

1 **JEFFREY W. COWAN, ESQ., SBN 157474**

2 The Cowan Law Firm
3 1541 Ocean Avenue, Suite 200
4 Santa Monica, California 90401
5 Tel: (310) 394-1420
6 Fax: (310) 394-1430

7 Attorney for **Plaintiff Sharon Song Byrd**

8 **COPY**

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES**

11 Sharon Song Byrd, an individual,

12 Plaintiff,

13 vs.

14 Tony Wafford, an individual, The Palms
15 Residential Care Facility, a California
16 Corporation, and Does 1 through 100,

17 Defendants.

18 Case No. BC 403677

19 (Action filed December 10, 2008;
20 assigned to Hon. Michael C. Solner)

21 **Plaintiff Sharon Song Byrd's Notice of
22 Motion and Motion for Order
23 Permitting Discovery of Defendant
24 Tony Wafford's Profits and Financial
25 Information**

26 [C.C. § 3295]

27 **Memorandum of Points and Authorities**

28 **Declaration of Sharon Song Byrd**

Declaration of Wendy Wheaton

Declaration of Steven Brouman, M.D.,

**Declaration of Robert Dorer, MOT,
OTR**

Declaration of Jeffrey W. Cowan

Date: March 23, 2010 [reserved]

Time: 9 a.m.

Dept.: 39

[Trial: April 13, 2010]

RECEIVED
Los Angeles Superior Court
DEC 9 2008

John A. Clarke, Executive Officer-Clerk
BY MARY GARCIA, Deputy

The Cowan Law Firm
1541 Ocean Avenue, Suite 200
Santa Monica, California 90401
(310) 394-1420

The Cowan Law Firm
1541 Ocean Avenue, Suite 200
Santa Monica, California 90401
(310) 394-1420

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Please take notice that on March 23, 2010 at 9:00 a.m. in Department 39 of this Court, located at 111 North Hill Street, Los Angeles, CA 90012, Plaintiff Sharon Song Byrd, will and hereby does move the Court pursuant to Civil Code § 3295 for an order permitting discovery of Defendant Tony Wafford's profits and financial information. [This is the first available hearing date, and Plaintiff anticipates either re-noticing the motion if an earlier hearing date becomes available or applying *ex parte* for an earlier date in January 2010 when the Court has returned from his vacation and Department 39 is not dark.]

The grounds for this motion, as set forth in the attached memorandum of points and authorities and supporting declarations, are that there is a substantial probability the Plaintiff will prevail on her punitive damages claims related to her causes of action for (1) Battery and (2) Sexual Harassment in that Defendant Wafford acted with malice and oppression.

The motion will be based upon this notice, the attached memorandum of points and authorities, the attached declarations of Sharon Song Byrd, Wendy Wheaton, Steven Brouman, Robert Dorer, and Jeffrey Cowan (and exhibits thereto), the complete file in this action and such further evidence and argument that the Court may receive at or before the hearing.

DATED: December 31, 2009

THE COWAN LAW FIRM

By: 
Jeffrey W. Cowan
Attorney for **Plaintiff Sharon Song Byrd**

1 **I. INTRODUCTION**

2 Plaintiff Sharon Song Byrd (“Ms. Byrd”) has sued her former supervisor Tony Wafford
3 (“Wafford”) (and her former employer, Palms Residential Care Facility (“Palms”)) for battery
4 and sexual harassment.

5 A. Plaintiff Sharon Byrd

6 Ms. Byrd is a college graduate who works as a secretary/administrative assistant. She
7 also “moonlights” with a calligraphy business focused on social and business events.

8 B. Defendant Tony Wafford

9 Defendant Tony Wafford (“Wafford”) is an entrepreneur and community activist. His
10 stature is relevant to Ms. Byrd’s claims, and he is about 5’9” and weighs over 250 pounds. He
11 also uses violence to get what he wants when frustrated. [More on this latter point in § F below.]

