

HON. RICARDO S. MARTINEZ

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CASCADE YARNS, INC., a Washington Corporation,  
  
Plaintiff,  
  
vs.  
  
KNITTING FEVER, INC., a New York Corporation, DESIGNER YARNS, LTD., a corporation of England, FILATURA PETTINATA V.V.G. DI STEFANO VACCARI & C. (S.A.S.), and entity organized or existing under the laws of Italy, SION ELALOUF, an individual, DIANE ELALOUF, an individual, JAY OPPERMAN, an individual, DEBBIE BLISS, an individual, DAVID WATT, an individual and DOES 1-50  
  
Defendants.

) Case No. 2:10-cv-00861 RSM  
)  
)  
) **DECLARATION OF ROBERT A. DUNBABIN, JR. IN SUPPORT OF CASCADE’S SECOND MOTION TO FOR LIMITED EXPEDITED DISCOVERY**  
)

) **Note On Motion Calendar: December 24, 2010**  
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I, Robert A. Dunbabin, Jr., hereby declare as follows:

1. I am an attorney at law, admitted to practice before all of the courts of the State of Washington and this Court. I am in-house counsel with Cascade Yarns, Inc. (“Cascade”) and personally involved in numerous business decisions of the same. I submit this declaration in support of Plaintiff Cascade Yarns, Inc.’s Second Motion for Limited Expedited Discovery. This

1 declaration is based on my personal knowledge and, if called upon to do so, I would and could  
2 testify competently as to the matters set forth herein.

3 2. I am personally familiar with a product known as “Cashmere Luxury Aran.” I  
4 have seen this product on the shelves of an A.C. Moore store on the east coast in 2006. I have  
5 also seen test reports for its cashmere content conducted by Kenneth Langley on behalf of the  
6 Cashmere and Camel Hair Institute.

7 3. Attached hereto as Exhibit A is a true and correct copy of the aforementioned  
8 report.


9 4. While attending the retail yarn show, this summer, known at Stitches Midwest in  
10 Schaumburg, IL I noticed a vendor selling “Cashmere Luxury Aran” with a sign describing it as  
11 Debbie Bliss Cashmerino Aran. I recognized the yarn as the product that was on the shelves of  
12 A.C. Moore in 2006. The store selling it is personally known to me to specialize in selling  
13 distressed yarn on consignment at the Stitches series of retail shows. I have personally done  
14 business with this vendor and am familiar with her practices at these events.

15 5. I have never seen this product on the shelves of retail yarn stores and upon  
16 information and belief state that it was made specifically for A.C. Moore by Knitting Fever, Inc.

17 6. Upon information and belief, it is clear to me that the vendor at Stitches in  
18 Schaumburg was given the “Cashmere Luxury Aran” by KFI on consignment to sell at this event.

19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed on December 9, 2010.

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23   
Robert A. Dunbabin, Jr.

**EXHIBIT A**

July 5, 2006

Mr. Bruce Landau  
Rep Needle  
1711 E. Victory Dr.  
Savannah, GA 31404

Dear Bruce:

**RE: CCMi # 06.018**

We have received the qualitative testing results from the skein of Cashmere Luxury Aran yarn your purchased at A.C. Moore Store and submitted for testing. You purported it labeled as 49% microfiber, 45% Merino Wool and 6% cashmere as per copy of attached label.

**Lab Results:**

The sample contains **Wool** and **Acrylic** fibers. No cashmere fibers were observed.

A copy of the laboratory report is being sent along with this letter. A qualitative test was performed for fiber content. If you have any questions, please feel free to contact us.

Best regards,

Karl Spilhaus  
President

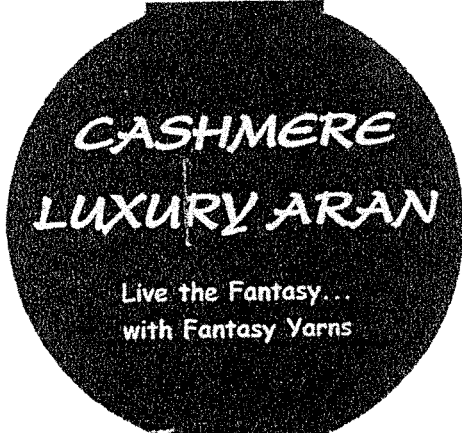
Enclosure

KS/jl



made in Italy  
color dycot

21 905-



**CASHMERE  
LUXURY ARAN**

Live the Fantasy...  
with Fantasy Yarns

45% Merino Wool  
49% Microfiber  
6% Cashmere

50g  
100yds  
4.5 st = 1"



*K. D. Langley Fiber Services*  
P. O. Box 7, 573 Highland Road  
Tiverton, RI 02878 USA  
Tel/fax: 401 624 6868

July 2, 2006

Mr. Karl Spilhaus  
President  
Cashmere and Camel Hair  
Manufacturers Institute  
6 Beacon Street Suite 1125  
Boston, MA 02108

*Ref.: CCM I # 06.018*

### **Report on the Qualitative Fiber Analysis of Yarn**

#### **Material Submitted**

One piece of knitting yarn purported to contain 45% merino wool, 49% microfiber, 6% cashmere.

#### **Laboratory Procedure**

Fibers were sectioned with a fiber cutter and mounted on microscope slides. Over 500 fibers were identified using light microscopy at a magnification of 250-400X. All testing was performed in accordance with test method AATCC 20-2004 (qualitative).

#### **Results**

The sample contains **Wool** and **Acrylic** fibers. No cashmere fibers were observed.

Sincerely yours,

Kenneth D. Langley