

EXHIBIT E

#403
Capt. R. Alex Bastreri

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-SOUTHERN DIVISION

KARI BODE and GINA NASTASI,
Plaintiffs,

vs.

Case No. SACV
10-0835-AG

CITY OF FULLERTON, OFFICER
ALBERT RINCON, OFFICER
CHRISTOPHER WREN, and DOES 1 TO
100, Inclusive,
Defendants.

AND ALL RELATED CROSS-ACTIONS.

DEPOSITION OF PERSON MOST KNOWLEDGEABLE FOR
DEFENDANT CITY OF FULLERTON
CAPTAIN ROBERT ALEX BASTRERI

Tuesday, July 26, 2011

9:24 a.m.

611 Anton Boulevard, Suite 800
Costa Mesa, California

REPORTED BY:

Jessica Sanicola

CSR No. 12421

1 MR. MCDANIEL: Just in his capacity as the
2 person most knowledgeable.

3 MS. BOGGS: That's fine. You can answer.

4 THE WITNESS: The expectation of the officers
5 is to record their public contacts in the course of
6 handling calls for service, vehicle stops, pedestrian
7 stops, that those contacts are recorded until
8 completion of that event.

9 BY MR. MCDANIEL:

10 Q. Do you know what section in the manual?

11 A. The section number?

12 Q. If you know.

13 A. No, I don't.

14 Q. Do you know if the policies and procedure
15 with regard to digital recording has changed since
16 2008?

17 MS. BOGGS: Objection as to the term
18 "changed." It's vague and ambiguous.

19 If you understand what he's asking, you can
20 go ahead and clarify.

21 THE WITNESS: I -- there has been no
22 substantial changes to the Digital Audio Recording
23 policy to my knowledge since 2008. It's -- the policy
24 section number, for example, has changed.

25 BY MR. MCDANIEL:

1 BY MR. MCDANIEL:

2 Q. Let's get more specific on it, then.

3 With regard to when to turn it on, has that
4 policy been the same since 2008, changed since 2008,
5 substantially changed, substantially been the same?
6 However you feel you can answer the question.

7 MS. BOGGS: And I'm going to object again as
8 to not having the policy directly in front of him.

9 And if you understand the question and are
10 comfortable answering it, you may.

11 THE WITNESS: I don't believe it's
12 substantially changed, no.

13 BY MR. MCDANIEL:

14 Q. This is really the same question, but when
15 the officer's supposed to turn off the Digital Audio
16 Recorder.

17 A. I don't believe it's substantially changed,
18 but there is room for interpretation in how that
19 portion of the policy's written. The expectation is
20 that the officers have the Digital Audio Recorder on
21 for the entire contact. The way the policy was
22 written, I believe it said to the end of -- to the
23 point of arrest or -- I'm not sure of the exact
24 wording.

25 But there is some room for interpretation I

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1 that?

2 MS. BOGGS: I believe -- I'm just going to go
3 ahead and put -- I have an objection, but it's based
4 off of the original objections that I had put in here.
5 I believe you asked for any training that he had,
6 education and training received by Rincon. I don't
7 believe that the DAR was on there. It would call for
8 speculation on the captain's part or anybody other
9 than Rincon himself. But if he knows what training he
10 received on the DAR, you're free to answer.

11 THE WITNESS: No, I don't know.

12 BY MR. MCDANIEL:

13 Q. Okay. Generally speaking, do you know what
14 training Fullerton Police Department officers receive
15 with regard to their Digital Audio Recordings?

16 A. Generally, the officers, during their field
17 training officer program, received specific training
18 like that during that field training officer program.
19 So that would be the most likely place it would occur.

20 Q. Can you tell me what the policies and
21 procedures are with regard to what happens to the
22 digital files at the end of a shift of an officer?

23 A. Yes. The digital recorder is downloaded into
24 a computer at the police department, and those files
25 then go from the actual device to the -- into the

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1 computer system. And the officers are expected to do
2 that at the end of their shift.

