiencies. See *e.g.*, Motion at 5-6, Doc. No. 115-2, Doc. No. 133-1. For the reasons set forth above, Glas-Weld believes Michael Boyle’s arguments regarding his innocent, best efforts to meet his discovery obligations to be unpersuasive. Nevertheless, given the clear waiver of privilege with respect to communications relating to compliance with discovery obligations, Glas-Weld will seek those communications in order to evaluate Michael Boyle’s representations.

**E. Michael Boyle’s Ongoing Sanctionable Conduct**

Michael Boyle continues to conduct himself without civility, professionalism or decorum in violation of the Court’s September 6, 2013 Order. In that Order the Court expressly stated:

Michael Boyle is advised that profanity, threats, and taunts have no place in this case and that such behavior will not be tolerated. **Michael Boyle shall conduct himself with professionalism and courtesy in all dealings with plaintiff and counsel[.]**

September 6, 2013 Order (Doc. No. 67). In fact, just prior to Michael Boyle's filing of the M.B. Opposition, Glas-Weld expressly reminded Mr. Boyle of the Court's directive to him by email, on August 20 & 22, 2014. Ex. B.

Nevertheless, as evidenced by the M.B. Opposition, Michael Boyle continues to operate with willful disregard for the Court's September 6 Order. Specifically, Michael Boyle devotes the majority of the M.B. Opposition to insulting Glas-Weld's counsel by questioning their ethics and professionalism, lambasting his former *pro bono* attorney, and attributing unsworn, insulting, and questionable statements to unrelated third parties, including his own former *pro bono* attorney. M.B. Opposition at 2-3.

Michael Boyle's ongoing disregard for the Court's orders, his discovery obligations, and the basic tenets of decency and professionalism warrant the imposition of sanctions, including granting Glas-Weld's Motion for Default Judgment.

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### III. CONCLUSION

For the foregoing reasons, Glas-Weld respectfully requests that the Court grant its Motion for Default Judgment against defendants Christopher Boyle and Michael Boyle.

DATED: September 11, 2014

COSGRAVE VERGEER KESTER LLP

***/s/ Paul A. C. Berg***

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*and*

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Javier Sobrado, FSB No. 44992  
Admitted *Pro Hac Vice*  
Telephone: (305) 358-5001  
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Email: JGale@feldmangale.com  
GHillyer@feldmangale.com  
JSobrado@feldmangale.com

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that I served a true and correct copy of the **PLAINTIFF GLAS-WELD INC.'S REPLY IN SUPPORT OF ITS MOTION FOR DEFAULT JUDGMENT** on the date indicated below by:

- mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- hand delivery,
- facsimile transmission,
- email
- electronic filing notification.

I further certify that said copy was delivered as indicated above and addressed to said attorneys and defendant at the addresses listed below:

James A. Gale, Esq. **(ELECTRONIC FILING NOTIFICATION)**  
Javier Sobrado  
Gregory L. Hillyer  
Feldman Gale, P.A.  
One Biscayne Tower, 30th Floor  
2 South Biscayne Boulevard  
Miami, FL 33131  
Of Attorneys for Plaintiff

Michael P. Boyle **(ELECTRONIC FILING NOTIFICATION)**  
66932 Sagebrush Lane  
Bend, OR 97701  
Defendant Pro Se

Christopher M. Boyle **(EMAIL & US MAIL)**  
66932 Sagebrush Lane  
Bend, OR 97701  
Defendant Pro Se

DATED: September 11, 2014

/s/ Paul A. C. Berg  
Paul A. C. Berg

**Javier Sobrado**

---

**From:** Javier Sobrado  
**Sent:** Wednesday, August 27, 2014 5:44 PM  
**To:** 'Mike Boyle'  
**Cc:** Chris Boyle; Paul Berg; Robert Barton; James A. Gale, Esq.  
**Subject:** RE: Discovery request

Mr. Boyle:

Glas-Weld has already identified to you the deficiencies in your discovery responses multiple times, repeatedly over the past 14 months. Specifically Glas-Weld has informed you of your discovery violations directly, or through your attorney, by email, phone calls and through motion practice. Glas-Weld is not an intermediary between you and your past counsel. If you need something from Mr. Madden, contact him.

If you want the assistance of an attorney to explain the discovery rules to you, review 14 months of communications and explain your discovery obligations beyond that which Glas-Weld has already provided to you, then we suggest you hire an attorney.

Regards,  
-Javier Sobrado

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**From:** Mike Boyle [mailto:surfacedynamix@gmail.com]  
**Sent:** Wednesday, August 27, 2014 4:45 PM  
**To:** James A. Gale, Esq.  
**Cc:** Javier Sobrado; Nikea J. Smedley; Chris Boyle; Paul Berg; Robert Barton; Gregory L. Hillyer; Michael P. Hogan  
**Subject:** Re: Discovery request

Jim

A assume you are JAG?

I am not looking for legal advice, just a plaintiff that will operate under the guise of the professional conduct they preach. . I have simply asked you to inform me of what discovery items are deficient as of the judges last order. I believe the Courts have instructed you and your firm to be helpful.

