

FOR PURPOSE LAW GROUP

Mary T. Dowling, Esq. (SBN 299773)
May L. Harris, Esq. (SBN 211210)
Matthew B. Learned, Esq. (SBN 255499)
408 Nutmeg St.
San Diego, CA 92103
Tel: (619) 780-3839
Fax: (619) 780-2451
Email: mlearned@forpurposelaw.com

Attorneys for Plaintiff,
Deaf Counseling Advocacy and Referral Agency, a California nonprofit public benefit corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA**FOR THE COUNTY OF ALAMEDA****UNLIMITED JURISDICTION**

DEAF COUNSELING ADVOCACY AND
REFERRAL AGENCY, a California nonprofit
public benefit corporation,

Plaintiff(s),

vs.

LIANN OSBORNE, an individual;
RAYMOND RODGERS, an individual; and
DOES 1 through 25, inclusive,

Defendant(s),

FILED BY FAX

ALAMEDA COUNTY

February 18, 2020

CLERK OF
THE SUPERIOR COURT
By Shabra Iyamu, Deputy

CASE NUMBER:

RG19038869

Case No.: RG19038869

**POINTS AND AUTHORITIES IN
SUPPORT OF EX PARTE
APPLICATION**

Date: February 20, 2020

Time: 2:30 p.m.

Dept: 517

Judge: Hon. Stephen Pulido

Reservation No.: #R-2161722

///

///

///

///

///

///

///

///

///

TABLE OF CONTENTS

1		
2	INTRODUCTION	1
3	NOTICE OF EX PARTE	2
4	FACTUAL BACKGROUND	2
5	POINTS & AUTHORITIES.....	4
6	I. DCARA’s Requested Relief.....	5
7	II. DCARA Will be Irreparably Harmed if the Application is Not Granted	6
8	III. DCARA is Likely to Succeed on the Meritgs of its Claims.....	7
9	A. DCARA is likely to succeed on its trespass cause of action	7
10	B. DCARA is likely to succeed on its trade libel cause of action	8
11	C. DCARA is likely to succeed on its conversion and misappropriation of funds	
12	causes of action	9
13	D. DCARA is likely to succeed on its intentional interference with prospective	
14	economic advantage cause of action	10
15	E. DCARA is likely to succeed on its unlawful business practices cause of action ..	10
16	F. DCARA is likely to succeed on its misrepresentation causes of action	11
17	G. DCARA is likely to succeed on its unjust enrichment cause of action	12
18	H. DCARA is likely to succeed on its declaratory relief cause of action	12
19	CONCLUSION	13

TABLE OF AUTHORITIES

Cases

Aspen Grove Condominium Ass'n v. CNL Income Northstar LLC (2014) 231 Cal.App.4th 53.....	6
Berryman v. Merit Prop. Mgmt., Inc. (2007) 152 Cal.App.4th 1544.....	11
Cel-Tech Commc'ns, Inc. v. L.A. Cellular Tel. Co. (1999) 20 Cal.4th 163	11
<u>Corman v. Blanchard</u> (1962) 211 Cal.App.2d 126.....	8
<u>Jogani v. Superior Court</u> (2008) 165 Cal.App.4th 901.....	12
<u>Korea Supply Co. v. Lockheed Martin Corp.</u> (2003) 29 Cal. 4th 1134	10
<u>Korean American Legal Advocacy Foundation v. Los Angeles</u> (1994) 23 Cal.App.4th 376.....	6
<u>Lazar v. Superior Court</u> (1996) 12 Cal. 4th 631	11
Maria P. v. Riles (1987) 43 Cal. 3d 1281	6
Miller v. Nat'l Broadcasting Co. (1986) 187 Cal.App.3d 1463.....	7
Moore v. Regents of University of California (1990) 51 Cal. 3d 120.....	9
<u>Oakdale Village Group v. Fong</u> (1996) 43 Cal.App.4th 539	9
<u>People ex rel. Gow v. Mitchell Brothers' Santa Ana Theater</u> (1981) 118 Cal.App.3d 863	6
<u>Peterson v. Cellco P'ship</u> (2008) 164 Cal.App.4th 1583.....	12
Robbins v. Sup. Ct. (1985) 38 Cal. 3d 199.....	5
<u>San Francisco Newspaper Printing Co., Inc. v. Sup. Ct.</u> (1985) 170 Cal.App.3d 438.....	5
Savage v. Pacific Gas & Electric Co. (1993) 21 Cal.App.4th 434.....	8
Smith v. Adventist Health System/West (2010) 182 Cal.App.4th 729	5
Snively v. Record Publishing Co. (1921) 185 Cal. 565	8
<u>Stockton v. Newman</u> (1957) 145 Cal.App.2d 558	6
<u>Taylor v. Hearst</u> (1895) 107 Cal. 26.....	8
<u>Teachers Ins. & Annuity Assn. v. Furlotti</u> (1999) 70 Cal.App.4th 1487	7
<u>Walker v. Countrywide Home Loans, Inc.</u> (2002) 98 Cal.App.4th 1158.....	11
<u>Youngblood v. Wilcox</u> (1989) 207 Cal.App.3d 1368	7

Statutes

Cal. Civ. Code § 45	8
Cal. Code Civ. P. § 1060	12

1 Plaintiff Deaf Counseling Advocacy and Referral Agency (“Plaintiff,” “DCARA,” or
2 “Organization”) submits the following memorandum of points and authorities in support of its ex
3 parte application for a temporary restraining order (“TRO”) against defendants.

4 INTRODUCTION

5 DCARA is an advocacy and social services organization for Deaf, Hard of Hearing,
6 “DeafBlind” and “DeafPlus” residents of the San Jose-San Francisco-Oakland 14-county
7 Combined Statistical Area. Its Headquarters are located in Alameda County. As a California
8 nonprofit public benefit corporation, Plaintiff is governed by a volunteer Board of Directors
9 (“Board”). The Board is currently comprised of the four duly-elected or appointed directors -
10 David Martin, Melvin Patterson, Rosalyn Ramos and Mary Telford.

11 Defendant Raymond Rodgers (“Rodgers”) is a previous employee of DCARA. Following
12 many complaints of his mismanagement, lack of leadership, and conflicts of interest, Rodgers
13 was terminated by the Board on or about March 26, 2019, and again on or about May 2, 2019.
14 Following the May 2, 2019 termination, Rodgers was provided with all requisite sums as payout
15 for salary and vacation.

16 Following said termination, Rodgers conspired to take back control of DCARA and its
17 charitable assets. Specifically, he drafted a so-called employment agreement, waited until three
18 out of six valid Board members were out of town and/or unavailable, and coordinated an alleged
19 Board meeting for May 21, 2019. However, there was no quorum for said meeting, so any
20 purported action by the Board was invalid. Even if there were quorum, the meeting was
21 cancelled that night, which was announced to the community members who were in attendance.
22 Thus, no Board actions could be taken there.

23 At that cancelled meeting, Rodgers orchestrated the purported signing of his
24 employment-agreement document. He also installed an unelected and unappointed person to the
25 Board, Dr. Liann Osborne, who has asserted herself as the alleged
26 “Interim Board President.”

27 Immediately following that date, Rodgers and Osborne took over total control of
28 DCARA and completely iced out all of the Board members, including Director and Treasurer

1 David Martin. Since that date, Rodgers has ensured that he is paid an annual salary of over
2 \$100,000.00 per year of corporate assets that he is not entitled to. Both Rodgers and Osborne
3 have actively prevented the participation of any Board members, and ensured that DCARA is
4 now operating *defacto* without a Board, in violation of DCARA's Governing Documents and the
5 California Corporations Code.

6 NOTICE OF EX PARTE

7 "A party seeking an ex parte order must notify all parties no later than 10:00 a.m. the
8 court day before the ex parte appearance...." See Cal. Rules of Court, rule 3.1203(a).

9 On February 18, 2020, at approximately 11:15 a.m., DCARA's counsel contacted
10 Defendants' counsel, Shane Horwarter, via telephone to notify him of this ex parte application.
11 (Learned Decl. ¶ 10.) Shortly thereafter, DCARA's counsel sent Mr. Horwarter an E-mail again
12 notifying him of the Application. (Learned Decl. ¶ 11.) Finally, Mr. Horwarter was served with
13 this ex parte application via overnight delivery on February 18, 2020. See Learned Decl. ¶ 12;
14 Proof of Service.

15 FACTUAL BACKGROUND

16 On or about May 20, 2019, Defendant Rodgers generated a document that purported to be
17 some type of combination of meeting minutes and simultaneously an employment agreement
18 between Rodgers and DCARA (the "May 20 Document"). (Declaration of Melvin Patterson
19 ("Patterson Decl.") ¶ 4; First Am. Compl. ¶ 16.) The May 20 Document was signed in a side
20 room at the May 21, 2019 community gathering ("May 21 Gathering") and was not formally
21 approved by the Board. (Patterson Decl. ¶ 4; Declaration of Matthew B. Learned ("Learned
22 Decl.") ¶ 5, Ex. 1, 3; First Am. Compl. ¶ 24.) Even if the May 20 Document was a proper
23 agreement of some sort, it was not properly-executed as it is undisputed that no Board meeting
24 was held on May 21, 2019. (Patterson Decl. ¶¶ 2-3; Learned Decl. ¶ 5, Ex. 1-3; First Am. Compl.
25 ¶¶ 18-23.) As no Board meeting occurred, no actions could have been taken by the Board on
26 May 21, 2019. (*Id.*) Moreover, the May 21 Gathering could not have been a valid Board
27 meeting because the Board members were not provided with an agenda for the ostensible
28 meeting, as required by Section 4(c) of DCARA's Bylaws ("Bylaws"). (Patterson Decl. ¶ 2;

1 First Am. Compl. ¶ 21.) Thus, the gathering was improper and did not constitute a Board
2 meeting.

3 Finally, even if the May 21 Gathering had not been cancelled, quorum was not met for a
4 proper Board meeting, as three of the then six Board members were absent. (Patterson Decl. ¶ 3;
5 First Am. Compl. ¶ 22.) Thus, the May 21 Gathering could not constitute a Board meeting.
6 Instead, the actions attempted to be taken (meeting in secret to sign the May 20 Document) were
7 completely invalid as they were not taken during a valid Board meeting, and thus constituted
8 action without a meeting in violation of Corporations Code Section 7211. Moreover, the May 20
9 Document was not signed by a majority of the Board members and did not even include a
10 signature block for Melvin Patterson - one of the six Board members at the time. (Patterson
11 Decl. ¶ 4; Learned Decl. ¶ 6, Ex. 5.) Despite the multiple fatal flaws in the attempted meeting on
12 May 21, 2019, and the fatally-flawed May 20 Document, both Defendants immediately assumed
13 the above positions and commenced to hold themselves out as the only agents of the corporation.

14 As a result of the above actions and inactions by Defendants, Defendants are currently
15 holding and misusing the power and assets of the corporation. (Patterson Decl. ¶ 5; First Am.
16 Compl. ¶ 26.) Defendants have taken over all corporate assets and are operating without a
17 legitimate Board of Directors, in contravention of the California Corporations Code, the Bylaws,
18 and the Governing Documents. (Patterson Decl. ¶ 5; First Am. Compl. ¶ 27.) Defendants have
19 also: shut down Board members' email addresses; locked Board members completely out of any
20 access to the Headquarters, website, and social media; and prevented any access to any DCARA
21 assets, property, and/or information. (Patterson Decl. ¶ 5; First Am. Compl. ¶ 28.)

22 Additionally, Defendants have made, and continue to make, false statements about
23 Plaintiff, Plaintiff's Board, and actions related to the operation of DCARA, including the
24 instant action and the underlying dispute, through DCARA's websites and social media
25 pages. (Patterson Decl. ¶ 6; Learned Decl. ¶ 5, Ex. 1, 3; First Am. Compl. ¶ 29.) Defendants
26 have caused these false statements to be published on the internet, including on DCARA's
27 websites and social media. Defendants have hijacked Plaintiff's Board's own communication
28 channels to make these false and negative statements. Defendant Rodgers is also causing himself

1 to be paid an annual salary of over \$100,000.00 per year of corporate assets that he is not entitled
2 to. (Patterson Decl. ¶ 7; First Am. Compl. ¶ 30.)

3 Plaintiff and its Board, both individually and through counsel, have requested and
4 demanded that Defendants return power to the proper Board and relinquish the control that they
5 have improperly assumed. Defendants Osborne and Rodgers, both individually and through their
6 counsel, have refused to do so, and have refused to provide any evidence or authority for their
7 illegal and rogue actions.

8 Plaintiff is informed and believes that Defendants may allege that they both maintain
9 power properly due to their misrepresentation of facts regarding Board composition. Assuming,
10 *arguendo*, that Defendants were properly in their positions, they have nonetheless breached their
11 fiduciary duties and have grossly misused corporate assets due to their failure and refusal to call
12 and/or permit a proper Board meeting to be held. Nor have they in any way, shape, or form
13 communicated with any of the Directors, including Director David Martin whom Defendants
14 have never challenged as a proper Director.

15 Defendants continue to act without authority, holding themselves out as purported agents
16 of the corporation. In doing so, they have themselves violated the common law and statutory
17 provisions cited herein, and have caused DCARA as a corporation to be in violation of the
18 Corporations Code, applicable decisional law, and the Governing Documents. Without a TRO,
19 DCARA will be irreparably harmed as Defendants are exposing the corporation to extensive
20 liability. Defendants must be prevented from acting without authority. Moreover, DCARA has
21 a regularly scheduled board meeting set for February 27, 2020 and DCARA requests that the
22 valid Board members – David Martin, Melvin Patterson, Rosalyn Ramos and Mary Telford – be
23 permitted to meet and operate as the Board for the February 27, 2020 meeting. (Learned Decl. ¶
24 9.) Additionally, DCARA has an employment insurance policy that needs to be renewed so that
25 it does not lapse. (*Id.*)

26 POINTS & AUTHORITIES

27 The Court must evaluate two factors when ruling on a request for a injunctive relief: “(1)
28 the likelihood that the plaintiff will prevail on the merits at trial and (2) the interim harm that the

1 plaintiff would sustain if the injunction were denied as compared to the harm the defendant
2 would likely suffer if the preliminary injunction were issued.” *Smith v. Adventist Health*
3 *System/West* (2010) 182 Cal.App.4th 729, 749. “If denial of an injunction would result in great
4 harm to the plaintiff, and the defendants would suffer little harm if it were granted, then it is an
5 abuse of discretion to fail to grant the preliminary injunction.” *Robbins v. Sup. Ct.* (1985) 38
6 Cal. 3d 199, 205. As outlined below, DCARA has made a showing that it is probable that it will
7 prevail on the merits of its case. See, e.g., *San Francisco Newspaper Printing Co., Inc. v. Sup.*
8 *Ct.* (1985) 170 Cal.App.3d 438, 442. DCARA has also shown that it is entitled to the relief
9 requested, especially as the balancing of equities favors DCARA’s position.

10 I. DCARA’S Requested Relief.

11 DCARA seeks injunctive relief prohibiting Defendants from: (1) entering DCARA
12 headquarters for any reason; (2) accessing or utilizing DCARA assets and funds for any reason;
13 (3) posting and/or publishing any negative information regarding any prior or current member of
14 the Board including David Martin; (4) engaging in any acts of unfair competition and
15 interference with DCARA’s business; (5) engaging in slanderous or libelous communications
16 regarding DCARA and/or this dispute; (6) holding themselves out as agents and/or other
17 representatives of DCARA; (7) utilizing Plaintiff’s websites, Facebook page, and other social
18 media platforms to communicate about Plaintiff, the Board members, or this dispute, and/or this
19 Complaint; and (8) attempting to access any of the assets of DCARA, including but not limited
20 to, bank accounts.

