

1 JAMES C. PISTORINO (State Bar No. 226496)
HOWREY LLP
2 1950 University Avenue, 4th Floor
East Palo Alto, CA 94303
3 Telephone: (650) 798-3500
Facsimile: (650) 798-3600
4 E-mail: PistorinoJ@howrey.com

5 Attorneys for Third Party DAVE BAGSHAW

6

7

8

UNITED STATES DISTRICT COURT

9

NORTHERN DISTRICT OF CALIFORNIA

10

SAN FRANCISCO DIVISION

11

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

14 Plaintiffs,

15 v.

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

18 Defendants.

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 DAVE BAGSHAW PURSUANT
TO WRITTEN ORDER OF JUDGE
WAYNE D. BRAZIL**

19

20

21

22

23

24

25

26

27

28

1 I, Dave Bagshaw, declare as follows:

2 1. I make the following supplemental declaration pursuant to the Court's Order of August 7,
3 2008. The statements set forth herein are based upon my own personal knowledge and I would testify
4 as set forth if called as a witness at trial.

5 2. After July 2007 when I ceased my role as a volunteer with The California Cars Initiative
6 (TCCI), my contact with TCCI was in the nature of (1) continuing to be copied on occasional,
7 unsolicited e-mails from Mr. Felix Kramer even though I had ceased my involvement with TCCI; (2)
8 responding to an e-mail from Mr. Kramer on August 2, 2007, which I describe further below; and (3)
9 meeting briefly in early November 2007 with Mr. Randy Reisinger, which I describe further below.

10 When I was a volunteer for TCCI, that was my sole capacity and since I ceased volunteering for TCCI, I
11 have not been involved with TCCI in any other capacity.

12 3. Even though I was no longer involved with TCCI after July 2007, Mr. Kramer continued
13 to copy me on occasional e-mails. Nevertheless, I remained uninvolved with TCCI.

14 4. On August 1, 2007, I received an e-mail from Mr. Kramer in which he forwarded a
15 private placement memorandum prepared by Mr. George Caffrey of Libertas Partners LLC. The
16 purpose of the memorandum was to help Mr. Malcolm Brickland obtain investment funding for his idea
17 for a company called Visionary Vehicles that would produce plug-in hybrid electric vehicles (PHEVs).
18 Mr. Brickland and his proposed company were not related to TCCI. To my knowledge, TCCI had no
19 plans to participate in Mr. Brickland's venture. It is my understanding that the sole purpose in Mr.
20 Kramer asking me to review the private placement memorandum was to do Mr. Brickland the favor of
21 commenting on whether this document was good for the purpose of being able to raise funds for Mr.
22 Brickland's proposed company. On August 2, 2007, I briefly reviewed the document and responded to
23 Mr. Kramer that the document seemed good to me. My review of and response to Mr. Kramer's e-mail
24 was as a simple favor to help an entity unrelated to TCCI.

25 5. In early November 2007, I met briefly with Mr. Randy Reisinger, a volunteer for TCCI,
26 when he came to my house for the purpose of helping me remove some modifications that had been
27 made to my Toyota Prius as a preliminary step toward converting the car into a plug-in hybrid electric
28

1 vehicle (PHEV). Earlier, during my time as a volunteer with TCCI, some work was done on converting
2 my car into a PHEV, but the conversion was never completed. After I was no longer a volunteer with
3 TCCI, Mr. Reisinger came to my house to retrieve some of the PHEV conversion components (made by
4 third parties) and took the Prius to a garage where it was restored to its original state as a stock, standard
5 hybrid vehicle.

6 6. Other than my contact with Mr. Reisinger (detailed above) and the emails that Mr.
7 Kramer continued to copy me on, since July 2007, I do not recall having contact or discussion with
8 anyone concerning TCCI activities.

9 7. During my time as a TCCI volunteer, I was never exposed to or otherwise aware of any
10 active exploration of the possibility of TCCI moving in the direction of developing a for-profit entity.
11 Mr. Kramer discussed the idea of creating a for-profit spin-off on a theoretical level but, to my
12 knowledge, it was never actively pursued, no concrete steps were ever taken to establish such an entity,
13 and I never participated in any such pursuit. As far as I know, TCCI was and is merely an advocate of
14 adopting PHEV technology and is not a for-profit company that produces any products.

15 8. I attended the 2006 Los Angeles Auto Show on behalf of TCCI since Mr. Kramer could
16 not attend. General Motors (“GM”) appeared at the auto show and during one of the days of the show,
17 GM’s representatives informed me that GM intended to announce to the press its plans for a PHEV (the
18 Chevy Volt). The discussion with GM related solely to its proposed announcement. At no time was
19 there any discussion of Plaintiffs Calcar, Inc. or American Calcar, Inc., their products or the sources of
20 any visual displays, auto manuals or electronic auto manuals. I have no reason to believe that the
21 representatives from GM might have mistaken or otherwise associated the Plaintiffs or the Plaintiffs’
22 products with TCCI. Prior to receiving a subpoena in this case, I had never heard of Plaintiffs or their
23 products, or heard anybody mention them. At no time did I perceive that GM (or anyone else) thought
24 that TCCI offered visual displays, auto manuals, or electronic auto manuals.

25 9. During my time as a volunteer with TCCI, other than as detailed above, I never had any
26 contact or discussions with any of the major car manufacturers (e.g., Ford, GM, Toyota, Honda,
27
28

1 Chrysler, etc.) and never had any discussion with any third-party regarding air conditioning in
2 automobiles, visual displays, auto manuals, or electronic auto manuals.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct to the best of my knowledge and belief.

5
6 Dated: August 14, 2008


DAVE BAGSHAW

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

21342599