

1 **ART HASAN, CA Bar No. 167323**
 art.hasan@cph.com
 2 **BRIAN K. BROOKEY, CA Bar No. 149522**
 brian.brookey@cph.com
 3 **G. WARREN BLEEKER, CA Bar No. 210834**
 warren.bleeker@cph.com
 4 **CHRISTIE, PARKER & HALE, LLP**
 350 West Colorado Boulevard, Suite 500
 5 **Post Office Box 7068**
 Pasadena, California 91109-7068
 6 **Telephone: (626) 795-9900**
 Facsimile: (626) 577-8800

7
 8 Attorneys for Plaintiffs,
 CALCAR, INC. and AMERICAN CALCAR, INC.

9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CALCAR, INC., a California corporation;
 and AMERICAN CALCAR, INC., a
 Delaware corporation,

Plaintiff(s),

vs.

THE CALIFORNIA CARS INITIATIVE,
 INC., an unknown business entity; and
 FELIX KRAMER, an individual,

Defendant(s).

Case No. 3:08-MC-80083 MHP (WDBx)

Underlying Civil Action Pending in U.S.
 District Court for the Central District of
 California (Civil Action Case No. SACV07-
 00723)

**SUPPLEMENTAL DECLARATION OF
 G. WARREN BLEEKER IN SUPPORT
 OF PLAINTIFFS' MOTION TO
 COMPEL DEPOSITION TESTIMONY
 OF DAVE BAGSHAW**

DATE: August 6, 2008

TIME: 4:00 p.m.

CTRM: 4, 3rd Floor

Honorable Wayne D. Brazil

1 I, G. Warren Bleeker, declare and state as follows:

2 1. I am an associate with the law firm Christie, Parker & Hale, LLP, counsel for
3 Plaintiffs in this Action, and am admitted to practice before the Federal District Courts for the
4 Central and Northern Districts of California. I have personal knowledge of the contents of this
5 declaration and, if called as a witness, could and would competently testify thereto.

6 2. Attached as Exhibit H is a true copy of CalCars Memorandum of Points and
7 Authorities in Support of CalCars' Motion For Summary Judgment, filed on June 30, 2008.

8 3. Attached as Exhibit I is a true copy of CalCars' Reply Brief in Support of
9 CalCars' Motion For Summary Judgment filed on July 14, 2008.

10 4. I deposed Ron Gremban on June 19, 2008. Mr. Gremban testified during his
11 deposition that he had not searched his records for any documents. During the deposition, I
12 asked Mr. Gremban to provide us with relevant documents. Other than a business card he
13 produced at the deposition, it is my understanding that CalCars has not produced any
14 documents from Mr. Gremban's files.

15 5. Attached as Exhibit J is a true copy of relevant portions of the June 25, 2008
16 deposition transcript of Felix Kramer.

17 6. On July 17, 2008, Judge Andrew Guilford issued an Order rescheduling the trial
18 date in this matter to September 23, 2008. Attached as Exhibit K is a true copy of that Order.

19 7. Attached as Exhibits L through P are true copies of the following patents:
20 Registration Numbers 6,438,465; 6,330,497; 6,587,759; 6,542,795; and 6,459,961.

21 8. Attached as Exhibit Q is a true copy of the Declaration of Michael Obradovich
22 in Support of Plaintiffs' Motion For Partial Summary Judgment.

23 9. If Mr. Bagshaw has misplaced his witness fees check, Plaintiffs will gladly
24 provide Mr. Bagshaw a replacement check prior to his deposition.

25 10. Earlier in this litigation, a different process server from the one who served Mr.
26 Bagshaw, personally served a subpoena and witness fee check on an assistant for another of
27 CalCars' Senior Advisors, Mr. Kammen. The assistant agreed to accept service on Mr.
28 Kammen's behalf. Attached as Exhibit R is a true copy of the that proof of service. The proof

1 of service, however, contains a typo, stating that service was completed at 3:49 a.m., when in
2 fact it occurred at 3:49 p.m. The witness fee check was served in conjunction with the
3 subpoena.

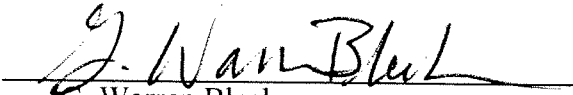
4 11. Mr. Kammen, however, refused to comply with the subpoena. Although
5 Plaintiffs ultimately decided to depose other individuals instead of moving to compel the
6 deposition of Mr. Kammen (Plaintiffs were limited to four additional depositions), Plaintiffs
7 certainly could have moved to compel enforcement of that subpoena, and in hindsight, maybe
8 should have, given that Plaintiffs' decision not to move to compel apparently emboldened Mr.
9 Pistorino to instruct additional clients to not comply with deposition subpoenas.

10 12. Mr. Pistorino, counsel for Mr. Bagshaw, previously obstructed the deposition
11 testimony of deponent Mr. Gremban. Mr. Pistorino started the deposition by objecting to my
12 question "And is there any reason you can't give your best testimony today" as vague and
13 ambiguous. Mr. Pistorino objected to nearly every question on such grounds as the words
14 "education" and "type" were vague and ambiguous. Mr. Pistorino had obviously instructed Mr.
15 Gremban that any time Mr. Pistorino objected to a term as "vague and ambiguous" that Mr.
16 Gremban (a highly intelligent engineer) should pretend not to understand the question. Mr.
17 Pistorino also instructed Mr. Gremban not to answer several questions regarding a conversation
18 Mr. Gremban had with his girlfriend about this litigation, on attorney-client privilege grounds,
19 even though at the time of those conversations, neither Mr. Gremban nor his girlfriend were
20 represented by counsel. This obstructionist behavior by Mr. Pistorino went on throughout the
21 deposition of Mr. Gremban.

22 13. Attached as Exhibit S is a true copy of relevant portions of the April 3, 2008
23 deposition transcript of Felix Kramer.

24 I declare under penalty of perjury under the laws of the United States of America that
25 the foregoing is true and correct.

26 This declaration is executed on July 23, 2008 in Pasadena, California.

27 
28 G. Warren Bleeker