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UPPER DECK INTERNATIONAL B.V.

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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

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11 UPPER DECK INTERNATIONAL B.V., a  
Netherlands corporation,

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Plaintiff,

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v.

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15 THE UPPER DECK COMPANY, a California  
corporation; THE UPPER DECK COMPANY, a  
Nevada Corporation; RICHARD McWILLIAM,  
16 an Individual; and Does 1-10,

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Defendants.

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19 THE UPPER DECK COMPANY, a Nevada  
Corporation; RICHARD McWILLIAM, an  
20 Individual,

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Counterclaimant,

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v.

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24 UPPER DECK INTERNATIONAL B.V., a  
Netherlands corporation; NICO BLAUW, an  
Individual; BLUE OCEAN ENTERTAINMENT  
25 B.V., a Netherlands limited liability company;  
LARISSA BLAUW, an Individual; and Roes 1-  
26 20,

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Counterclaim-Defendants.

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Case No. 11CV1741 LAB (RBB)

**DECLARATION OF GREGORY  
BENASSAR IN SUPPORT OF UPPER  
DECK INTERNATIONAL B.V.'S AND  
NICO BLAUW'S SPECIAL MOTION TO  
STRIKE DEFAMATION COUNTER-  
CLAIM UNDER CALIFORNIA CIVIL  
PROCEDURE CODE SECTION 425.16**

Date: March 12, 2012  
Time: 11:30 a.m.  
Hon. Larry Alan Burns  
Courtroom 9

Complaint Filed: 08/04/2011

1 I, GREGORY BENASSAR, DECLARE AS FOLLOWS:

2 1. I was the former New Business and Licensing Director at UDI B.V. and employee  
3 from 01/06/03 to 14/02/12 would like to declare the following.

4 2. I was attending for UDI BV, the London Toy Event, held at the Crowne Plaza  
5 London-St. James 51, Buckingham Gate from the 31st of May to the 2nd of June 2010. This event  
6 was also attended by Richard McWilliam, Nico Blauw, Hedley Barnes, Joeri Hoste and Caspar  
7 Klinkhamer. We had meetings planned every day from breakfast to dinner with all our key  
8 customers (vendors, inventors, licensors, key accounts). Every morning starting at breakfast, Mr.  
9 Richard McWilliam was clearly under the influence of some substances: difficulties to talk, to walk,  
10 to stand up or to follow up a simple discussion. Mr. Blauw diplomatically asked repeatedly Mr.  
11 Richard McWilliam to consider taking rest and not to attend our meetings but Mr. McWilliam  
12 insisted in joining which lead to very embarrassing meetings where Mr. McWilliam had very  
13 unprofessional behavior if not inappropriate in front of and/or towards our customers/suppliers. Due  
14 to his obvious intoxicated state Mr. McWilliam decided after 2 or 3 such meetings to go back to his  
15 room for rest. That same scenario happened on the morning of May the 31st and June the 1st.

16 3. During The same week, on Thursday the 3rd, I had to present the 2011/2012 New  
17 Business plan for the UDI BV to Mr. Richard McWilliam. The meeting had to be delayed to Friday  
18 the 4th due to Mr. McWilliam being late first and clearly unable to leave the car that drove him in  
19 front of our office in Weesp. It took him almost 1 hour and the joint help of Mr. Blauw and of Ms.  
20 Serap Dag to finally be able to leave his car, and then to sit outside of the building on the parking  
21 lot to apparently recover and finally to feel good enough to walk up the 3 floors leading to his office  
22 where he stayed until late afternoon behind a closed door and blindfolded windows. Next day on  
23 Friday the 4th then, my meeting started around 11.00 a.m., it was attended by Richard McWilliam,  
24 Nico Blauw and Bruno Van Speybroeck, in Mr. Blauw's office in Weesp. From the beginning of  
25 the presentation it clearly appeared that Mr. Richard McWilliam was not able to understand or even  
26 follow any presentation. He had great difficulties to stay awake and was looking clearly under the  
27 influence of some substances. He tried to pour himself a glass of water but he only succeeded to  
28 spill the content of the bottle all over the meeting table. I had to stop my presentation and leave the

1 room before the end of it due to these circumstances. I really did feel sorry and sad for UDI BV and  
2 for Mr. Richard McWilliam due to such a behavior.

3 4. I never heard or saw any declaration from Mr. Nico Blauw trying to embarrass or  
4 mock Mr. Richard McWilliam. To the opposite, I always heard Mr. Blauw being very sorry and  
5 concerned about Mr. McWilliam's health and behavior issues.

6 I declare under penalty of perjury under the laws of the United States of America, that the  
7 foregoing is true and correct.

8 Executed this 4 of March, 2012, at Paris, France.

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12 GREGORY BENASSAR  
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**CERTIFICATE OF SERVICE**

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of San Diego, State of California, and am not a party to the above-entitled action.

On March 5, 2012, I filed a copy of the following document:

**DECLARATION OF GREGORY BENASSAR IN SUPPORT OF UPPER DECK INTERNATIONAL B.V.'S AND NICO BLAUW'S SPECIAL MOTION TO STRIKE DEFAMATION COUNTER-CLAIM UNDER CALIFORNIA CIVIL PROCEDURE CODE SECTION 425.16**

by electronically filing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- **Alex M. Tomasevic** atomasevic@nblaw.org, kklinzman@nblaw.org, rshelton@nblaw.org
- **Andrew D. Skale** askale@mintz.com, bwagner@mintz.com, Docketing@mintz.com, kearle@mintz.com
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- **Nathan R. Hamler** nhamler@mintz.com, docketing@mintz.com, kjenckes@mintz.com

Executed on March 5, 2012, at San Diego, California. I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

s/Nathan R. Hamler  
Andrew D. Skale, Esq.  
Nathan R. Hamler, Esq.