

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

BRUCE KIRBY, INC. and BRUCE KIRBY,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. 3:13-CV-00297-RNC
)	
LASERPERFORMANCE (EUROPE))	
LIMITED, QUARTER MOON,)	
INCORPORATED, KARAYA (JERSEY))	
LIMITED, VERUM LIMITED ITM SA)	
(ANTIGUA AND BARBUDA),)	
INTERNATIONAL SAILING FEDERATION)	
LIMITED, INTERNATIONAL LASER)	
CLASS ASSOCIATION, and FARZAD)	
RASTEGAR,)	
)	
Defendants.)	

**AFFIDAVIT OF TRACY USHER IN SUPPORT OF
DEFENDANT INTERNATIONAL LASER CLASS
ASSOCIATION'S MOTION TO DISMISS**

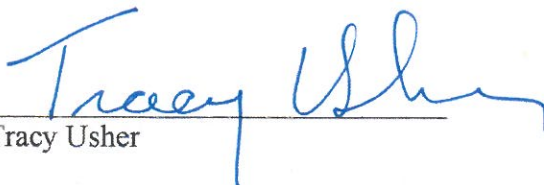
I, Tracy Usher, declare under the pains and penalties of perjury the following:

1. I am of legal age and competent to sign this affidavit in support of International Laser Class Association's ("ILCA") Motion to Dismiss.
2. I serve as the current President of ILCA. This affidavit is based on my personal knowledge unless otherwise indicated.
3. ILCA is a self-administered, self-funded, non-profit international organization that provides coordination, organization and communication for owners of the Laser Class of sailboats worldwide.

4. As of June 24, 2013, ILCA registered in Texas to become a non-profit corporation. The name of the corporation is “Laser Class Association, Inc.” but it still operates as the ILCA with its primary offices still located in Falmouth, Cornwall in the United Kingdom.
5. ILCA is like a worldwide sailing club specifically for owners of the Laser Class sailboats and people interested in this class of sailboats.
6. Similar to a board of directors of a company, the ILCA has an international World Council, responsible for directing the work of the Association. The World Council consists of members from several countries.
7. ILCA does not have any offices in Connecticut.
8. ILCA consists of hundreds of volunteers around the world who work all year-round at the sailing clubs, offices, and even sailing federations to organize Laser events spanning from club regattas to training camps to national, world, and Olympic championships for Laser sailors.
9. On the international level, ILCA, through its office in the United Kingdom, employs a staff that coordinates the international racing calendar, organizes Laser world championships, coordinates with national and international authorities, publishes the manual handbook and quarterly magazine, and provides builders with plaques to identify boats as within the class of boats.
10. ILCA has never maintained a bank account in Connecticut, had an agent for service of process in Connecticut, employed persons in Connecticut,

18. The reports are delivered to the United Kingdom, Texas, or the Isle of Man.
19. The reports identify which builder ordered the plaques, but not specifically where a particular boat will be sold or used.
20. ILCA collects fees from the builders and distributes an appropriate portion of such amounts to ISAF.
21. Builders place orders for plaques with the ILCA international office in United Kingdom.
22. The plaques themselves are manufactured in Europe.
23. ILCA distributed the plaques from the United Kingdom (and now Texas).
24. ILCA has not, and does not, distribute any plaques to any builders in Connecticut. All boat builders receiving plaques are located outside of Connecticut.
25. The plaques previously included a reference to Bruce Kirby. References to Bruce Kirby were removed after Kirby notified ILCA and ISAF that Kirby took the position that certain builders were no longer authorized to use the Kirby's name or trademark.
26. ILCA does not oversee, manufacture or distribute plaques to, or from, any location within Connecticut.

Signed under the pains and penalties of perjury under the laws of the United States of America, this 30th day of December, 2014.


Tracy Usher