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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

KIERSTIN MACFARLANE,

Plaintiff,

v.

FIVESPICE LLC dba CAFÉ
MURRAYHILL,

Defendant.

Case No.: 3:16-cv-01721-HZ

**DECLARATION OF DAVID LAWLER IN
SUPPORT OF DEFENDANT'S
OPPOSITION TO MOTION TO COMPEL**

I, David Lawler, declare and testify as follows:

1. In mid-July 2015, Martin Virgen and I participated in a meeting with Sean Driscoll, an attorney from Ogletree Deakins who represented Café Murrayhill.
2. The purpose of the meeting was to discuss Kierstin MacFarlane's allegations against Café Murrayhill, as alleged in her BOLI complaint.
3. Mr. Virgen, Mr. Driscoll, and I met in a booth at the Café. No one else participated in our meeting. The meeting occurred around 10:00 a.m. There were not many people in the restaurant, and no Café employees or customers were sitting near us at any point

during our meeting. The booth was approximately ten feet away from any occupied tables. We were not raising our voices. From the booth, we could see the locations of other people in the Café during our meeting. Based on my experience working in Café Murrayhill, I perceived that no one was within earshot of our conversation.

4. The Café has a back office with a door, but one of the walls on the office does not go all the way up to the ceiling. The office does not have internal windows that allow for a view outside of the office and into the Café's dining or operations areas.

5. Because the back office has no windows, if the back off door was closed, someone could stand outside of the office and eavesdrop on a conversation in the office without anyone in the office knowing the person was standing outside the office eavesdropping.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 22, 3/22/2017

By: 
David Lawler

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2017, I served the foregoing **DECLARATION OF DAVID LAWLER IN SUPPORT OF DEFENDANT'S OPPOSITION TO MOTION TO COMPEL** on:

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Of Attorneys for Plaintiff

- by **electronic** means through the Court's Case Management/Electronic Case File system, which will send automatic notification of filing to each person listed above.
- by **mailing** a true and correct copy to the last known address of each person listed above. It was contained in a sealed envelope, with postage paid, addressed as stated above, and deposited with the U.S. Postal Service in Portland, Oregon.
- by causing a true and correct copy to be **hand-delivered** to the last known address of each person listed above. It was contained in a sealed envelope and addressed as stated above.
- by causing a true and correct copy to be delivered **via overnight courier** to the last known address of each person listed above. It was contained in a sealed envelope, with courier fees paid, and addressed as stated above.
- by **e-mailing** a true and correct copy to the last known email address of each person listed above.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

By: s/ Sarah Churchill
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