12 C. Starting and Ending a Consensual Relationship With Defendant Wafford

13 In March 2004, Wafford recruited and hired Ms. Byrd to work at the Palms Residential
14 Care Facility (“Palms”) as a secretary but with the title “project administrator.” Shortly,
15 thereafter, Wafford persuaded Ms. Byrd to begin a sexual relationship. This consensual
16 relationship ended in December 2004 after Ms. Byrd learned that Defendant Wafford had been
17 sleeping with a co-employee of Palms.

18 D. Sexual Harassment and Retaliation When Ms. Byrd Refused Defendant Wafford’s
19 Request (While He Was Married) to Resume A Sexual Relationship

20 The subject female employee left Palms in or about February 2005. Thereafter, until
21 about January 2007, Wafford continuously sexually harassed Ms. Byrd with unwelcome
22 requests for sex (she rebuffed these advances), while also retaliating against her for not
23 acquiescing. These requests included not only verbal communications but also electronic
24 Instant Messages pestering Ms. Byrd for sex despite the fact that Defendant Wafford was
25 married.¹ (See Exhibit 1 to the attached Byrd Declaration).

26
27 _____
28 ¹ There was nothing subtle about Defendant Wafford’s electronic messages. Consider
this exchange from July 2006:

1 E. Defendant Wafford Exposing His Penis to Ms. Byrd at The Palms

2 Unwilling to accept “no” for an answer, Defendant Wafford did not limit his harassing
3 conduct to words. Twice in his office at the Palms he dropped his pants in front of Ms. Byrd.
4
5

6 “Wafford: Did he say invite me over to go over the benefits?
7 Wafford: LOLOLOLOL
8 Byrd: The father on your proposal??? so that you make me an adulterer?
9 Wafford: **So shall we talk about this in the morning?**
10 Byrd: About making me an adulterer?
11 Byrd: And taking a chance on losing favor?
12 Wafford: **No about giving me what you said was mine**
13 Byrd: That was before I came to my senses
14 Wafford: OK, I understand
15 Wafford: **So how about one for the road?**
16 Byrd: And disappoint [*sic*] and hurt set in
17 Wafford: **Let me love all the hurt away**
18 Byrd: There are no constraints on lasciviousness.
19 Wafford: **So i will see you in the AM?**
20 Byrd: No. . .the jury is still out
21 Wafford: ok you let me know when its ok to come by
22 Wafford: I’ll see you in the am
23 Byrd: Did you just read your previous statement?
24 Wafford: Oh. . . i forgot
25 Wafford: LOLOLOLOL
26 Byrd: I see
27 Wafford: So I’ll see you in the am ok
28 Byrd: You keep repeating and overriding your previous statement. What’s up with that?
Wafford: **I’m in need so i get a little crazy**
Wafford: LOLOLOLOL
Byrd: All that aside, again I didn’t sleep well, I have so much on my mind and a cold is trying to catch me. What’s up with this NEED... You are laying next to warm body everynight [*sic*]...if anyone is I should be?????
Byrd: AMEN WALLS! LOL
Byrd: Your benefits are right next to you
Wafford: **Well all i can say is i miss being with you. And if your not feeling it :-(
Wafford: **And yours can be also**
Wafford: **Let talk about this in the AM**
Byrd: There AIN’T No benefits... been down that road oh so many times. Its just a fun game to you” (emphasis added)**

1 exposed his penis, and masturbated in front of Ms. Byrd. On one of those occasions, he asked
2 Ms. Byrd to mount him (“come sit on my dick”). (Byrd Decl., ¶ 12)

3 The sexual harassment ended in January 2007, but Defendant Wafford continued to
4 retaliate against Ms. Byrd for her refusal to have sex with him.