21 Further, DCARA requests that the Court issue injunctive relief compelling Defendants to:
22 (1) permit Dave Martin, Melvin Patterson, Roz Ramos and Mary Telford to meet and operate as
23 the Board; (2) ensure that these valid Board members – including Director Martin – are given
24 immediate access to all DCARA bank accounts, assets, websites, social media credentials so that
25 the Board may operate as required under the Governing Documents and the Corporations Code.
26 Importantly, it is undisputed that David Martin is on the Board of DCARA. (Learned Decl. ¶ 5,
27 Ex. 1, 3.) Moreover, Rogers appears to acknowledge that Dave Martin, Melvin Patterson, Roz
28 Ramos and Mary Telford are the true Board of DCARA, otherwise he would not have served

1 DCARA's counsel with his discrimination action. (Learned Decl. ¶ 7, Ex. 6.)

2 DCARA also requests injunctive relief in the form of an Order directing Defendant
3 Osborne to immediately cease and desist engaging in any and all Board or leadership-related
4 activity at DCARA, including, but not limited to, holding herself out as a Board member and/or
5 "Interim Board President."

6 **II. DCARA Will Be Irreparably Harmed if the Application is Not Granted.**

7 Foremost, the interim harm to DCARA supports the requested relief. Injunctions are
8 appropriate "[w]here land, or any estate therein, is the subject matter of the agreement, the
9 inadequacy of the legal remedy is well settled." Stockton v. Newman (1957) 145 Cal.App.2d
10 558, 564. Where pecuniary relief is not adequate and where it would be difficult to ascertain the
11 amount of compensation, injunctive relief provides an equitable solution. Aspen Grove
12 Condominium Ass'n v. CNL Income Northstar LLC (2014) 231 Cal.App.4th 53, 62-64. Similar
13 to the inadequacy of pecuniary relief, is that of irreparable harm. Particularly, where the harm is
14 imminent and in a way that cannot later be repaired. People ex rel. Gow v. Mitchell Brothers'
15 Santa Ana Theater (1981) 118 Cal.App.3d 863, 870-871. The plaintiff is not required to wait for
16 the harm if there is a showing of a realistic prospect of harm. Korean Philadelphia Presbyterian
17 Church v. California Presbytery (2000) 77 Cal.App.4th 1069, 1084; see also Maria P. v. Riles
18 (1987) 43 Cal. 3d 1281, 1292.

19 This case is appropriate for immediate injunctive relief as DCARA is simply requesting
20 to maintain the status quo. As described in detail in the First Amended Complaint, which is
21 incorporated herein by this reference, Defendants are currently holding and misusing the power
22 and assets of the corporation. (Patterson Decl. ¶ 5; First Am. Compl. ¶¶ 26-27.) Defendants
23 have also: shut down all Board members' email addresses; locked all legitimate Board members
24 completely out of any access to the Headquarters, website, and social media; and prevented any
25 access to any DCARA assets, property, and/or information. (Patterson Decl. ¶ 5; First Am.
26 Compl. ¶ 28.) Additionally, Defendants have made, and continue to make, false statements about
27 Plaintiff, Plaintiff's Board, and actions related to the operation of DCARA, including the
28 instant action and the underlying dispute, through DCARA's websites and social media

pages. (Patterson Decl. ¶ 6; Learned Decl. ¶ 5, Ex. 1, 3; First Am. Compl. ¶ 29.) Defendants' false and negative statements have irreparably damaged DCARA's good will and reputation in the community.

Moreover, DCARA has a regularly scheduled board meeting set for February 27, 2020 and DCARA requests that the valid Board members – David Martin, Melvin Patterson, Rosalyn Ramos and Mary Telford – be permitted to meet and operate as the Board for the February 27, 2020 meeting. (Learned Decl. ¶ 9.) However, although Rogers has admitted that David Martin is a member of the Board, a posting on the DCARA website from February 7, 2020 does not reflect Mr. Martin as being on the board of directors. (Learned Decl. ¶ 9, Ex. 7.) Additionally, DCARA has an employment insurance policy that expired on February 18, 2020 and needs to be renewed. (Learned Decl. ¶ 9.)

Furthermore, the balance of equities weighs in favor granting the TRO. There is little to no harm to Defendants because, as indicated above, Defendants are acting without authority as no Board meeting occurred on May 21, 2019 and thus no actions could have been taken by the Board to properly appoint Defendants. DCARA is simply requesting Defendants be prevented from attempting to exert rights they did not have to begin with as a matter of law. Accordingly, this application should be granted.

III. DCARA is Likely to Succeed on the Merits of its Claims.

The second factor for the Court to consider when determining whether to issue an injunction is the likelihood that the plaintiff will succeed on the merits of its claims. See Teachers Ins. & Annuity Assn. v. Furlotti (1999) 70 Cal.App.4th 1487, 1498 (holding that an injunction cannot be granted if there is not a reasonable probability that the Petitioner will prevail on the merits). Importantly, the Court does not determine the merits of the controversy or whether the applicant will in fact prevail, but only whether there is a likelihood the applicant will prevail. Youngblood v. Wilcox (1989) 207 Cal.App.3d 1368, 1372.

A. DCARA is likely to succeed on its trespass cause of action.

"The essence of the cause of action for trespass is an unauthorized entry onto the land of another." Miller v. Nat'l Broadcasting Co. (1986) 187 Cal.App.3d 1463, 1480. To establish a

1 claim for trespass, the plaintiff must prove: (1) that the plaintiff owned the property; (2) that the
2 defendant entered the plaintiff's property without permission; (3) that plaintiff suffered harm;
3 and (4) that the defendant's entry was a substantial factor in causing the plaintiff's harm. *Id.*; see
4 also CACI Jury Instructions § 2000.

5 As set forth in the First Amended Complaint, DCARA – through its Board – is
6 exclusively entitled to lawful possession of the Headquarters as the Board of the Organization,
7 the owner and/or lessee of the Headquarters. (First Am. Compl. ¶ 36.) Defendants have taken
8 over all DCARA's corporate assets. (Patterson Decl. ¶ 5.) This includes locking all legitimate
9 Board members completely out of any access to the Headquarters, website, and social media;
10 and prevented any access to any DCARA assets, property, and/or information. (*Id.*)
11 Defendants' actions in entering and occupying the Headquarters without proper authority, and
12 locking the Directors of the Board out of the Headquarters, constitute a wrongful act of trespass,
13 which is ongoing. Based on the forgoing, DCARA is likely to succeed on the merits of its
14 trespass cause of action.

15 B. DCARA is likely to succeed on its trade libel cause of action.

16 Libel is defined as a “false written publication which has a tendency to injure a person in
17 his occupation.” Savage v. Pacific Gas & Electric Co. (1993) 21 Cal.App.4th 434; see also Cal.
18 Civ. Code § 45. To be actionable as libel, a publication must be false *and* unprivileged. Snively
19 v. Record Publishing Co. (1921) 185 Cal. 565, 574. Additionally, the publisher of the
20 information must have acted with malice. See Taylor v. Hearst (1895) 107 Cal. 262. Finally, the
21 publication must have subjected the plaintiff to “hatred, contempt, ridicule or obloquy, or cause
22 him to be shunned or avoided, or have tendency to injure him in his occupation.” Corman v.
23 Blanchard (1962) 211 Cal.App.2d 126, 131; see also Cal. Civ. Code § 45.

24 Here, Defendants have made false statements about Plaintiff, Plaintiff's Board, and
25 actions related to the operation of DCARA, including the instant action and the underlying
26 dispute, through DCARA's websites and social media pages. (Patterson Decl. ¶ 6; Learned
27 Decl. ¶ 5, Ex. 1, 3; First Am. Compl. ¶ 42-43.) Defendants knew that the statements made
28 were untrue or acted with reckless disregard of the truth or falsity of these statements. (First

1 Am. Compl. ¶ 44.) Defendants knew or should have recognized that someone else might act
2 in reliance on a statement, causing damage to Plaintiff. (First Am. Compl. ¶ 45.) Defendants'
3 false and negative statements have irreparably damaged DCARA's good will and reputation in
4 the community. Based on the forgoing, DCARA is likely to succeed on the merits of its trade
5 libel cause of action.

6 C. DCARA is likely to succeed on its conversion and misappropriation of funds causes
7 of action.

8 The elements of a conversion cause of action are "the plaintiff's ownership or right to
9 possession of the property at the time of the conversion; the defendant's conversion by a
10 wrongful act or disposition of property rights; and damages." Oakdale Village Group v. Fong
11 (1996) 43 Cal.App.4th 539, 543-544. "To establish a conversion, plaintiff must establish an
12 actual interference with his ownership or right of possession... Where plaintiff neither has title to
13 the property alleged to have been converted, nor possession thereof, he cannot maintain an action
14 for conversion." Moore v. Regents of University of California (1990) 51 Cal. 3d 120, 136.
15 Here, DCARA owns and possesses corporate assets, personal property (technology, equipment,
16 furniture, and other chattels), and real property (Headquarters) ("Property"). (First Am. Compl.
17 ¶ 50.) Defendant Rodgers intentionally and substantially interfered with Plaintiff's Property by
18 taking possession of the Property and preventing the Organization's Board access to the
19 Property. (Patterson Decl. ¶ 5; First Am. Compl. ¶ 51.) Further, Defendant Rodgers refused to
20 return the Property or access to the Property, despite following multiple demands from the Board
21 and counsel. (Patterson Decl. ¶ 5; First Am. Compl. ¶ 52.) DCARA did not consent to
22 Defendant Rodgers' actions. (Patterson Decl. ¶¶ 4-5; First Am. Compl. ¶ 54.) As Rogers has
23 interfered with DCARA's ownership and right to possession of DCARA's property, it is likely to
24 succeed on the merits of the conversion cause of action.

25 Similarly, Defendant Rodgers improperly and illegally took control of DCARA's
26 corporate assets and intentionally used them without authority or authorization, including in
27 causing himself to be paid generously. (Patterson Decl. ¶¶ 7; First Am. Compl. ¶ 58.) As such,
28

1 DCARA has also shown that it is likely to prevail on its misappropriation of funds cause of
2 action.

3 D. DCARA is likely to succeed on its intentional interference with prospective economic
4 advantage cause of action.

5 The elements for a claim of intentional interference with advantage are: “(1) an economic
6 relationship between the plaintiff and some third party, with the probability of future economic
7 benefit to the plaintiff; (2) the defendant's knowledge of the relationship; (3) intentional acts on
8 the part of the defendant designed to disrupt the relationship; (4) actual disruption of the
9 relationship; and (5) economic harm to the plaintiff proximately caused by the acts of the
10 defendant.” Korea Supply Co. v. Lockheed Martin Corp. (2003) 29 Cal. 4th 1134, 1153
11 (internal citations omitted). The tort does not require the plaintiff to prove, or even plead, that
12 the defendant intended to interfere with plaintiff’s prospective advantage. Korea, 29 Cal. 4th at
13 1155-1156. Instead, it is sufficient for the plaintiff to plead that the defendant “knew that the
14 interference was certain or substantially certain to occur as a result of [defendant’s] action.” Id.
15 at 1154.

16 Here, DCARA has an economic relationship with various parties, including funders such
17 as the State of California Department of Social Services. (First Am. Compl. ¶ 62.) Defendants
18 are aware of these relationships and have engaged in wrongful conduct designed to interfere with
19 and to disrupt these relationships. (First Am. Compl. ¶ 63.) More specifically, Defendants have
20 attempted to disrupt DCARA and the Board’s relationships with the community, stakeholders,
21 DCARA’s own employees, and with funders, with the intent to interfere with these relationships,
22 and/or with the knowledge that such interference was substantially certain to occur as a result of
23 those actions. (Patterson Decl. ¶¶ 5-6; First Am. Compl. ¶ 64.) Based on the forgoing, DCARA
24 is likely to succeed on its intentional interference with prospective economic advantage cause of
25 action.

26 E. DCARA is likely to succeed on its unlawful business practices cause of action.

27 Plaintiff’s sixth cause of action asserts a claim under section 17200 of the California
28 Business and Professions Code. This section provides a private cause of action for unlawful,
unfair, and fraudulent business acts or practices. Section 17200 is also known as the Unfair

1 Competition Law, and its purpose is to preserve fair business competition. Walker v.
2 Countrywide Home Loans, Inc. (2002) 98 Cal.App.4th 1158, 1169 (citing Cel-Tech Commc'ns,
3 Inc. v. L.A. Cellular Tel. Co. (1999) 20 Cal. 4th 163, 180).

4 The “unlawful” prong of 17200 “borrows violations of other laws and treats them as
5 unlawful practices” that section 17200 makes independently actionable. Cel-Tech Commc'ns,
6 20 Cal.4th at 180. A “violation of the law is a predicate for stating a cause of action under the
7 UCL’s unlawful prong.” Berryman v. Merit Prop. Mgmt., Inc. (2007) 152 Cal.App.4th 1544,
8 1554. DCARA’s other causes of action also form the basis of a claim under 17200.

9 Defendant Rodgers has engaged in unfair and unlawful competition by interfering with
10 Plaintiff’s lawful operation of the Organization and its business by preventing the Board from
11 operating the Organization, and by making false, negative and derogatory statements about
12 Plaintiff and its Board members. (Patterson Decl. ¶ 6; First Am. Compl. ¶ 69.) Defendant
13 Rodgers has engaged in unfair competition by changing the locks and passcodes on the doors of
14 the Headquarters without authority, thereby affecting the access of members of the Board. (First
15 Am. Compl. ¶ 70.) Defendant Rodgers further interfered with DCARA websites provided to
16 assist the community. (Patterson Decl. ¶ 6; First Am. Compl. ¶ 71.) Defendant Rodgers has
17 usurped Plaintiff’s communication system to make negative, false and derogatory statements
18 concerning Plaintiff’s Board to its employees, to the community, and to stakeholders. (Patterson
19 Decl. ¶ 6; Learned Decl. ¶ 5, Ex. 1, 3; First Am. Compl. ¶ 72.) For the same reasons discussed
20 herein as to each of those claims, DCARA also demonstrates an unlawful practice under Section
21 17200.

22 F. DCARA is likely to succeed on its misrepresentation causes of action.

23 The elements of fraud are: (1) a misrepresentation (false representation, concealment, or
24 nondisclosure); (2) knowledge of falsity (or *scienter*); (3) intent to defraud, i.e., to induce
25 reliance; (4) justifiable reliance; and (5) resulting damage. Lazar v. Superior Court (1996) 12
26 Cal. 4th 631, 638. Here, Defendants have intentionally and negligently misrepresented to
27 Plaintiff and others, with no factual or legal authority, and without evidence, that they are agents
28 of DCARA. (Patterson Decl. 4; First Am. Compl. ¶¶ 79, 84.) Defendants knew, or should have

1 known, that they were not and are not actually agents of the Corporation. (First Am. Compl. ¶¶
2 80, 85.) Defendants intended for Plaintiff to rely on the false representations. (First Am. Compl.
3 ¶ 81.) Consequently, DCARA is likely to succeed on its fraud causes of action and the
4 injunction should be issued.