I am sorry I do not full understand the discovery issues, I though was compliant as far as the rules dictate!

Finally, I don't understand why you state that you **"are required to provide you with advice"**. I assume that in your haste you overlooked proof reading the Email before sending it. There are so many errors in court and other important docs by you and your firm, I want to make sure you are saying what you mean. I had just a few misspellings of Javier"s name and its in you motion!

To wrap up, I don't know what discovery items I am deficient on. If you can not provide that info as Counsel for GlasWeld allowing me to provide you with all the information you requested I have no other choice but to file my response to the courts order that you and your firm will not cooperate in this matter.

Your immediate assistance would be appreciated.

Kind Regards

Mike

On Tue, Aug 26, 2014 at 2:29 PM, Mike Boyle <[surfacedynamix@gmail.com](mailto:surfacedynamix@gmail.com)> wrote:  
Just to clarify, Feldman Gale will not clarify what discovery is deficient.

That is correct?

MB

Sent from my iPhone

On Aug 26, 2014, at 1:44 PM, "James A. Gale, Esq." <[jgale@FeldmanGale.com](mailto:jgale@FeldmanGale.com)> wrote:

Your email is unintelligible.

If you feel that Mr. Madden did something wrong, deal with Mr. Madden—not us. With regard to any other requests you have, we once again repeat “We are not your attorneys and are required to provide you with advice—nor will we—regarding what your obligations are, or are not.” Stop asking us to spend our client’s money to do your job.

JAG

**James A. Gale, Esq.**  
**Board Certified in**  
**Intellectual Property Law**  
**[JGale@FeldmanGale.com](mailto:JGale@FeldmanGale.com)**  
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**E-fax [305.675.2384](tel:305.675.2384)**  
**Cell [954.610.5777](tel:954.610.5777)**

<image003.png>

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**From:** Mike Boyle [<mailto:surfacedynamix@gmail.com>]  
**Sent:** Tuesday, August 26, 2014 2:25 PM

**To:** Javier Sobrado; James A. Gale, Esq.; Nikea J. Smedley; Chris Boyle; Paul Berg; Robert Barton; Gregory L. Hillyer; Michael P. Hogan

**Subject:** Discovery request

In order to complete any outstanding discovery, please provide me with the status of your discovery request prior to the Judge's order. The order request specific responses. The fact that Mr. Madden was negligent in fulfilling discovery request has left me without any specifics outside the order.

Please provide me with a list of any and all items you feel I am still deficient on. I will complete any deficiencies by 9/1.

MB

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<image858e11.JPG>

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Thank you.

Please visit <http://www.FeldmanGale.com/> for more information about our Firm.

**Javier Sobrado**

---

**From:** Javier Sobrado  
**Sent:** Friday, August 22, 2014 6:28 PM  
**To:** 'Mike Boyle'  
**Cc:** James A. Gale, Esq.; Paul Berg; Chris; Robert Barton  
**Subject:** RE: Confer

Mr. Boyle:

There are no pending issues which require a joint motion or hearing before the Court. We simply asked you to conduct yourself with courtesy and professionalism, as you have been ordered to behave by the Court.

We understand your email to indicate that you refuse to conduct yourself with courtesy and professionalism towards Glas-Weld's counsel, despite the Court order cited below.

Regards,  
-Javier

---

**From:** Mike Boyle [mailto:surfacedynamix@gmail.com]  
**Sent:** Thursday, August 21, 2014 8:59 AM  
**To:** Javier Sobrado  
**Cc:** James A. Gale, Esq.; Paul Berg; Chris; Robert Barton  
**Subject:** Re: Confer

Javier

You and your firm have produced fraudulent statements in court documents. Also several false statements in emails have sent to me in the past 18 months. I am prepared to face the judge and defend my position.

Let's submit a joint motion for a hearing to so the facts of you and your firms tactics are unclocked. Once again Ms, Walker said it all. I will share that complete conversation and you can defend her statements in front of the judge.

Let me know if I can draft that request for a hearing.

MB

Sent from my iPhone

On Aug 20, 2014, at 9:18 AM, Javier Sobrado <[jsobrado@FeldmanGale.com](mailto:jsobrado@FeldmanGale.com)> wrote:

Mr. Boyle:

Thank you for clarifying your position. We will oppose your motion to supplement claim construction briefing with Mr. Beveridge's declaration. We remain willing to meet and confer in writing on any issue

you bring to our attention. Your commentary regarding our “unwillingness to confer” is untrue, unnecessary and inappropriate.

We asked to see a copy of the declaration not only to evaluate the appropriateness of your request, but also because we want to be clear that what you are filing matches what you claim you will file. For example, in this instance you initially reached out to us asking to supplement the evidentiary record for summary judgment – which is presently stayed pending ruling on claim construction. (See Boyle email of August 15, 2014 below). However, your most recent email tells a different story – that the declaration is unrelated to summary judgment and you are really seeking to supplement claim construction briefing, which has been closed for months. (See Boyle email of August 19, 2014 below). We will continue to ask for whatever we believe necessary to evaluate your position and avoid any misunderstandings as to what you are proposing.