5 F. Defendant Wafford’s Practice of Using Violence (Or Threats Thereof) To Get What He
6 Wanted.

7 Defendant Wafford has a history of using violence or threats of violence to get his way,
8 especially when he loses his temper. For one thing, he carries a gun – and would show it to his
9 subordinates at Palms. (Byrd Decl., ¶ 7)

10 In December 2004, Defendant Wafford attacked a protestor at a HIV/AIDS event at the
11 University of Southern California. Defendant did so by putting the protestor in a headlock and
12 slamming him against a table or desk. (Byrd Decl. ¶¶ 6-7 and Ex. 4 of the Cowan Declaration).

13 In addition, Defendant Wafford has threatened violence against the L.A. County
14 employee responsible for monitoring Palms. These acts include being hostile and physically
15 intimidating. For example, whenever Ms. Salgado was in the same room with Defendant
16 Wafford, he either (a) got in her personal space, or (b) moved himself so that even though she
17 was not near him, he ended up blocking her path and she had to either move around him or (if
18 there was no way to do so) ask Mr. Wafford to move so that she could get by. (Salgado Depo.,
19 pp. 5, 41-52; attached as Exhibit 3 to the Cowan Declaration)

20 These acts culminated in about early February 2006, when Defendant Wafford told Ms.
21 Salgado in a telephone call that because she was not African American, Ms. Salgado would
22 suffer physical harm if she were to attend a Palms event. Ms. Salgado reported the threats to her
23 supervisors. They transferred her to a new assignment. (*Id.* at pp. 13-22, 39-40, 84-86, 130-133,
24 136-138).

1 G. Hitting Ms. Byrd After Losing His Temper At Work

2 Defendant's Wafford's *modus operandi* of using violence (or the threat thereof) to get
3 his way reared its head *vis a vis* Ms. Byrd in on October 2007 when Defendant Wafford lost his
4 temper at work one morning and hit Ms. Byrd.

5 The incident occurred as follows: early on the morning of October 11, Defendant
6 Wafford confronted Ms. Byrd about a document he needed for an upcoming meeting.
7 Defendant Wafford soon lost his temper, cornered Ms. Byrd behind her desk and trapped her
8 there. When Ms. Byrd put her hands up in a defensive position, Defendant Wafford hit her left
9 hand so hard (while wearing a heavy ring) that Ms. Byrd suffered nerve damage near her index
10 finger. (See Ex.2 to the Cowan Decl., and ¶¶ 2-3 of the Byrd Declaration; and the Declaration
11 of Wendy Wheaton)

12 H. Ms. Byrd's Call to 911

13 Ms. Byrd called 911. The police (deputy sheriffs) came, and took a report, whose
14 contents are consistent with her testimony. When interviewed by the sheriffs, Defendant
15 Wafford did not accuse Ms. Byrd of acting wrongfully or doing anything to provoke a conflict.
16 (Schwabe Depo., pp. 41-42 and Exhibit 25 thereto, attached as Ex. 5 to the Cowan Declaration)

17 I. Ms. Byrd's Excited Utterances To A Friend and The Los Angeles County Employee
18 Responsible For Monitoring The Palms

19 Shortly thereafter, an emotional and distraught Ms. Byrd told two persons about being
20 hit by Mr. Wafford. One was a friend named Wendy Wheaton. The other was Nicole Salgado,
21 the Los Angeles County employee who monitored the Palms and who already had suffered her
22 own experiences of threats or intimations of violence from Mr. Wafford. Ms. Salgado has
23 testified that Ms. Byrd was sobbing and highly emotional when she told her what happened.
24 (Salgado Depo., pp. 92-93, 113-114, 133-136 and Wheaton Decl., ¶¶ 2-3)

25 J. Medical Evidence Corroborates Ms. Byrd's Testimony

26 Since being hit, Ms. Byrd received medical treatment from an emergency room.
27 (Wheaton Decl., ¶¶ 4-5; Cowan Decl., Ex. 7 (response therein to form interrogatory No. 6.4))
28