5 G. DCARA is likely to succeed on its unjust enrichment cause of action.

6 Unjust enrichment “is a general principle underlying various doctrines and remedies,
7 including quasi-contract.” Jogani v. Superior Court (2008) 165 Cal.App.4th 901, 911. Claims
8 for unjust enrichment are generally recognized where there is a showing that one party
9 wrongfully obtained a benefit at the expense of another. Peterson v. Celco P’ship (2008) 164
10 Cal.App.4th 1583, 1593. As indicated above, Defendant Rodgers has been paying himself a
11 salary equivalent to at least \$100,000.00 per year through the improper taking of DCARA’s
12 funds. (Patterson Decl. ¶ 7; First Am. Compl. ¶ 88.) As Rogers had no authority to do so, it
13 would be inequitable for him to keep those funds – especially in light of the severance payment
14 issued to him by DCARA. Accordingly, DCARA is likely to succeed on its is unjust enrichment
15 cause of action against Rogers.

16 H. DCARA is likely to succeed on its declaratory relief cause of action.

17 An action for declaratory relief requires that there be a present and actual controversy
18 between the parties. Cal. Code Civ. P. § 1060. As described herein, and in more detail in the
19 First Amended Complaint, Defendants have improperly seized control of and prevented the valid
20 Board members from governing DCARA. (Patterson Decl. ¶ 5; First Am. Compl. ¶ 94.)
21 Furthermore, although it is undisputed that David Martin is properly a member of the Board, a
22 February 7, 2020 posting on the DCARA website does not reflect David Martin as being on the
23 board of directors. (Learned Decl. ¶ 9, Ex. 7.) As such, an actual controversy exists between
24 DCARA and Defendants and DCARA is likely to succeed on its declaratory relief cause of
25 action.

26 ///

27 ///

28 ///

FILED BY FAX
ALAMEDA COUNTY

February 18, 2020

CLERK OF
THE SUPERIOR COURT
By Shabra Iyamu, Deputy

CASE NUMBER:
RG19038869

FOR PURPOSE LAW GROUP
Mary T. Dowling, Esq. (SBN 299773)
May L. Harris, Esq. (SBN 211210)
Matthew B. Learned, Esq. (SBN 255499)
408 Nutmeg St.
San Diego, CA 92103
Tel: (619) 780-3839
Fax: (619) 780-2451
Email: mlearned@forpurposelaw.com

Attorneys for Plaintiff,
Deaf Counseling Advocacy and Referral Agency, a California nonprofit public benefit corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

DEAF COUNSELING ADVOCACY AND
REFERRAL AGENCY, a California nonprofit
public benefit corporation,

Plaintiff(s),

vs.

LIANN OSBORNE, an individual;
RAYMOND RODGERS, an individual; and
DOES 1 through 25, inclusive,

Defendant(s),

Case No.: RG19038869

**DECLARATION OF MATTHEW
B. LEARNED IN SUPPORT OF
PLAINTIFF'S EX PARTE
APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER**

Date: February 20, 2020

Time: 2:30 p.m.

Dept: 517

Judge: Hon. Stephen Pulido

Reservation No.: #R-2161722

I, Matthew B. Learned, declare and state as follows:

1. As to the following facts, I know them to be true of my own personal firsthand knowledge and if called upon to testify in this action, I could and would testify competently thereto.

2. I am an attorney duly licensed to practice law before all the courts in the State of California. I am Senior Counsel with the For Purpose Law Group, attorneys of record for Plaintiff Deaf Counseling Advocacy and Referral Agency ("DCARA").

3. On or about October 23, 2019, my office propounded written discovery on Defendant Raymond Rogers ("Rogers"). A true and correct copy of DCARA's Request for Admissions, Set One is

1 attached hereto as Exhibit 1. A true and correct copy of DCARA's Request for Production of Documents,
2 Set One is attached hereto as Exhibit 2.

3 4. Rogers' responses to DCARA's written discovery were received on or about December 17,
4 2019. A true and correct copy of Rogers' responses to DCARA's Request for Admissions, Set One is
5 attached hereto as Exhibit 3. A true and correct copy of Rogers' responses to DCARA's Request for
6 Production of Documents, Set One is attached hereto as Exhibit 4.

7 5. In response to DCARA's Request for Admission Number 3, Rogers admitted that he does not
8 dispute that David Martin is on the Board of DCARA. See Ex. 1, pg. 2, lines 8-9; Ex. 3, pg. 4, lines 3-6.
9 In response to DCARA's Request for Admission Number 17, Rogers admitted that no Board meeting
10 occurred on May 21, 2019. See Ex. 1, pg. 3, lines 13-14; Ex. 3, pg. 6, lines 6-9. In response to DCARA's
11 Request for Admission Number 31, Rogers admitted that the May 20, 2019 document was signed in a side
12 room at the May 21, 2019 community gathering. See Ex. 1, pg. 4, lines 17-19; Ex. 3, pg. 9, lines 15-17.
13 In response to DCARA's Request for Admission Number 34, Rogers admitted that he has made and posted
14 several video announcements stating that he represents DCARA. See Ex. 1, pg. 4, lines 25-27; Ex. 3, pg.
15 10, lines 1-8.

16 6. In response to DCARA's Request for Production Number 11 that Rogers produce any and all
17 documents showing that he was properly appointed by the Board, Rogers responded that "Defendant will
18 produce all responsive non-privileged documents to this request that are in his possession, custody, or
19 control." See Ex. 4, pg. 11, lines 11-12. The relevant documents produced by Rogers in response to
20 DCARA's Request for Production Number 11 are attached hereto as Exhibit 5. Notably, the document
21 identified as Exhibit 5, the purported Agency Agreement Contract, was not signed by Melvin Patterson
22 and did not even include a signature block for Melvin Patterson.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

7. On or about December 17, 2019, Rogers filed a Discrimination Complaint with the Department of Fair Employment & Housing (the "Discrimination Action"). A true and correct copy of the Discrimination Action is attached hereto as Exhibit 6. My office was served with the Discrimination Action on behalf of DCARA.

8. Defendants were previously represented by Rosen Bien Galvan & Grunfeld LLP ("RBG&G"). RBG&G knew of DCARA's intent to request an injunction. My office had previously reserved a hearing date for the injunction motion, however, DCARA agreed to postpone the hearing as my office was engaged in settlement discussions with RBG&B. It was not until after a settlement agreement was being circulated that RBG&B withdrew as counsel for Defendants. From that point, my office had minimal success engaging in any sort of discussions with Defendants thereby necessitating the injunction motion.

9. DCARA has a regular board meeting scheduled for February 27, 2020. However, although Rogers has admitted that David Martin is a member of the Board, a posting on the DCARA website from February 7, 2020 does not reflect Mr. Martin as being on the board of directors. See Exhibit 7. Finally, DCARA's employment insurance policy, related to the Discrimination Action expired on February 19, 2020 and needs to be renewed. On February 11, 2020, I asked for assistance from Defendants' counsel to ensure that the insurance policy did not lapse. However, to date I have not heard a response.

Notice of Ex Parte Application

10. On February 18, 2020, at approximately 11:15 a.m., I contacted counsel for Defendants, Shane Howarter, at his telephone number of record and left a message with Mr. Howarter to notify him of this ex parte application.

11. On February 18, 2020, at approximately 11:25 a.m., I sent Mr. Howarter an E-mail again providing notice of the Ex Parte Application.

///

///

///

///

///

///

1 12. On February 18, 2020, a copy of the ex parte application was sent to Mr. Horwarter via
2 overnight mail.

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct.

5 Dated: February 18, 2020

Respectfully submitted,

6
7 By: _____

Matthew B. Learned, Esq.

Attorney for Plaintiff,

Deaf Counseling Advocacy and Referral Agency
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

1 CECILIA N. BRENNAN, ESQ. (SBN 243954)
2 MARY T. DOWLING, ESQ. (SBN 299773)
3 MAY L. HARRIS, ESQ. (SBN 211210)
4 **FOR PURPOSE LAW GROUP, APLC**
5 1435 30th St.
6 San Diego, CA 92102
7 Tel: (619) 780-3839
8 Fax: (619) 780-2451
9 Email: cbrennan@forpurposelaw.com

10 Attorneys for Plaintiff, DEAF COUNSELING
11 ADVOCACY AND REFERRAL AGENCY,
12 A California nonprofit public benefit corporation

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ALAMEDA**

15 DEAF COUNSELING ADVOCACY AND
16 REFERRAL AGENCY, a California nonprofit
17 public benefit corporation.

18 Plaintiff(s).

19 vs.

20 RAYMOND RODGERS

21 Defendant(s).

Case No.: RG19038869

PLAINTIFF'S REQUEST FOR ADMISSIONS
TO DEFENDANT RAYMOND RODGERS

SET ONE

22 **PROPOUNDING PARTY: Plaintiff, DEAF COUNSELING ADVOCACY AND REFERRAL**
23 **AGENCY**

24 **RESPONDING PARTY: Defendant, RAYMOND RODGERS**

25 **SET NUMBER: ONE**

26 PLEASE TAKE NOTICE that, pursuant to California Code of Civil Procedure §2030.010, *et seq.*,
27 PLAINTIFF DEAF COUNSELING ADVOCACY AND REFERRAL AGENCY ("PLAINTIFF" or
28 "DCARA") hereby requests that Defendant RAYMOND RODGERS, ("DEFENDANT") admit or deny
the following facts.

///

///

REQUEST FOR ADMISSIONS

REQUEST FOR ADMISSION NO.1:

Admit that YOU were terminated by the Board of Directors ("Board") of the Deaf Counseling Advocacy and Referral Agency ("DCARA") two times prior to May 21, 2019. For purposes of this Request for Admissions, "YOU," "YOUR," and "YOURS" refers to Raymond Rodgers.

REQUEST FOR ADMISSION NO.2:

Admit that YOU have represented that YOU are the Executive Director of the Board of DCARA.

REQUEST FOR ADMISSION NO.3:

Admit that YOU do not dispute that David Martin is on the Board of DCARA.

REQUEST FOR ADMISSION NO.4:

Admit that YOU have prevented David Martin from participating as a Board member.

REQUEST FOR ADMISSION NO.5:

Admit that YOU have conspired with others to prevent David Martin from participating as a Board member.

REQUEST FOR ADMISSION NO.6:

Admit that YOU serve as the Executive Director of World Federation for the Deaf.

REQUEST FOR ADMISSION NO.7:

Admit that YOU have acted as an agent of DCARA without authority.

REQUEST FOR ADMISSION NO.8:

Admit that YOU have used DCARA funds and resources without permission.

REQUEST FOR ADMISSION NO.9:

Admit that YOU have used DCARA funds and resources without authority.

REQUEST FOR ADMISSION NO.10:

Admit that YOU have caused DCARA funds to be used without permission.

REQUEST FOR ADMISSION NO.11:

Admit that YOU have caused DCARA resources to be used without permission.

///

REQUEST FOR ADMISSION NO.12:

Admit that YOU retained the law firm of ROSEN BIEN GALVAN & GRUNFELD LLP ("Grunfeld Attorneys") to provide YOU with legal services.

REQUEST FOR ADMISSION NO.13:

Admit that YOU retained the Grunfeld Attorneys to provide DCARA with legal services.

REQUEST FOR ADMISSION NO.14:

Admit that the Grunfeld Attorneys have provided YOU with legal services.

REQUEST FOR ADMISSION NO.15:

Admit that YOU drafted the document dated May 20, 2019 called the "Agency Agreement Contract" ("May 20 Document").

REQUEST FOR ADMISSION NO.16:

Admit that the Board did not draft the May 20 Document.

REQUEST FOR ADMISSION NO.17:

Admit that no Board meeting occurred on May 21, 2019.

REQUEST FOR ADMISSION NO.18:

Admit that the Board did not approve the May 20 Document.

REQUEST FOR ADMISSION NO.19:

Admit that the Board did not take action to approve the May 20 Document.

REQUEST FOR ADMISSION NO.20:

Admit that the May 20 Document threatens legal action against those who do not comply with its terms.

REQUEST FOR ADMISSION NO.21:

Admit that the May 20 Document does not include actual consideration for contract purposes.

REQUEST FOR ADMISSION NO.22:

Admit that the May 20 Document states that no one may take legal action related to the May 20 Document or "the current situation."

REQUEST FOR ADMISSION NO.23:

Admit that the Grunfeld Attorneys have represented that they are providing DCARA with legal services.

REQUEST FOR ADMISSION NO.24:

Admit that the Grunfeld Attorneys have instructed YOU regarding this lawsuit.

REQUEST FOR ADMISSION NO.25:

Admit that the Board has requested that YOU cease and desist from attempting to act as Executive Director.

REQUEST FOR ADMISSION NO.26:

Admit that the Board has requested that YOU cease and desist acting as an agent of DCARA.

REQUEST FOR ADMISSION NO.27:

Admit that the Board has requested that YOU cease and desist from asserting that you represent DCARA.

REQUEST FOR ADMISSION NO.28:

Admit that the Board did not take action to appoint Liann Osborne to the Board.

REQUEST FOR ADMISSION NO.29:

Admit that the Board did not take action to elect Liann Osborne to the Board.

REQUEST FOR ADMISSION NO.30:

Admit that at the May 21, 2019 community gathering, Board member Tom Murillo announced that any Board meeting attempted to be held on May 21, 2019 was cancelled.

REQUEST FOR ADMISSION NO. 31:

Admit that the May 20, 2019 document was signed in a side room at the May 21, 2019 community gathering.

REQUEST FOR ADMISSION NO. 32:

Admit that YOU are receiving a salary from two separate organizations.

REQUEST FOR ADMISSION NO. 33:

Admit that YOU have intentionally interfered with DCARA's relationships with the community, stakeholders, employees, and funders.

REQUEST FOR ADMISSION NO. 34:

Admit that YOU have made and posted several video announcements stating that YOU represent DCARA.

1 **REQUEST FOR ADMISSION NO. 35:**

2 Admit that YOU have instructed DCARA staff as to the use of DCARA funds and resources.

3
4 Dated: October 23, 2019

**FOR PURPOSE LAW GROUP, A
PROFESSIONAL LAW CORPORATION**

6
7 By: 

8 Cecilia N. Brennan, Esq.
9 ATTORNEYS FOR DEAF COUNSELING
10 ADVOCACY AND REFERRAL AGENCY
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 2

1 CECILIA N. BRENNAN, ESQ. (SBN 243954)
2 MARY T. DOWLING, ESQ. (SBN 299773)
3 MAY L. HARRIS, ESQ. (SBN 211210)
4 **FOR PURPOSE LAW GROUP, APLC**
5 1435 30th St.
6 San Diego, CA 92102
7 Tel: (619) 780-3839
8 Fax: (619) 780-2451
9 Email: cbrennan@forpurposelaw.com

10 Attorneys for Plaintiff, DEAF COUNSELING
11 ADVOCACY AND REFERRAL AGENCY,
12 A California nonprofit public benefit corporation

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ALAMEDA**

15 DEAF COUNSELING ADVOCACY AND
16 REFERRAL AGENCY, a California nonprofit
17 public benefit corporation,

18 Plaintiff(s),

19 vs.

20 RAYMOND RODGERS

21 Defendant(s).

Case No.: RG19038869

PLAINTIFF'S REQUEST FOR PRODUCTION
OF DOCUMENTS TO DEFENDANT
RAYMOND RODGERS

SET ONE

22 **PROPOUNDING PARTY: Plaintiff, DEAF COUNSELING ADVOCACY AND REFERRAL**
23 **AGENCY**

24 **RESPONDING PARTY: Defendant, RAYMOND RODGERS**

25 **SET NUMBER: ONE**

26 PLEASE TAKE NOTICE THAT pursuant to California Code of Civil Procedure §2031.010, *et seq.*,
27 Plaintiff DEAF COUNSELING ADVOCACY AND REFERRAL AGENCY ("PLAINTIFF" or
28 "DCARA") hereby propounds its Request for Production of Documents, Set One, to Defendant
RAYMOND RODGERS ("DEFENDANT") and requests that defendants respond fully, separately and in
writing, under oath and in the manner and time prescribed by California Code of Civil Procedures
§2031.010, *et seq.*

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO.1:

Please produce all notices of all DCARA Board meetings from 2017 through the present.

