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17 Attorneys for Plaintiffs

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA

19 COUNTY OF ALAMEDA

20 GENERAL JURISDICTION (UNLIMITED)

21 THE PEOPLE OF THE STATE OF  
22 CALIFORNIA, *ex rel.* CAROL  
23 SPOONER, et al.,

24 Plaintiffs,

25 vs.

26 PACIFICA FOUNDATION, a  
27 California non-profit public benefit  
28 corporation and charitable trust, et al.,

Defendants.

Case No. 831252-3

DECLARATION OF DANIEL ROBERT  
BARTLEY IN SUPPORT OF EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE RE PRELIMINARY  
INJUNCTION

Hearing Date: Monday, February 26, 2001

Hearing Time: 1:45 p.m.

Judge: Hon. Judith D. Ford

Department: 31

Location: U.S. Post Office Building  
201 13th Street  
Oakland, CA 94607  
Tel 510 208 3949

1 **SUPPORTING DECLARATION OF DANIEL ROBERT BARTLEY**

2 I, Daniel Robert Bartley, declare as follows:

3 1. I am an attorney at law duly admitted to practice before all the courts of the State of  
4 California and one of the attorneys of record herein for plaintiffs in the above-described action. I  
5 make this declaration in support of the Application for a Temporary Restraining Order and Order  
6 to Show Cause re Preliminary Injunction submitted by Plaintiffs The People of the State of  
7 California *ex rel.* Carol Spooner et al. I have personal knowledge of all of the facts contained in  
8 this declaration unless stated to be on information and belief. As to those statements alleged to  
9 be on information and belief, I believe them to be true. If called to testify, I would and could  
10 completely and truthfully testify as to the statements contained herein.  
11

12 2. Attached hereto as "Exhibit A" and incorporated by this reference are true copies of  
13 relevant portions of the Reporter's Transcript of the Pacifica Foundation Board of Directors  
14 Meeting held on September 17, 2000, that were submitted in evidence and served upon me by  
15 defendants in the federal court proceedings on this matter.  
16

17 3. Attached hereto as "Exhibit B" and incorporated by this reference is a true copy of a  
18 letter I received from defendants' counsel, Daly D.E. Temchine, dated February 9, 2001. This  
19 letter confirms that the defendants are making preparations to move the Pacifica Foundation's  
20 financial offices to Washington, D.C., in the very near future.  
21

22 4. Attached here to as "Exhibit C" are certified copies of the Pacifica Foundation  
23 Articles of Incorporation, and all amendments thereto filed with the California Secretary of State.

24 5. Attached hereto as "Exhibits D, E and F" are certified copies of "Ownership Reports  
25 filed by Pacifica Foundation with the Federal Communications Commission on December 28,  
26 1987, March 30, 1990, and August 23, 1991.  
27

28 6. Plaintiffs have acted with due diligence in the pursuit of this application. All delay  
has been caused by Defendants' filing of an unmeritorious notice of removal of this case to  
United States District Court. Plaintiff's counsel on February 22, 2001, received in the mail

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United States District Judge Martin Jenkins' order remanding this case. Plaintiffs' counsel has moved as quickly as possible to immediately prepare these papers, working 18-hour days.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 23, 2001, at Novato, Marin County, California.

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DANIEL ROBERT BARTLEY, ESQ.

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**DECLARATION OF PROOF OF SERVICE**

The undersigned declares he/she is employed in the county of Marin, State of California, by Daniel Robert Bartley Law Offices, P.O. Box 686, Novato, CA, 94948-0686. I am over the age of 18 and not a party to this action. On today's date, I served, true and correct copies of "DECLARATION OF DANIEL ROBERT BARTLEY IN SUPPORT OF EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION" by placing such in a sealed envelopes addressed as follows:

Daniel Rapaport, Esq.  
Wendel, Rosen, Black & Dean, LLP  
1111 Broadway, 24th Floor  
Oakland, CA 94607  
[Tel 510 834 6600 Fax 510 834 1928]  
[E-mail drapaport@wendel.com]

I then this day caused such documents to be personally served upon Defendants' local counsel Daniel Rapaport.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this Decl. was executed on this 23rd day of February, 2001, at Novato, California.

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Daniel Robert Bartley