1 Ms. Byrd later consulted with several doctors, including a hand surgeon and a physical
2 therapist who have identified and corroborated the claimed hand injury. These medical
3 professionals have determined that Ms. Byrd's injury is inoperable and will cause Ms. Byrd to
4 suffer pain (and resulting limited use to avoid the pain) in her hand for the rest of her life. (See
5 the Brouman and Dorer declarations, ¶ 3 of the Byrd Declaration, and Cowan Decl., Ex. 7
6 (response therein to form interrogatory No. 6.4)

7
8 **II. MS. BYRD SHOULD BE ALLOWED TO CONDUCT DISCOVERY ON**
9 **DEFENDANT WAFFORD'S FINANCIAL CONDITION BECAUSE THE**
10 **EVIDENCE SHOWS SHE HAS A SUBSTANTIAL PROBABILITY OF**
11 **PREVAILING ON HER BATTERY AND SEXUAL HARASSMENT CLAIMS.**

12 California law allows the conducting of discovery on a defendant's finances in
13 circumstances – such as here – where a party can show a likelihood of recovering punitive
14 damages on an intentional tort claim.

15 **A. Ms. Byrd's Statutory Burden of Proof To Conduct Discovery on Defendant's Finances**

16 Pursuant to Civil Code § 3294(a), Ms. Byrd can recover punitive damages against
17 Defendant Wafford if she can prove that he acted with malice or oppression when he hit or
18 sexually harassed her.²

19 In conjunction with her complaint's punitive allegations, Ms. Byrd has the conditional
20 right to conduct pretrial discovery concerning the "financial condition" of Defendant Wafford.

21
22
23
24
25 _____
26 ² Civil Code § 3294(c)(1) defines "malice" as "conduct which is intended by the defendant
27 to cause injury to the plaintiff or despicable conduct which is carried on by the defendant with a
28 willful and conscious disregard of the rights or safety of others." Civil Code § 3294(c)(2) defines
"oppression" as "despicable conduct that subjects a person to cruel and unjust hardship in conscious
disregard of that person's rights."

1 Civil Code § 3295 requires that Ms. Byrd establish a “substantial probability of prevailing on
2 her intentional tort claims as a condition of conducting such discovery.”³

3 This discovery is important because a defendant’s financial condition is an essential
4 factor in setting a punitive damages award that will serve the policy goals of retribution and
5 deterrence without exceeding the necessary level of punishment. *Century Sur. Co. v. Polisso*,
6 139 Cal. App. 4th 922, 958-959 (2006).

7 B. There Is Substantial Evidence that Ms. Byrd Will Prevail on Her Battery Claim

8 Ms. Byrd has a substantial probability of proving that Defendant Wafford committed
9 battery when he hit her left hand (and caused inoperable nerve damage there).

10 Civil battery is an unprivileged touching. Its elements are as follows: (1) the defendant
11 intentionally performed an act that resulted in a harmful or offensive contact with the plaintiff’s
12 person; (2) the plaintiff did not consent to the contact; and (3) the harmful or offensive contact
13 caused injury, damage, loss or harm to the plaintiff. *Brown v. Ransweiler*, 171 Cal. App. 4th
14 516, 526, (2009). Each of these elements exists for and arise out of Defendant Wafford hitting
15 Ms. Byrd on the hand and causing severe nerve injury to her index finger, which is at issue in
16 this case.

17 Ms. Byrd’s testimony and the testimony of percipient witnesses compels a finding that
18 Ms. Byrd has a substantial probability of prevailing on her battery claim. That probability is
19 even higher given the evidence (admissible pursuant to Evidence Code § 1101(b) of Defendant
20 Wafford’s practice of using violence to get his way (or “vent” his frustration) – as evidenced by
21 the testimony of Nicole Salgado, the LAPD’s records regarding Defendant Wafford’s 2004
22 battery of a protestor, and Ms. Byrd’s corroborating testimony.

