

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC., a Washington corporation,

Plaintiffs,

v.

KNITTING FEVER, INC., a New York corporation, DESIGNER YARNS, LTD., a corporation of England, FILATURA PETTINATA V.V.G. DI STEFANO VACCARI & C. (S.A.S.), an entity organized under the laws of Italy; SION ELALOUF, a natural person, DIANE ELALOUF, a natural person, JAY OPPERMAN, a natural person, DEBBIE BLISS, a natural person, DAVID WATT, a natural person, and DOES 1-50,

Defendants

Case No. C:10-00861 RSM

DECLARATION OF JOSHUA R. SLAVITT IN SUPPORT OF KNITTING FEVER, INC.’S RULE 56(d) MOTION TO CONTINUE CASCADE’S PARTIAL SUMMARY JUDGMENT MOTION

NOTE ON MOTION CALENDAR: January 7, 2011

I, Joshua R. Slavitt, declare as follows:

1. I am an attorney, admitted to practice before this Court *pro hac vice*, and am a partner with Pepper Hamilton LLP, counsel of record for Defendant Knitting Fever, Inc. (“KFI”) in this action. This declaration is based on my personal knowledge and, if

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(Case No. C10-00861 RSM)— 1

1 called upon to do so, I would and could testify competently as to the matters set forth
2 herein.

3 2. In connection with Cascade's effort to obtain a preliminary injunction, KFI
4 presented reports of fiber analyses that had been conducted on over twenty different yarns
5 sold by Cascade.

6 3. According to these reports, the percentages of cashmere or other specialty
7 fibers were at variance with the percentages indicated on Cascade's product labels.

8 4. Cascade responded by providing fiber analyses of some of its own yarns
9 which disagreed with those presented by KFI.

10 5. The present case has not yet progressed beyond the pleading stage. Other
11 than the Court's grant of limited expedited discovery to Cascade, discovery has not yet
12 begun.

13 6. Discovery is required as to the existing facts related directly to the essential
14 elements of Cascade's claims and to KFI's defenses.

15 7. KFI has not yet had the opportunity to propound any discovery on Dr.
16 Kenneth Langley. As a result, there is no way for KFI to know with any certainty whether
17 Dr. Langley analyzed the same yarns that KFI sells and the conditions and methodology of
18 his analysis that may affect their results.

19 8. Cascade has failed to produce any customer surveys showing that KFI's
20 allegedly false statements would affect a customer's purchasing decision.

21 I declare under penalty of perjury under the laws of the United States of America
22 and the Commonwealth of Pennsylvania that the foregoing is true and correct.

23 Executed on December 30, 2010 at Philadelphia, Pennsylvania.

/s/ Joshua R. Slavitt
Joshua R. Slavitt

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