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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 AGNES SUEVER, ET AL.,

12 Plaintiffs,

13 vs.

14 JOHN CHIANG, ET AL.,

15 Defendants.

No.: C 03-00156 RS

DECLARATION OF JEFFREY BALL
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT

Hearing:

Date: August 8, 2007
Time: 9:30 a.m.
Dept.: 4

(The Honorable Richard Seeborg)

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DECLARATION OF JEFFREY BALL

I, Jeffrey G. Ball, declare under penalty of perjury as follows:

1. I am a paralegal at Remcho, Johansen & Purcell, attorneys for defendants in this case. I submit this declaration in support of Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the certified transcript of the deposition of Plaintiff Madonna Suever taken in this action by an attorney with my law firm on March 2, 2007.

3. Attached as Exhibit 2 is a true and correct copy of Exhibit 1 from the deposition of Plaintiff Madonna Suever taken on March 2, 2007. Ms. Madonna Suever testifies that this exhibit is a copy of the cashiers check belonging to Plaintiff Agnes Suever which is at issue in this matter. See Ex. 1 at p. 27.

4. Attached as Exhibit 3 is a true and correct copy of excerpts from the certified transcript of the deposition of Plaintiff Stephen G. Tucker taken in this action by an attorney with my law firm on March 21, 2007.

5. Attached as Exhibit 4 is a true and correct copy of excerpts from the certified transcript of the deposition of Plaintiff Alexander George Vondjdis taken in this action by an attorney with my law firm on March 13, 2007.

6. Attached as Exhibit 5 is a true and correct copy of the Verified Supplemental Responses of Plaintiff Johnstone Whitley to Defendants' First Set of Interrogatories, served by Plaintiffs on my office on October 2, 2006.

7. Attached as Exhibit 6 is a true and correct copy of the Verified Responses of Plaintiff Lynn Keith to Defendants' First Set of Interrogatories, served by Plaintiffs on my office on August 25, 2006.

1 8. Attached as Exhibit 7 is a true and correct copy of Defendant
2 Whittaker Corporation's First Set of Requests for Admissions to Plaintiff Richard V.
3 Valdes in *Valdes v. Meggitt*, Case No. BC 288807, a case filed in the Superior Court of
4 the State of California, County of Los Angeles-Central Judicial District. *Valdes v.*
5 *Meggitt* is related to this litigation because it involves Mr. Valdes' lawsuit against the
6 holder of the property that Mr. Valdes claims to own in this litigation, *Suever v. Chiang*.
7 These Requests were served on my law firm on October 2, 2003.

8 9. Attached as Exhibit 8 is a true and correct copy of Plaintiff Richard
9 Valdes' verified Responses to Defendant Whittaker Corporation's Requests for
10 Admissions in *Valdes v. Meggitt*, Case No. BC 288807. This document was attached as
11 an exhibit to the table of evidence submitted in support of Defendant Whittaker
12 Corporation's Motion for Summary Judgment in *Valdes v. Meggitt*. Defendant Whittaker
13 Corporation served a copy of the table of evidence and its accompanying exhibits on my
14 law firm on October 14, 2004.

15 10. Attached as Exhibit 9 is a true and correct copy of excerpts from
16 the transcript of the deposition of Richard Valdes taken on April 21, 2004 in the case of
17 *Valdes v. Meggitt*, Case No. BC 288807. Excerpts of this document were attached as an
18 exhibit to the table of evidence submitted in support of Defendant Whittaker
19 Corporation's Motion for Summary Judgment in *Valdes v. Meggitt*. Defendant Whittaker
20 Corporation served a copy of the table of evidence and its accompanying exhibits on my
21 law firm on October 14, 2004.

22 11. Attached as Exhibit 10 is a true and correct copy of a March 7,
23 2007 letter from the office of the California Attorney General to Magistrate Judge Lloyd
24 objecting to Plaintiffs' counsel's use of a document protected by the attorney-client
25 privilege and attorney work product doctrine in the settlement conference for this action.
26 Despite this correspondence, Plaintiffs' counsel has introduced these privileged

1 documents again in this Motion for Partial Summary Judgment. My office was served
2 with a copy of this letter in connection with the firm's representation of the Controller in
3 this action.

4 12. Attached as Exhibit 11 is a true and correct copy of a May 26,
5 2006 letter from the office of the California Attorney General to the Justices on the
6 Second District of the California Court of Appeal objecting to Plaintiffs' counsel's use of
7 a document protected by the attorney-client privilege and attorney work product doctrine
8 in a matter then pending before that Court, *Harris v. Verizon Communications*.
9 Plaintiffs' counsel has continued to introduce these privileged documents in related
10 litigation, and does so again in this Motion for Partial Summary Judgment. My office
11 received a copy of this letter in connection with the firm's representation of the
12 Controller in other litigation where this document has been introduced.

13 I declare under penalty of perjury that the foregoing is true and correct. I
14 have firsthand knowledge of the same, and if called upon to do so I could and would
15 testify competently thereto. Executed this 18th day of July, 2007, in San Leandro,
16 California.

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19 JEFFREY BALL

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