23
24
25 ³ The relevant portion of the statute states: “Upon motion by the plaintiff supported by
26 appropriate affidavits and after a hearing, if the court deems a hearing to be necessary, the court may
27 at any time enter an order permitting the discovery otherwise prohibited by this subdivision if the
28 court finds, on the basis of the supporting and opposing affidavits presented, that the plaintiff has
established that there is a substantial probability that the plaintiff will prevail on the claim pursuant
to Section 3294.”

1 B. Ms. Byrd Has A Substantial Probability of Prevailing on Her Sexual Harassment Claim

2 Ms. Byrd has a substantial probability of prevailing on not only her battery claim but
3 also her claim for sexual harassment.

4 Government Code section 12940(j)(3), provides that a supervisor who sexually harasses
5 a subordinate is personally liable for his actions. The elements of this civil rights claim are: (1)
6 belonging to a protected group; (2) being subjected to unwelcome sexual harassment; (3) having
7 the unwelcome harassment based on sex; (4) the subject harassment being sufficiently pervasive
8 so as to alter the conditions of employment and create an abusive working environment; and (5)
9 *respondeat superior*). *Fisher v. San Pedro Peninsula Hospital*, 214 Cal. App. 3d 590, 608
10 (1989).

11 Here, each of these elements exists regarding Defendant Wafford's extensive pestering
12 of Ms. Byrd with sexual requests and advances (in writing as well as verbally); and dropping his
13 pants in front of Ms. Byrd and masturbating in front of her (and requesting that she mount him),
14 and asking for sex via Instant Messages . (Byrd Decl., ¶¶ 13-14, Exhibit 1).

15 This evidence – and in particular Defendant Wafford's Instant Messages in which he
16 persists in asking for sex despite Ms. Byrd's repeated rebuffs – compel a finding that Defendant
17 Wafford will be held liable for committing these acts deliberately and in conscious disregard of
18 Ms. Byrd's rights. Although Defendant Wafford has denied the allegations, he is not credible.
19 For example, a supplemental form interrogatory response from him claims that he continued
20 having a sexual relationship with Ms. Byrd through October 2007. (See Exhibit 6 to the
21 Cowan Decl.) This contention flies in the face of Defendant's Instant Messages from 2006 in
22 which it is clear – crystal clear – that no such consensual sexual relationship existed despite
23 Defendant Wafford's desire for one to resume.

24 Accordingly, Ms. Byrd has a substantial probability of prevailing on her sexual
25 harassment claim and proving that Defendant Wafford acted with oppression or malice within
26 the meaning of Civil Code §§ 3294 and 3295.
27
28

1 **IV. CONCLUSION**

2 For the reasons set forth herein, Ms. Byrd respectfully submits that the Court should
3 allow her to conduct discovery on Defendant Wafford's financial condition pursuant to Civil
4 Code § 3295.
5

6 Respectfully submitted,

7 **THE COWAN LAW FIRM**

8
9 DATED: December 31, 2009

10 By:

11 

12 Jeffrey W. Cowan

13 Attorney for **Plaintiff Sharon Song Byrd**

Declaration of Sharon Song Byrd

1
2 1. My name is Sharon Song Byrd. I am the plaintiff in this lawsuit. I have personal
3 knowledge and if called upon to do so, would and could competently testify to the
4 following:

Being attacked by Defendant Tony Wafford in 2007

5
6 2. Part of the claims in this lawsuit arise from an incident that occurred on October 11, 2007
7 when my supervisor at the Palms Residential Care Facility Tony Wafford – who is much
8 bigger than I and who at the time weighed about 300 pounds – got mad at me, trapped me
9 behind my desk and then attacked me by forcefully slapping my left hand while I had it
10 (and my other hand) up in a defensive/protective posture. Mr. Wafford was wearing a
11 thick ring on the hand that hit me, and ever since I have suffered substantial pain in my
12 left hand.