REQUEST FOR PRODUCTION NO.2:

Please produce all minutes of all DCARA Board meetings from 2017 through the present.

REQUEST FOR PRODUCTION NO.3:

Please produce all documents showing that quorum was met at each relevant Board meeting, including the May 21, 2019 meeting.

REQUEST FOR PRODUCTION NO.4:

Please produce all Board meeting minutes related to Liann Osborne's alleged participation on the Board.

REQUEST FOR PRODUCTION NO.5:

Please produce all Board meeting minutes showing YOUR participation in DCARA. For purposes of this Request for Production, "YOU," "YOUR," and "YOURS" refers to Raymond Rodgers.

REQUEST FOR PRODUCTION NO.6:

Please produce all records showing that David Martin is not a member of the Board.

REQUEST FOR PRODUCTION NO.7:

Please produce all records reflecting Board action to seat all current Board members that YOU believe to be the legitimate directors of the Board.

REQUEST FOR PRODUCTION NO.8:

Please produce all Board meeting minutes reflecting proper Board action to remove any Board members that YOU contend are not on the Board currently.

REQUEST FOR PRODUCTION NO.9:

Please produce all documentation showing any proper resignations of Board members that YOU rely on for YOUR contention that the Board does not include such directors.

REQUEST FOR PRODUCTION NO.10:

Please produce all documents that support YOUR affirmative defenses in this lawsuit.

///

REQUEST FOR PRODUCTION NO.11:

Please produce all documents showing that YOU were properly appointed by the Board.

REQUEST FOR PRODUCTION NO.12:

Please produce all documents showing that YOU complied with any requests for the inspection of records under Corporations Code Section 6310 *et seq.*

REQUEST FOR PRODUCTION NO.13:

Please produce all documents regarding your position as Executive Director of World Federation for the Deaf.

REQUEST FOR PRODUCTION NO.14:

Please produce all records showing all payments by DCARA to any person or entity, from 2017 through the present.

REQUEST FOR PRODUCTION NO.15:

Please produce all records showing that the law firm of ROSEN BIEN GALVAN & GRUNFELD LLP ("Grunfeld Attorneys") represents DCARA.

REQUEST FOR PRODUCTION NO.16:

Please produce all records showing that the Grunfeld Attorneys represent YOU.

REQUEST FOR PRODUCTION NO.17:

Please produce all records showing that Melvin Patterson is not a member of the Board.

REQUEST FOR PRODUCTION NO.18:

Please produce all records showing that Rosalyn Ramos is not a member of the Board.

REQUEST FOR PRODUCTION NO.19:

Please produce all records showing that Mary Telford is not a member of the Board.

REQUEST FOR PRODUCTION NO.20:

Please produce all records showing YOUR creation of the May 20 Document.

REQUEST FOR PRODUCTION NO.21:

Please produce all records showing that YOU are authorized to speak on behalf of DCARA.

///

REQUEST FOR PRODUCTION NO.22:

Please produce all records showing all of YOUR video and social media announcements regarding DCARA.

REQUEST FOR PRODUCTION NO.23:

Please produce all communications regarding the document dated May 20, 2019 called the "Agency Agreement Contract" ("May 20 Document").

REQUEST FOR PRODUCTION NO.24:

Please produce all documents showing that the Board took action to approve the May 20 Document.

REQUEST FOR PRODUCTION NO.25:

Please produce all records showing DCARA's terminations of YOUR positions, at any time.

REQUEST FOR PRODUCTION NO.26:

Please produce all communications between YOU and any person or entity regarding DCARA from 2017 through the present.

REQUEST FOR PRODUCTION NO.27:

Please produce all records of all transactions related to DCARA in which YOU were involved.

REQUEST FOR PRODUCTION NO.28:

Please produce all records reflecting DCARA expenditures from 2017 through the present.

REQUEST FOR PRODUCTION NO.29:

Please produce all communications related to DCARA bank accounts from 2017 through the present.

REQUEST FOR PRODUCTION NO.30:

Please produce all communications between DCARA and any individuals and entities providing funding to DCARA.

REQUEST FOR PRODUCTION NO.31:

Please produce all documents showing that YOU returned any severance package funds to DCARA.

REQUEST FOR PRODUCTION NO.32:

Please provide documents from Bank of America showing that \$45,000 had been returned to DCARA.

///

1 **REQUEST FOR PRODUCTION NO.33:**

2 Please provide a copy of surveillance videos showing that anyone on the Board made a racial slur.

3
4 Dated: October 23, 2019

**FOR PURPOSE LAW GROUP, A
PROFESSIONAL LAW CORPORATION**

6
7 By: 

Cecilia N. Brennan, Esq.
ATTORNEYS FOR DEAF COUNSELING
ADVOCACY AND REFERRAL AGENCY

EXHIBIT 3

1 Raymond Rodgers
2 14897 Towers Street
3 San Leandro, CA 94578

4 In Propria Persona

5
6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF ALAMEDA**
9

10)
11 DEAF COUNSELING ADVOCACY AND)
12 REFERRAL AGENCY,)

13 Plaintiff,

14 v.

15 OSBORNE, et al.

16 Defendants.
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

CASE NO.: RG19038869

**RAYMOND RODGERS' RESPONSES TO
DEFENDANT'S REQUESTS FOR
ADMISSION, SET ONE**

PROPOUNDING PARTY: DEAF COUNSELING ADVOCACY AND REFERRAL AGENCY

RESPONDING PARTY: RAYMOND RODGERS

SET NO.: ONE

Pursuant to Code of Civil Procedure Section 2033.010 *et seq.*, Defendant RAYMOND
RODGERS ("Defendant") hereby responds to Plaintiff DEAF COUNSELING ADVOCACY AND
REFERRAL AGENCY's ("Plaintiff") Requests for Admission, Set One, as follows:

RAYMOND RODGERS' RESPONSES TO DEFENDANT'S REQUESTS FOR ADMISSION, SET ONE

GENERAL STATEMENT AND OBJECTIONS

The following general statement and objections are made to each request whether or not specifically referred to in each response:

1. Defendant objects to Plaintiff's discovery to the extent the requests do not comply with the California Code of Civil Procedure or any other applicable rule or statute. By providing the following responses to the discovery, Defendant does not waive his right to object specifically to improper or impermissible requests.

2. Defendant has not completed his investigation or discovery relating to this case and has not completed his preparation for trial. The following responses are based on and therefore are necessarily limited by the records and information in existence, presently recollected, and thus far discovered in the course of preparing these responses. Defendant reserves the right to further investigation and discovery, and thus he reserves the right to produce at trial evidence of any subsequently discovered facts, documents, or information.

3. Defendant reserves the right to amend and supplement these responses, if necessary, if information, facts or writings presently unavailable to him become relevant, or more precisely or better understood in light of such further investigation and discovery.

4. Defendant objects to each request as burdensome and oppressive to the extent that it: (1) seeks information not yet reasonably available to, or developed, by Defendant; (2) seeks information already produced or discovered by the parties to this action; or (3) seeks information without limitation to a relevant period of time.

5. Defendant has made a reasonable effort to respond to these requests as she understands and interprets each request. If Plaintiff subsequently asserts a different interpretation, Defendant reserves the right to supplement the responses and/or objections.

6. To the extent that any request may be construed as calling for information that is subject to a claim of privilege, including without limitation the client privilege, the work-product privilege, the consulting expert privilege or the joint defense/common interest privilege, Defendant hereby claims such privilege and objects to such request on that basis. Any inadvertent production of any privileged information shall not constitute a waiver of any of Defendant's rights or

1 privileges. Defendant reserves his rights to demand and obtain the return of any such privileged
2 information.

3 7. Defendant objects to each and every one of Plaintiff's requests to the extent they
4 seek information and documents reflecting, containing, or derived from confidential or proprietary
5 business information.

6 8. Defendant objects to each request to the extent it seeks disclosure of information
7 where such disclosure would violate any constitutional, statutory, or common law privacy right of
8 any person or entity.

9 9. Defendant objects to drawing any inference from any portion of either Defendant's
10 requests or these responses that the information requested or events referred to actually exist or
11 occurred. The failure of Defendant to object to each such inference in no way constitutes an
12 admission by Defendant that such information exists or that such events actually occurred.

13 10. Defendant incorporates each of these General Objections into each of his responses
14 below.

15 **RESPONSES TO REQUESTS FOR ADMISSION**

16 **REQUEST FOR ADMISSION NO. 1:**

17 Admit that YOU were terminated by the Board of Directors ("Board") of the Deaf
18 Counseling Advocacy and Referral Agency ("DCARA") two times prior to May 21, 2019. For
19 purposes of this Request for Admissions, "YOU," "YOUR," and "YOURS" refers to Raymond
20 Rodgers.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

22 Deny.

23 **REQUEST FOR ADMISSION NO. 2:**

24 Admit that YOU have represented that YOU are the Executive Director of the Board of
25 DCARA.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

27 Objection. Defendant objects that this request is overbroad in scope and time, as it does not
28 define any period of time.

1 Subject to and without waiving the foregoing objections, including the General Objections
2 stated above, Defendant responds as follows: Admit.

3 **REQUEST FOR ADMISSION NO. 3:**

4 Admit that YOU do not dispute that David Martin is on the Board of DCARA.

5 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

6 Admit.

7 **REQUEST FOR ADMISSION NO. 4:**

8 Admit that YOU have prevented David Martin from participating as a Board member.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

10 Deny.

11 **REQUEST FOR ADMISSION NO. 5:**

12 Admit that YOU have conspired with others to prevent David Martin from participating as a
13 Board member.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

15 Deny.

16 **REQUEST FOR ADMISSION NO. 6:**

17 Admit that YOU serve as the Executive Director of World Federation for the Deaf.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

19 Admit that Defendant is the *Interim* Executive Director of World Federation of the Deaf.

20 **REQUEST FOR ADMISSION NO. 7:**

21 Admit that YOU have acted as an agent of DCARA without authority.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

23 Deny.

24 **REQUEST FOR ADMISSION NO. 8:**

25 Admit that YOU have used DCARA funds and resources without permission.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

27 Deny.

28 **REQUEST FOR ADMISSION NO. 9:**

1 Admit that YOU have used DCARA funds and resources without authority.

2 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

3 Deny.

4 **REQUEST FOR ADMISSION NO. 10:**

5 Admit that YOU have caused DCARA funds to be used without permission.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

7 Deny.

8 **REQUEST FOR ADMISSION NO. 11:**

9 Admit that YOU have caused DCARA resources to be used without permission.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

11 Deny.

12 **REQUEST FOR ADMISSION NO. 12:**

13 Admit that YOU retained the law firm of ROSEN BIEN GALVAN & GRUNFELD
14 LLP ("Grunfeld Attorneys") to provide YOU with legal services.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

16 Deny.

17 **REQUEST FOR ADMISSION NO. 13:**

18 Admit that YOU retained the Grunfeld Attorneys to provide DCARA with legal services.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

20 Admit.

21 **REQUEST FOR ADMISSION NO. 14:**

22 Admit that the Grunfeld Attorneys have provided YOU with legal services.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

24 Deny.

25 **REQUEST FOR ADMISSION NO. 15:**

26 Admit that YOU drafted the document dated May 20, 2019 called the "Agency
27 Agreement Contract" ("May 20 Document").

28 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

1 Deny.

2 **REQUEST FOR ADMISSION NO. 16:**

3 Admit that the Board did not draft the May 20 Document.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

5 Deny.

6 **REQUEST FOR ADMISSION NO. 17:**

7 Admit that no Board meeting occurred on May 21, 2019.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

9 Admit.

10 **REQUEST FOR ADMISSION NO. 18:**

11 Admit that the Board did not approve the May 20 Document.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

13 Deny.

14 **REQUEST FOR ADMISSION NO. 19:**

15 Admit that the Board did not take action to approve the May 20 Document.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

17 Deny.

18 **REQUEST FOR ADMISSION NO. 20:**

19 Admit that the May 20 Document threatens legal action against those who do not comply
20 with its terms.

21 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

22 Admit.

23 **REQUEST FOR ADMISSION NO. 21:**

24 Admit that the May 20 Document does not include actual consideration for contract
25 purposes.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

27 Objection. Defendant objects that this request is overbroad in scope and unduly
28 burdensome. Defendant objects that this request seeks documents and information that are neither

1 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
2 further objects that this request seeks information that may be protected from disclosure by
3 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
4 information protected from disclosure by the attorney-client privilege, attorney work product
5 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
6 that this request is premature in that discovery is continuing and ongoing and the facts and
7 information that would allow Defendant to fully answer this request are not yet known.

8 Subject to and without waiving the foregoing objections, including the General Objections
9 stated above, Defendant responds as follows: Deny.

10 **REQUEST FOR ADMISSION NO. 22:**

11 Admit that the May 20 Document states that no one may take legal action related to the May
12 20 Document or "the current situation."

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 22:**

14 Deny.

15 **REQUEST FOR ADMISSION NO. 23:**

16 Admit that the Grunfeld Attorneys have represented that they are providing DCARA with
17 legal services.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

19 Admit.

20 **REQUEST FOR ADMISSION NO. 24:**

21 Admit that the Grunfeld Attorneys have instructed YOU regarding this lawsuit.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

23 Objection. Defendant objects that this request is overbroad in scope, unduly burdensome,
24 and vague and ambiguous as to the term "instructed." Defendant objects that this request seeks
25 documents and information that are neither relevant nor reasonably calculated to lead to the
26 discovery of admissible evidence. Defendant further objects that this request seeks information that
27 may be protected from disclosure by Defendant's constitutional right of privacy. Defendant further
28

1 objects that this request seeks information protected from disclosure by the attorney-client privilege,
2 attorney work product doctrine, consulting expert privilege, or any other applicable privilege.

3 **REQUEST FOR ADMISSION NO. 25:**

4 Admit that the Board has requested that YOU cease and desist from attempting to act as
5 Executive Director.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

7 Deny.

8 **REQUEST FOR ADMISSION NO. 26:**

9 Admit that the Board has requested that YOU cease and desist acting as an agent of
10 DCARA.

11 **RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

12 Deny.

13 **REQUEST FOR ADMISSION NO. 27:**

14 Admit that the Board has requested that YOU cease and desist from asserting that you
15 represent DCARA.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

17 Deny.

18 **REQUEST FOR ADMISSION NO. 28:**

19 Admit that the Board did not take action to appoint Liann Osborne to the Board.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

21 Deny.

22 **REQUEST FOR ADMISSION NO. 29:**

23 Admit that the Board did not take action to elect Liann Osborne to the Board.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

25 Deny.

26 **REQUEST FOR ADMISSION NO. 30:**

27 Admit that at the May 21, 2019 community gathering, Board member Tom Murillo
28 announced that any Board meeting attempted to be held on May 21, 2019 was cancelled.

RESPONSE TO REQUEST FOR ADMISSION NO. 30:

Objection. Defendant objects that this request is overbroad in scope and unduly burdensome. Defendant objects that this request seeks documents and information that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects that this request seeks information that may be protected from disclosure by Defendant's constitutional right of privacy and Defendant's contractual obligations, as well as the privacy rights of third-parties. Defendant further objects that this request seeks information protected from disclosure by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects that this request seeks information outside of his knowledge, possession, custody, or control. Defendant further objects that this request seeks information already in the possession, custody, or control of Plaintiff. Defendant further objects that this request is premature in that discovery is continuing and ongoing and the facts and information that would allow Defendant to fully answer this request are not yet known.

