



DocuSign E-Signature Upheld in Court as Legal and Enforceable in Common Law Jurisdictions

DocuSign Certificate of Trust presented as evidence supporting a judgment in favor of the Plaintiffs in Superior Court of California Case No. CUD-13 644781

Background

3300 Clay Street, a property located in the Pacific Heights neighborhood of San Francisco, was the subject of a recent court case in the Superior Court of the State of California. WB Coyle, one of the property's tenancy-in-common co-owners, had lost his rights of possession of the property after failing to make payments on his portion of the mortgage and was in default of the tenancy-in-common agreement. The remaining co-owners were proceeding with a forced sale process of his two units and had executed purchase offers on March 14, 2013 to purchase the units. Mr. Coyle, understanding that he was going to lose his ownership interest, signed lease agreements with two tenants to rent each of the two units in order to undermine the value of the units and the building. He signed these agreements despite an order by arbitration proceedings that neither unit be rented to any third parties.

Challenges

At the center of the dispute were the two lease agreements signed by the tenants. Both Mr. Coyle and the tenants claimed they had signed these agreements on March 1, 2013 prior to the former owner being divested of his ownership. The Plaintiffs in the case, the other co-owners of the building, believed the lease agreements had in fact been signed several weeks later, on March 18, after the divestiture, when Mr. Coyle would not legally have been able to lease the units that he no longer owned.

A common challenge in litigation, this case came down to Mr. Coyle and his tenants' word against that of the Plaintiffs. **With two sets of witnesses and two different stories, often cases are decided on which witness is more credible. Fortunately in this case, however, the lease agreements in question were executed using**

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SEILER EPSTEIN ZIEGLER & APPLGATE LLP

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The most beneficial, persuasive evidence we were able to present was the testimony surrounding DocuSign and the actual DocuSign documents.”

Mark Epstein

Plaintiffs' attorney

Seiler Epstein Ziegler & Applegate LLP

DOCUSIGN STATS

More than 775,000 documents containing more than 3.5 million pages are signed using DocuSign each day, yet only in 2-3 instances have DocuSign documents been challenged in court. That is because DocuSign maintains a court admissible certificate of completion that provides proof of the signing process – including who DocuSigned what, when and where – for all parties in the transaction.

DocuSign. Damon Dean, head of DocuSign mobile product management was called to testify in the case as an expert witness. Mr. Dean provided the court incontrovertible evidence based on DocuSign technology that Mr. Coyle and his tenants were lying about the date when lease agreements were actually signed.

Because the documents were signed using DocuSign, Plaintiffs' attorneys were able to show the precise moment that these documents were created, electronically delivered and signed.

