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Case #23CV423435
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7 Defendant Walter J. Plumb III

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF SANTA CLARA
11 UNLIMITED JURISDICTION

12 MARK CHRISTOPER TRACY, an individual,
13 Plaintiff,

14 v.

15 COHNE KINGHORN PC, a Utah Professional
16 Corporation; SIMPLIFI COMPANY, a Utah
17 Corporation; JEREMY RAND COOK, an
18 individual; ERIC HAWKES, an individual;
19 JENNIFER HAWKES, an individual; MICHAEL
20 SCOTT HUGHES, an individual; DAVID
21 BRADFORD, an individual; KEM CROSBY
22 GARDNER, an individual; WALTER J. PLUMB
23 III, an individual; DAVID BENNION, an
24 individual; R. STEVE CREAMER, an individual
25 PAUL BROWN, an individual; GARY BOWEN,
26 an individual,

27 Defendants.

Case No. 23CV423435

**DECLARATION OF WALTER J. PLUMB
III IN SUPPORT OF MOTION TO
QUASH SERVICE OF SUMMONS AND
COMPLAINT FOR LACK OF
PERSONAL JURISDICTION**

Judge: The Hon. Evette Pennypacker
Department: 06

Date: April 16, 2024
Time: 9:00 a.m.

Complaint Filed: September 21, 2023

DAVIS WRIGHT TREMAINE LLP

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DECLARATION OF WALTER J. PLUMB III

1. I am named as a defendant in the above-entitled action, *Mark Christopher Tracy v. Cohn Kinghorn PC, et al.*, Santa Clara County Superior Court Case No. 23CV423435 (the "Lawsuit"). I make this declaration in support of Specially-Appearing Defendant Walter J. Plumb III's Motion to Quash Service of Summons and Complaint for Lack of Personal Jurisdiction. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am a resident of Utah, and have been since 1962. I am registered to vote in Utah, and intend to remain in the state.

3. I have never been a resident of California. I do not maintain bank accounts in California. I will not file a California income tax return for tax year 2023. I do not have any employees in California, and have not appointed anyone to accept service on my behalf in California. I do not consent to jurisdiction in California.

4. I own an interest in some timeshares in San Diego, California, which I acquired more than 15 years ago. I typically visit California once each year for vacation, with each stay typically lasting four days. Other than the timeshare interest, I do not own real estate, or any interest in any real estate, in California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on January 24, 2024, in Salt Lake City, Utah.



Walter J. Plumb III