REQUEST FOR ADMISSION NO. 31:

Admit that the May 20, 2019 document was signed in a side room at the May 21, 2019 community gathering.

RESPONSE TO REQUEST FOR ADMISSION NO. 31:

Admit.

REQUEST FOR ADMISSION NO. 32:

Admit that YOU are receiving a salary from two separate organizations.

RESPONSE TO REQUEST FOR ADMISSION NO. 32:

Deny.

REQUEST FOR ADMISSION NO. 33:

Admit that YOU have intentionally interfered with DCARA's relationships with the community, stakeholders, employees, and funders.

RESPONSE TO REQUEST FOR ADMISSION NO. 33:

Deny.

1 **REQUEST FOR ADMISSION NO. 34:**

2 Admit that YOU have made and posted several video announcements stating that YOU
3 represent DCARA.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 34:**

5 Defendant objects that this request is overbroad in scope and time, as it does not define any
6 period of time.

7 Subject to and without waiving the foregoing objections, including the General Objections
8 stated above, Defendant responds as follows: Admit.

9
10 DATED: December 11, 2019

By: 
Raymond Rodgers

PROOF OF SERVICE

Deaf Counseling Advocacy and Referral Agency vs. Osborne et al.
Case No.: RG19038869

I am over the age of 18 and not a party to the within action. On December 11, 2019, I caused to be served a true copy of:

**RAYMOND RODGERS' RESPONSES TO DEFENDANT'S REQUESTS FOR
PRODUCTION OF DOCUMENTS, SET ONE**

on the parties by placing true copies thereof in sealed envelopes addressed as shown below for service by First Class Mail with the United States Postal Service on the following person and address:

Cecilia N. Brennan, Esq.
For Purpose Law Group, APLC
1435 30th St., San Diego, CA 92102

Executed on December 11, 2019 at San Leandro, California.


Amy Gomme

EXHIBIT 4

1 **GENERAL STATEMENT AND OBJECTIONS**

2 The following general statement and objections are made to each request whether or not
3 specifically referred to in each response:

4 1. Defendant objects to Plaintiff's discovery to the extent the requests do not comply
5 with the California Code of Civil Procedure or any other applicable rule or statute. By providing
6 the following responses to the discovery, Defendant does not waive his right to object specifically
7 to improper or impermissible requests.

8 2. Defendant has not completed his investigation or discovery relating to this case and
9 has not completed his preparation for trial. The following responses are based on and therefore are
10 necessarily limited by the records and information in existence, presently recollected, and thus far
11 discovered in the course of preparing these responses. Defendant reserves the right to further
12 investigation and discovery, and thus he reserves the right to produce at trial evidence of any
13 subsequently discovered facts, documents, or information.

14 3. Defendant reserves the right to amend and supplement these responses, if necessary,
15 if information, facts or writings presently unavailable to him become relevant, or more precisely or
16 better understood in light of such further investigation and discovery.

17 4. Defendant objects to each request as burdensome and oppressive to the extent that it:
18 (1) seeks information not yet reasonably available to, or developed, by Defendant; (2) seeks
19 information already produced or discovered by the parties to this action; or (3) seeks information
20 without limitation to a relevant period of time.

21 5. Defendant has made a reasonable effort to respond to these requests as she
22 understands and interprets each request. If Plaintiff subsequently asserts a different interpretation,
23 Defendant reserves the right to supplement the responses and/or objections.

24 6. To the extent that any request may be construed as calling for information that is
25 subject to a claim of privilege, including without limitation the client privilege, the work-product
26 privilege, the consulting expert privilege or the joint defense/common interest privilege, Defendant
27 hereby claims such privilege and objects to such request on that basis. Any inadvertent production
28

1 of any privileged information shall not constitute a waiver of any of Defendant's rights or
2 privileges. Defendant reserves his rights to demand and obtain the return of any such privileged
3 information.

4 7. Defendant objects to each and every one of Plaintiff's requests to the extent they
5 seek information and documents reflecting, containing, or derived from confidential or proprietary
6 business information.

7 8. Defendant objects to each request to the extent it seeks disclosure of information
8 where such disclosure would violate any constitutional, statutory, or common law privacy right of
9 any person or entity.

10 9. Defendant objects to drawing any inference from any portion of either Defendant's
11 requests or these responses that the information requested or events referred to actually exist or
12 occurred. The failure of Defendant to object to each such inference in no way constitutes an
13 admission by Defendant that such information exists or that such events actually occurred.

14 10. Defendant incorporates each of these General Objections into each of his responses
15 below.

16 **RESPONSES TO REQUESTS FOR PRODUCTION**

17 **REQUEST FOR PRODUCTION NO. 1:**

18 Please produce all notices of all DCARA Board meetings from 2017 through the present.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

20 Objection. Defendant objects that this request is overbroad in scope and unduly
21 burdensome. Defendant objects that this request seeks documents and information that are neither
22 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
23 objects that this request seeks documents and information that are neither relevant nor reasonably
24 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
25 request seeks information that may be protected from disclosure by Defendant's constitutional right
26 of privacy. Defendant further objects that this request seeks information protected from disclosure
27 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
28

1 other applicable privilege. Defendant further objects that this request seeks information outside of
2 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
3 information already in the possession, custody, or control of Plaintiff. Defendant further objects
4 that this request is premature in that discovery is continuing and ongoing and the facts and
5 information that would allow Defendant to fully answer this request are not yet known.

6 Subject to and without waiving the foregoing objections, including the General Objections
7 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
8 documents to this request that are in his possession, custody, or control.

9 **REQUEST FOR PRODUCTION NO. 2:**

10 Please produce all minutes of all DCARA Board meetings from 2017 through the present.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

12 Objection. Defendant objects that this request is overbroad in scope and unduly
13 burdensome. Defendant objects that this request seeks documents and information that are neither
14 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
15 objects that this request seeks documents and information that are neither relevant nor reasonably
16 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
17 request seeks information that may be protected from disclosure by Defendant's constitutional right
18 of privacy. Defendant further objects that this request seeks information protected from disclosure
19 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
20 other applicable privilege. Defendant further objects that this request seeks information outside of
21 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
22 information already in the possession, custody, or control of Plaintiff. Defendant further objects
23 that this request is premature in that discovery is continuing and ongoing and the facts and
24 information that would allow Defendant to fully answer this request are not yet known.

25 Subject to and without waiving the foregoing objections, including the General Objections
26 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
27 documents to this request that are in his possession, custody, or control.

1 **REQUEST FOR PRODUCTION NO. 3:**

2 Please produce all documents showing that quorum was met at each relevant Board
3 meeting, including the May 21, 2019 meeting.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

5 Objection. Defendant objects that this request is overbroad in scope and unduly
6 burdensome. Defendant objects that this request seeks documents and information that are neither
7 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
8 objects that this request seeks documents and information that are neither relevant nor reasonably
9 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
10 request seeks information that may be protected from disclosure by Defendant's constitutional right
11 of privacy. Defendant further objects that this request seeks information protected from disclosure
12 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
13 other applicable privilege. Defendant further objects that this request seeks information outside of
14 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
15 information already in the possession, custody, or control of Plaintiff. Defendant further objects
16 that this request is premature in that discovery is continuing and ongoing and the facts and
17 information that would allow Defendant to fully answer this request are not yet known.

18 Subject to and without waiving the foregoing objections, including the General Objections
19 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
20 documents to this request that are in his possession, custody, or control.

21 **REQUEST FOR PRODUCTION NO. 4:**

22 Please produce all Board meeting minutes related to Liann Osborne's alleged participation
23 on the Board.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

25 Objection. Defendant objects that this request is overbroad in scope and unduly
26 burdensome. Defendant objects that this request seeks documents and information that are neither
27 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
28

1 objects that this request seeks documents and information that are neither relevant nor reasonably
2 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
3 request seeks information that may be protected from disclosure by Defendant's constitutional right
4 of privacy. Defendant further objects that this request seeks information protected from disclosure
5 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
6 other applicable privilege. Defendant further objects that this request seeks information outside of
7 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
8 information already in the possession, custody, or control of Plaintiff. Defendant further objects
9 that this request is premature in that discovery is continuing and ongoing and the facts and
10 information that would allow Defendant to fully answer this request are not yet known.

11 Subject to and without waiving the foregoing objections, including the General Objections
12 stated above, Defendant responds as follows: After a diligent search and reasonable inquiry, there
13 are no responsive documents in the possession, custody, or control of Defendant because the board
14 has not shared these documents with Defendant.

15 **REQUEST FOR PRODUCTION NO. 5:**

16 Please produce all Board meeting minutes showing YOUR participation in DCARA. For
17 purposes of this Request for Production, "YOU," "YOUR," and "YOURS" refers to Raymond
18 Rodgers.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

20 Objection. Defendant objects that this request is overbroad in scope and unduly
21 burdensome. Defendant objects that this request seeks documents and information that are neither
22 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
23 objects that this request seeks documents and information that are neither relevant nor reasonably
24 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
25 request seeks information that may be protected from disclosure by Defendant's constitutional right
26 of privacy. Defendant further objects that this request seeks information protected from disclosure
27 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
28

1 other applicable privilege. Defendant further objects that this request seeks information outside of
2 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
3 information already in the possession, custody, or control of Plaintiff. Defendant further objects
4 that this request is premature in that discovery is continuing and ongoing and the facts and
5 information that would allow Defendant to fully answer this request are not yet known.

6 Subject to and without waiving the foregoing objections, including the General Objections
7 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
8 documents to this request that are in his possession, custody, or control.

9 **REQUEST FOR PRODUCTION NO. 6:**

10 Please produce all records showing that David Martin is not a member of the Board.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

12 Objection. Defendant objects that this request is overbroad in scope and unduly
13 burdensome. Defendant objects that this request seeks documents and information that are neither
14 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
15 objects that this request seeks documents and information that are neither relevant nor reasonably
16 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
17 request seeks information that may be protected from disclosure by Defendant's constitutional right
18 of privacy. Defendant further objects that this request seeks information protected from disclosure
19 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
20 other applicable privilege. Defendant further objects that this request seeks information outside of
21 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
22 information already in the possession, custody, or control of Plaintiff. Defendant further objects
23 that this request is premature in that discovery is continuing and ongoing and the facts and
24 information that would allow Defendant to fully answer this request are not yet known.

25 Subject to and without waiving the foregoing objections, including the General Objections
26 stated above, Defendant responds as follows: After a diligent search and reasonable inquiry, there
27 are no responsive documents in the possession, custody, or control of Defendant.

1 **REQUEST FOR PRODUCTION NO. 7:**

2 Please produce all records reflecting Board action to seat all current Board members that
3 YOU believe to be the legitimate directors of the Board.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

5 Objection. Defendant objects that this request is overbroad in scope and unduly
6 burdensome. Defendant objects that this request seeks documents and information that are neither
7 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
8 objects that this request seeks documents and information that are neither relevant nor reasonably
9 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
10 request seeks information that may be protected from disclosure by Defendant's constitutional right
11 of privacy. Defendant further objects that this request seeks information protected from disclosure
12 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
13 other applicable privilege. Defendant further objects that this request seeks information outside of
14 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
15 information already in the possession, custody, or control of Plaintiff. Defendant further objects
16 that this request is premature in that discovery is continuing and ongoing and the facts and
17 information that would allow Defendant to fully answer this request are not yet known.

18 Subject to and without waiving the foregoing objections, including the General Objections
19 stated above, Defendant responds as follows: Defendant will produce the May 20 Document.

20 **REQUEST FOR PRODUCTION NO. 8:**

21 Please produce all Board meeting minutes reflecting proper Board action to remove any
22 Board members that YOU contend are not on the Board currently.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

24 Objection. Defendant objects that this request is overbroad in scope and unduly
25 burdensome. Defendant objects that this request seeks documents and information that are neither
26 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
27 objects that this request seeks documents and information that are neither relevant nor reasonably
28

1 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
2 request seeks information that may be protected from disclosure by Defendant's constitutional right
3 of privacy. Defendant further objects that this request seeks information protected from disclosure
4 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
5 other applicable privilege. Defendant further objects that this request seeks information outside of
6 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
7 information already in the possession, custody, or control of Plaintiff. Defendant further objects
8 that this request is premature in that discovery is continuing and ongoing and the facts and
9 information that would allow Defendant to fully answer this request are not yet known.

10 **REQUEST FOR PRODUCTION NO. 9:**

11 Please produce all documentation showing any proper resignations of Board members that
12 YOU rely on for YOUR contention that the Board does not include such directors.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

14 Objection. Defendant objects that this request is overbroad in scope and unduly
15 burdensome. Defendant objects that this request seeks documents and information that are neither
16 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
17 objects that this request seeks documents and information that are neither relevant nor reasonably
18 calculated to lead to the discovery of admissible evidence. Defendant further objects that this
19 request seeks information that may be protected from disclosure by Defendant's constitutional right
20 of privacy. Defendant further objects that this request seeks information protected from disclosure
21 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
22 other applicable privilege. Defendant further objects that this request seeks information outside of
23 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
24 information already in the possession, custody, or control of Plaintiff. Defendant further objects
25 that this request is premature in that discovery is continuing and ongoing and the facts and
26 information that would allow Defendant to fully answer this request are not yet known.

1 Subject to and without waiving the foregoing objections, including the General Objections
2 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
3 documents to this request that are in his possession, custody, or control.

4 **REQUEST FOR PRODUCTION NO. 10:**

5 Please produce all documents that support YOUR affirmative defenses in this lawsuit.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

7 Objection. Defendant objects that this request is overbroad in scope and unduly
8 burdensome. Defendant objects that this request seeks documents and information that are neither
9 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
10 further objects that this request seeks information that may be protected from disclosure by
11 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
12 information protected from disclosure by the attorney-client privilege, attorney work product
13 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
14 that this request seeks information outside of his knowledge, possession, custody, or control.
15 Defendant further objects that this request seeks information already in the possession, custody, or
16 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
17 continuing and ongoing and the facts and information that would allow Defendant to fully answer
18 this request are not yet known.

19 Subject to and without waiving the foregoing objections, including the General Objections
20 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
21 documents to this request that are in his possession, custody, or control.

22 **REQUEST FOR PRODUCTION NO. 11:**

23 Please produce all documents showing that YOU were properly appointed by the Board.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

25 Objection. Defendant objects that this request is overbroad in scope and unduly
26 burdensome. Defendant objects that this request seeks documents and information that are neither
27 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
28

1 further objects that this request seeks information that may be protected from disclosure by
2 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
3 information protected from disclosure by the attorney-client privilege, attorney work product
4 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
5 that this request seeks information outside of his knowledge, possession, custody, or control.
6 Defendant further objects that this request seeks information already in the possession, custody, or
7 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
8 continuing and ongoing and the facts and information that would allow Defendant to fully answer
9 this request are not yet known.

10 Subject to and without waiving the foregoing objections, including the General Objections
11 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
12 documents to this request that are in his possession, custody, or control.

13 **REQUEST FOR PRODUCTION NO. 12:**

14 Please produce all documents showing that YOU complied with any requests for the
15 inspection of records under Corporations Code Section 6310 *et seq.*

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

17 Objection. Defendant objects that this request is overbroad in scope and unduly
18 burdensome. Defendant objects that this request seeks documents and information that are neither
19 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
20 further objects that this request seeks information that may be protected from disclosure by
21 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
22 information protected from disclosure by the attorney-client privilege, attorney work product
23 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
24 that this request seeks information outside of his knowledge, possession, custody, or control.
25 Defendant further objects that this request seeks information already in the possession, custody, or
26 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
27
28

1 continuing and ongoing and the facts and information that would allow Defendant to fully answer
2 this request are not yet known.