13 3. [The pain has persisted despite my having seen several hand physicians and despite my
14 having followed a course of treatment prescribed by physical therapist Robert Dorer (to
15 whom I was referred by hand surgeon Steve Brouman). I have since come to understand
16 that my condition is inoperable and that I should expect to experience pain in my left
17 hand for the rest of my life. This means that I will remain unable to let fellow
18 congregants at church or children hold my left hand for fear of the excruciating pain it
19 would cause.]

Other acts of violence by Tony Wafford

20
21 4. The incident in which he hit me was the first time I was a victim of Tony Wafford's
22 violence, but it was not the first time that I had seen Tony Wafford use or to threaten to
23 use violence.

24 5. On or about December 4, 2004 I saw Mr. Wafford grab a man in a headlock and slam his
25 head into a table or desk. This incident happened at the Palms' 2004 HIV/AIDS summit,
26 which was held in the Bovard Auditorium at the University of Southern California. The
27 attack occurred at the end of the event while I and other Palms workers were packing up.
28

1 The man, a political activist, had been either wearing a banner or carrying a sign with a
2 political web site on it (which I viewed later) and was objecting in some way to our event
3 on the grounds that AIDs was caused by men and resulted from doctors causing people to
4 contract the disease.

- 5 6. In my presence, Mr. Wafford asked the man to leave. He refused. Mr. Wafford then
6 grabbed the man, put him in a headlock and slammed his head on a table or desk. The
7 police and an ambulance arrived about 10-15 minutes later and paramedics treated the
8 man and put a brace on his neck.

9 **Mr. Wafford's Gun**

- 10 7. Afterwards, Mr. Wafford bragged about this in my presence and said that the man had
11 been lucky that he (Mr. Wafford) was not carrying the handgun that he usually kept with
12 him in a leather bag. I considered this a real threat because Mr. Wafford previously had
13 shown me his gun while we were in the Palms' office.

- 14 8. I also observed Tony Wafford use the threat of violence towards a woman named Nicole
15 Salgado, who was the County of Los Angeles' County Contract Review Monitor during
16 the Palms' 2006/2007 contract year. Specifically, I heard Mr. Wafford tell Ms. Salgado
17 (whom I had met and whom looked like she could be Caucasian) during a telephone call
18 that if Ms. Salgado came to an event that the Palms was hosting, Ms. Salgado would be
19 physically harmed by unspecified black people.

20 **Threats of Violence by Palms' Director Kevin Pickett and Mr. Wafford**

- 21 9. Aside from Mr. Wafford, I heard Kevin Pickett, the director and founder of the Palms
22 Residential Care Facility, threaten to use violence against others. For example, on several
23 occasions in 2005 and 2006 when they appeared (from word and tone) to be upset at
24 someone, I heard Mr. Wafford and Mr. Pickett talk about paying one of the resident at the
25 Palms' Mt. Carmel Facility "to go and rough the niggah up" "and if they won't do it, then
26 they would get one of the crack heads to do it, because they need money and it wouldn't
27 cost them anything but a \$10 bag of crack."
28

1 10. As best I can remember, one conversation between Mr. Wafford and Mr. Pickett in
2 approximately the fall of 2007 went something like this:

3 “Kevin Pickett: Tony, can you believe that Mother Fucker [Mario Perez] is not
4 recommending the contract be renewed to the Palms. He must be mother fuckin’ crazy after all
5 we have done in the fucking community. I can’t believe he’s recommending not to renew over
6 some stupid bullshit.

7 Tony Wafford: I am putting a letter together right now to all the agencies to boycott this
8 mother fucker, we’re the mother fucker’s who put him in position over there and he’s got the
9 fuckin’ nerve to not recommend renewing.

10 Kevin Pickett: I have been talking to Chuck Henry and he’s been telling me all about this
11 mother fucker and all the shit he’s doing down at the county and you know Chuck knows
12 everything going on.

