

EXHIBITS PART 3 of 5

EXHIBIT 4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

---OO---

AGNES SUEVER, ET AL.,)
)
)
 Plaintiffs,)
)
 vs.) No. C 03-00156 RS
)
)
 KATHLEEN CONNELL, ET AL.,)
)
)
 Defendants.)
)

**CERTIFIED
COPY**

DEPOSITION OF
ALEXANDER GEORGE VONDJIDIS

Tuesday, March 13, 2007

(Pages 1 - 190)

REPORTED BY: CATHERINE A. RYAN, RMR, CRR, CSR 8239
(2001-392688)



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1 Q. And what was your job after that, after your
2 Landis & Gyr?

3 A. I think I worked for Hewlett Packard after
4 that.

5 Q. And how long did you work for Hewlett Packard?

6 A. I worked for five years --

7 Q. So --

8 A. -- about. You're not going to get the months
9 there.

10 Q. This is -- obviously we'll be asking questions
11 about that time since this case involves your stock in
12 that company. But it was approximately 1974 to 1978; is
13 that correct?

14 A. That's right.

15 Q. And where were you based?

16 A. In Athens, Greece.

17 Q. During that time did you -- during that time
18 did you travel to California to deal with the HP --
19 well, HP is a California corporation; is that correct?

20 A. That's right. Yes, I did, at least once.

21 Q. Do you remember approximately when that was in
22 that time frame?

23 A. Oh, that's a good question.

24 Q. Answer only if you know.

25 A. No, I wouldn't remember the exact date. It

1 A. Well, I should think that when the auditors
2 went to HP to get -- to own unclaimed property or to
3 seize unclaimed property or whatever they did -- I don't
4 exactly know -- but they probably saw addresses which
5 were outside the country, and they should have told the
6 holder, "What have you done to notify these people?"
7 And being a policeman, the State should have requested
8 that these people be notified before taking their stock.

9 Q. Have you ever looked at the controller's Web
10 site?

11 A. Yes.

12 Q. How recently did you do that?

13 A. It must have been 2001, 2002. 2001, 2002.

14 Q. And that was when you were trying to recover
15 your HP stock; is that right?

16 A. That's right.

17 Q. And since then have you looked at that Web
18 site?

19 A. No.

20 Q. Okay. So other than your existing claim with
21 respect to HP stock, you don't have any -- strike that.

22 Have you ever subscribed to California papers,
23 newspapers?

24 A. No.

25 Q. Okay. In 1992 did you return to Greece at

1 19 --

2 A. No. In the '90s, no.

3 Q. I'm sorry. We need to --

4 A. Sorry.

5 Q. We just need, for the court reporter, to not
6 talk over each other.

7 During the 1990s, from 1991 until 1999, to the
8 best of your recollection, was there ever a year that
9 you did not go to Greece?

10 A. No.

11 (Deposition Exhibit No. 18 was marked for
12 identification.)

13 MR. WILLIS: Q. Did you work for HP between
14 approximately 1974 and 1978?

15 A. That's correct.

16 Q. And what was your position with HP?

17 A. I was mid -- Middle East -- and I was an
18 engineer for the Middle East region backing up
19 representatives.

20 Q. So was that a sales-oriented job?

21 A. It is.

22 Q. And what type of product was --

23 A. The analytical instrumentation.

24 Q. Did your job require travel --

25 A. Yes.

1 Q. -- throughout the Middle East?

2 A. Yes.

3 Q. Frequent travel or just occasionally?

4 A. Frequent travel.

5 Q. And during your employment, did you
6 participate in a stock purchase program?

7 A. That's correct.

8 Q. And approximately when did you start that?

9 A. Well, I don't exactly remember, but there are
10 undoubtedly documents which have me signing my
11 membership to the stock option plan, and we produced
12 these documents, and that's -- but I don't remember the
13 exact date.

14 Q. Okay. Fair enough. And we'll look at that in
15 a minute. But -- but you have a memory of participating
16 in that plan, correct?

17 A. Yes.

18 Q. And what was your understanding of how that
19 plan worked?

20 A. Well, because I was a Greek employee, that
21 plan -- and the Greek employees did not receive foreign
22 currency at the time. The plan was not directly
23 administered by California to the employee's house, but
24 it was -- it went to the personnel people, and
25 information came through them.

