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 13 BERT DEIXLER

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

14
 15 KEVIN VANGINDEREN,
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 Plaintiff,
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 v.
 18 CORNELL UNIVERSITY, BERT DEIXLER,
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 Defendants.
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) Case No. 08-CV-736 BTM(JMA)
)
) Hon. Barry T. Moskowitz
)
) **DECLARATION OF CLIFFORD S.**
) **DAVIDSON IN SUPPORT OF**
) **CORNELL'S AND BERT DEIXLER'S**
) **SPECIAL MOTIONS TO STRIKE**
) **PLAINTIFF'S FIRST AMENDED**
) **COMPLAINT PURSUANT TO**
) **SECTION 425.16 OF THE**
) **CALIFORNIA CODE OF CIVIL**
) **PROCEDURE**
)
) [Per chambers, no oral argument unless
) requested by the Court]
)
) [Special Motions to Strike and Stanley
) Declaration filed concurrently]
)
) Hearing Date: July 3, 2008
) Time: 11:00 a.m.
) Place: Courtroom 15
)
) Action Filed: April 8, 2008

1 **DECLARATION OF CLIFFORD S. DAVIDSON**

2 I, Clifford S. Davidson, declare:

3 1. I am an attorney associated with the law firm Proskauer Rose LLP, attorneys for
4 defendants Cornell University (“Cornell”) and Bert Deixler (“Deixler”) in the above-captioned
5 action. I submit this Declaration in support of defendant Cornell University’s Special Motion to
6 Strike Plaintiff’s First Amended Complaint Pursuant to Section 425.16 of the California Code of
7 Civil Procedure and defendant Bert Deixler’s Special Motion to Strike Plaintiff’s First Amended
8 Complaint Pursuant to Section 425.16 of the California Code of Civil Procedure. I make this
9 declaration of my own personal knowledge except where otherwise stated, and if called as a
10 witness, I could and would testify competently as set forth below.

11 2. On November 2, 2007, Cornell, through Deixler, filed unsealed documents from
12 the Ithaca City Court in support of Cornell’s Special Motion to Strike Plaintiff’s Complaint
13 Pursuant to Section 425.16 of the California Code of Civil Procedure. Attached collectively
14 hereto as Exhibit A are true and correct copies of certain of those documents as Cornell filed them.
15 Exhibit A includes the accusatory instruments issued against Plaintiff Kevin Vanginderen
16 (“Plaintiff”) and Plaintiff’s guilty plea in Ithaca City Court.

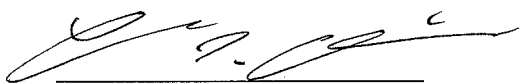
17 3. On December 12, 2007, Cornell, through Deixler, filed with this Court (a) a copy
18 of the Tompkins County Court order unsealing the records pertaining to Plaintiff’s criminal
19 activities (the “Unsealing Order”); and (b) certain of the unsealed records from the Tompkins
20 County Court, the Tompkins County District Attorney and the Cornell University Department of
21 Public Safety (collectively, the “Unsealed Records”). Attached hereto as Exhibit B are true and
22 correct copies of the Unsealing Order and the Unsealed Records as Cornell filed them.

23 4. Attached hereto as Exhibit C is a true and correct copy of the Court’s June 3, 2008
24 Order Granting Special Motion to Strike. I received Exhibit C through the Court’s electronic
25 filing system.
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I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct.

Executed this 30th day of June, 2008, at Los Angeles, California.



Clifford S. Davidson