3 Q. Do you know the computer program that's used
4 to --

5 A. Puma.

6 Q. Is an officer required to list in his report,
7 his or her report the use of the Digital Audio
8 Recorder?

9 A. Yes.

10 Q. If an officer turned off his DAR --

11 MR. MCDANIEL: Off the record for a second.

12 (Discussion off the record)

13 BY MR. MCDANIEL:

14 Q. In his or her report, is the officer -- if
15 they turn off the DAR, is that supposed to be denoted
16 in the report as well?

17 A. I don't believe so. However, I'm not sure.

18 Q. Okay. How about if they turn it off and then
19 turn it back on?

20 MS. BOGGS: Objection; calls for -- late on
21 the last one, but calls for speculation, vague and
22 ambiguous.

23 If you know the answer, go ahead.

24 THE WITNESS: I don't know that that's a
25 written policy that they have to document when they

1 no.

2 BY MR. MCDANIEL:

3 Q. When you say "to the best of your knowledge,"
4 what do you mean by that?

5 A. Well, you're asking me if I'm aware if
6 Officer Rincon touched Gina Nastasi's breasts. I'm
7 not aware that he did.

8 Q. No. I'm asking you what the investigation
9 concluded.

10 A. The findings that I'm aware of is that he was
11 found in violation of the DAR only. If that was an
12 allegation, it wasn't sustained.

13 Q. Okay.

14 A. And as I mentioned, portions of this were
15 turned over to the District Attorney's office for
16 their review and investigation.

17 Q. Do you know why they turned it over to the
18 District Attorney's office?

19 A. Well, generally, if we have an allegation of
20 misconduct that we want to be transparent about, we
21 don't want anybody, especially our citizens, to feel
22 that we're covering anything up, then we would seek an
23 outside agency to conduct the investigation.

24 Q. How was the determination made that -- within
25 Internal Affairs that the alleged conduct, Officer

1 Rincon acting inappropriately with Ms. Nastasi, how
2 did they arrive at that conclusion?

3 A. There was a -- I'm sorry. How did we arrive
4 at the conclusion that he acted inappropriately?

5 Q. No. No. That's not my question.

6 A. Okay.

7 Q. That he did not act inappropriately
8 regarding -- we already said that -- we've talked
9 about the DAR. I'm not talking about the DAR.

10 A. Uh-huh.

11 Q. I'm talking about the allegations, improper
12 touching, touching the breasts, and so on.

13 A. As I stated, the case was turned over to the
14 District Attorney's office for their investigation,
15 and then we took their findings for our investigation.

16 Q. Okay. So if it says that there's an
17 allegation of improper conduct not sustained, does
18 that mean that those allegations with regard to Gina
19 Nastasi weren't sustained?

20 A. Yes. The DA -- when we turned the case over
21 to the DA, they declined to prosecute.

22 Q. So that is based on their investigation, not
23 Internal Affairs'?

24 A. Again, I didn't read Sergeant Clanin's
25 narrative, so I'm not sure how that was written up.

1 But I do know that we took the findings of the
2 District Attorney's office and the fact that they
3 declined to prosecute.

4 Q. Okay. So what you're telling me is that the
5 City has the findings of the District Attorney's
6 office?

7 MS. BOGGS: Objection; calls for speculation.
8 I don't --

9 THE WITNESS: I don't know that -- I don't
10 know that we have their entire report, their entire
11 investigation, but I know that we have their findings.

12 BY MR. MCDANIEL:

13 Q. Okay. So the City of Fullerton is in
14 possession of the findings of the District Attorney's
15 office?

16 MS. BOGGS: Objection; misstates testimony,
17 asked and answered.

18 If you know how they're incorporated, go
19 ahead.

20 THE WITNESS: I don't know.

21 BY MR. MCDANIEL:

22 Q. Okay. So that's in contradiction to what you
23 said, that you based it on their findings and you
24 said --

25 A. Well, they have -- I'm sorry.

1 Q. I'm sorry. Go ahead. I don't want to
2 interrupt you.

3 A. Had they found that he was in violation, he
4 would have been prosecuted, then we would know. But
5 he wasn't. They declined to prosecute. So their
6 findings were his allegations weren't founded.

