

1 Mark Christopher Tracy
1130 Wall St #561
2 La Jolla, California 92037
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3 Eschersheimer Landstrasse 42
60322 Frankfurt am Main
4 Germany
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5 Email: m.tracy@echo-association.com
Telephone: +1 (929) 208-6010
6 +49 (0)172 838 86 37
7 Pro Se Plaintiff

**Electronically Filed
by Superior Court of CA,
County of Santa Clara,
on 11/22/2023 1:25 PM
Reviewed By: R. Aragon
Case #23CV423435
Envelope: 13673778**

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

12 MARK CHRISTOPHER 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 ERIC HAWKES, an individual;
19 JENNIFER HAWKES, an individual; MICHAEL
SCOTT HUGHES, an individual; DAVID
BRADFORD, an individual; KEM CROSBY
GARDNER, an individual; WALTER J.
20 PLUMB III, an individual; DAVID BENNION, an
21 individual; R. STEVE CREAMER, an individual
22 PAUL BROWN, an individual; GARY BOWEN,
an individual,

23 Defendants.

Case No.: 23CV423435

Honorable Evette D. Pennypacker
[Dept. 6]

**DECLARATION OF MARK
CHRISTOPHER TRACY IN SUPPORT
OF MEMORANDUM OF POINTS AND
AUTHORITIES**

Date of Hearing: Unspecified
Time: Unspecified

Action Filed: September 21, 2023
Trial Date: TBD

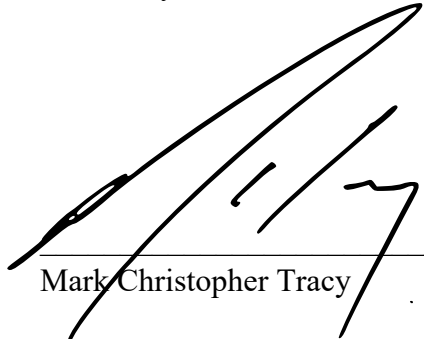
24 I, Mark Christopher Tracy, declare as follows:

- 25 1. I am party to the action herein. I am over the age of eighteen and competent to testify. I have
26 personal knowledge of the information set forth below, unless noted as information and belief, all
27 of which is true and correct of my own personal knowledge, and if called to testify, I would
28 competently testify thereto.

- 1 2. I am a resident of California.
- 2 3. Attached hereto as **Exhibit A** is a true and correct copy of the “SPECIALLY APPEARING
- 3 DEFENDANT PAUL BROWN’S NOTICE OF MOTION AND MOTION TO QUASH SERVICE
- 4 OF SUMMONS AND COMPLAINT FOR LACK OF PERSONAL JURISDICTION AND
- 5 MOTION TO DISMISS FOR INCONVENIENT FORUM” received via email correspondence
- 6 dated November 20, 2023, at 18:22:14 GMT-8 from Joan Soares at JSoare@mpbf.com on behalf
- 7 of Attorney Miguel Mendez-Pintado.
- 8 4. Attached hereto as **Exhibit B** is a true and correct copy of the “PROOF OF SERVICE OF
- 9 SUMMON” to Defendant Paul Brown and filed with the Court.
- 10 5. I declare under penalty of perjury under the laws of the State of California that the foregoing is true
- 11 and correct. This Declaration was executed on this 22nd day of November 2023, in Huntington
- 12 Beach, California.

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Mark Christopher Tracy

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EXHIBIT A

1 Nicholas C. Larson (SBN 275870)
2 NLarson@MPBF.com
3 Miguel E. Mendez-Pintado (SBN 323372)
4 mmendezpintado@mpbf.com
5 MURPHY, PEARSON, BRADLEY & FEENEY
6 520 Pike Street, Suite 1205
7 Seattle, WA 98101
8 Telephone: (206)-219-2008

9 Attorneys for Defendant
10 PAUL BROWN

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SANTA CLARA
14

15 MARK CHRISTOPHER TRACY, an
16 individual,

17 Plaintiff,

18 v.

19 COHNE KINGHORN, PC, a Utah professional
20 corporation; SIMPLIFI CO., a Utah
21 corporation; JEREMY COOK, a Utah resident;
22 ERIC HAWKS, a Utah resident; JENNIFER
23 HAWKES, a Utah resident; MICHAEL
24 HUGHES, a Utah resident; DAVID
25 BRADFORD, a Utah resident; KEM
26 GARDNER, a Utah resident; WALTER
27 PLUMB, a Utah resident; DAVID BENNION,
28 a Utah resident; R. STEVE CREAMER, a Utah
resident; PAUL BROWN, a Utah resident; and
GARY BOWEN, a Utah resident,

Defendants.

