

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Terry Gross (103878)
Adam C. Belsky (147800)
GROSS & BELSKY LLP
One Maritime Plaza, Suite 1040
San Francisco, California 94111
Telephone: (415) 544-0200
Facsimile: (415) 544-0201

Attorneys for Plaintiffs/Relators
PEOPLE EX REL. CAROL SPOONER, et al.

James Wagstaffe (95535)
Timothy Fox (190084)
KERR & WAGSTAFFE, LLP
100 Spear Street, Suite 1800
San Francisco, CA 94105
Telephone: (415) 371-8500
Facsimile: (415) 371-0500

Attorneys for Plaintiffs
MORAN, CAGAN and BRAMSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA
UNLIMITED JURISDICTION

DAVID ADELSON, et al.,)
Plaintiffs,) Consolidated Case No.: 814461-0
v.) [Consolidated with No. 831252-3
PACIFICA FOUNDATION, et al.,) and No. 831286-0]
Defendants.)
DECLARATION OF TERRY GROSS IN
SUPPORT OF PLAINTIFFS' AND CROSS-
COMPLAINANTS' MOTIONS TO BE
HEARD ON SEPTEMBER 13, 2001

PEOPLE OF THE STATE OF)
CALIFORNIA, ex rel. CAROL)
SPOONER, et al.,) Date: September 13, 2001
Plaintiffs,) Time: 9:00 a.m.
v.) Dept.: 22
PACIFICA FOUNDATION, et al.,) Judge: Hon. Ronald M. Sabraw
Defendants.)

ROBERT ROBINSON, et al.,)

1 24, 2001, I had a telephone conversation with Pacifica's prior counsel, Daly Temchine, in which he
2 stated that he believed it would cost in excess of \$100,000 for the two new law firms to come up to
3 speed in this matter.

4 6. Neither of the two current law firms are being paid under a policy of insurance. On
5 or about August 15, 2001, I had a conversation with Robert Darby, Esq., of Fulbright & Jaworski,
6 and he stated that neither his firm nor Williams & Connolly was being paid by insurance, and that
7 both firms were retained.

8 7. On August 17, 2001, I received a letter from Christina Giffin or Williams & Connolly
9 LLP, Pacifica's new counsel, stating that "inasmuch as Peter Bramson's term as a director of the
10 Board of the Pacifica Foundation has expired, he will not participate in the Board meeting currently
11 scheduled for September 19, 2001." A true and correct copy of this notice is attached hereto as
12 Exhibit D.

13 8. Based on my experience as an attorney, I estimate that the reasonable cost for legal
14 fees and expenses, even at reduced rates, for work on behalf of the individual director defendants
15 on the prior motion for an undertaking, the current demurrer and motion to strike, the opposition to
16 this motion, and legal work analyzing the individual defendants' defense and liability under the First
17 Amended Complaint, plus legal work to defend the self-dealing cause of action, would be
18 approximately \$60,000. I also estimate that the defense costs for this litigation from the time new
19 counsel came into the case through trial to be, conservatively, approximately \$300,000.

20 Executed in San Francisco, California, on August 23, 2001.
21

22 _____
23 TERRY GROSS
24
25
26
27
28