Finally, we note that your derisive emails – including the most recent email below attacking me personally, questioning the reputability of our firm, and falsely suggesting that we are prodding you, insulting you, or otherwise making false statements – are sent in violation of the Court’s September 6, 2013 Order, which held that:

Michael Boyle is advised that profanity, threats, and taunts have no place in this case and that such behavior will not be tolerated. **Michael Boyle shall conduct himself with professionalism and courtesy in all dealings with plaintiff and counsel.**

Sept. 6, 2013 Order (Doc. No. 67) (emphasis added). Please conduct yourself accordingly, or Glas-Weld will seek appropriate relief from the Court.

Regards,  
-Javier Sobrado

---

**From:** Mike Boyle [<mailto:surfacedynamix@gmail.com>]  
**Sent:** Tuesday, August 19, 2014 6:58 PM  
**To:** Javier Sobrado  
**Cc:** James A. Gale, Esq.; Paul Berg; Chris; Nikea J. Smedley; Robert Barton  
**Subject:** Re: Confer

I provided all the facts needed for any "reputable" firm to begin conversations.

The motion will be to supplement claims construction.

I'll note your unwillingness to confer. Your continued prods, insults and false statements are indicative of you and your firms tactics.

MB

Sent from my iPhone

On Aug 19, 2014, at 2:23 PM, Javier Sobrado <[jsobrado@FeldmanGale.com](mailto:jsobrado@FeldmanGale.com)> wrote:

Mr. Boyle:

If you refuse to provide a copy of the declaration and an explanation as to why you did not include this declaration with your original response, we cannot evaluate the merits of your request, and must oppose. Your refusal to provide “the facts” to us for consideration is indicative of your tactics.

Moreover, in view of the Court’s order staying this case pending its claim construction order, Glas-Weld believes that any supplementation at this time is premature.

Regards,  
-Javier

---

**From:** Mike Boyle [<mailto:surfacedynamix@gmail.com>]  
**Sent:** Monday, August 18, 2014 11:50 AM  
**To:** Javier Sobrado  
**Cc:** James A. Gale, Esq.; Nikea J. Smedley; Paul Berg; Chris  
**Subject:** Re: Confer

Javier

I have provided adequate information to begin to discuss this. If you insist on stonewalling this conversation, I will file today noting your refusal to confer.

Mr. Beveridge is uniquely qualified to discredit the obvious distortion of the facts in your statements regarding convertibility.

Your refusal to discuss the facts just confirms Ms. Walkers statement about your tactics.

I will file the motion If don't here from you.

In regards to reopening discovery, the court has already reopened the opportunity for depositions. I will be adding you the that list.

You are refusing to confer on this issue as well as required by LR 7.1.

MB

Sent from my iPhone

On Aug 18, 2014, at 8:21 AM, Javier Sobrado <[jsobrado@FeldmanGale.com](mailto:jsobrado@FeldmanGale.com)> wrote:

Mr. Boyle:

We cannot evaluate the situation based on the Beverage Patent, which is irrelevant to the case at bar. Provide a copy of the Beveridge declaration if you wish to confer on the subject.

Glas-Weld will oppose reopening fact discovery as to any count, as there are no grounds to justify same.

Regards,  
-Javier Sorbado

---

**From:** Mike Boyle [<mailto:surfacedynamix@gmail.com>]  
**Sent:** Friday, August 15, 2014 3:34 PM  
**To:** Javier Sobrado  
**Cc:** James A. Gale, Esq.; Nikea J. Smedley; Paul Berg; Chris  
**Subject:** Re: Confer

Javier

I have attached Mr. Beveridge's Patent. The declaration involves the 180 patent, his tenure at GlasWeld as president, named author of 180, the operation of the plunger, and convertibility.

Let me know when you would like to talk..

MB

On Fri, Aug 15, 2014 at 12:05 PM, Javier Sobrado  
<[jsobrado@feldmangale.com](mailto:jsobrado@feldmangale.com)> wrote:  
Mr. Boyle:

Please provide copies of all supplements to the evidentiary record that you wish to submit to the Court to illuminate further meet and confer efforts.

-Javier Sobrado

-----Original Message-----

From: Mike Boyle [<mailto:surfacedynamix@gmail.com>]  
Sent: Friday, August 15, 2014 10:20 AM  
To: James A. Gale, Esq.; Nikea J. Smedley; Javier Sobrado; Paul Berg; Chris  
Subject: Confer

Javier

I would like to meet and confer on my motion to supplement the evidentiary record in support of defendants opposition to plaintiffs motion for partial summary judgment of infringement, which has been filed with the court.

As required by LR 7,1, a telephone conference is required.

Although you may try to subvert this rule with your own preference, you have no authority to do so. If you would like to have a conference with the judge, let's agree and file a joint motion,

MB

Sent from my iPhone

-----  
Javier Sobrado  
Attorney at Law  
Feldman Gale, P.A.  
One Biscayne Tower, 30th Floor  
2 South Biscayne Blvd  
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