Case No. 23CV423435

**SPECIALY APPEARING DEFENDANT
PAUL BROWN'S NOTICE OF MOTION
AND MOTION TO QUASH SERVICE OF
SUMMONS AND COMPLAINT FOR
LACK OF PERSONAL JURISDICTION
AND MOTION TO DISMISS FOR
INCONVENIENT FORUM**

Date:
Time:
Dept:
Judge: The Honorable

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT, on _____, at _____ in
3 Department ___ of the above-entitled Court, Defendant Paul Brown (“Brown”) will and hereby
4 does move this Court for an order quashing service of summons and complaint for lack of personal
5 jurisdiction under California Code of Civil Procedure Section 418.10(a)(1). Additionally, please
6 take notice that Brown will and hereby does move this Court for an order dismissing the above
7 captioned action on the ground of inconvenient forum under California Code of Civil Procedure
8 Section 418.10(a)(2). The Court lacks personal jurisdiction over Brown as to each of the claims for
9 relief asserted in the Plaintiff’s Complaint. Mr. Brown is not a resident of California, Plaintiff’s
10 claims do not relate to any activity by Brown within the State of California and Brown does not
11 have the requisite minimum contacts with California to subject him to the jurisdiction of the
12 California Courts.

13 This motion is further based upon this Notice, the attached Memorandum of Points and
14 Authorities, Declaration of Miguel Mendez-Pintado, the Declaration of Paul Brown, the record and
15 files in this action, and any such further evidence and argument as may be presented prior to or at
16 the time of the hearing on this Motion.

17
18 DATED: November 20, 2023.

19
20 MURPHY, PEARSON, BRADLEY & FEENEY

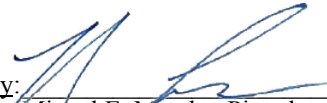
21
22 
23 By: _____
24 Miguel E. Mendez-Pintado
25 Nicholas C. Larson
26 Attorneys for Defendant Paul Brown
27

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State, Bar number, and address): Mark Christopher Tracy <m.tracy@echo-association.com> 1130 Wall St #561, La Jolla, CA 92037	FOR COURT USE ONLY Electronically Filed by Superior Court of CA, County of Santa Clara, on 11/6/2023 12:00 AM Reviewed By: R. Fleming Case #23CV423435 Envelope: 13508777
TELEPHONE NO.: 929-208-6010 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): MARK CHRISTOPHER TRACY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 201 N. First Street Attn: Civil Dept MAILING ADDRESS: 191 N. First Street Attn: Civil Dept CITY AND ZIP CODE: San Jose 95113 BRANCH NAME: Sunnyvale Courthouse	
PLAINTIFF/PETITIONER: MARK CHRISTOPHER TRACY	CASE NUMBER: 23CV423435
DEFENDANT/RESPONDENT: COHNE KINGHORN PC , ET AL	Ref. No. or File No.: REF-13937956
PROOF OF SERVICE OF SUMMONS	

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of (specify documents):
SUMMONS; COMPLAINT; CIVIL CASE COVER SHEET; CIVIL LAWSUIT NOTICE .; PROOF OF SERVICE OF SUMMONS; SANTA CLARA COUNTY SUPERIOR COURT ALTERNATIVE DISPUTE RESOLUTION INFORMATION SHEET
3. a. Party served (specify name of party as shown on documents served):
Paul Brown
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
696 North Pioneer Fork Road, Salt Lake City, UT 84108
5. I served the party (check proper box)
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **10/19/2023** at (time): **8:11 PM**
Paul Brown, I delivered the documents to Paul Brown with identity confirmed by subject saying yes when named. The individual accepted service with direct delivery. The individual appeared to be a gray-haired white male contact over 65 years of age, over 6'6" tall and weighing 200-240 lbs.
 - b. **by substituted service.** On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter caused to be mailed (by first class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc § 415.20). Documents were mailed on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a **declaration of diligence** stating actions taken first to attempt personal service.

BY FAX



PLAINTIFF/PETITIONER: MARK CHRISTOPHER TRACY	CASE NUMBER:
DEFENDANT/RESPONDENT: COHNE KINGHORN PC , ET AL	23CV423435

- c. **by mail and acknowledgement of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgement of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40)
- d. **by other means** (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*):
- c. as occupant.
- d. On behalf of (*specify*)
under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: **Carlos Velasquez**
- b. Address: **1848 E Ramona Ave, Salt Lake City, UT 84108**
- c. Telephone number: **801-671-0361**
- d. The fee for service was: **\$ 95.00**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) registered California process server:
- (i) owner employee independent contractor. For:
- (ii) Registration No.: _____ Registration #: _____
- (iii) County: _____ County: _____


BY FAX



8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
or
9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 10/19/2023

Carlos Velasquez
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

