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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

12 NONA GAPRINDASHVILI, an
13 individual,

14 Plaintiff,

15 v.

16 NETFLIX, INC., a Delaware
17 corporation, and DOES 1-50,

18 Defendants.
19

CASE No. 2:21-cv-07408 VAP (SKx)

**DECLARATION OF NICHOLAS A.
CARLIN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
SPECIAL MOTION TO STRIKE**

Date: January 24, 2022
Time: 2:00 pm
Crtrm.: 8A

DECLARATION OF NICHOLAS A. CARLIN

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I, Nicholas A. Carlin, declare as follows:

1. I am an attorney duly admitted to practice before this Court and all the Courts of California. I do not represent any party in this lawsuit. I am providing this declaration at the request of counsel for plaintiff Nona Gaprindashvili. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. I am a US National Chess Master. I grew up in Berkeley in the 1970s which had a very active chess scene and started playing in tournaments where I was very successful and my rating rapidly increased. In my first big tournament I defeated an expert rated 800 points higher than me and won the biggest upset prize. I attended Harvard University from 1973 to 1978 and was one of the top five players on the Harvard Chess Team. I continued playing after college and during law school (Hastings 1983) and achieved my Master rating in 1982 in a tournament in Las Vegas where I defeated Alik Zilberberg, the third US Correspondence Grandmaster. I played in the US Open in 1983 and scored 8 out of 12 with a victory over the one time Argentine Champion Jorge Szmetan. I was the Marin County chess champion in this time period as well.

3. I also covered the 1983 World Chess Championship semifinal matches in London as a chess journalist.

4. After graduating law school in 1983, I stopped playing chess tournaments to focus on my law career, but I continued, and continue to this day, to closely follow the game and the players. In course of my legal career I have represented a number of chess players, including US Champion Nick DeFirmian.

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1 5. As well as playing chess, I have studied chess games by leading players
2 throughout my playing career in order to educate myself and improve my skills. I
3 began by using chess reference books and magazines, but over the years, I have
4 increasingly used websites for my studies. I am very familiar with various chess
5 websites. Based on my communications with other chess players and materials
6 which I have read, I believe that most other serious chess players also now use
7 websites along with books for their studies.

8 6. I am familiar with the chess career of Nona Gaprindashvili. Anyone
9 who is at all familiar with the game and its history knows of Nona Gaprindashvili.
10 She was very famous for the fact that she was one of the few women (I think
11 perhaps the first since Vera Menchik in the 1930s) who played in tournaments with
12 men at the top level.

13 7. Any simple Google search for Ms. Gaprindashvili would reveal this. I
14 performed a search on Google and printed out the search result, a true and correct
15 copy of which is attached hereto marked Exhibit 1. The first result is her page on
16 Wikipedia at https://en.wikipedia.org/wiki/Nona_Gaprindashvili which I have
17 printed out. A true and correct copy of that page is attached hereto marked Exhibit
18 2. It says: “During her career Gaprindashvili successfully competed in men's
19 tournaments, winning amongst others the Hastings Challengers tournament in
20 1963/4. She tied for second place at Sandomierz in 1976, tied for first place at Lone
21 Pine in 1977, and tied for second at Dortmund in 1978. Her performance at Lone
22 Pine made her the first woman ever to earn a norm for the title of International
23 Grandmaster.”

24 8. The Lone Pine tournament was especially noteworthy to me in that
25 Gaprindashvili defeated many of the top male California players including a good
26 friend of mine, Peter Biyiasis (Grandmaster and Canadian Champion).

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1 9. Many publicly accessible websites maintain databases about chess
2 games which can be searched either for free or for a modest payment. One example
3 is www.chessgames.com which is popular among chess players as a good reference
4 source. In fact, some of my own games are collected there:
5 https://www.chessgames.com/perl/chessplayer?pid=106057.

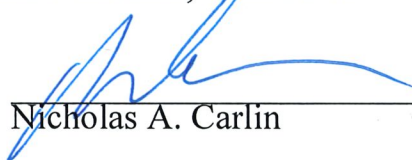
6 10. At the request of Ms. Gaprindashvili’s counsel, I performed a search on
7 www.chessgames.com for games played by her through 1968, and printed out the
8 search result, a true and correct copy of which is attached hereto marked Exhibit 3.

9 11. I have reviewed the certified translation of Ms. Gaprindashvili’s
10 declaration in this lawsuit dated November 18, 2021, in which she describes various
11 chess games she played against male chess players. I found all of those games on the
12 www.chessgames.com search result described above, save for the games that she
13 references in ¶¶8(a) and (d) of her declaration as having been played in the 1959 and
14 1965 Men’s Championships of Georgian SSR. I am informed and believe, based on
15 information provided to me by Ms. Gaprindashvili’s counsel, that her games in both
16 of these tournaments are recorded in a book by Tengiz Giorgadze published in
17 Georgian entitled “The History of Georgian Chess”, Vol. 1.

18 12. In conclusion, anyone who is interested in finding out about Ms.
19 Gaprindashvili’s career, and in particular whether she had played male chess players
20 in or before 1968, could easily do so by searching the internet, including Wikipedia,
21 www.chessgames.com and other similar websites.

22 I declare under penalty of perjury under the laws of the United States of
23 America that the foregoing is true and correct.

24 Executed November 30, 2021, at San Francisco, California.

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26 
Nicholas A. Carlin

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9420 Wilshire Blvd., 2nd Floor, Beverly Hills, California 90212.


On December 3, 2021, I served true copies of the following document(s) described as **DECLARATION OF NICHOLAS A. CARLIN IN SUPPORT OF PLAINTIFF'S OPPOSITION TO SPECIAL MOTION TO STRIKE** on the interested parties in this action as follows:

Arwen Johnson
Email: arwen.johnson@kslaw.com
Kelly Perigoe
Email: kperigoe@kslaw.com
KING & SPALDING LLP
633 West Fifth Street, Suite 1600
Los Angeles, CA 90071

BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on December 3, 2021, at Beverly Hills, California.



Alexander Rufus-Isaacs

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