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America West Airlines, Inc. and Douglas Stolls
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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 KELLY GREENFIELD,
12 Plaintiff,
13 v.
14 AMERICA WEST AIRLINES, INC., a
Corporation and DOUGLAS STOLLS, an
15 Individual,
16 Defendants.

Case No. C-03-5183 MHP

**SUPPLEMENTAL DECLARATION
OF CHRISTOPHER T. SCANLAN IN
SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Hearing Date: March 21, 2005
Time: 2:00 p.m.
Courtroom: 15, 18th Floor
Judge: Hon. Marilyn Hall Patel

Judge: Hon. Marilyn Hall Patel

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19 I, Christopher T. Scanlan, state:

20 1. I am an attorney at the law firm of O'Melveny & Myers LLP,
21 counsel of record for America West Airlines, Inc. ("America West") and Douglas Stolls
22 ("Stolls"), the Defendants herein. By virtue of my representation of America West and
23 Stolls, I have personal knowledge of the matters set forth below, and could and would
24 testify to them competently if called as a witness.

25 2. I took Plaintiff's deposition in this matter on April 30, 2004 and
26 caused a certified transcript of the proceedings in that deposition to be made. Spherion
27 Deposition Services ("Spherion") made the transcript of Plaintiff's deposition. On May
28 13, 2004, Spherion sent a letter to Plaintiff, with a copy to me, informing Plaintiff that she

SUPPLEMENTAL DECLARATION OF
CHRISTOPHER T. SCANLAN
C-03-5183 MHP

1 had thirty (30) days to submit corrections to her transcript. This letter is attached as
2 Exhibit A. Attached as Exhibit B is a June 24, 2004 letter from Spherion, informing me
3 that Plaintiff did not sign or submit any corrections to her transcript within the specified
4 thirty (30) day period.

5 3. A true and correct copy of Plaintiff's original Complaint in this
6 matter, filed on or about November 21, 2003, is attached as Exhibit C.

7 4. Any portions of the transcripts of deposition testimony not included
8 herewith were either previously filed as exhibits to my initial Declaration in support of
9 Defendants' Motion for Partial Summary Judgment or filed by Plaintiff in support of her
10 Opposition to Defendants' motion.

11 5. I took Plaintiff's deposition in this matter on April 30, 2004 and
12 caused a certified transcript of the proceedings in that deposition to be made. I have
13 reviewed that transcript and recognize it to be a fair and accurate transcription of those
14 proceedings. A true and correct copy of those portions of the transcript not previously
15 provided by the parties in conjunction with this motion, but which are now cited in our
16 reply brief, filed concurrently herewith, are attached (along with any exhibits thereto
17 specifically cited) as Exhibit D.

18 6. I took Peter Tamaya's deposition in this matter on September 27,
19 2004 and caused a certified transcript of the proceedings in that deposition to be made. I
20 have reviewed that transcript and recognize it to be a fair and accurate transcription of
21 those proceedings. A true and correct copy of those portions of the transcript not
22 previously provided by the parties in conjunction with this motion, but which are now
23 cited in our reply brief, filed concurrently herewith, are attached (along with any exhibits
24 thereto specifically cited) as Exhibit E.

25 7. I took Rechar Williams' deposition in this matter on September 28,
26 2004 and caused a certified transcript of the proceedings in that deposition to be made. I
27 have reviewed that transcript and recognize it to be a fair and accurate transcription of
28 those proceedings. A true and correct copy of those portions of the transcript not

1 previously provided by the parties in conjunction with this motion, but which are now
2 cited in our reply brief, filed concurrently herewith, are attached (along with any exhibits
3 thereto specifically cited) as Exhibit F.

4 8. I took David Smith's deposition in this matter on November 5, 2004
5 and caused a certified transcript of the proceedings in that deposition to be made. I have
6 reviewed that transcript and recognize it to be a fair and accurate transcription of those
7 proceedings. A true and correct copy of those portions of the transcript not previously
8 provided by the parties in conjunction with this motion, but which are now cited in our
9 reply brief, filed concurrently herewith, are attached (along with any exhibits thereto
10 specifically cited) as Exhibit G.

11 9. Plaintiff's counsel took Douglas Stolls' deposition in this matter on
12 July 13, 2004. I was present for the deposition. A certified transcript of the proceedings
13 in that deposition was prepared. I have reviewed that transcript and recognize it to be a
14 fair and accurate transcription of those proceedings. A true and correct copy of those
15 portions of the transcript not previously provided by the parties in conjunction with this
16 motion, but which are now cited in our reply brief, filed concurrently herewith, are
17 attached (along with any exhibits thereto specifically cited) as Exhibit H.

18 11. Plaintiff's counsel took David Pertle's deposition in this matter on
19 October 1, 2004. I was present for the deposition. A certified transcript of the
20 proceedings in that deposition was prepared. I have reviewed that transcript and
21 recognize it to be a fair and accurate transcription of those proceedings. A true and
22 correct copy of those portions of the transcript not previously provided by the parties in
23 conjunction with this motion, but which are now cited in our reply brief, filed
24 concurrently herewith, are attached (along with any exhibits thereto specifically cited) as
25 Exhibit H.

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

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4 EXECUTED this 7th day of March, 2005, at San Francisco, California.

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7 /s/
8 Christopher T. Scanlan

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