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5 Honorable James L. Robart
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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11 BRIAN JACOBSEN, CONNIE
12 JACOBSEN, RYAN KILDEA and ARICA
KILDEA,
13

Plaintiffs,
14 vs.
15 MARK DRISCOLL and JOHN SUTTON
16 TURNER,
17 Defendants.

No. 2:16-CV-00298 JLR

DECLARATION OF BRIAN
JACOBSEN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS TURNER AND
DRISCOLL MOTIONS TO DISMISS
WITH PREJUDICE AND TURNER'S
MOTION FOR SANCTIONS

NOTED ON MOTION CALENDAR:
JULY 8, 2016

21 I, Brian Jacobsen, declare as follows:

22 I am over the age of eighteen years and I am competent to testify to the matters herein.

23 I am a Plaintiff in the above-captioned matter.

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27 DECLARATION OF BRIAN JACOBSEN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTIONS
TO DISMISS AND MOTION FOR SANCTIONS [2:16-cv-00298 JLR] - 1

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1 1. My reasons for filing the lawsuit are set forth in great factual detail in the 42-
 2 page complaint filed in this matter.

3 2. Long before the lawsuit was filed, I had attempted to contact Sutton Turner to
 4 discuss the wrongdoing by him, Mark Driscoll and others at Mars Hill Church (MHC). In
 5 April 2014, I had an email exchange with Turner where I made it clear that I was not satisfied
 6 with his response regarding his signature on the ResultSource contract (the contract that
 7 scammed the New York Times best seller list), yet he never followed up with me until after
 8 the lawsuit was filed. This email exchange included my email address which is still current.

10 3. Having no other way to contact Turner, on April 21, 2015, I sent him a private
 11 message on Facebook. Facebook recorded that Turner saw my message that same day. Turner
 12 did not respond to my message.

13 4. Turner knew the Plaintiffs preferred mediation over a lawsuit, I had reached
 14 out to him, he had my email address, and he had plenty of opportunity to contact us. In spite
 15 of these facts, he did not contact us until after the lawsuit was filed.

17 5. In that email communication with us, which he sent through a third party, he
 18 made the following statements: "It would be my hope that this meeting could take place
 19 without attorneys . . .," and "I would ask that this communication be totally off the record and
 20 I would ask the Jacobsens and Kildeas to not communicate a possible meeting with anyone.
 21 Bringing attorneys into this discussion might hamper or even block Christian reconciliation."
 22 On advice of counsel, we did not respond to Turner.

24 6. Our only goal in the filing and prosecuting the lawsuit against Driscoll and
 25 Turner was to hold them legally accountable for their wrongful actions which caused injury

1 to my wife and me, and to the many others they defrauded. However, if the Defendants had
 2 agreed to mediation, we were willing to walk away from the over \$90,000 we had been
 3 fraudulently induced to donate. When Defendants refused to be held accountable through
 4 mediation, we were left with no choice but to file the lawsuit, claiming as damages the
 5 donations we would never have made if we had known the truth about Defendants'
 6 fraudulent practices.
 7

8. There has never been a desire for retribution nor to harass Turner or Driscoll.
 9 We also have no desire for personal notoriety or publicity. One of the most difficult aspects
 10 of all this has been to put ourselves in the public eye. We have lost many friends and have
 11 been the subjects of many personal attacks, including in social media and elsewhere on the
 12 Internet.

13. Because our complaint is factual and for the most part is a summation of
 14 information already released in the media before our lawsuit was filed, any harm done to Mr.
 15 Turner was already accomplished by the time the lawsuit was filed. I have attached as Exhibit
 16 A, a copy of just some of the links to websites (Google search) carrying stories about MHC,
 17 Turner and Driscoll between April 23, 2012 and December 26, 2014.
 18

19. We knew that litigation would be very expensive. A huge issue for us was
 20 going up against wealthy, high-powered, well-connected men.

21. In order to find the best way to raise the funds necessary to pay attorney fees
 22 and related expenses, Rob Smith, a former MHC member, set up several solicitation web
 23 pages late in 2014 and early in 2015. He settled on using GoFundMe.com. In April 2015, we
 24 thought it best that one of the plaintiffs manage the GoFundMe account, so on April 13,
 25

1 2015, I created a new GoFundMe account and transferred over the accounting from the
2 previous accounts.

3 11. Mr. Fahling explained that the litigation, including responding to motions to
4 dismiss, the discovery process, summary judgment, trial, and post-trial motions, could cost
5 \$250,000 or more. We sought to publicize the GoFundMe account through social media
6 postings and Facebook advertising. Donations to the GoFundMe account have allowed us to
7 pay all but a small portion of the legal bills, including those related to drafting the complaint,
8 that have been incurred from the time Mr. Fahling was first retained. We were confident that
9 donations would increase after filing the complaint, but we also wanted to be certain that we
10 could pay Mr. Fahling for what could be very expensive litigation. Service on the defendants
11 was delayed until sufficient funds were received. Because the funds never materialized we
12 did not serve the defendants and prosecute the case.
13

14 12. When we could see that the funds were not coming in as we had hoped, my
15 wife and I offered to finance the lawsuit ourselves from our retirement savings, even though I
16 had been unemployed for almost two years. Knowing our situation, Mr. Fahling refused to
17 let us finance the litigation from our retirement funds.
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19 DATED this 5th day of July, 2016, in Snoqualmie, Washington.
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21 By: 
22 BRIAN JACOBSEN
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12 EXHIBIT A
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**DECLARATION OF BRIAN JACOBSEN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTIONS
TO DISMISS AND MOTION FOR SANCTIONS [2:16-cv-00298 JLR] - 5**

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 5th, 2016, I mailed via First Class Mail and Email, and
3 electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which
4 will send notification of such filing to the following counsel of record:

5 **VIA CM/ECF**

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23 Attorneys for Defendant Mark Driscoll

24 DATED this 5th day of July, 2016, in Kirkland, Washington.

25 /s/ Brian Fahling
26 Brian Fahling