1 Q. Okay. Let me back up a minute. Do you
2 remember the address of your HP office?

3 A. Yes.

4 Q. And what is that?

5 A. 35 Kolokotroni Street.

6 Q. Can you spell that for --

7 A. K-o-l-o-k -- k-o-t-i-i-n -- maybe I should
8 write it out for myself, too. Excuse me for this.
9 That's the one.

10 Q. Kolokotroni?

11 A. Kolokotroni.

12 Q. Kolokotroni?

13 A. That's right.

14 Q. Was your office -- during your entire period
15 working for HP from 1974 to 1978, was that address
16 always the HP office?

17 A. Yes. It was the head -- the head office for
18 the Mediterranean and the Middle East.

19 Q. And at some point did that office close?

20 A. I understand it closed sometime in the early
21 '80s.

22 Q. In the early '80s?

23 A. In the early '80s.

24 Q. And you understood that how?

25 A. Well, even when I left, HP was kind of -- my

1 position became kind of doubtful, and we came to an
2 agreement to phase it out. So it was phasing out. So I
3 presume it continued phasing out because the Middle East
4 was not a very profitable area for them to open in.

5 Q. So then approximately sometime in the mid-'80s
6 or early '80s that office closed?

7 A. I would think so. I wouldn't like to give you
8 an exact. It must have been '82 or '83. Something like
9 that.

10 MR. PALMER: Let's -- we didn't go through all
11 the admonitions, but it's important, Dr. Vondjidis, that
12 you not guess. You can estimate, but you can't guess.

13 THE WITNESS: Okay. I wouldn't -- I don't
14 know.

15 MR. WILLIS: Q. Did you keep in touch with
16 fellow employees at HP after you left?

17 A. Very little.

18 Q. Let me back up. I just want to make sure I
19 understand. You understood at some point in the '80s --
20 early 1980s that the HP office closed; is that correct?

21 A. Yes.

22 Q. And you learned about it at approximately the
23 time it happened, correct?

24 A. I wouldn't like to say at approximately the
25 time it happened. I learned about it after it happened.

1 Q. How much after -- how much longer after?

2 A. I wouldn't like to guess.

3 Q. More than five years?

4 A. No. I should think a year or two.

5 Q. Okay. During your time with HP, you received
6 statements about your stock purchase plan; is that
7 right?

8 A. I received them through the office in Athens,
9 Greece.

10 Q. Okay. But you did receive statements,
11 correct?

12 A. Yes.

13 Q. Okay. And where were those statements coming
14 from?

15 A. California.

16 Q. And that's where this -- the program was being
17 administered, correct?

18 A. Well, presumably, yes.

19 Q. And the statements came from California to the
20 Greek office; is that correct?

21 A. That's correct.

22 Q. And after that office closed, where did those
23 statements go?

24 A. I didn't receive any.

25 Q. After the HP office closed, did you call

1 anyone at HP to ask where those statements were going?

2 A. Well, we had more than one conversation, and I
3 think there's proof and evidence that the -- they had my
4 address.

5 Q. Let me back up. You said that there were
6 conversations between you and HP; is that right?

7 A. That's correct.

8 Q. When were -- were those conversations when the
9 HP office was still open?

10 A. Yes.

11 Q. My question is, After you came to understand
12 that the HP office no longer existed, did you do
13 anything to alert HP to send documents to your home
14 address?

15 A. No. They -- because H -- because HP had my
16 home address, number one. Number two, I did not know
17 how they administered the fund for the Greek employees.
18 I had no direct knowledge of it.

19 Q. Did you have any -- how did you satisfy
20 yourself that California as opposed to employees in the
21 Greek office had your home address?

22 A. How did I satisfy myself?

23 Q. Yes.

24 A. I didn't feel the need to satisfy myself.

25 Q. So sitting -- did -- as far as you're aware,

1 did HP in California, who was administering the plan,
2 have your home address?

3 A. I should have thought so.

4 Q. But did you know?

5 A. I don't have proof of it.

6 Q. Okay. At any time did you try to satisfy
7 yourself to that effect?

8 A. Well, let me ask you to repeat the question --
9 the first question you said -- you asked about
10 satisfying myself that HP had my address. Well, there
11 was a head office for the whole of Europe at -- in
12 Switzerland, and they definitely had my address.

13 Q. As I understand your testimony, your
14 statements came from California for your stock purchase
15 plan; is that correct?

16 A. The statements that I saw at the Greek office,
17 yes.

18 Q. They didn't come through the Swiss office,
19 correct?

20 A. No, it had a California address on it.

21 Q. And as I understand your testimony, that while
22 you worked for HP through 1978, those statements came
23 from California to the Greek office, correct?