7 Q. Okay. Do you know why they declined to
8 prosecute?

9 MS. BOGGS: Objection.

10 THE WITNESS: I don't know.

11 MS. BOGGS: Calls for speculation as it's a
12 different department.

13 MR. MCDANIEL: I'm only basing it on what he
14 said, that they declined to prosecute. I'm asking if
15 he knows why. That's all.

16 THE WITNESS: I don't know. It's their
17 investigation.

18 BY MR. MCDANIEL:

19 Q. Okay. What did their findings state as to
20 why they're declining to prosecute?

21 MS. BOGGS: Objection; calls for speculation.
22 I'm not sure what you're getting at, Counsel.

23 THE WITNESS: I'm sorry. Evidently that they
24 didn't substantiate his allegations. Had they, then
25 they would have prosecuted.

1 findings and that we have the knowledge that they
2 declined to prosecute. Whether or not those are in
3 writing, I don't know. But I do know that they didn't
4 prosecute. I also know that we turned that component
5 of the investigation over to the District Attorney's
6 office for them to do the transparent investigation.

7 BY MR. MCDANIEL:

8 Q. Okay. And you relied on their decision not
9 to prosecute with regard to any discipline you would
10 or would not impose on Officer Rincon?

11 A. I would say that's a factor in our -- that's
12 a factor in our review of the incident.

13 Q. Okay. Was the fact that his Digital Audio
14 Recorder was turned off during the alleged incident
15 another determining factor?

16 A. Yes.

17 Q. Okay. So why did you decide to decline to
18 impose discipline on Officer Rincon with regard to the
19 allegations of Gina Nastasi and Kari Bode?

20 MS. BOGGS: Objection; calls for speculation.

21 But to the best of your understanding of how
22 the process works.

23 THE WITNESS: I'll say it again. We turned
24 that component of the investigation over to the
25 District Attorney's office. We looked at one

1 the witness statements, the credibility of the
2 witnesses, the validity of the evidence, the integrity
3 of the evidence, and we arrive at our best decision,
4 you know, with all that input. But I've never thought
5 about is it beyond a reasonable doubt or trying to put
6 a title to it.

7 But all that investigation is reviewed, and
8 then we decide, as a staff -- the chief and the
9 captains -- do we believe that this occurred or not.
10 I think a large part of what we're using to make that
11 determination is the credibility of the witnesses
12 involved, any motivations of witnesses involved.

13 BY MR. MCDANIEL:

14 Q. Captain, do you know who was involved in the
15 decision to discipline Officer Rincon for his use of
16 the DAR?

17 MS. BOGGS: If you know off the top of your
18 head.

19 THE WITNESS: I don't know off the top of my
20 head. As we review the evidence as we're trying to
21 make these determinations in staff, if we have an
22 outside source conducting the investigation, we do
23 rely heavily upon that. So in this case, the Orange
24 County District Attorney's office, their input was
25 very valuable to us in this case.

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1 A. -- that had we -- had her allegations been
2 substantiated, then that disposition for the
3 investigation would have been much different.

4 Q. Okay. Does that mean if it was determined
5 that Officer Rincon had touched her inappropriately,
6 then he would have been disciplined, for example?

7 MS. BOGGS: Objection; vague as to the form
8 of the question.

9 But if you understand what he's asking.

10 THE WITNESS: Yes, I think I understand. And
11 yes, I can't think of an instance where we wouldn't
12 discipline had those allegations been substantiated.