3 Subject to and without waiving the foregoing objections, including the General Objections
4 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
5 documents to this request that are in his possession, custody, or control.

6 **REQUEST FOR PRODUCTION NO. 13:**

7 Please produce all documents regarding your position as Executive Director of World
8 Federation for the Deaf.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

10 Objection. Defendant objects that this request is overbroad in scope and unduly
11 burdensome. Defendant objects that this request seeks documents and information that are neither
12 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
13 further objects that this request seeks information that may be protected from disclosure by
14 Defendant's constitutional right of privacy and other rights of privacy and confidentiality applicable
15 to employment arrangements. Defendant further objects that this request seeks information
16 protected from disclosure by the attorney-client privilege, attorney work product doctrine,
17 consulting expert privilege, or any other applicable privilege. Defendant further objects that this
18 request seeks information outside of his knowledge, possession, custody, or control. Defendant
19 further objects that this request seeks information already in the possession, custody, or control of
20 Plaintiff. Defendant further objects that this request is premature in that discovery is continuing and
21 ongoing and the facts and information that would allow Defendant to fully answer this request are
22 not yet known.

23 **REQUEST FOR PRODUCTION NO. 14:**

24 Please produce all records showing all payments by DCARA to any person or entity, from
25 2017 through the present.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

1 Objection. Defendant objects that this request is overbroad in scope and unduly
2 burdensome since this request includes all records for any vendor, bill, invoice, employee over a
3 three-year period from 2017 to and through 2019. Defendant objects that this request seeks
4 documents and information that are neither relevant nor reasonably calculated to lead to the
5 discovery of admissible evidence. Defendant further objects that this request seeks information that
6 may be protected from disclosure by Defendant's constitutional right of privacy. Defendant further
7 objects that this request seeks information protected from disclosure by the attorney-client privilege,
8 attorney work product doctrine, consulting expert privilege, or any other applicable privilege.
9 Defendant further objects that this request seeks information outside of his knowledge, possession,
10 custody, or control. Defendant further objects that this request seeks information already in the
11 possession, custody, or control of Plaintiff. Defendant further objects that this request is premature
12 in that discovery is continuing and ongoing and the facts and information that would allow
13 Defendant to fully answer this request are not yet known.

14 **REQUEST FOR PRODUCTION NO. 15:**

15 Please produce all records showing that the law firm of ROSEN BIEN GALVAN &
16 GRUNFELD LLP ("Grunfeld Attorney") represents DCARA.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

18 Objection. Defendant objects that this request is overbroad in scope and unduly
19 burdensome. Defendant objects that this request seeks documents and information that are neither
20 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
21 further objects that this request seeks information that may be protected from disclosure by
22 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
23 information protected from disclosure by the attorney-client privilege, attorney work product
24 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
25 that this request seeks information outside of his knowledge, possession, custody, or control.
26 Defendant further objects that this request seeks information already in the possession, custody, or
27 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
28

1 continuing and ongoing and the facts and information that would allow Defendant to fully answer
2 this request are not yet known.

3 **REQUEST FOR PRODUCTION NO. 16:**

4 Please produce all records showing that the Grunfeld Attorneys represent YOU.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

6 Objection. Defendant objects that this request is overbroad in scope and unduly
7 burdensome. Defendant objects that this request seeks documents and information that are neither
8 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
9 further objects that this request seeks information that may be protected from disclosure by
10 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
11 information protected from disclosure by the attorney-client privilege, attorney work product
12 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
13 that this request seeks information outside of his knowledge, possession, custody, or control.
14 Defendant further objects that this request seeks information already in the possession, custody, or
15 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
16 continuing and ongoing and the facts and information that would allow Defendant to fully answer
17 this request are not yet known.

18 **REQUEST FOR PRODUCTION NO. 17:**

19 Please produce all records showing that Melvin Patterson is not a member of the Board.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

21 Objection. Defendant objects that this request is overbroad in scope and unduly
22 burdensome. Defendant objects that this request seeks documents and information that are neither
23 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
24 further objects that this request seeks information that may be protected from disclosure by
25 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
26 information protected from disclosure by the attorney-client privilege, attorney work product
27 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
28

1 that this request seeks information outside of his knowledge, possession, custody, or control.
2 Defendant further objects that this request seeks information already in the possession, custody, or
3 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
4 continuing and ongoing and the facts and information that would allow Defendant to fully answer
5 this request are not yet known.

6 Subject to and without waiving the foregoing objections, including the General Objections
7 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
8 documents to this request that are in his possession, custody, or control.

9 **REQUEST FOR PRODUCTION NO. 18:**

10 Please produce all records showing that Rosalyn Ramos is not a member of the Board.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

12 Objection. Defendant objects that this request is overbroad in scope and unduly
13 burdensome. Defendant objects that this request seeks documents and information that are neither
14 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
15 further objects that this request seeks information that may be protected from disclosure by
16 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
17 information protected from disclosure by the attorney-client privilege, attorney work product
18 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
19 that this request seeks information outside of his knowledge, possession, custody, or control.
20 Defendant further objects that this request seeks information already in the possession, custody, or
21 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
22 continuing and ongoing and the facts and information that would allow Defendant to fully answer
23 this request are not yet known.

24 Subject to and without waiving the foregoing objections, including the General Objections
25 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
26 documents to this request that are in his possession, custody, or control.

27 **REQUEST FOR PRODUCTION NO. 19:**

1 Please produce all records showing that Mary Telford is not a member of the Board.

2 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

3 Objection. Defendant objects that this request is overbroad in scope and unduly
4 burdensome. Defendant objects that this request seeks documents and information that are neither
5 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
6 further objects that this request seeks information that may be protected from disclosure by
7 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
8 information protected from disclosure by the attorney-client privilege, attorney work product
9 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
10 that this request seeks information outside of his knowledge, possession, custody, or control.
11 Defendant further objects that this request seeks information already in the possession, custody, or
12 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
13 continuing and ongoing and the facts and information that would allow Defendant to fully answer
14 this request are not yet known.

15 Subject to and without waiving the foregoing objections, including the General Objections
16 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
17 documents to this request that are in his possession, custody, or control.

18 **REQUEST FOR PRODUCTION NO. 20:**

19 Please produce all records showing YOUR creation of the May 20 Document.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

21 Objection. Defendant objects that this request is overbroad in scope and unduly
22 burdensome. Defendant objects that this request seeks documents and information that are neither
23 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
24 further objects that this request seeks information that may be protected from disclosure by
25 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
26 information protected from disclosure by the attorney-client privilege, attorney work product
27 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
28

1 that this request seeks information outside of his knowledge, possession, custody, or control.
2 Defendant further objects that this request seeks information already in the possession, custody, or
3 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
4 continuing and ongoing and the facts and information that would allow Defendant to fully answer
5 this request are not yet known.

6 Subject to and without waiving the foregoing objections, including the General Objections
7 stated above, Defendant responds as follows: After a diligent search and reasonable inquiry, there
8 are no responsive documents in the possession, custody, or control of Defendant.

9 **REQUEST FOR PRODUCTION NO. 21:**

10 Please produce all records showing that YOU are authorized to speak on behalf of DCARA.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

12 Objection. Defendant objects that this request is overbroad in scope and unduly
13 burdensome. Defendant objects that this request seeks documents and information that are neither
14 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
15 further objects that this request seeks information that may be protected from disclosure by
16 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
17 information protected from disclosure by the attorney-client privilege, attorney work product
18 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
19 that this request seeks information outside of his knowledge, possession, custody, or control.
20 Defendant further objects that this request seeks information already in the possession, custody, or
21 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
22 continuing and ongoing and the facts and information that would allow Defendant to fully answer
23 this request are not yet known.

24 Subject to and without waiving the foregoing objections, including the General Objections
25 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
26 documents to this request that are in his possession, custody, or control.

27 **REQUEST FOR PRODUCTION NO. 22:**

1 Please produce all records showing all of YOUR video and social media announcements
2 regarding DCARA.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

4 Objection. Defendant objects that this request is overbroad in scope and unduly
5 burdensome. Defendant objects that this request seeks documents and information that are neither
6 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
7 further objects that this request seeks information that may be protected from disclosure by
8 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
9 information protected from disclosure by the attorney-client privilege, attorney work product
10 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
11 that this request seeks information outside of his knowledge, possession, custody, or control.
12 Defendant further objects that this request seeks information already in the possession, custody, or
13 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
14 continuing and ongoing and the facts and information that would allow Defendant to fully answer
15 this request are not yet known.

16 Subject to and without waiving the foregoing objections, including the General Objections
17 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
18 documents to this request that are in his possession, custody, or control.

19 **REQUEST FOR PRODUCTION NO. 23:**

20 Please produce all communications regarding the document dated May 20, 2019 called the
21 "Agency Agreement Contract" ("May 20 Document").

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

23 Objection. Defendant objects that this request is overbroad in scope and unduly
24 burdensome. Defendant objects that this request seeks documents and information that are neither
25 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
26 further objects that this request seeks information that may be protected from disclosure by
27 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
28

1 information protected from disclosure by the attorney-client privilege, attorney work product
2 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
3 that this request seeks information outside of his knowledge, possession, custody, or control.
4 Defendant further objects that this request seeks information already in the possession, custody, or
5 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
6 continuing and ongoing and the facts and information that would allow Defendant to fully answer
7 this request are not yet known.

8 Subject to and without waiving the foregoing objections, including the General Objections
9 stated above, Defendant responds as follows: After a diligent search and reasonable inquiry, there
10 are no responsive documents in the possession, custody, or control of Defendant.

11 **REQUEST FOR PRODUCTION NO. 24:**

12 Please produce all documents showing that the Board took action to approve the May 20
13 Document.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

15 Objection. Defendant objects that this request is overbroad in scope and unduly
16 burdensome. Defendant objects that this request seeks documents and information that are neither
17 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
18 further objects that this request seeks information that may be protected from disclosure by
19 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
20 information protected from disclosure by the attorney-client privilege, attorney work product
21 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
22 that this request seeks information outside of his knowledge, possession, custody, or control.
23 Defendant further objects that this request seeks information already in the possession, custody, or
24 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
25 continuing and ongoing and the facts and information that would allow Defendant to fully answer
26 this request are not yet known.

1 Subject to and without waiving the foregoing objections, including the General Objections
2 stated above, Defendant responds as follows: Defendant will produce the May 20 Document.

3 **REQUEST FOR PRODUCTION NO. 25:**

4 Please produce all records showing DCARA's terminations of YOUR positions, at any time.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

6 Objection. Defendant objects that this request is overbroad in scope and unduly
7 burdensome. Defendant objects that this request seeks documents and information that are neither
8 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
9 further objects that this request seeks information that may be protected from disclosure by
10 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
11 information protected from disclosure by the attorney-client privilege, attorney work product
12 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
13 that this request seeks information outside of his knowledge, possession, custody, or control.
14 Defendant further objects that this request seeks information already in the possession, custody, or
15 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
16 continuing and ongoing and the facts and information that would allow Defendant to fully answer
17 this request are not yet known.

18 Subject to and without waiving the foregoing objections, including the General Objections
19 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
20 documents to this request that are in his possession, custody, or control.

21 **REQUEST FOR PRODUCTION NO. 26:**

22 Please produce all communications between YOU and any person or entity regarding
23 DCARA from 2017 through the present.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

25 Objection. Defendant objects that this request is overbroad in scope and unduly
26 burdensome. Defendant objects that this request seeks documents and information that are neither
27 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
28

1 further objects that this request seeks information that may be protected from disclosure by
2 Defendant's constitutional right of privacy and third-parties' constitutional rights to privacy,
3 including the privacy of their employment files and employment records and sensitive counseling
4 information. Defendant further objects that this request seeks information protected from disclosure
5 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
6 other applicable privilege. Defendant further objects that this request seeks information outside of
7 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
8 information already in the possession, custody, or control of Plaintiff. Defendant further objects
9 that this request is premature in that discovery is continuing and ongoing and the facts and
10 information that would allow Defendant to fully answer this request are not yet known.

11 **REQUEST FOR PRODUCTION NO. 27:**

12 Please produce all records of all transactions related to DCARA in which YOU were
13 involved.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

15 Objection. Defendant objects that this request is overbroad in scope and unduly
16 burdensome as it seeks all undefined "transactions" in Defendant's employment with DCARA
17 spanning over three years. Defendant objects that this request seeks documents and information
18 that are neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
19 Defendant further objects that this request seeks information that may be protected from disclosure
20 by Defendant's constitutional right of privacy. Defendant further objects that this request seeks
21 information protected from disclosure by the attorney-client privilege, attorney work product
22 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
23 that this request seeks information outside of his knowledge, possession, custody, or control.
24 Defendant further objects that this request seeks information already in the possession, custody, or
25 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
26 continuing and ongoing and the facts and information that would allow Defendant to fully answer
27 this request are not yet known.

1 **REQUEST FOR PRODUCTION NO. 28:**

2 Please produce all records reflecting DCARA expenditures from 2017 through the present.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

4 Objection. Defendant objects that this request is overbroad in scope and unduly
5 burdensome. Defendant objects that this request seeks documents and information that are neither
6 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
7 further objects that this request seeks information that may be protected from disclosure by
8 Defendant's constitutional right of privacy and third-parties' constitutional rights to privacy,
9 including the privacy of their employment files and employment records and sensitive counseling
10 information. Defendant further objects that this request seeks information protected from disclosure
11 by the attorney-client privilege, attorney work product doctrine, consulting expert privilege, or any
12 other applicable privilege. Defendant further objects that this request seeks information outside of
13 his knowledge, possession, custody, or control. Defendant further objects that this request seeks
14 information already in the possession, custody, or control of Plaintiff. Defendant further objects
15 that this request is premature in that discovery is continuing and ongoing and the facts and
16 information that would allow Defendant to fully answer this request are not yet known.

17 **REQUEST FOR PRODUCTION NO. 29:**

18 Please produce all communications related to DCARA bank accounts from 2017 through the
19 present.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

21 Objection. Defendant objects that this request is overbroad in scope and unduly
22 burdensome. Defendant objects that this request seeks documents and information that are neither
23 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
24 further objects that this request seeks information that may be protected from disclosure by
25 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
26 information protected from disclosure by the attorney-client privilege, attorney work product
27 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
28

1 that this request seeks information outside of his knowledge, possession, custody, or control.

2 Defendant further objects that this request seeks information already in the possession, custody, or
3 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
4 continuing and ongoing and the facts and information that would allow Defendant to fully answer
5 this request are not yet known.

6 **REQUEST FOR PRODUCTION NO. 30:**

7 Please produce all communications between DCARA and any individuals and entities
8 providing funding to DCARA.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

10 Objection. Defendant objects that this request is overbroad in scope and unduly
11 burdensome. Defendant objects that this request seeks documents and information that are neither
12 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
13 further objects that this request seeks information that may be protected from disclosure by
14 Defendant's constitutional right of privacy and Defendant's contractual obligations, as well as the
15 privacy rights of third-parties. Defendant further objects that this request seeks information
16 protected from disclosure by the attorney-client privilege, attorney work product doctrine,
17 consulting expert privilege, or any other applicable privilege. Defendant further objects that this
18 request seeks information outside of his knowledge, possession, custody, or control. Defendant
19 further objects that this request seeks information already in the possession, custody, or control of
20 Plaintiff. Defendant further objects that this request is premature in that discovery is continuing and
21 ongoing and the facts and information that would allow Defendant to fully answer this request are
22 not yet known.

23 Subject to and without waiving the foregoing objections, including the General Objections
24 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
25 documents to this request that are in his possession, custody, or control.