24 A. That's correct.

25 Q. And then after the Greek office closed, you

1 stopped receiving any kind of statement, correct?

2 A. Yes, and when I went to find out -- and found
3 out the office was closed, I didn't bother any further.
4 I think I might have even met one or two people from HP
5 from the central office in Europe, and they said to me,
6 "Well, the office is closed," and that's all there is to
7 it.

8 Q. And so after that time, after it was closed,
9 you never contacted HP in California, correct?

10 A. No. I didn't know I had to keep contact with
11 people who hold -- hold my stock on the phone or
12 whatever. It's news to me.

13 MR. WILLIS: Okay. I want to mark as Exhibit
14 19 a notice of entry of order in a case Alexander
15 Vondjidis versus Hewlett Packard.

16 (Deposition Exhibit No. 19 was marked for
17 identification.)

18 MR. WILLIS: Bill, I just want to confirm --
19 is AVP -- that's your designation from your production?

20 MR. PALMER: Yes.

21 MR. WILLIS: So you'll see, Mr. Vondjidis,
22 this document has got a designation at the bottom
23 AVP0005050, and it goes on to 5062. That's what we call
24 Bates numbering, and that just means -- whenever you see
25 that AVP, that means that your attorney, Mr. Palmer,

1 A. Yes.

2 Q. And was that your understanding?

3 A. Yes.

4 Q. So it's fair to say that at least since 1978
5 you owned some stock of HP, correct?

6 A. At least, yes.

7 Q. Okay. And during that time from 1978 until
8 2001, did you ever attempt to cash any dividends?

9 A. No.

10 Q. Did you ever attempt to attend any annual
11 meeting?

12 A. The reason I did not cash any dividends is
13 because these were -- there were currency regulations,
14 and these were small denominations, and they were
15 handled through the local HP office.

16 Q. So your testimony is you didn't cash the
17 dividends because they were for small amounts of money;
18 is that right?

19 A. Yeah.

20 Q. And it wasn't worth going through the
21 conversion to cash those?

22 A. At the time, yeah. At the time. But not
23 later.

24 Q. What do you mean by "later"?

25 A. Well, later on the currency restrictions

1 changed.

2 Q. When was that?

3 A. That was in the late '80s.

4 Q. Okay. And so how did they change? How did
5 the currency --

6 A. Well, when Greece became part of the EU, you
7 can change currency quite happily like any other
8 European country. There wasn't a currency protection
9 law before that.

10 Q. I see. So starting in the late '80s it was
11 easier to convert --

12 A. Yes.

13 Q. -- a dividend that was in dollars to -- is it
14 dramas (phonetic) or --

15 A. Drachmas.

16 Q. Drachmas, right?

17 A. Now drachmas don't exist anymore.

18 Q. It's --

19 A. It's all Euros.

20 Q. In the late '80s it became easier to convert a
21 dividend issued in dollars to drachmas; is that right?

22 A. That's correct.

23 Q. Did you attempt to convert any of your
24 dividends or cash any of your dividends after that
25 change in law?

1 A. I didn't receive any.

2 Q. Did you ask about them?

3 A. As I say, I didn't know how the stock option
4 plan was administered.

5 Q. But you didn't do anything to investigate
6 that, correct?

7 A. No.

8 Q. Did you ever -- during this period from 1978
9 to 2001, did you ever make any inquiries about how to
10 vote on shareholder issues?

11 A. For HP you mean?

12 Q. Correct.

13 A. If I did not receive any information and the
14 office was closed, I did not know how it was
15 administered. I did not know the details at the time,
16 and now I've become wiser, but at the time I did not
17 know.

18 Q. And I want you to just listen to my questions
19 because my question was a little different than that.
20 During -- from 1978 to 2001 did you make any efforts to
21 try to vote on shareholder issues through your HP stock?

22 A. No.

23 Q. Did you ever request any information about
24 your stock? From 1978 to 2001 did you ever make any
25 inquiries about when the annual shareholder meetings

1 were?

2 A. I didn't make any inquiries with HP. I did
3 not have contact with HP.

4 Q. Was that important to you?

5 A. No.

6 Q. Was voting on -- on corporate matters
7 important to you?

8 A. Yes, in a sense it was.

9 Q. Why?

10 A. Because there were various times when the HP
11 company was changing. There was crisis, and I would
12 have liked to take part in the voting procedure.

