

EXHIBIT H

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15 AMERICAN ACADEMY OF
16 FORENSIC SCIENCES

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 JAMES A. BLANCO)

21 Plaintiff,)

22 vs.)

23 AMERICAN ACADEMY OF FORENSIC)
24 SCIENCES; and DOES 1-20,)

25 Defendants.)

CASE NO. CV 09 2780 SI

**DECLARATION OF JUDGE
HASKELL PITLUCK IN SUPPORT OF
DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Date: January 29, 2010
Time: 9:00 a.m.
Location: Courtroom 10, 19th Floor

Accompanying Papers:
Defendant's Opposition to Motion;
Declaration of Marie A Trimble

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1 I, HASKELL PITLUCK, declare:

2 1. I am an attorney at law licensed to practice before all courts of the State of
3 Illinois. During the time at issue in this case I was, and still am, the Chair of the Ethics
4 Committee of the AMERICAN ACADEMY OF FORENSIC SCIENCES ("AAFS"). I have
5 personal knowledge of the matters contained in this declaration and if called to testify to them
6 could and would do so competently.

7 2. On January 5, 2006, AAFS member David Moore submitted a formal written
8 complaint to the AAFS Ethics Committee alleging that James A. Blanco ("Plaintiff") had
9 violated two sections of AAFS's Code of Ethics and Conduct. Attached hereto as Exhibit 1 is a
10 true and correct copy of Complainant Moore's formal written complaint.

11 3. The Ethics Committee initiated an investigation into the complaint. Attached
12 hereto as Exhibit 2 is a true and correct copy of the May 26, 2006 memorandum that I sent to the
13 Ethics Committee regarding the initiation of the investigation.

14 4. On June 6, 2006, I sent a letter to Plaintiff on behalf of the Ethics Committee to
15 inform Plaintiff of the allegations against him. I requested that Plaintiff respond to the
16 allegations within 30 days. Attached hereto as Exhibit 3 is a true and correct copy of my letter to
17 Plaintiff.

18 5. On June 6, 2006, William Riordan was appointed to the Ethics Committee
19 pursuant to AAFS Bylaws. Mr. Riordan was appointed to the Ethics Committee because Mr.
20 Riordan was the Chair of the section in which Plaintiff was a member (i.e. the Questioned
21 Documents Section). Attached hereto as Exhibit 4 is a true and correct copy of my letter to Mr.
22 Riordan.

23 6. On July 10, 2006, Plaintiff submitted a written response to my June 6, 2006 letter.
24 I forwarded Plaintiff's written response to the Ethics Committee. Attached hereto as Exhibit 5 is
25 a true and correct copy of my memorandum to the Ethics Committee regarding Plaintiff's written
26 response. Attached hereto as Exhibit 6 is a true and correct copy of Plaintiff's written response.

27 7. Complainant Moore's complaint against Plaintiff stemmed from an expert report
28 Plaintiff created for a client. Due to his expertise and position as Chair of the Questioned

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1 Documents section, I asked Mr. Riordan to prepare a summary of the issues presented by the
2 complaint and to help draft questions that needed to be asked of Plaintiff. Attached hereto as
3 Exhibit 7 is a true and correct copy of Mr. Riordan's September 6, 2006 summary.

4 8. With the assistance of Mr. Riordan, the Ethics Committee drafted a list of
5 questions to Plaintiff regarding the allegations against him. Attached hereto as Exhibit 8 is a true
6 and correct copy of the Ethics Committee's November 16, 2006 letter to Plaintiff.

7 9. More than two months later, on January 24, 2007, I received a letter from Plaintiff
8 acknowledging receipt of the Ethics Committee's November 16, 2006 letter. Plaintiff stated that
9 "both my attorney and I are busy but will do our best to get this out to you for the committee's
10 review just as soon as we can." Attached hereto as Exhibit 9 is a true and correct copy of
11 Plaintiff's letter to me.

12 10. On February 9, 2007, I sent an e-mail to Plaintiff stating the following: "Are you
13 going to respond to my letter of November 16, 2006? It has been almost three months." Plaintiff
14 responded that he was busy, but would try his best to send a response. Attached hereto as
15 Exhibit 10 is a true and correct copy of our February 9, 2007 e-mail exchange.

16 11. On February 13, 2007, I received a letter from Plaintiff's counsel, Randall Wiens,
17 stating that he had been retained by Plaintiff. Mr. Wiens further responded to my June 6, 2006
18 notice letter. Attached hereto as Exhibit 11 is a true and correct copy of Mr. Wiens' letter.

19 12. On February 14, 2007, I received Plaintiff's response to the Ethics Committee's
20 November 16, 2006 letter. Attached hereto as Exhibit 12 is a true and correct copy of Plaintiff's
21 letter, with exhibits.

22 13. On May 13, 2007, I sent a letter to Mr. Wiens requesting additional documents
23 related to the expert report at issue. Specifically, I requested a copy of Plaintiff's bench notes
24 and any research references used by Plaintiff. Attached hereto as Exhibit 13 is a true and correct
25 copy of my letter to Mr. Wiens.

