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First Principles, Inc. and Cross-Claim Defendant Nancy Salzman*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NXIVM CORPORATION, (formerly
known as EXECUTIVE SUCCESS
PROGRAMS, INC.) and FIRST
PRINCIPLES, INC.,

Plaintiffs,

v.

MORRIS SUTTON, ROCHELLE
SUTTON, THE ROSS INSTITUTE,
RICK ROSS (a/k/a "RICKY" ROSS),
STEPHANIE FRANCO, PAUL
MARTIN, Ph.D., AND WELLSRING
RETREAT, INC.,

Defendants.

RICK ROSS,

Counterclaim-Plaintiff,

-against-

KEITH RANIERE, NANCY
SALZMAN, KRISTIN KEEFFE,
INTERFOR, INC., JUVAL AVIV,
JANE DOE, AND JOHN DOES 1-10,

Counterclaim-
Defendants.

Civil Action No.: 06-cv-1051
(KSH/CLW)

DECLARATION OF ROBERT D.
CROCKETT, ESQ. IN SUPPORT OF
MOTION FOR ADMISSION *PRO
HAC VICE*

INTERFOR, INC. and JUVAL AVIV,

Crossclaimants,

v.

NXIVM CORPORATION, KEITH
RANIERE, NANCY SALZMAN and
KRISTIN KEEFFE,

Crossclaim Defendants.

I, Robert D. Crockett, hereby declare pursuant to 28 U.S.C. § 1746 that:

1. I am an attorney admitted to practice law in California. From 1982 to December 31, 2014, I practiced law with Latham & Watkins. Since then, I have owned my own firm, Crockett & Associates, specializing in copyright and patent litigation. I have been retained by Plaintiffs and Cross-Claim Defendants NXIVM Corporation and First Principles, Inc.; and Cross-Claim Defendant Nancy Salzman (“the NXIVM Parties”) to represent them in this action.

2. I submit this Declaration in support of the Motion pursuant to Local Civil Rule 101.1(c), for an Order granting my admission to the bar of this Court *pro hac vice* to argue and try the above-captioned case on behalf of the NXIVM Parties.

3. I was admitted to practice law in California in 1982 and am a member in good standing of the State Bar of California. The State Bar of California maintains the rolls of the members of its bar and can be contacted at: The State Bar of California, 180 Howard Street, San Francisco, CA 94105. I have never been sanctioned, with a reportable offense, by any court. (In California, non-discovery sanctions of \$1000 or more must be reported to the State Bar.) No disciplinary proceedings are pending against me in any jurisdiction and no discipline has previously been imposed on me in any jurisdiction. In 2014, the State Bar of California, through its official magazine, gave me

a “California Lawyer of the Year” award, with sixty-two others, for notable legal work for that year.

4. For several years, I have represented NXIVM in California as lead counsel and in Washington State on a *pro hac vice* basis. For many years prior to 2008, I had been taking directions from NXIVM’s former Legal Liaison, Kristin Keeffe, in connection with real estate development litigation in California which involved NXIVM current and former personnel as witnesses.

5. From August 2009 to December 8, 2014, I was *pro hac vice* counsel to Keeffe, whom the Ross parties dismissed from this action while the motion for summary judgment I filed on her behalf was pending.

6. My prior firm’s engagement letter (“Keeffe Engagement Letter”) with Keeffe permits me to represent the NXIVM Parties when I cease Keeffe’s representation and to use all confidential material generated during her representation. She expressly waived any conflict presented by such circumstances. The engagement letter permits me to use whatever information I obtained during my representation of her for any later purpose of representing NXIVM. I had not initially intended or desired to represent the NXIVM Parties in these proceedings, but recent circumstances have led my client to request my work. I will make available the Keeffe Engagement Letter for *in camera* review should the Court wish to review it.

7. From 2009 to 2014, William McGuire represented the NXIVM Parties and I represented Keeffe. William McGuire and I worked closely together in a joint effort for the NXIVM Parties and Keeffe, with the full knowledge and consent of our respective clients. William McGuire and I were the principal trial attorneys to take depositions, understand the extensive facts, and draft motions and other documents. With a few limited exceptions, I took the lead in all depositions. I outlined all the facts from the depositions and organized all exhibits for trial. I created the outlines for cross-examination of trial witnesses. I prepared for William McGuire an extensive outline of

all testimony and exhibits, and I alone maintained the database of depositions, exhibits, documents, and discovery responses. As far as I know, I undertook over 80% of the legal research. I alone interviewed and engaged the experts. NXIVM paid my bills and invested substantially in my research. Keeffe was my main contact at NXIVM, directing the work.

8. Except as indicated herein, I did no work in the case after Keeffe's December 2014 dismissal. I had no role in settlement discussions in 2015 and 2016. I assumed that after the dismissal of Keeffe, I would have nothing further to do in this case. I assumed that William McGuire, the NXIVM Parties' lead counsel, would represent the NXIVM Parties through the conclusion of the case. After Mr. McGuire passed away, I provided some assistance to Tompkins McGuire relating to the recent summary judgment filings.

9. William McGuire passed away in 2015. The NXIVM Parties have now asked that I step in as the only other person with extensive knowledge of the facts. The NXIVM Parties do not wish Tompkins McGuire to take the lead given the close proximity of the trial and the requirement to master facts developed since 2003. Given my current understanding of the facts and issues, there will be no need for any adjournments or other bases for delay in the event this Motion is granted.

10. The NXIVM Parties have asked me to be admitted as *pro hac vice* counsel in this matter and want me to take the lead in preparing for and trying the case. Tompkins, McGuire, Wachenfeld & Barry LLP ("Tompkins McGuire") has served primarily as local counsel and the NXIVM Parties desire that they continue in that role. There are no conflicts associated with my prior representation of Keeffe as she is no longer a party to the case and our engagement letter contemplated the possibility of this day.

11. In the event Keeffe appears as a live witness in this case, neither I nor any attorney from Tompkins McGuire intends to examine her or argue against her. Should

Keeffe be called as a live witness, Tompkins McGuire and I will assure that independent counsel is retained to cross-examine her. We have extensive deposition testimony from her; I cannot determine where she might be and thus intend to use that prior testimony because of her unavailability.

12. If the Court grants this Motion to appear *pro hac vice*, I agree to do the following:

- a. Notify the Court immediately of any matter affecting my standing at the Bar of any other court;
- b. Abide by the Rules governing this Court, including all disciplinary rules;
- c. Consent to the appointment of the Clerk of the Court as agent upon whom service of process may be made for any action brought against me that might arise out of my participation in this matter;
- d. Pay the annual fee to the New Jersey Lawyers' Fund for Client Protection as provided by New Jersey Court Rule 1:28-2(a); and
- e. Pay the Clerk of the Court \$150.00.

13. Based upon the foregoing facts, I respectfully request that I be permitted to appear as counsel *pro hac vice* on behalf of the NXIVM Parties in the above-captioned case.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this declaration was executed at Santa Clarita, California on January 26, 2017.



Robert D. Crockett