26 **REQUEST FOR PRODUCTION NO. 31:**

1 Please produce all documents showing that YOU returned any severance package funds to
2 DCARA.

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

4 Objection. Defendant objects that this request is overbroad in scope and unduly
5 burdensome. Defendant objects that this request seeks documents and information that are neither
6 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
7 further objects that this request seeks information that may be protected from disclosure by
8 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
9 information protected from disclosure by the attorney-client privilege, attorney work product
10 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
11 that this request seeks information outside of his knowledge, possession, custody, or control.
12 Defendant further objects that this request seeks information already in the possession, custody, or
13 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
14 continuing and ongoing and the facts and information that would allow Defendant to fully answer
15 this request are not yet known.

16 **REQUEST FOR PRODUCTION NO. 32:**

17 Please provide documents from Bank of America showing that \$45,000 had been returned to
18 DCARA.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

20 Objection. Defendant objects that this request is overbroad in scope, unduly burdensome,
21 and vague and ambiguous in that it does not specify to which \$45,000 transaction it refers.
22 Defendant objects that this request seeks documents and information that are neither relevant nor
23 reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects
24 that this request seeks information that may be protected from disclosure by Defendant's
25 constitutional right of privacy. Defendant further objects that this request seeks information
26 protected from disclosure by the attorney-client privilege, attorney work product doctrine,
27 consulting expert privilege, or any other applicable privilege. Defendant further objects that this
28

1. request seeks information outside of his knowledge, possession, custody, or control. Defendant
2 further objects that this request seeks information already in the possession, custody, or control of
3 Plaintiff. Defendant further objects that this request is premature in that discovery is continuing and
4 ongoing and the facts and information that would allow Defendant to fully answer this request are
5 not yet known.

6 **REQUEST FOR PRODUCTION NO. 33:**

7 Please provide a copy of surveillance videos showing that anyone on the Board made a
8 racial slur.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

10 Objection. Defendant objects that this request is overbroad in scope and unduly
11 burdensome. Defendant objects that this request seeks documents and information that are neither
12 relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant
13 further objects that this request seeks information that may be protected from disclosure by
14 Defendant's constitutional right of privacy. Defendant further objects that this request seeks
15 information protected from disclosure by the attorney-client privilege, attorney work product
16 doctrine, consulting expert privilege, or any other applicable privilege. Defendant further objects
17 that this request seeks information outside of his knowledge, possession, custody, or control.
18 Defendant further objects that this request seeks information already in the possession, custody, or
19 control of Plaintiff. Defendant further objects that this request is premature in that discovery is
20 continuing and ongoing and the facts and information that would allow Defendant to fully answer
21 this request are not yet known.

22 Subject to and without waiving the foregoing objections, including the General Objections
23 stated above, Defendant responds as follows: Defendant will produce all responsive non-privileged
24 documents to this request that are in his possession, custody, or control.

25
26 DATED: December 11, 2019

By: 
Raymond Rodgers

PROOF OF SERVICE

Deaf Counseling Advocacy and Referral Agency vs. Osborne et al.
Case No.: RG19038869

I am over the age of 18 and not a party to the within action. On December 11, 2019, I caused to be served a true copy of:

**RAYMOND RODGERS' RESPONSES TO DEFENDANT'S REQUESTS FOR
PRODUCTION OF DOCUMENTS, SET ONE**

on the parties by placing true copies thereof in sealed envelopes addressed as shown below for service by First Class Mail with the United States Postal Service on the following person and address:

Cecilia N. Brennan, Esq.
For Purpose Law Group, APLC
1435 30th St., San Diego, CA 92102

Executed on December 11, 2019 at San Leandro, California.



Amy Gomme

EXHIBIT 5



Agency Agreement Contract

This Agency Agreement is entered into May 20, 2019, by and between DCARA Board of Directors, Raymond Rodgers, and DCARA Management Team.

In consideration of the conditions contained herein, the involved parties agree as follows:

1. Raymond Rodgers Reinstated.

- a. Reinstatement Raymond Rodgers as the Executive Director without any conditions.
- b. Remove history of termination.

2. Board Transition.

- a. Amend a revised item in place of Article VI, Section 1, Item a.
- b. Liann Osborne shall take the position of Interim Board President immediately until full transition.
- c. Establish Board Recruitment Committee with: Executive Director, two Board Directors, two DCARA employees, one organizational representative from community organizations (BABDA, BAADA, NCADB, California Latinx Deaf Advocates), and two community members.
- d. New board members will be sworn by September 17, 2019 at the quarterly board meeting.
- e. Board members identified below shall have their terms end at the end of the quarterly board meeting on September 17, 2019.

3. Timeline

Transition must be completed by or before September 17, 2019.

4. Vote to Accept and Signature

- a. Majority vote shall be required to effect agreement.
- b. Signatures of all parties identified below and present must be obtained by 9:00PM PST May 21, 2019.

5. Contractual Obligation

Should any Board of Director or Management Team individual refuse to or fail to comply with any or all terms as outlined above such action shall be viewed as a breach of contract which may result in legal action.

6. Litigation Claims

All parties agree to pursue no legal claims, individually or collectively on any issues arising or relating to current situation.

[Handwritten signatures and initials]

As signed by:

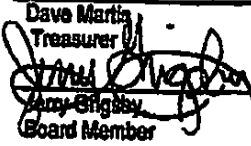

 Tom Murillo,
 Interim Board President

5/21/19
 Date


 Raymond Rodgers

5/21/19
 Date

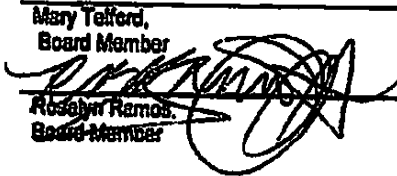
Dave Martin
 Treasurer


 Dave Martin
 Board Member

Date

5/21/19
 Date

Mary Telford,
 Board Member


 Mary Telford,
 Board Member

Date

5/21/19
 Date

As witnessed by:


 David Kerr,
 Deputy Director

Date

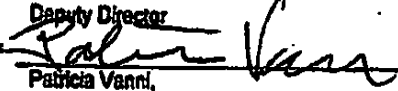
5/21/19
 Date


 Debby Buchan,
 Program Developer

Date

5/21/19
 Date

Patricia Vanni,
 Finance Director


 Patricia Vanni,
 Finance Director

Date

5/21/19
 Date

Bradley Rodriguez,
 System Administrator

Date

5/21/19
 Date

Rosa Lee Timm,
 Marketing Director

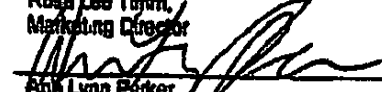

 Rosa Lee Timm,
 Marketing Director

Date

5/21/19
 Date

Frances Bideman,
 Advocacy Services Manager

Date


 Ann Lynn Parker,
 Community Education Program Manager

Date

EXHIBIT 6



STATE OF CALIFORNIA Business, Consumer Services and Housing Agency

Employment

COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT

CASE NUMBER

201903-05483718

EEOC NUMBER

37A-2020-01082-C

COMPLAINANT

Raymond Rodgers

ADDRESS14897 Towers Street
San Leandro, CA 94578**PHONE**

(510) 470-9812

TYPE OF DISCRIMINATION AND LAW

Government Code 12940

NAMED IS THE EMPLOYER, PERSON, AGENCY, ORGANIZATION OR GOVERNMENT ENTITY WHO DISCRIMINATED AGAINST ME

RESPONDENT(S)Deaf Counseling Advocacy & Referral
Agency - Board of Directors**ADDRESS**14895 E 14th St, 200
San Leandro, CA 94578**PHONE**

(510) 343-6870

NO. OF EMPLOYEES

36

- Allegation -

I ALLEGE THAT I EXPERIENCED

Discrimination

ON OR BEFORE

May 22, 2019

BECAUSE OF MY ACTUAL OR PERCEIVED

Association with someone of a protected class

AS A RESULT, I WAS SUBJECTED TO

Terminated

PARTICULARS

On or about February 22, 2019 to May 22, 2019 I was subjected to discrimination due to my association with a member of a protected class. As a result, I was terminated. On or about February 22, 2019, the Board President posted an offensive comment pertaining to race on her personal social media blog, which sent the public and the Respondent's employees of color into an outrage. During this timeframe, I advocated for the employees and public and informed the Board President that she should apologize. The Respondent accused me of not providing a buffer between the community and the Board of Directors. I was suspended from March 4, 2019 to May 5, 2019. On May 5, 2019, I subsequently terminated by the Respondent. On May 21, 2019 I was contacted by the Respondent and informed there were too many mistakes within the Respondent's termination process and offered to restate my position. I accepted my position and returned back to work on May 22, 2019.



STATE OF CALIFORNIA | Bridges, Consumer Services and Housing Agency

Employment

**COMPLAINT OF DISCRIMINATION UNDER THE PROVISIONS OF THE
CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT****CASE NUMBER**

201903-05483718

EEOC NUMBER

37A-2020-01082-C

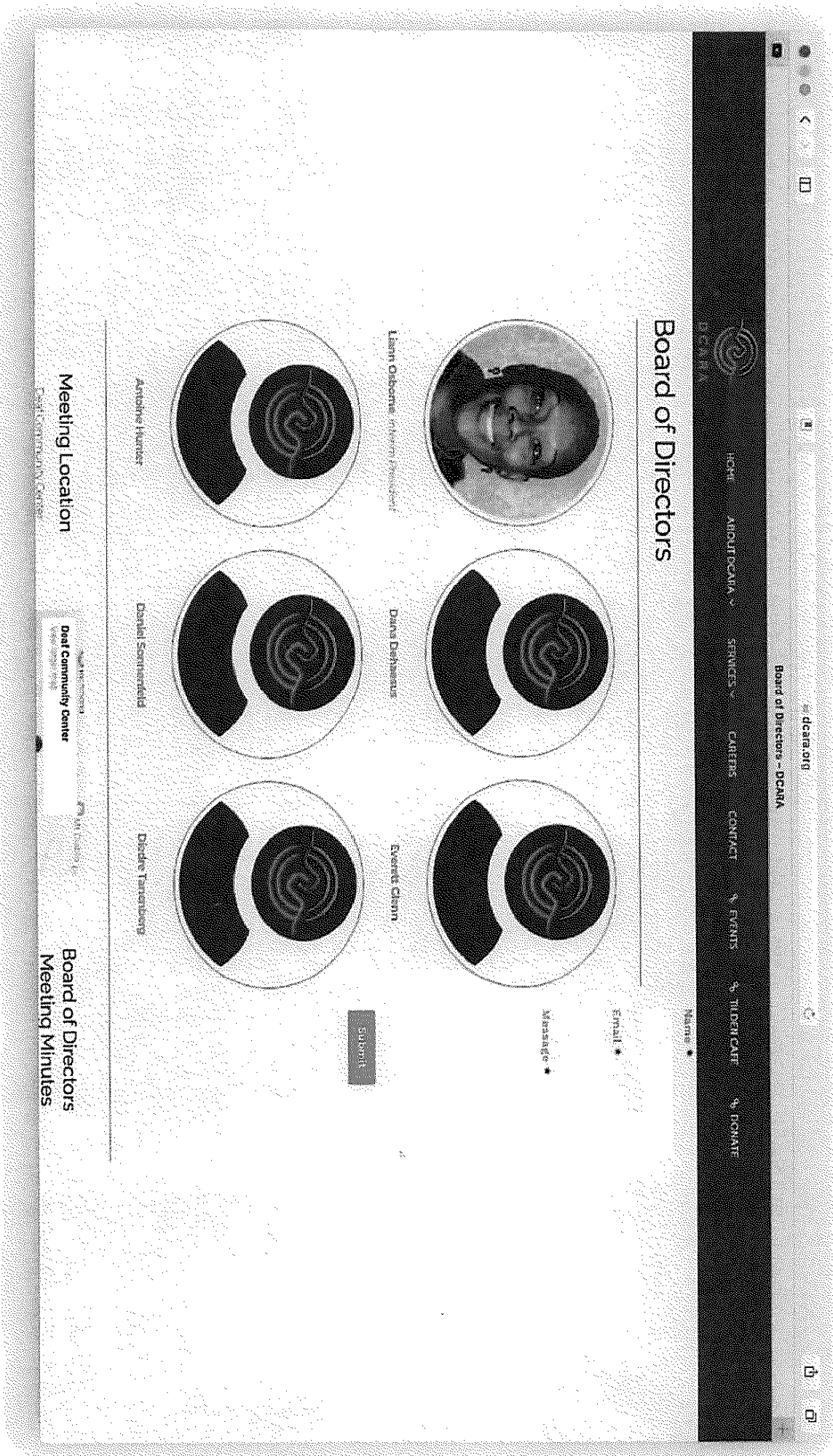
SIGNED UNDER PENALTY OF PERJURY

By submitting this complaint I am declaring under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge, except as to matters stated on my information and belief, and as to those matters I believe them to be true.

SIGNATURE OF COMPLAINANT OR COMPLAINANT'S LEGAL REPRESENTATIVE:**DATE:**
Raymond Rodgers (Dec 17, 2019)

Dec 17, 2019

EXHIBIT 7



FOR PURPOSE LAW GROUP

Mary T. Dowling, Esq. (SBN 299773)
 May L. Harris, Esq. (SBN 211210)
 Matthew B. Learned, Esq. (SBN 255499)
 408 Nutmeg St.
 San Diego, CA 92103
 Tel: (619) 780-3839
 Fax: (619) 780-2451
 Email: mlearned@forpurposelaw.com

FILED BY FAX

ALAMEDA COUNTY

February 18, 2020

CLERK OF
 THE SUPERIOR COURT
 By Shabra Iyamu, Deputy

CASE NUMBER:

RG19038869

Attorneys for Plaintiff,
 Deaf Counseling Advocacy and Referral Agency, a California nonprofit public benefit corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA**FOR THE COUNTY OF ALAMEDA****UNLIMITED JURISDICTION**

DEAF COUNSELING ADVOCACY AND
 REFERRAL AGENCY, a California nonprofit
 public benefit corporation,

Plaintiff(s),

vs.

LIANN OSBORNE, an individual;
 RAYMOND RODGERS, an individual; and
 DOES 1 through 25, inclusive,

Defendant(s),

Case No.: RG19038869

**DECLARATION OF MELVIN
 PATTERSON IN SUPPORT OF
 MOTION FOR PRELIMINARY
 INJUNCTION AGAINST
 DEFENDANTS**

Date: February 13, 2020**Time:** 3:00 p.m.**Dept:** 517**Judge:** Hon. Stephen Pulido**Reservation No.:**

I, Melvin Patterson, am over the age of 18 and make this statement of my own personal knowledge; if called to testify, I could and would testify truthfully hereto.

1. I am a member of the Board of Directors of Deaf Counseling Advocacy and Referral Agency ("DCARA") and am the acting President.

2. As of May 21, 2019, the DCARA Board of Directors consisted of six members: Jerry Grigsby, Tom Murillo, Dave Martin, Mary Telford, Rosalyn Ramos and myself. On May 21, 2019, there was a community gathering of the DCARA Board of Directors. In attendance were Tom Murillo, Roz Ramos and Jerry Grigsby. The Board members were not provided with an agenda for the May 21, 2019 meeting, as required by DCARA's Bylaws.

1 3. David Martin, Mary Telford and myself were unable to attend the May 21, 2019
2 community meeting. Consequently, Tom Murillo cancelled any attempt at a formal Board
3 meeting on May 21, 2019 and the gathering continued as a town hall-type forum. Although I did
4 not attend May 21, 2019 community gathering, I have gained personal knowledge of what
5 transpired through my review of the DCARA business records as they pertain to the May 21,
6 2019 gathering. I am familiar with the methods of maintaining DCARA's business records
7 pertaining to DCARA meetings. Records of DCARA meetings are kept in the ordinary course of
8 business. Meeting records are kept pursuant to DCARA Bylaws and are intended to be relied
9 upon at a later date. The records pertaining to the May 21, 2019 meeting appear to have been
10 consistently maintained pursuant to DCARA's Bylaws.