13 BY MR. MCDANIEL:

14 Q. Okay. Have there been similar complaints
15 with regard to Officer Rincon prior to August 1st,
16 2008?

17 MS. BOGGS: I'm going to object along the
18 lines of official privilege, privilege log. Any
19 citizen complaints have not been -- any potential or
20 alleged citizen complaints have not been previously
21 agreed upon nor have the stipulation for the
22 protective order been signed and filed with the court.
23 I'm going to instruct my client not to answer.

24 (Instruction not to answer)

25 MR. MCDANIEL: Okay. Just make sure to mark

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1 the record.

2 BY MR. MCDANIEL:

3 Q. Was the City of Fullerton aware of any
4 complaints with regard to Officer Rincon of sexual
5 misconduct against female arrestees?

6 MS. BOGGS: Vague as to scope and time,
7 ambiguous in nature. Also I'm going to -- if I
8 understand the question correctly, I'm going to object
9 for the same previous objection as to potentially
10 getting into any alleged citizen complaints that were
11 in -- or may be within Officer Rincon's personnel file
12 which we have claimed as official privilege and
13 privacy and governmental official business and has not
14 been stipulated to nor filed with the court on a
15 stipulated protective order, and instruct my client
16 not to answer.

17 (Instruction not to answer)

18 MR. MCDANIEL: Okay. Well, I was asking
19 whether they had been put on notice. That's all. I'm
20 assuming you're still going to instruct your client
21 not to answer.

22 MS. BOGGS: The question was so vague as to
23 time and scope as to any -- and I did not hear the
24 word "notice," but if you would like to read the
25 question back, I'll see if my objection still stands.

1 MR. MCDANIEL: Go ahead.

2 (Record read)

3 MS. BOGGS: And again, my objection stands
4 only because it's vague as to scope and time.

5 MR. MCDANIEL: I can put a time frame on it
6 if you'd like. I mean, prior to -- to add to the
7 question, prior to August 1st, 2008.

8 MS. BOGGS: I'm still going to put my same
9 objection and instruct my client not to answer.

10 (Instruction not to answer)

11 BY MR. MCDANIEL:

12 Q. Okay. My same question, whether the City of
13 Fullerton was aware of any other complaints, not by
14 Nastasi or Bode, of sexual misconduct by Officer
15 Rincon between August 1st, 2008 and November 14th,
16 2008?

17 MS. BOGGS: November 1st?

18 MR. MCDANIEL: November 14th, 2008.

19 MS. BOGGS: But you said November 1st and
20 November 14th?

21 MR. MCDANIEL: No. My parameter is
22 August 1st, 2008 --

23 MS. BOGGS: Oh, August 1st. I'm sorry.

24 MR. MCDANIEL: -- and November 14th, 2008.

25 MS. BOGGS: And again, same objection as we

1 are encroaching upon the privilege log and the
2 possible complaints that may or may not be within
3 Rincon's personnel file, and I'm going to instruct my
4 client not to answer for the same previous objections.

5 (Instruction not to answer)

6 MR. MCDANIEL: Okay. I think that's all I
7 have.

8 MS. BOGGS: Off the record, or are we done?

9 MR. MCDANIEL: Oh, no. That's all I have.

10 MS. BOGGS: Oh, done, done.

11 MR. MCDANIEL: Do you have any follow-up?

12 MS. BOGGS: Give me just a moment. Just go
13 off the record for a second.

14 MR. MCDANIEL: Sure.

15 (Recess)

16 MS. BOGGS: Let's go back on the record.

17 Still keeping my objection, I'm going to
18 allow my PMK to go ahead and answer the last question
19 to the best of his understanding. He may need you to
20 read the question back, though.