13 Q. Okay. But you didn't do anything to --

14 A. I didn't do anything drastic about reinstating
15 my rights.

16 Q. Or you didn't do anything at all?

17 A. No, I didn't do anything at all.

18 Q. Did you ever during that period attempt to
19 transfer your shares to anyone?

20 A. No.

21 Q. Did you make any inquiries about how to do
22 that?

23 A. No.

24 Q. From 1978 to 2001 did you attempt to inspect
25 any corporate documents at all?

1 A. Well, I -- the corporate documents were
2 published in the public press, and I always looked out
3 of curiosity because I knew I had some HP stock, and I
4 just looked.

5 Q. But did you make any inquiries to the -- to
6 the company itself?

7 A. No, not about stock.

8 Q. About anything at all?

9 A. Well, I had some contacts from time -- a
10 couple of contacts, yes.

11 Q. But those were personal?

12 A. Yes.

13 Q. What are you seeking from your suit against
14 HP?

15 A. Well, I'm -- what do you mean? About the new
16 appeal or about this -- this one?

17 Q. About the suit you have against HP.

18 A. I wanted them to return my -- my stock. They
19 could -- they could have reversed the escheat. I wanted
20 them to reverse the escheat, if possible, and give me my
21 stock back.

22 Q. "They" meaning HP, right?

23 A. Yes.

24 MR. WILLIS: I want to mark as Exhibit 21 a
25 March 12th, 1974, letter concerning your employment.

1 MR. WILLIS: Q. Mr. Vondjidis, when did you
2 first come to realize that your property had escheated
3 to California?

4 A. When Mr. Vanacore sent me an email saying --
5 asking me whether I had any stock from them that could
6 have been escheated and it was listed.

7 Q. Is that the email that's midway through this
8 exhibit dated July 18th, 2001?

9 A. Yes, I think that's -- that's the one.

10 Q. So July 18th is when you realized for the
11 first time that your stock may have been escheated?

12 A. That's right.

13 Q. What did you do after you got that email from
14 Mr. Vanacore?

15 A. Well, I -- I did two things. The first, I
16 tried to contact the HP corporate offices in California
17 by email again. First I phoned and I got the name of a
18 person that I -- when I sent them and telling them that
19 I was upset and why should this happen, and I also
20 answered Mr. Vanacore, and then I proceeded to try to
21 get my money.

22 Q. What did the HP --

23 A. May I just refresh myself here?

24 Q. Sure.

25 A. Now, it's my response to Mr. Vanacore, and I

1 the State should interfere and take my shares and give
2 immunity to Hewlett Packard for doing so.

3 MR. WILLIS: Okay. I want to mark as Exhibit
4 36 a check from the State of California to Mr. Vondjidis
5 care of Vanacore.

6 (Deposition Exhibit No. 36 was marked for
7 identification.)

8 MR. WILLIS: Q. This is a check dated
9 February 20th, 2002, for \$36. Do you recall what that
10 amount is for?

11 A. No, I do not recall.

12 Q. Did Mr. Vanacore ever explain it to you?

13 A. Well, he gave me some general explanations,
14 but I would have liked more detailed ones.

15 MR. WILLIS: Okay. I'm going to mark as
16 Exhibit 37 -- this is a check from the State of
17 California to Alex Vondjidis care of Vanacore dated
18 7/11/2002.

19 (Deposition Exhibit No. 37 was marked for
20 identification.)

21 MR. WILLIS: Q. Okay. This is the check for
22 \$25,961. Do you recall this check being the check from
23 the State of California for payment of your shares and
24 interest on those shares?

25 A. Yes, that's -- that's about the sum of money I

1 got minus some fees.

2 Q. Minus Mr. Vanacore's fees, correct?

3 A. Yes.

4 Q. The note says, "A report explaining the
5 details of this payment will be mailed to you within 7
6 to 10 working days." Do you see that?

7 A. Yes.

8 Q. Did you get a copy of that report?

9 A. I don't recollect.

10 Q. Okay. Do you recall any email from -- between
11 you and Vanacore where you understood that the check had
12 been issued, but they were holding the check until they
13 got a report from the Controller's office?

14 A. I don't recollect.

15 Q. You don't recall that?

16 A. No.

17 MR. WILLIS: Okay. I'm going to mark as
18 Exhibit 38 a check from Vanacore Associates to Alex
19 Vondjidis.

20 (Deposition Exhibit No. 38 was marked for
21 identification.)

22 MR. WILLIS: Q. Do you recall this exhibit?

23 A. Yes.

24 Q. And what is this?

25 A. That's the payment from Vanacore Associates

1 for the check you see from the State of California.