26 14. Mr. Wiens responded to my request four months later. In his September 17, 2007
27 reply, Mr. Wiens stated that "Mr. Blanco informs me that he has already invested enough time
28 and effort to comply with your demands.... Mr. Blanco believes you are on a witch-hunt and

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1 refuses to provide you any further materials.” Attached hereto as Exhibit 14 is a true and correct
2 copy of Mr. Wiens’ September 17, 2007 letter, with enclosure.

3 15. On October 12, 2007, I received a letter from Complainant Moore regarding the
4 status of Complainant Moore’s complaint against Plaintiff to the Southwest Association of
5 Forensic Document Examiners (“SWAFDE”). Complainant Moore explained that his complaint
6 had been “tabled” pending revisions to SWAFDE’s bylaws. The proposed revisions to eliminate
7 SWAFDE’s ethics procedures failed, and the complaint against Plaintiff was reactivated. Almost
8 immediately thereafter, Plaintiff resigned from SWAFDE. Attached hereto as Exhibit 15 is a
9 true and correct copy of Complainant Moore’s letter.

10 16. On November 8, 2007, I received a letter from Mr. Wiens regarding the alleged
11 scientific support for Plaintiff’s expert opinion. Attached hereto as Exhibit 16 is a true and
12 correct copy of Mr. Wiens’ letter.

13 17. On November 24, 2007, I sent a letter to Mr. Wiens indicating that based upon the
14 materials provided to us, the Ethics Committee was unable to come to decision without holding a
15 hearing. Attached hereto as Exhibit 17 is a true and correct copy of my letter to Mr. Wiens.

16 18. On December 18, 2007, I sent a letter to Mr. Wiens stating that the hearing would
17 be held February 19, 2008 during the AAFS Annual Meeting in Washington, D.C. Attached
18 hereto as Exhibit 18 is a true and correct copy of my letter to Mr. Wiens.

19 19. On February 6, 2008, I received an e-mail from Ethics Committee member Ken
20 Melson, indicating that the Secret Service would permit Gerald LaPorte to testify, but four of his
21 supervisors and his legal counsel were required to be present. Attached hereto as Exhibit 19 is a
22 true and correct copy of Mr. Melson’s e-mail.

23 20. Within days of the hearing, Plaintiff sent the Ethics Committee a lengthy Request
24 for Production of Documents. On February 11, 2008, I sent the Ethics Committee’s “Response
25 to Request to Produce” to Mr. Wiens and Plaintiff. The Response included information
26 regarding The Ethics Committee’s witnesses, the witnesses’ intended testimony, and the Ethics
27 Committee’s communications with third parties. Attached hereto as Exhibit 20 is a true and
28 correct copy of the Response.

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1 21. On February 17, 2008, Plaintiff provided the Ethics Committee with his written
2 Opening Statement. Mr. Wiens provided the Ethics Committee with his written Opening
3 Statement of Legal Opinions. Attached hereto as Exhibit 21 is a true and correct copy of
4 Plaintiff's written Opening Statement. Attached hereto as Exhibit 22 is a true and correct copy
5 of Mr. Wiens' written Opening Statement of Legal Opinions.

6 22. The hearing took place on February 19, 2008 during the AAFS Annual Business
7 Meeting in Washington, D.C. Attached hereto as Exhibit 23 is a true and correct copy of the
8 preliminary portion of the hearing transcript, which reflects preliminary matters discussed before
9 any testimony was given.

10 23. On April 4, 2008, Mr. Wiens sent the Ethics Committee a written Closing
11 Argument. Attached hereto as Exhibit 24 is a true and correct copy of Mr. Wiens' written
12 Closing Argument.

13 24. On May 14, 2008, Plaintiff resigned from the American Board of Forensic
14 Document Examiners ("ABFDE"). ABFDE provides certification in the field of forensic
15 document examination, which AAFS does not. AAFS is not a certifying body. Mr. Riordan e-
16 mailed me a copy of Plaintiff's resignation letter. Attached hereto as Exhibit 25 is a true and
17 correct copy of the e-mail containing Plaintiff's resignation letter.

18 25. In light of all testimony and submitted materials, the Ethics Committee found that
19 Plaintiff violated the AAFS Code of Ethics and Conduct. On June 13, 2008, I submitted the
20 Ethics Committee's Report to the AAFS Board of Directors with the recommendation that
21 Plaintiff be expelled from AAFS. Attached hereto as Exhibit 26 is a true and correct copy of the
22 Ethics Committee's Report.

23 26. I also notified Plaintiff and Mr. Wiens that the Ethics Committee had submitted
24 its report to the Board of Directors via a letter dated June 13, 2008. I further notified Plaintiff
25 and Mr. Wiens that they had two weeks to submit a written statement to the Board of Directors.
26 Attached hereto as Exhibit 27 is a true and correct copy of my letter to Plaintiff and Mr. Wiens.

27 27. In September 2008, ABFDE published an article in its newsletter that detailed
28 Plaintiff's lawsuit against ABFDE, as well as the events surrounding Plaintiff's resignation. I

