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5 Attorneys for Plaintiff CAL-PAL, Inc. aka
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 6 Activities League

7
 8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10
 11 CAL-PAL, Inc.,

12 Plaintiff,

13 vs.

14 California Police Youth Charities, Inc.,

15 Defendant.

CASE NO. 3:08-cv-01991-PJH

**REPLY DECLARATION OF ROBERT
 A. PADWAY IN SUPPORT OF
 PLAINTIFF'S MOTION FOR LEAVE
 TO FILE ITS PROPOSED FIRST
 AMENDED COMPLAINT**

**Submitted for Decision without Oral
 Argument**

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 17 I, Robert A. Padway, am an attorney for plaintiff CAL-PAL, Inc. in this action. I
 18 make this reply declaration in support of plaintiff's motion for leave to file its proposed
 19 first amended complaint.

20 1. In this action CPYC took the deposition of Gregg Wilson, CAL-PAL's
 21 executive director, on November 6, 2008, after counsel for CAL-PAL had provided
 22 counsel for CPYC with a copy of CAL-PAL's proposed first amended complaint. CPYC
 23 has not taken any other depositions, and it is scheduled to take the deposition of Terrel
 24 Harrison, CAL-PAL's board chairman, on January 14, 2009. CAL-PAL took the
 25 deposition of Chris Eaton, CPYC's executive director, on October 20, 2008, and CAL-PAL
 26 does not intend to re-take Mr. Eaton's deposition by reason of the first amended complaint.
 27 On December 22, 2008, CAL-PAL took the deposition of one of CPYC's call center
 28 managers, and CAL-PAL is scheduled to take the depositions of two more of CPYC's call

1 center managers on December 29, 2008. No other depositions have been taken or are
2 scheduled as of now in the action.

3 2. Attached as Exhibit 1 is a redacted copy of a letter sent on July 21, 2008
4 from the undersigned to Matt Jaime, counsel for CPYC. The letter provides CPYC's
5 counsel with information identifying third-party donors who were called by CPYC and
6 subsequently called CAL-PAL, and the substance of their communications.

7 3. Attached as Exhibit 2 is a true and correct copy of CAL-PAL's Initial
8 Disclosures dated August 1, 2008 in this action, without exhibits. CAL-PAL disclosed as
9 persons likely to have discoverable information: "Individuals identified in the
10 'Confidential' letter dated July 21, 2008 from counsel for plaintiff to counsel for defendant,
11 who have information regarding defendant's conduct, donor confusion, and damage to
12 plaintiff from defendant's conduct."

13 4. Attached as Exhibit 3 is a true and correct copy of letter dated December 11,
14 2008 from Dale C. Campbell, Esq., one of CPYC's counsel, to the undersigned regarding
15 CAL-PAL's motion for leave to file its first amended complaint. The letter states at page
16 3: "Should the amendment somehow be permitted, the trade secret issues will certainly
17 require the use of additional experts. Thus, CPYC is being placed in a position of having
18 to spend money on expensive expert witnesses to prepare a report prior to the amendment
19 even being filed."

20 5. Attached as Exhibit 4 is a true and correct copy of letter sent December 12,
21 2008 from the undersigned to Dale Campbell. The letter states in part: "In connection
22 with the case calendar, I suggest that we discuss with Matt [Jaime] extending the discovery
23 and expert witness dates." Counsel for CAL-PAL has not received any a response to this
24 suggestion, and plaintiff remains open to extending the discovery and expert witness dates.

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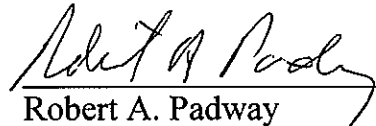
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If sworn as a witness I could and would testify competently to the foregoing.

I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California on December 24, 2008.


Robert A. Padway