2 Q. Okay. Less his fees, correct?

3 A. Less his fees.

4 Q. But this includes your portion of -- this
5 includes the payment for your stock and the interest on
6 that stock?

7 A. Yes. It should include it, but as I say, I
8 don't recall the report; so I can't say.

9 MR. WILLIS: I'm going to mark as Exhibit 39 a
10 Controller's report to Alex Vondjidis care of Vanacore
11 concerning the computation of his money.

12 (Deposition Exhibit No. 39 was marked for
13 identification.)

14 MR. WILLIS: Q. Do you recall seeing this
15 exhibit?

16 A. No.

17 Q. Do you see that this was a report sent to you
18 care of Vanacore?

19 A. Yes, but I didn't see this exhibit. I don't
20 recall seeing this exhibit. As I say, I don't -- I just
21 don't recall.

22 Q. Did you ask Mr. Vanacore for a breakdown on
23 how the -- your stock was --

24 A. He did send me a breakdown in a --

25 Q. Was this it?

1 A. As I say, I don't recall that. I don't recall
2 that; so I can't say.

3 Q. Can you take a minute just to look at this?

4 A. Yes. Well, it's got dates of these escheats.

5 Q. This report indicates both when your shares
6 were sold, at what price and the net proceeds amount for
7 those various sales, correct?

8 A. Yes, it seems to be the case.

9 Q. And it also includes the computation of
10 interest; is that correct? Do you see the "interest
11 paid" sections?

12 A. "Interest paid" section.

13 Q. But to the best of your recollection, you did
14 not?

15 A. To the best of my recollection, I did not
16 recollect it, but --

17 Q. If you had gotten this and seen it, would you
18 have been satisfied?

19 A. No, I still think that the -- by the very fact
20 that the State took my shares whereas they had my
21 address and it's not lost, I think it's bad on its own.

22 Q. On this -- now, are you talking about the
23 State or are you talking about HP?

24 A. About the State. About the State taking the
25 shares without -- and HP giving them the shares. That's

EXHIBIT 5

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5 Attorney for Plaintiffs, Taxpayers, and Class
6
7

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

11 Case No.: C 03-00156 RS

12 AGNES SUEVER, ET AL.,

13 Plaintiffs,

14 vs.

15 STEVE WESTLY, ET AL.,

16 Defendants.
17
18

**SUPPLEMENTAL RESPONSE OF
PLAINTIFF JOHNSTONE WHITLEY
TO FIRST SET OF
INTERROGATORIES**

19 Propounding Parties: Steve Westly, Kathleen Connell, George DeLeon and Richard
20 Chivaro

21 Responding Party: Johnstone Whitley

22 Set Number: One
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1 Pursuant to Federal Rule of Civil Procedure 33, Plaintiff Jo-Ann Seitzinger
2 ("Plaintiff") hereby provides supplemental responses to the Interrogatories propounded
3 by Defendants Steve Westly, Kathleen Connell, George DeLeon and Richard Chivaro
4 (collectively, "Defendants")..

5
6 **GENERAL OBJECTIONS**

7 1. Plaintiff and his attorneys have not completed their investigation of the
8 facts related to this case, discovery or preparation for trial. Thus, plaintiff's responses are
9 made only on the basis of such information as is currently known and reasonably
10 available to plaintiff. JOHNSTONE WHITLEY's responses do not purport to constitute
11 a final statement of all of his knowledge regarding a particular subject and are made
12 without prejudice to his right to introduce additional evidence at time of trial or to
13 supplement his responses as appropriate once plaintiff has completed discovery and
14 preparation for trial.

15 2. To the extent the interrogatory purports to require the plaintiff to provide
16 information that is privileged under law, whether under the attorney-client privilege, as
17 attorney work product, as trial preparations or otherwise, plaintiff objects thereto. No
18 such information will be provided.

19 3. The responses provided hereinafter shall not be deemed a waiver of any
20 objection that could be made to the pertinent interrogatory, but which is not set forth
21 herein, as to relevance or any other issues affecting admissibility at time of trial.

22 THE OBJECTIONS SET FORTH IN RESPONSE TO EACH
23 INTERROGATORY ARE INCORPORATED BY REFERENCE INTO EACH OF THE
24 RESPONSES THAT FOLLOW, WHETHER OR NOT SEPARATELY SET FORTH
25 THEREIN.

