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12 **Attorneys for Defendants**  
13 **THE 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.

ORIGINAL  
FILED

OCT 16 2000

RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

Case No. 00 3815

WHA

DECLARATION OF DANIEL  
RAPAPORT IN SUPPORT OF  
MOTION TO REALIGN

Date: Nov 30, 2000  
Time: 9:00 a.m.  
Courtroom: NINE  
Judge: William H. Alsop

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

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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 with the law firm of Wendel, Rosen, Black & Dean, LLP, one of the attorneys of record of defendants Pacifica Foundation, Mary Frances Berry, June Makela, Frank Millsbaugh, Andrea Cisco, Ken Ford, David Acosta, Micheal Palmer, Robert Farrell, Karolyn Van Putten, Wendell Johns, Valrie Chambers, Bertram Lee, Beth Lyons, John Murdock 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 *Adelson v. Pacifica Foundation, et al.*, Alameda County Superior Court Case No. 814461-0.

4. Attached hereto as Exhibit A is a true and correct copy of the complaint filed by Robert Robinson and Aaron Kriegel in *Robinson et al. v. The Pacifica Foundation, et al.*, Alameda County Superior Court Case No. 831286-0.

5. Attached hereto as Exhibit B is a true and correct copy of an affidavit describing a radio broadcast of Tomas Moran who appeared on a talk show with plaintiff Carol Spooner and Kenneth Frucht, Esq., the attorney representing Robert Robinson and Aaron Kriegel in litigation against Pacifica Foundation in Alameda County Superior Court Case No. 831286-0.

6. Attached hereto as Exhibit C is a true and correct copy of the text of an interview of Tomas Moran conducted by a reporter named Dennis Bernstein. I have also received a letter from attorney James M. Wagstaffe advising the Mr. Moran is "situated differently with respect to the claims alleged" and will be separately represented.

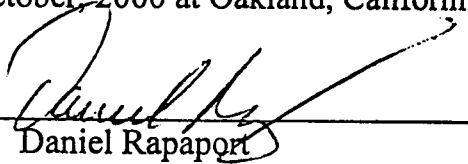
7. Attached hereto as Exhibit D is a true and correct copy of a flyer

1 announcing a meeting arranged and conducted by Leslie Cagen on October 10, 2000.

2 8. Attached hereto as Exhibit E is a true and correct copy of the complaint  
3 filed in *Adelson v. Pacifica Foundation, et al.*, Alameda County Superior Court Case No.  
4 814461-0.

5 9. Attached hereto as Exhibit F is a true and correct copy of the Declaration of  
6 Peter Bramson filed in the *Adelson* action. Mr. Bramson's declaration was filed in  
7 support of plaintiffs' motion for an injunction. That motion was denied.

8 I declare under penalty of perjury under the laws of the State of California and of  
9 the United States of America that the foregoing is true and correct and that this  
10 declaration was executed on this 16<sup>th</sup> day of October, 2000 at Oakland, California.

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13 Daniel Rapaport

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