11 4. At the May 21, 2019 community gathering, Raymond Rogers presented the Board
12 members in attendance with a document that appeared to be a combination of meeting minutes
13 and an employment agreement between Rodgers and DCARA (the "May 20 Document). I
14 neither signed the May 20 Document, nor was there even a signature line on the May 20
15 Document for me to sign. The May 20, 2019 document was not formally approved and/or
16 ratified by the Board pursuant to the DCARA Bylaws.

17 5. Raymond Rogers and Liann Osborne have taken over all corporate assets and are
18 operating without a properly appointed Board of Directors, in contravention of DCARA's
19 Bylaws and Governing Documents. Raymond Rogers and Liann Osborne have also: shut down
20 Board members' email addresses; locked Board members completely out of any access to the
21 Headquarters, website, and social media; and prevented any access to any DCARA assets,
22 property, and/or information without the Board's consent.

23 6. Raymond Rogers and Liann Osborne have made, and continue to make, false
24 statements about DCARA, DCARA's Board, and actions related to the operation of
25 DCARA, including the instant action and the underlying dispute, through DCARA's
26 websites and social media pages.

27 ///

28 ///

1 7. I am informed and believe that Raymond Rogers is also causing himself to be
2 paid an annual salary of over \$100,000.00 per year of corporate assets

3 Under penalty of perjury under the laws of the State of California, I declare that the
4 foregoing is true and correct.

5
6 Executed on January 17, 2020 at Patterson, California.

7
8 By:  _____

Melvin Patterson, Declarant

FOR PURPOSE LAW GROUP

Mary T. Dowling, Esq. (SBN 299773)
May L. Harris, Esq. (SBN 211210)
Matthew B. Learned, Esq. (SBN 255499)
408 Nutmeg St.
San Diego, CA 92103
Tel: (619) 780-3839
Fax: (619) 780-2451
Email: mlearned@forpurposelaw.com

Attorneys for Plaintiff,
Deaf Counseling Advocacy and Referral Agency, a California nonprofit public benefit corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA**FOR THE COUNTY OF ALAMEDA****UNLIMITED JURISDICTION**

DEAF COUNSELING ADVOCACY AND
REFERRAL AGENCY, a California nonprofit
public benefit corporation,

Plaintiff(s),

vs.

LIANN OSBORNE, an individual;
RAYMOND RODGERS, an individual; and
DOES 1 through 25, inclusive,

Defendant(s),

Case No.: RG19038869

**[PROPOSED] TEMPORARY
RESTRAINING ORDER**

Date: February 20, 2020

Time: 2:30 p.m.

Dept: 517

Judge: Hon. Stephen Pulido

Reservation No.: #R-2161722

Plaintiff, Deaf Counseling Advocacy and Referral Agency, a California nonprofit public benefit corporation's ("DCARA") ex parte application for a temporary restraining order and order to show cause regarding the issuance of a preliminary injunction came on for hearing before this Court at the above-referenced date, time and department.

Having reviewed the papers on file in this matter and the Court's records, and hearing argument of counsel presented at the hearing:

IT IS HEREBY ORDERED that Defendants Raymond Rogers, Liann Osborne and Does 1-25, inclusive, must appear on _____, at _____ in Department _____ of the above-entitled Court, to show cause as to why a preliminary

1 injunction should not be issued prohibiting Defendants from: (1) entering DCARA headquarters
2 for any reason; (2) accessing or utilizing DCARA assets and funds for any reason; (3) posting
3 and/or publishing any negative information regarding any prior or current member of the
4 DCARA Board of Directors ("Board"), including David Martin; (4) engaging in any acts of
5 unfair competition and interference with DCARA's business; (5) engaging in slanderous or
6 libelous communications regarding DCARA and/or this dispute; (6) holding themselves out as
7 agents and/or other representatives of DCARA; (7) utilizing DCARA's websites, Facebook
8 page, and other social media platforms to communicate about DCARA, the Board members, or
9 this dispute, and/or this Complaint; and (8) attempting to access any of the assets of DCARA,
10 including DCARA's bank accounts.

11 Defendant Liann Osborne must additionally show cause as to why a preliminary
12 injunction should not be issued enjoining her from engaging in any and all Board or leadership-
13 related activity at DCARA, including, but not limited to, holding herself out as a Board member
14 and/or "Interim Board President."

15 Defendants must additionally show cause as to why injunctive relief should not be
16 issued authorizing David Martin, Melvin Patterson, Rosalyn Ramos and Mary Telford to meet
17 and operate as the Board, including having immediate access to all DCARA bank accounts,
18 assets, websites, social media credentials so that the Board may operate as required under the
19 Governing Documents and the Corporations Code.

20 IT IS HEREBY FURTHER ORDERED that pending the hearing on the order to show
21 cause:

- 22 a) all named Defendants and DOES 1-25, inclusive, their agents, officers, employees,
23 partners, successors, representatives, and all persons acting in concert or participating
24 with them (1) entering DCARA headquarters for any reason; (2) accessing or
25 utilizing DCARA assets and funds for any reason; (3) posting and/or publishing any
26 negative information regarding any prior or current member of the DCARA Board,
27 including David Martin; (4) engaging in any acts of unfair competition and
28 interference with DCARA's business; (5) engaging in slanderous or libelous

1 communications regarding DCARA and/or this dispute; (6) holding themselves out as
2 agents and/or other representatives of DCARA; (7) utilizing DCARA's websites,
3 Facebook page, and other social media platforms to communicate about DCARA, the
4 Board members, or this dispute, and/or this Complaint; and (8) attempting to access
5 any of the assets of DCARA, including DCARA's bank accounts;

6 b) Defendant Liann Osborne are hereby restrained and enjoined from engaging in any
7 and all Board or leadership-related activity at DCARA, including, but not limited to,
8 holding herself out as a Board member and/or "Interim Board President"; and

9 c) David Martin, Melvin Patterson, Rosalyn Ramos and Mary Telford are authorized to
10 meet and operate as the Board, including having immediate access to all DCARA
11 bank accounts, assets, websites, social media credentials so that the Board may
12 operate as required under the Governing Documents and the Corporations Code.

13 IT IS SO ORDERED.

14 Dated:

15 By: _____
16 Judge of the Alameda County Superior Court
17
18
19
20
21
22
23
24
25
26
27
28

FILED BY FAX
ALAMEDA COUNTY

February 18, 2020

CLERK OF
THE SUPERIOR COURT
By Shabra Iyamu, Deputy

CASE NUMBER:
RG19038869

FOR PURPOSE LAW GROUP
Mary T. Dowling, Esq. (SBN 299773)
May L. Harris, Esq. (SBN 211210)
Matthew B. Learned, Esq. (SBN 255499)
408 Nutmeg St.
San Diego, CA 92103
Tel: (619) 780-3839
Fax: (619) 780-2451
Email: mlearned@forpurposelaw.com

Attorneys for Plaintiff,
Deaf Counseling Advocacy and Referral Agency, a California nonprofit public benefit corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

DEAF COUNSELING ADVOCACY AND
REFERRAL AGENCY, a California nonprofit
public benefit corporation,

Plaintiff(s),

vs.

LIANN OSBORNE, an individual;
RAYMOND RODGERS, an individual; and
DOES 1 through 25, inclusive,

Defendant(s),

Case No.: RG19038869

PROOF OF SERVICE

I am employed in the City of San Diego, California I am over the age of 18 and not a party
to the within action. My business address is 408 Nutmeg Street, San Diego, CA 92103.

On February 18, 2020, I caused to be served the following document(s) described as:

1. NOTICE OF EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER AGAINST DEFENDANTS AND ORDER TO SHOW CAUSE RE: THE ISSUANCE OF A PRELIMINARY INJUNCTION
2. POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE APPLICATION
3. DECLARATION OF MATTHEW B. LEARNED IN SUPPORT OF EX PARTE
4. DECLARATION OF MELVIN PATTERSON IN SUPPORT OF PRELIMINARY INJUNCTION
5. [PROPOSED] TEMPORARY RESTRAINING ORDER

///

1 Peretz & Associates
Yosef Peretz, Esq.
2 22 Battery Street, Suite 200
3 San Francisco, CA 94111

4 *Attorney for Defendants,*
Liann Osborne and Raymond Rodgers

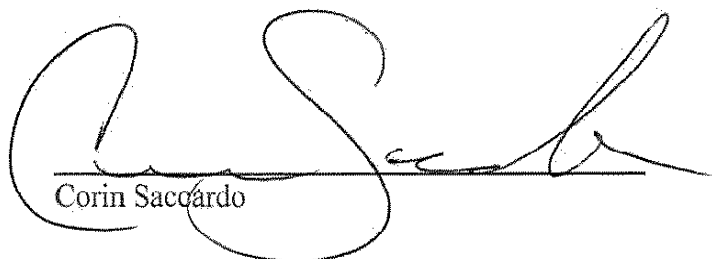
6 XX **BY OVERNIGHT DELIVERY SERVICE:** I placed a true copy in a sealed
7 envelope addressed as indicated above. I am readily familiar with the firm's practice of collection
8 and processing correspondence for overnight service. It is deposited with Golden State Overnight,
9 United States Postal Service with Overnight Service, or Federal Express in a box or other facility
10 regularly maintained by the express service carrier, or delivered to an authorized courier or driver
11 authorized by the express service carrier to receive documents, in an envelope or package
12 designated by the express service carrier with delivery fees paid or provided for, addressed to the
13 person on whom it is to be served, at the office address as last given by that person on any
14 document filed in the cause and served on the party making service; otherwise at that party's place
15 of residence.

16 **BY MAIL** I served the individual named by placing the documents in a
17 sealed envelope. I then placed it for collection and mailing with the United States Postal Service this
18 same day, at my address shown above, following ordinary business practices.

19 **BY E-MAIL DELIVERY** I caused the above listed document(s) to be
20 delivered via Electronic Mail Service to the E-Mail address(es) as listed above in lieu of delivery by
21 mail to the addressee(s).

22 I declare under penalty of perjury under the laws of the State of California that the foregoing
23 is true and correct. Executed on February 18, 2020, San Diego, California.

24
25
26
27
28



Corin Saccardo

FOR PURPOSE LAW GROUP

Mary T. Dowling, Esq. (SBN 299773)
 May L. Harris, Esq. (SBN 211210)
 Matthew B. Learned, Esq. (SBN 255499)
 408 Nutmeg St.
 San Diego, CA 92103
 Tel: (619) 780-3839
 Fax: (619) 780-2451
 Email: mlearned@forpurposelaw.com

FILED BY FAX

ALAMEDA COUNTY

February 18, 2020

CLERK OF
 THE SUPERIOR COURT
 By Shabra Iyamu, Deputy

CASE NUMBER:

RG19038869

Attorneys for Plaintiff,
 Deaf Counseling Advocacy and Referral Agency, a California nonprofit public benefit corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA**FOR THE COUNTY OF ALAMEDA****UNLIMITED JURISDICTION**

DEAF COUNSELING ADVOCACY AND
 REFERRAL AGENCY, a California nonprofit
 public benefit corporation,

Plaintiff(s),

vs.

LIANN OSBORNE, an individual;
 RAYMOND RODGERS, an individual; and
 DOES 1 through 25, inclusive,

Defendant(s),

Case No.: RG19038869

**NOTICE OF EX PARTE APPLICATION
 FOR A TEMPORARY RESTRAINING
 ORDER AGAINST DEFENDANTS AND
 ORDER TO SHOW CAUSE RE: THE
 ISSUANCE OF A PRELIMINARY
 INJUNCTION**

Date: February 20, 2020**Time:** 2:30 p.m.**Dept:** 517**Judge:** Hon. Stephen Pulido**Reservation No.:** #R-2161722**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on February 20, 2020 at 2:30 p.m. in Department 517 of this Court, located at 24405 Amador Street, Hayward, CA 94544, or as soon thereafter as the matter may be heard, Plaintiff, Deaf Counseling Advocacy and Referral Agency's ("Plaintiff," "DCARA," or "Organization") will move and hereby submits this ex part application to the Court for a temporary restraining order ("TRO") against Defendants and request the Court schedule an order to show cause regarding the issuance of a preliminary injunction.

DCARA seeks a TRO prohibiting Defendants from: (1) entering DCARA headquarters for any reason; (2) accessing or utilizing DCARA assets and funds for any reason; (3) posting

1 and/or publishing any negative information regarding any prior or current member of the
2 DCARA Board of Directors (“Board”), including David Martin; (4) engaging in any acts of
3 unfair competition and interference with DCARA’s business; (5) engaging in slanderous or
4 libelous communications regarding DCARA and/or this dispute; (6) holding themselves out as
5 agents and/or other representatives of DCARA; (7) utilizing Plaintiff’s websites, Facebook page,
6 and other social media platforms to communicate about Plaintiff, the Board members, or this
7 dispute, and/or this Complaint; and (8) attempting to access any of the assets of DCARA,
8 including but not limited to, bank accounts.

9 DCARA also requests injunctive relief in the form of an Order directing Defendant
10 Osborne to immediately cease and desist engaging in any and all Board or leadership-related
11 activity at DCARA, including, but not limited to, holding herself out as a Board member and/or
12 “Interim Board President.”

13 Further, DCARA requests that the Court issue the TRO so that: (1) David Martin,
14 Melvin Patterson, Rosalyn Ramos and Mary Telford may meet and operate as the Board; (2)
15 these valid Board members – including Director Martin – are given immediate access to all
16 DCARA bank accounts, assets, websites, social media credentials so that the Board may operate
17 as required under the Governing Documents and the Corporations Code.

18 This Application seeks preliminary injunctive relief, as specified in the proposed TRO
19 filed concurrently herewith, and is made upon the ground that DCARA will suffer immediate
20 and irreparable injury unless DCARA’s application is granted. As will be shown, DCARA has
21 a regularly scheduled Board meeting set for February 27, 2020. Additionally, DCARA has an
22 insurance policy that expires on February 18, 2020 and needs to be renewed so that it does not
23 lapse. DCARA has attempted to obtain Defendants’ cooperation in getting this policy renewed.

24 DCARA also requests this Court to issue an Order to Show Cause (“OSC”) pursuant to
25 California Rules of Court, Rule 3.1150, affording the proposed enjoined Defendants the
26 opportunity to appear and show cause why a preliminary injunction should not be issued
27 enjoining the restrained acts by the Defendants for the remainder of the litigation.

28 ///

1 This application is made on the grounds that: (1) DCARA is entitled to a TRO preventing
2 Defendants from further engaging in the acts complained of, among other things, and compelling
3 Defendants to the acts asserted; (2) the continuance of Defendant's acts complained of or failure
4 to take remedial action as requested would result in great and irreparable harm to persons and
5 property; and (3) pecuniary compensation cannot afford adequate relief for Plaintiff. Cal. Code
6 of Civ. P. § 526.

7 Notice of this application was given on February 18, 2020.

8 The application is based on this notice, the declarations in support thereof, the
9 memorandum of points and authorities served and filed with this application, the First Amended
10 Complaint on file herein, all papers and records on file, and on such oral and documentary
11 evidence as may be presented at the hearing on the application.

12 Dated: February 18, 2020

Respectfully submitted,
FOR PURPOSE LAW GROUP

13
14
15 By: 

Matthew B. Learned, Esq.
Attorney for Plaintiff,
Deaf Counseling Advocacy and Referral
Agency