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12 Attorneys for Defendants
13 **PACIFICA FOUNDATION, et al.**

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 THE PEOPLE OF THE STATE OF)
17 CALIFORNIA, ex rel. CAROL SPOONER,)
18 KURT GUERDRUM, ARTURO)
19 GRIFFITHS, AMBURN R. HAGUE,)
20 LEIGH HAUTER, PATRICIA HEFFLEY,)
21 BARBARA MacQUIDDY, RICK)
22 POTHOFF, CHARLES P.H. SCURICH,)
23 RONALD SWART, individually and on)
24 behalf of PACIFICA FOUNDATION,)

25 Plaintiffs,

26 vs.

27 PACIFICA FOUNDATION, a California)
28 non-profit public benefit corporation and)
charitable trust, MARY FRANCES BERRY,)
JUNE MAKELA, FRANK MILLSPAUGH,)
ANDREA CISCO, KEN FORD, ROB)
ROBINSON, DAVID ACOSTA,)
MICHAEL PALMER, ROBERT)
FARRELL, AARON KRIEGEL, PETER)
BRAMSON, KAROLYN VAN PUTTEN,)
TOMAS MORAN, WENDELL JOHNS,)
LESLIE CAGAN, VALRIE CHAMBERS,)
BERTRAM LEE, BETH LYONS, JOHN)
MURDOCK, LYNN CHADWICK, and)
DOES 1-100, inclusive,)

Defendants.

Case No. C 00 3815 WHA

**DECLARATION OF DANIEL
RAPAPORT IN SUPPORT OF
MOTION TO DISMISS**

Hearing Date: November 30, 2000
Time: 8:00 a.m.
Department: 9
Judge: Hon. William H. Alsup
Trial Date: Not yet set

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I, Daniel Rapaport, declare:

1. I am an attorney at law duly licensed to practice before all of the courts of the State of California, and I am admitted to practice before the United States District Court for the Northern District of California. I am a partner in the law firm of Wendel, Rosen, Black & Dean, LLP, one of the attorneys of record for defendants Pacifica Foundation, Dr. Mary Frances Berry, June Makela, David Acosta, Ken Ford, Micheal Palmer, Andrea Cisco, Frank Millspaugh, Robert Farrell, John Murdock, Karolyn Van Putten, Wendell Johns, Valrie Chambers, Bertram Lee, Beth Lyons and Lynn Chadwick (referred to herein collectively as "Moving Parties").

2. I have personal knowledge of the matters set forth herein, except as to those set forth on information and belief, and as to those matters I believe them to be true and, if called as a witness, I could and would competently testify thereto.

3. My firm represents defendant Pacifica Foundation in the matter *The People of the State of California, ex rel. Carol Spooner, et al. v. Pacifica Foundation, et al.*, United States District Court for the Northern District of California Court Case No.C 00 3815 WHA.

4. Attached hereto as **Exhibit A** is a true and correct copy of the original Complaint submitted by plaintiffs to and approved by the California Attorney General.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct and that this declaration was executed on this 23rd day of October, 2000 at Oakland, California.


Daniel Rapaport