

**James T. McDermott**  
jmcdermott@balljanik.com

**OSB No. 933594**

**Gabriel M. Weaver**  
gweaver@balljanik.com

**OSB No. 125970**

BALL JANIK LLP  
101 SW Main Street, Suite 100  
Portland, OR 97204-3219  
(503) 228-2525  
(503) 226-3910 fax

Attorneys for Third-Party Defendant Marsh

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
DEPARTMENT OF EUGENE**

**UNIVERSITY OF OREGON,**

Plaintiff,

v.

**MONICA DRUMMER and ARTHUR J.  
GALLAGHER RISK MANAGEMENT  
SERVICES, INC., an Illinois Corporation,**

Defendants

**MONICA DRUMMER and ARTHUR J.  
GALLAGHER RISK MANAGEMENT  
SERVICES, INC., an Illinois Corporation,**

Third-Party Plaintiffs,

v.

**MARSH U.S. CONSUMER a service of  
SEABURY & SMITH, INC., a Delaware  
Corporation,**

Third-Party Defendant.

Case No. 6:15-CV00260-AA

**DECLARATION OF GABRIEL  
WEAVER IN SUPPORT OF THIRD-  
PARTY DEFENDANT MARSH'S  
MOTION TO DISMISS THIRD-PARTY  
COMPLAINT FOR FAILURE TO  
STATE A CLAIM AND  
MEMORANDUM OF LAW IN  
SUPPORT**

**Request for Oral Argument**

I, Gabriel M. Weaver, hereby declare and state as follows:

1. I am an attorney at Ball Janik LLP, and am one of the attorneys representing third-party defendant Marsh U.S. Consumer, a service of Seabury & Smith, Inc. (“Marsh”) with respect to this matter. I am over the age of 18 years and am competent to testify to the matters stated herein. I make this declaration based upon personal knowledge and upon review of the documents prepared by myself and other attorneys in this office.

2. I make this declaration in support of Marsh’s Motion to Dismiss the Third-Party Complaint pursuant to FRCP 12(b)(6).

3. Attached hereto as **Exhibit A** is a true and correct of a sub-broker agreement between Marsh and Third-Party Plaintiff Arthur J. Gallagher Risk Management Services, Inc., dated September 6, 2012. I received this document by email from Robert Schulhof, counsel for Third-Party Plaintiffs, on April 16, 2015.

**I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.**

DATED: June 22, 2015, in Portland, OR.

**BALL JANIK LLP**

By: /s/ Gabriel M. Weaver  
Gabriel M. Weaver, OSB No. 125970

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing **THIRD-PARTY DEFENDANT MARSH'S MOTION TO DISMISS THIRD-PARTY COMPLAINT FOR FAILURE TO STATE A CLAIM AND MEMORANDUM OF LAW IN SUPPORT** by:

<input type="checkbox"/>	U.S. POSTAL SERVICE;
<input checked="" type="checkbox"/>	CM/ECF;
<input type="checkbox"/>	FACSIMILE SERVICE;
<input type="checkbox"/>	ELECTRONIC MAIL;
<input type="checkbox"/>	ARRANGING FOR HAND DELIVERY;
<input type="checkbox"/>	FEDERAL EXPRESS.

addressed as follows on the date stated below:

Bob Steringer  
Harrang Long Gary Rudnick, PC  
1001 SW Fifth Avenue, 16<sup>th</sup> Floor  
Portland, OR 97204  
Attorneys for Plaintiff

John E. Zehnder  
Scheer & Zehnder LLP  
701 Pike Street, Suite 2200  
Seattle, WA 98101

Robert P. Schulhof  
Scheer & Zehnder LLP  
101 SW Main Street, Suite 1600  
Portland, OR 97204  
Attorneys for Defendants Monica Drummer, and Arthur J. Gallagher Risk Management Services, Inc.

DATED: May 22, 2015.

/s/ Gabriel M. Weaver  
Gabriel M. Weaver, OSB 125970  
Ball Janik LLP  
Telephone: 503-228-2525  
Attorneys for Third-Party Defendant Marsh