21 BY MR. MCDANIEL:

22 Q. Do you recall the question?

23 A. Yes.

24 Q. Okay. If you have an answer --

25 A. Yes. I'm not aware of any other allegations

1 made by anybody other than Ms. Bode or Ms. Nastasi
2 against Officer Rincon --

3 Q. Okay.

4 A. -- prior to the November 14th incident.

5 Q. Okay. Would that include --

6 MR. MCDANIEL: Let's go off the record for a
7 second.

8 (Discussion off the record)

9 MS. BOGGS: Okay. If I understand the
10 question from counsel to the deponent, and that is,
11 was the City of Fullerton aware prior to
12 November 14th, '08 allegation -- or subsequent
13 allegation, I believe, within that next day or so time
14 period, were they aware prior to that of any other
15 allegations for the same types of allegations against
16 Officer Rincon, and you can answer.

17 THE WITNESS: Okay.

18 MS. BOGGS: Still my objection, but to the
19 best of your knowledge.

20 THE WITNESS: To the best of my knowledge, we
21 were not made aware of any other complaints.

22 BY MR. MCDANIEL:

23 Q. Okay. Do you know if there were allegations
24 made by a woman named Jean for an October 2008
25 incident against Officer Rincon?

1 A. Yes.

2 Q. And whose signature is that?

3 A. Sergeant Bonnie Clanin.

4 Q. And what's the date of this continuation
5 report?

6 A. December 8th --

7 Q. Okay.

8 A. -- of 2008.

9 Q. Do you know if the Internal Affairs
10 investigation was ongoing at this point, 12/8/08?

11 A. I don't know.

12 Q. Okay. Do you know when the Internal Affairs
13 investigation started?

14 A. No, I don't.

15 Q. Do you know when it was concluded?

16 A. No, I don't.

17 Q. Okay. Do you know why Sergeant Bonnie Clanin
18 signed this continuation report?

19 A. Well, she's a supervisor of the police
20 department and any supervisor could sign a correction
21 report. I'd be speculating, but I'm assuming that she
22 saw the mistake, brought it to his attention, and
23 informed him that he probably ought to correct that.
24 But it does need a supervisor's signature before we
25 file it.

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DEPOSITION EXHIBIT 1A
7/26/11 Bastreni

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA- SOUTHERN DIVISION

KARI BODE and GINA NASTASI,
Plaintiffs,

v.

CITY OF FULLERTON, OFFICER
ALBERT RINCON, OFFICER
CHRISTOPHER WREN, and DOES
1 TO 100, Inclusive,
Defendants.

CASE NO.: SACV 10-0835-AG
(MLGx)

Judge: Hon. Andrew J. Guilford

Dept.: Courtroom 10D

NOTICE OF ORAL DEPOSITION
OF PERSON(S) MOST
KNOWLEDGEABLE OF
DEFENDANT CITY OF
FULLERTON, PURSUANT TO
F.R.P.C. 30(b)(6)

File Date: December 17, 2009
Trial: November 8, 2011

MOREY & UPTON, LLP
611 Anton Boulevard, Suite 800
Costa Mesa, CA 92626
(714) 432-9555 • (714) 432-1292 FACSIMILE

TO ALL PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the attorney for Plaintiffs Kari Bode and Gina Nastasi will take the deposition set forth below before any notary public or court reporter present on the following date and at the following time and place:

Deponent : Person(s) Most Knowledgeable for Defendant City of Fullerton
("Defendant")

Date : July 12, 2011

PLAINTIFF'S EXHIBIT 1A

1 Time : 9:00 a.m.
2 Place : Morey & Upton, LLP
3 611 Anton Boulevard, Suite 800
4 Costa Mesa, California 92626

5 The matters on which examination is requested are as follows:

6 1. The stop, questioning, interrogation, search, arrest, testing, treatment,
7 detention, and/or release of Plaintiff Gina Nastasi ("Nastasi") which occurred on or
8 about August 1, 2008 (hereinafter "Incident 1").

9 2. The stop, questioning, interrogation, search, arrest, testing, treatment,
10 detention, and/or release of Plaintiff Kari Bode ("Bode") which occurred on or
11 about November 14, 2008 (hereinafter "Incident 2").

