

1 Daniel Rapaport (Bar No. 67217)  
Thiele R. Dunaway (Bar No. 130953)  
2 **WENDEL, ROSEN, BLACK & DEAN, LLP**  
1111 Broadway, 24<sup>th</sup> Floor  
3 Oakland, California 94607-4036  
Telephone: (510) 834-6600  
4 Fax: (510) 834-1928

5  
6 Attorneys for Defendants  
PACIFICA FOUNDATION,  
7 DAVID ACOSTA, MARY FRANCES BERRY,  
LYNN CHADWICK, VALRIE CHAMBERS,  
8 ANDREA CISCO, ROBERT FARRELL, KEN FORD,  
WENDELL JOHNS, BERTRAM LEE, BETH LYONS,  
9 JUNE MAKELA, FRANK MILLSPAUGH,  
JOHN MURDOCK, MICHEAL PALMER, and  
10 KAROLYN VAN PUTTEN

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 THE PEOPLE OF THE STATE OF )  
16 CALIFORNIA, ex rel. CAROL SPOONER, )  
et al., )  
17 )  
18 Plaintiffs, )  
19 )  
20 vs. )  
21 PACIFICA FOUNDATION, a California )  
non-profit public benefit corporation and )  
charitable trust, et al., )  
22 Defendants. )

Case No. C 00 3815 MJJ  
**OBJECTIONS TO PLAINTIFF'S  
EVIDENCE SUBMITTED IN  
SUPPORT OF MOTION TO  
DISQUALIFY DEFENDANTS'  
COUNSEL**  
Date: January 9, 2001  
Time: 9:30 a.m.  
Courtroom: 11  
Judge: Hon. Martin J. Jenkins

23  
24 Defendants Pacifica Foundation, David Acosta, Mary Frances Berry,  
25 Lynn Chadwick, Valrie Chambers, Andrea Cisco, Eobert Farrell, Ken Ford, Wendell  
26 Johns, Bertram Lee, Beth Lyons, June Makela, Frank Millspaugh, John Murdock,  
27 Micheal Palmer, and Karolyn Van Putten hereby object to the purported Transcript of the  
28

Wendel, Rosen, Black & Dean, LLP  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, California 94607-4036

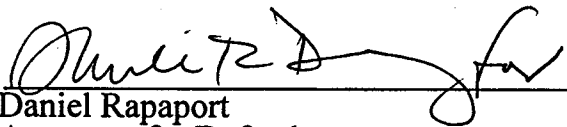
1 meeting of the Pacifica Foundation Board of Directors on September 17, 2000, that is  
2 attached as Exhibit A to the Declaration of Gary Evans submitted by plaintiff in support  
3 of the motion to disqualify defendants' counsel.

4 Defendants object to the purported transcript on the grounds that it is  
5 incompetent and violates the Best Evidence Rule (FRE 1002) Furthermore, it constitutes  
6 impermissible hearsay. (FRE 802, 805). In addition, the transcript lacks foundation and  
7 authentication in that declarant Gary Evans has not averred that he personally knows any  
8 of the Board members of Pacifica Foundation, and further, that he can identify them by  
9 their voices. (FRE 602, 901) In fact, the many gaps in the purported transcript  
10 demonstrate that Mr. Evans in fact cannot identify the Board members by their voices.

11 Therefore, Exhibit A should be disregarded in its entirety.

12  
13 Dated: November 21, 2000

14 WENDEL, ROSEN, BLACK & DEAN, LLP

15  
16 By   
17 Daniel Rapaport  
18 Attorneys for Defendants  
19 Pacifica Foundation, et al.

Wendel, Rosen, Black & Dean, LLP  
1111 Broadway, 24<sup>th</sup> Floor  
Oakland, California 94607-4036