

1 Andrew D. Skale, Esq. (SBN 211096)  
askale@mintz.com  
2 Nathan R. Hamler, Esq. (SBN 227765)  
nhamler@mintz.com  
3 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC  
3580 Carmel Mountain Road, Suite 300  
4 San Diego, CA 92130  
Telephone: (858) 314-1500  
5 Facsimile: (858) 314-1501

6 Attorneys for Plaintiff/Counterclaim-Defendant  
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,

27

Counterclaim-Defendants.

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Case No. 11CV1741 LAB (RBB)

**DECLARATION OF JOERI CLARISSE  
MARCEL HOSTE 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, JOERI CLARISSE MARCEL HOSTE, DECLARE AS FOLLOWS:

2 1. I am a current resident of The Netherlands and I am a Belgian national, born in  
3 Brugge on August 6, 1975. I was an employee of Upper Deck Europe B.V. and Upper Deck  
4 International B.V. from March 15, 2004 until February 14, 2012, most recently in the position of  
5 Director of Strategic Planning.

6 2. In no instance has Mr. Nico Blauw, Managing Director and/or CEO of Upper Deck  
7 International B.V. ever mentioned to me or to anyone else to my knowledge that Mr. McWilliam  
8 would bankrupt and shut down Upper Deck International B.V. and/or terminate all of the employees  
9 and/or reduce all of the employee salaries and/or sell Upper Deck International B.V. for liquidation.

10 3. In no instance to my knowledge has Mr. Blauw sought to embarrass or ridicule Mr.  
11 McWilliam or has he made any statements regarding Mr. McWilliam's behavior or actions that I  
12 now know to be false.

13 4. In 2010 I attended a Toy Fair held in a London hotel in the United Kingdom from  
14 Sunday May 30th through Wednesday June 2nd along with my colleagues Mr. Gregory Benassar,  
15 Mr. Caspar Klinkhamer, Mr. Hedley Barnes and our Managing Director Nico Blauw. We were  
16 informed that Richard McWilliam, President and Founder of The Upper Deck Company and the  
17 sole shareholder of Upper Deck International B.V. at that time would be joining us for the duration  
18 of the Toy Fair and would visit our office in Weesp, The Netherlands at the end of that same week.

19 5. On the morning of Monday May 31st I was joined by Mr. McWilliam at breakfast at  
20 approximately 8.00 a.m., who was clearly intoxicated, with the smell of alcohol on his breath and a  
21 noticeable slur in his speech. Despite his intoxication he insisted in joining our meetings that  
22 morning in suppliers' showrooms excusing himself every 15 minutes or so only to grow  
23 increasingly intoxicated as the morning progressed. Throughout the morning I witnessed Mr. Blauw  
24 manage this delicate situation with a great deal of decorum, respect and patience towards Mr.  
25 McWilliam, out of earshot of the suppliers urging him to retire to his room to save Mr. McWilliam  
26 and the company from further embarrassment. Mr. McWilliam ultimately retired to his room around  
27 noon time. This situation repeated itself with accelerated pace on the morning of Tuesday, June 1st  
28 where I even overheard Mr. McWilliam, in his intoxicated state, make an indecent proposal to an

1 employee of one of our suppliers during one of our first meetings that day. Mr. Blauw once again  
2 remained calm and respectfully took Mr. McWilliam aside urging him out of earshot of the supplier  
3 to consider his behavior and the impact it would have for his personal reputation and that of the  
4 company. Mr. McWilliam retired to his room shortly thereafter. I was personally deeply saddened  
5 by the public display and mockery that Mr. McWilliam had made of himself in front of our closest  
6 and most important business relations and was very grateful that Mr. Blauw had been able to  
7 manage the situation with so much more patience and understanding than I ever could have, in order  
8 to protect the reputation of Mr. McWilliam and Upper Deck International B.V.

9           6.       I did not see Mr. McWilliam for the remainder of my stay in the U.K. but I noticed  
10 Mr. Blauw was repeatedly following up and checking whether Mr. McWilliam was alright and  
11 overheard one phone conversation with who I believe was Mr. McWilliam's airplane pilot in which  
12 they expressed their mutual concern about Mr. McWilliam's wellbeing and what would be the best  
13 course of action in terms of the rest of Mr. McWilliam's stay in London and his subsequent visit to  
14 the Netherlands. It was clear from the conversation that Mr. Blauw had Mr. McWilliam's best  
15 interest at heart.

16           7.       In the course of Thursday June 3rd 2010, Mr. McWilliam arrived to Upper Deck  
17 International's Weesp office. From what I could tell Mr. McWilliam was unable to exit the vehicle  
18 that had brought him to the office on his own and had to be helped by several people including Ms.  
19 Serap Dag, the personal assistant of Mr. Nico Blauw. As I recall Mr. Blauw and Ms. Serap Dag had  
20 to assist him in entering the building.

21           8.       In the morning of Friday June 4th, 2010 I was asked by Bruno Van Speybroeck,  
22 Upper Deck International B.V.'s COO, to present an update to the 2011 strategy and business plans  
23 for the Trading Card Game and Collectibles product categories. This meeting was to be attended by  
24 Richard McWilliam, Nico Blauw, Bruno Van Speybroeck and myself. The meeting was scheduled  
25 to start at 9.00 a.m. but Mr. McWilliam arrived late. To the best of my recollection the meeting  
26 started around 10.00 a.m. and took approximately 30 to 40 minutes. Throughout the meeting  
27 Richard McWilliam appeared to be drowsy and intoxicated. Richard McWilliam's speech was  
28 slurred and as the meeting progressed it became increasingly difficult for him to make himself

1 understood. As a result I had to ask him to repeat his comments or questions several times. Towards  
2 the end of the meeting it became apparent he had great difficulty in following any of the topics  
3 discussed. Mr. Nico Blauw and Mr. Bruno Van Speybroeck treated Mr. Blauw with a great deal of  
4 respect and patience, assisting him several times, for instance when he wanted to pour himself a cup  
5 of coffee but was unable to, and asking whether he wanted to continue the meeting.

6 9. My colleague Gregory Benassar presented an update to Mr. McWilliam, Mr. Blauw  
7 and Mr. Van Speybroeck after my meeting with them that day and informed me that Mr.  
8 McWilliam fared even worse during his presentation. My colleague Mr. Caspar Klinkhamer who  
9 was set to present last was informed by Mr. Van Speybroeck that his presentation was no longer  
10 needed. Mr. Blauw and Ms. Dag helped Mr. McWilliam to an empty office where he spent the rest  
11 of the day behind closed blinds.

12 10. Although Richard McWilliam later apologized for his behavior to all of the Upper  
13 Deck International staff via e-mail on June 17th, 2010 it had been very unsettling to witness him in  
14 this intoxicated state and remained an embarrassing episode that, much to everyone's dismay  
15 continued to raised by our business relations even years later.

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

18 Executed this 4th of March, 2012, at AMSTERDAM,  
19 the Netherlands.

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23 JOERI CLARISSE MARCEL HOSTE  
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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 JOERI CLARISSE MARCEL HOSTE 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
- **Craig McKenzie Nicholas** cnicholas@nblaw.org, kklinzman@nblaw.org
- **Mei-Ying M. Imanaka** mimanaka@nblaw.org, kklinzman@nblaw.org
- **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.