12 3. The stop, questioning, interrogation, search, treatment, detention,
13 and/or release of Bode and citation of Louis Hayes which occurred on or about
14 October 21, 2010 (hereinafter "Incident 3").

15 4. The conduct of Defendant Officer Albert Rincon ("Rincon") during
16 Incident 1, Incident 2, and Incident 3.

17 5. Any investigation conducted by Defendant and/or the Fullerton Police
18 Department ("FPD") into Incident 1, Incident 2, and/or Incident 3, and/or Rincon's
19 conduct during same, including any internal affairs investigations, and the results
20 thereof.

21 6. Any investigation conducted by any person, agency, and/or entity,
22 other than you or the FPD, into Incident 1, Incident 2, and/or Incident 3, and/or
23 Rincon's conduct during same, and the results thereof.

24 7. Any and all communications relating to Incident 1, Incident 2, and/or
25 Incident 3, whether oral or written, generated or received by Defendant.

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1 8. The names as well as the last known addresses and telephone numbers
2 of anyone who witnessed and/or was otherwise present during Incident 1, Incident 2,
3 and/or Incident 3, including those employed by Defendant and/or the FPD.

4 9. Any and all disciplinary steps taken by Defendant and/or the FPD as a
5 result of Incident 1, Incident 2, and/or Incident 3.

6 10. The policies, procedures and/or regulations that were in effect at the
7 FPD at any time between August 1, 2008 and the present related to any of the
8 following:

- 9 a. Stopping or contacting an individual on probation;
- 10 b. Initiating contact with a female suspect;
- 11 c. Searching a female individual on probation;
- 12 d. Searching a female suspect and/or arrestee;
- 13 e. Detaining a female suspect and/or arrestee;
- 14 f. Handcuffing a female suspect and/or arrestee;
- 15 g. Placing a female suspect and/or arrestee in a patrol car;
- 16 h. Placing a seatbelt on a female suspect and/or arrestee in a patrol
17 car, or otherwise securing a female suspect and/or arrestee in a
18 patrol car;
- 19 i. Transporting a female suspect and/or arrestee to a police station;
- 20 j. Touching a female suspect and/or arrestee's breasts and/or
21 vagina, or the clothing covering same;
- 22 k. Sexual harassment, sexual assault, sexual battery, or sexual
23 misconduct; and
- 24 l. Administering field sobriety testing to drivers and maintaining
25 the results of same.

26 11. Your complete personnel file regarding Rincon including all documents
27 which have ever been a part of, or included in, that file and the file folder itself.
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- d. False arrest;
- e. False imprisonment;
- f. Falsification of police records or evidence;
- g. Improper stops;
- h. Improper searches;
- i. Improper seizures; and/or
- j. Improper arrests.

15. Any discipline imposed on Rincon by Defendant, the FPD, or by any person, agency, and/or entity for any of the following conduct:

- a. Improper touching of female suspects, arrestees or prisoners;
- b. Sexual harassment, sexual assault, sexual misconduct or sexual battery of a civilian, whether in custody or not;
- c. Excessive force;
- d. False arrest;
- e. False imprisonment;
- f. Falsification of police records or evidence;
- g. Improper stops;
- h. Improper searches;
- i. Improper seizures; and/or
- j. Improper arrests.

16. Any decision(s) by you to compel Rincon to see a psychologist, psychiatrist, mental health professional and/or counselor as a result of any complaints, lawsuits, or discipline for sexual assault, sexual misconduct, sexual harassment, sexual battery, use of excessive force, false arrest, false imprisonment, and/or falsification of police records.

1 17. Any and all audio and/or video recordings of the stop, questioning,
2 interrogation, search, arrest, testing, treatment, detention, and/or release of Nastasi
3 on or about August 1, 2008.

4 18. Any and all audio and/or video recordings of the stop, questioning,
5 interrogation, search, arrest, testing, treatment, detention, and/or release of Bode on
6 or about November 14, 2008.