26 **RESPONSES TO SPECIFIC INTERROGATORIES**

27 **INTERROGATORY NO. 5:**

28 Identify the timeframe during which YOU first learned that the Controller's
Office did or may have some knowledge or involvement with the property described in

1 paragraph 8 of the **AMENDED COMPLAINT**. For purposes of this interrogatory,
2 “timeframe” means the exact date if known to YOU; otherwise the month and year, or
3 year(s).
4

5 **RESPONSE:**

6 I first learned in approximately 1985 or 1986 that the Controller may have some
7 involvement with my property. Our property is in the form of reversionary rights to
8 railroad right of way. This property was documented by Los Angeles Title and Trust,
9 which acted as Trustee of the Trust through which our property rights were held, and
10 which maintained the records of the property in question, including the reversionary
11 interest my family and I held. This title company was eventually purchased by Ticor Title
12 Company, however. I learned in 1985 or 1986 that some of Ticor’s documents
13 evidencing the property, including the documentation evidencing my family’s interest in
14 the railroad right of way had been “escheated” to the State of California. I would
15 emphasize that the property itself is real estate located in California; however, the
16 “property” seized by the Controller was not the real estate itself, but the *evidence* of that
17 property, which (a) established that the reversionary rights exist, and (b) establish that I
18 and my family are the owners of these rights. In 1985 or 1986 I learned that the
19 Controller had taken possession of the records constituting the evidence of my family’s
20 property. However, I never learned that the Controller was violating the law until I
21 retained counsel. For example, the Controller never told me that they refused to provide
22 the notice required under statute, nor that they had adopted an unlawful “shredding”
23 program that would permanently deprive me and my family from property that is
24
25
26
27
28

THE L.V. OFFICES OF
William J. Palmer
1241 Carter Road - Sacramento - California - 95864
TELEPHONE (916) 972-0761

1 rightfully ours. Defendants concealed each of these facts, and I was unable to learn the
2 truth until I retained counsel.

3 **INTERROGATORY NO. 6:**

4
5 Identify all facts that led **YOU** to first learn that the Controller's Office may have
6 some knowledge or involvement with the property described in paragraph 8 of the
7 **AMENDED COMPLAINT.**


8 **RESPONSE:**

9
10 I refer you to my response to Interrogatory 5 above, which I incorporate into this
11 answer. A representative of the title insurance company who had previously acted as
12 Trustee for the trust informed me that upon the dissolution of the title company the
13 records had been delivered to the State of California. Through research I came to
14 understand that the Controller's Office had some involvement with the property. At all
15 times the Controller concealed their wrongdoing.

16
17 Dated: October 2, 2006.

Respectfully submitted,

18 LAW OFFICES OF WILLIAM W. PALMER

19
20
21 
22 William W. Palmer, Esq.

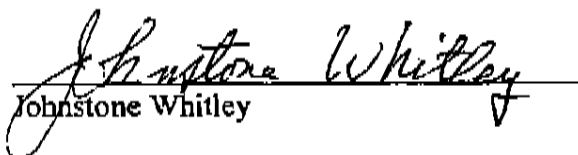
VERIFICATION

I, Johnstone Whitley, declare:

I am a party to this action. I have read the foregoing **PLAINTIFFS' RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES** and know the contents thereof.

The matters stated herein are true of my own knowledge, except as to the matters which are therein stated on information or belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the forgoing is true and correct and that this verification was executed at San Michael, Ca on August 25, 2006.


Johnstone Whitley

THE LAW OFFICES OF
William Palmer
1241 Currier Road - Sacramento - California - 95834
TELEPHONE (916) 972-0761

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THE OFFICES OF
William J. Palmer
1241 Carter Road - Sacramento - California - 95864
TELEPHONE (916) 972-0761

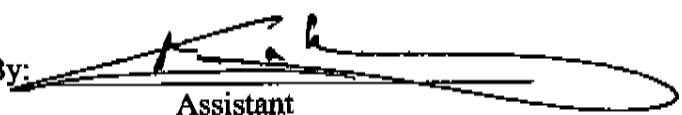
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PROOF OF SERVICE

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1241 Carter Road, Sacramento, CA 95864-5327. On October 2, 2006, I served the foregoing **SUPPLEMENTAL RESPONSE OF PLAINTIFF JOHNSTONE WHITLEY TO FIRST SET OF INTERROGATORIES** on the following parties by *Facsimile* and by depositing in the *United States Mail* at Sacramento, California, full, true, and correct copies thereof, addressed to the last known office address of the attorneys of record.

ATTORNEYS FOR DEFENDANTS:

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