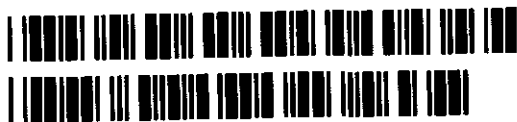


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The Honorable Ricardo S. Martinez



10-CV-00861-DECL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASCADE YARNS, INC., a Washington Corporation,

Plaintiff,

v.

KNITTING FEVER, INC., a New York corporation, KFI, INC., a New York Corporation, DESIGNER YARNS, LTD., a corporation of England, EMMEPIEFFE, srl, an entity organized or existing under the laws of Italy, SION ELALOUF, an individual, JAY OPPERMAN, an individual, DEBBIE BLISS, an individual, and DOES 1-50.

Defendants,

v.

ROBERT A. DUNBABIN, SR., an individual, JEAN A. DUNBABIN, an individual, ROBERT A. DUNBABIN, JR., an individual, and SHANNON M. DUNBABIN, an individual,

Third Party Defendants.

No. C10-00861 RSM

LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING OF EVIDENCE IN CIVIL OR COMMERCIAL MATTERS

TO: Mistero Degli Affari Esteri
Direzione Generale Emigrazione
Ufficio X
00194 Rome, Italy

DEFENDANTS' LETTER OF REQUEST
(C10-00861 RSM)

Pepper Hamilton LLP
3000 Two Logan Square,
18th and Arch Streets
Philadelphia, PA 19103
(215) 981-4000 - Fax (215) 981-4750

1 FROM: The United States District Court
2 Western District of Washington
3 700 Stewart Street
4 Seattle, WA 98101

4 PERSON TO WHOM THIS REQUEST FOR EVIDENCE IS DIRECTED:

5 Di.Ve' S.p.A.
6 Via Papa Giovanni XXII, 94
7 13882 Vergnasco
8 Cerrione (Biella)
9 Italy

8 Please return the evidence directly to the attention of the requesting judge, unless the information
9 is not written in English. In that case, please return the evidence and all correspondence to:

11 I. Names of Addresses of the Parties and Their Representatives

12 Plaintiff

12 Cascade Yarns, Inc.
13 1224 Andover Park East
14 Tukwila, WA 98188

Counsel for Plaintiff

12 Robert J. Guite, Esq.
13 Squire, Sanders & Dempsey L.L.P.
14 275 Battery Street, Suite 2600
San Francisco, CA 94111

15 KFI Defendants

15 Knitting Fever, Inc.
16 315 Bayview Avenue
17 P.O. Box 336
Amityville, NY 11701-2801

Counsel for KFI Defendants

15 Joshua R. Slavitt, Esq.
16 Pepper Hamilton LLP
17 3000 Two Logan Square
Philadelphia, PA 19103

18 Designer Yarns, Ltd.
19 Unit 8-10 Newbridge Industrial Estate, Pitt Street
20 Keighly, West Yorkshire
United Kingdom BD21 4PQ

Counsel for KFI Defendants

18 Warren J. Rheume, Esq.
19 Davis Wright Tremaine LLP
20 1201 Third Avenue, Suite 2200
Seattle, WA 98101

21 Sion Elalouf
22 22 Longwood Road
Port Washington, NY 11050-1260

23 Jay Opperman
24 78 Clinton Avenue
Montclair, NJ 07042-2116

25 Debbie Bliss
26 9 Folkestone Road
Walthamstow, London
United Kingdom E17 9SD

DEFENDANTS' LETTER OF REQUEST
(C10-00861 RSM)

1 **II. Summary of the Case**

2 This is a civil action for false advertising arising under the United States Trademark Act
3 of 1946, as amended, 15 U.S.C. § 1051, *et seq.* (“Lanham Act”), the Racketeer Influenced and
4 Corrupt Organization Act, 28 U.S.C. § 1964, *et seq.* (“RICO”), the Washington Consumer
5 Protection Act, RCW 19.86 *et seq.*, and the common law. This action also involves similar
6 counterclaims as well as counterclaims for defamation, tortious interference with existing
7 contractual relationships, and tortious inference with business expectancy.

8 Plaintiff, Cascade Yarns, Inc. (“Cascade”), and Defendant Knitting Fever, Inc. (“KFI”) are
9 competing distributors of hand-knitting yarns in the United States. Plaintiff alleges that KFI sold
10 yarn in the United States that did not contain the fiber content as listed on the label. It bases its
11 allegations on a series of tests purportedly performed on KFI’s yarns, including its Cashmerino
12 yarns.

13 In 2006, Cascade sought to introduce a line of yarns that would compete directly with
14 KFI’s Cashmerino yarns. In connection with its efforts to manufacture this competing yarn for
15 Cascade, Di.Ve’ S.p.A. (“Di.Ve”), an Italian company located in Cerrione, began testing KFI’s
16 Cashmerino yarns. These tests are highly relevant to Cascade’s claims as well as to KFI’s
17 defenses in this case.

18
19 **III. Requested Evidence**

20 KFI, together with Defendants Designer Yarns, Ltd., Sion Elalouf, Jay Opperman, and
21 Debbie Bliss (collectively, the “KFI Defendants”) seek production from Di.Ve’ of copies of all
22 test reports or fiber analyses Di.Ve’ performed or caused to be performed on KFI’s Cashmerino
23 yarns. The copies produced should be true, accurate, and complete copies of all reports or
24 analyses. In addition, the KFI Defendants seek copies of all communications regarding these
25 tests between Di.Ve’ and Cascade, Robert A. Dunbabin, Sr., Jean Dunbabin, Robert A. Dunbabin,
26 Jr., Shannon Dunbabin, or Bruce Landau.

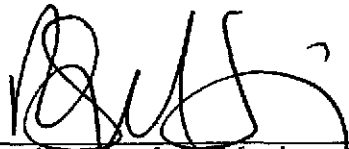
1 If any portion of this Letter of Request is deemed to be unacceptable under the laws of
2 Italy, please disregard that portion and continue to comply with as much of this Letter of Request
3 as is legally permissible.

4
5 **IV. Reimbursement for Costs**

6 This Court understands that any fees and costs incurred in the execution of this Request
7 are reimbursable under the second paragraph of Article 14 or under Article 26 of the Hague
8 Convention.

9 These fees and costs will be reimbursed by the above-named counsel for the KFI
10 Defendants up to \$1,000. Joshua R. Slavitt, Esq., the above-referenced counsel for KFI
11 Defendants should be informed before the costs exceed this amount.

12
13 Dated: January 21, 2012

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15 
16 Honorable Ricardo S. Martinez
17 United States District Judge
18 The United States District Court
19 For the Western District of Washington
20 700 Stewart Street
21 Seattle, Washington 98101
22 U.S.A.

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DEFENDANTS' LETTER OF REQUEST
(C10-00861 RSM)