7 19. Any and all audio and/or video recordings of the stop, questioning,
8 interrogation, search, treatment, and/or release of Bode and/or the citation of Louis
9 Hayes on or about October 21, 2010.

10 20. The analysis and ultimate decision not to prosecute:

- 11 a. Nastasi for her arrest on or about August 1, 2008; and/or
- 12 b. Bode for her arrest on or about November 14, 2008.

13 21. Any surveillance upon Nastasi or Bode by Defendant and/or the FPD
14 since August 1, 2008.

15 22. Any complaints and/or lawsuits, as well as the disposition of said
16 complaints and/or lawsuits, in the past 7 years that any FPD employee engaged in
17 any of the following:

- 18 a. Improper touching of female suspects, arrestees or prisoners;
- 19 b. Sexual harassment, sexual assault, sexual misconduct or sexual
20 battery of a civilian, whether in custody or not;
- 21 c. Excessive force;
- 22 d. False arrest;
- 23 e. False imprisonment;
- 24 f. Falsification of police records or evidence;
- 25 g. Improper stops;
- 26 h. Improper searches;
- 27 i. Improper seizures; and/or

j. Improper arrests.

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant City of Fullerton has a duty to designate and produce for deposition those of its officers, directors, managing agents, employees, or agents who are most qualified to testify on its behalf as to those matters on which examination is requested above.

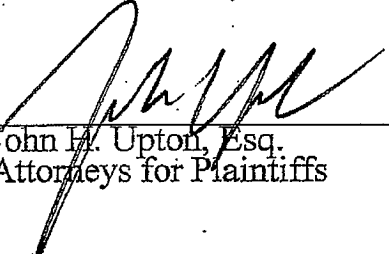
This deposition is taken pursuant to the provisions of Federal Rule of Civil Procedure 30, and will continue from day to day, Saturdays, Sundays, and holidays excluded, until completed.

If an interpreter is required to translate testimony, notice of the same must be given at least five (5) days before the deposition date, including the special language and/or dialect needed.

DATED: June 20, 2011

MOREY & UPTON, LLP

By:


John H. Upton, Esq.
Attorneys for Plaintiffs

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PROOF OF SERVICE

1
2 **STATE OF CALIFORNIA** }
3 **COUNTY OF ORANGE** }

4 I am employed in the County of Orange, State of California. I am over the
5 age of 18 and not a party to the within action. My business address is 611 Anton
6 Blvd., Suite 800, Costa Mesa, California 92626.

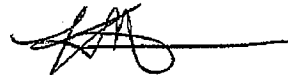
7 On June 20, 2011, I caused to be served the foregoing documents described as
8 **NOTICE OF ORAL DEPOSITION OF PERSON(s) MOST**
9 **KNOWLEDGEABLE OF DEFENDANT CITY OF FULLERTON,**
10 **PURSUANT TO F.R.P.C. 30(b)(6)** on the interested parties in this action by
11 placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as
12 follows:

13 **SEE ATTACHED LIST**

14 **By PERSONAL SERVICE as follows: I caused such envelope to be**
15 **delivered by hand to the offices of the addressee.**

16 I declare under penalty of perjury that the foregoing is true and correct, and
17 that I am employed in the office of a member of the bar of this Court at whose
18 direction the service was made.

19 Executed on June 20, 2011, at Costa Mesa, California.

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Kevin McDonough

MOREY & UPTON, LLP
611 Anton Boulevard, Suite 800
Costa Mesa, CA 92626
(714) 432-9555 • (714) 432-1292 FACSIMILE

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SERVICE LIST

Bode; et al. v. Officer Rincon, Fullerton P.D.
Case No. SACV-10-0835-AG (MLGx)

Bruce D. Praet
Ferguson, Praet & Sherman
A Professional Corporation
1631 East 18th Street
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