13 [Both men laugh]

14 Tony Wafford: I bet you he ain’t doing that shit to Alta Med, his own kind, them mother
15 fucker’s haven’t done half the shit that we’ve done. Mario was kissing the black man’s mother
16 fucking ass when he was lobbying for that position now he wants to give us his punk ass to kiss,
17 ain’t that a bitch!

18 Kevin Pickett: I know what I oughta do, send someone over there or to kick his mother
19 fuckin’ ass.

20 Tony Wafford: Naw, have one of them crack heads at the Palms or Mt. Carmel wait for
21 him when he’s going to his car or come out of his mother fucking house and beat that mother
22 fucker’s ass. This shit is fucked up.

23 . . . [The two men then began drafting a letter to various African American organizations
24 that also are involved in issues pertaining to HIV/AIDS]

25 Tony Wafford : We’ll get the other [African American community/political] agencies
26 fired up, cause they owe our asses! All them mother fuckin faggot asses better speak out for us as
27 much as we have done for them. Mario just want to give this contract to the White boys.
28

1 Kevin Pickett: I heard was a fucking white agency that was run by a Jewish mother
2 fucker.

3 Tony Wafford (laughing): Now what does fucking Jews know about helping niggah's
4 in the fucking black community. He'll mess around and get his mother fucking ass beat!

5 [Tony Wafford then yells out that he needs the letter he just sent over cleaned up asap
6 because he needs this to get this letter out. Kevin Pickett appears to get riled from Tony
7 Wafford's remarks, gets on the telephone and starts telling someone what has happened.]

8 Kevin Pickett: I ought to have someone go over to the County and kick Mario's mother
9 fuckin ass! And I don't care if he works for the county or what his position is, cause that Mother
10 Fucker wasn't saying that shit when he was lobbying for that position and we all helped him get
11 that position at the county. . . How's that Mother Fucker gonna know I sent someone over to beat
12 his ass, he can't prove it?!

13 Kevin Pickett: Tony, did you hear what I said, "How that Mother Fucker gonna know we
14 sent someone over to kick his ass.

15 Tony Wafford: Before he knows anything his ass is goin' be beat down! I betcha that
16 Mother Fucker won't be recommending shit then."

17 [The two men then shared a hardy laugh.]

18 Kevin Pickett: if that Mother Fucker don't recant, his ass is gonna get beat!"

19 **Tony Wafford's Harassing Requests for Sex**

20 11. Attached hereto as Exhibit 1 is a true and correct copy of some Instant Message
21 exchanges between me and Tony Wafford in which he persisted in asking me for sex.
22 [These documents have been produced in this lawsuit and I was questioned about some of
23 them at deposition.] There were many other instances in which Mr. Wafford verbally
24 asked me for sex.

25 12. Between about November 2006 and December 2006, Mr. Wafford twice dropped his
26 pants and masturbated in front of me at work (each time early in the morning when no
27
28

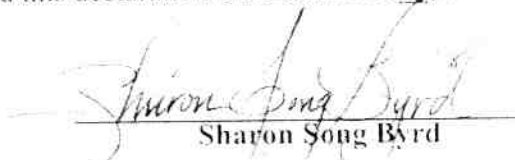
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

one else was around). One time he asked me to mount him. Each time, I refused and walked away.

13. On other occasions, Mr. Wafford offered me money or presents (including help with buying a new car) if I would have sex with him. I refused these offers every time.

14. At some point after I continued to reject his sexual advances, Defendant Wafford effectively demoted me at work (*i.e.*, taking away responsibilities and duties) and became mean and hostile – to the point that I found myself having to deal with a “Dr. Jekyll and Mr. Hyde” who one moment would be mean but in the next moment would be sweet while entreating me to have sex with him.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I executed this declaration on December 28, 2009.


Sharon Song Byrd

~~The Governor and His Office~~

Declaration of Wendy Wheaton

1
2 1. My name is Wendy Wheaton. I have personal knowledge and if called upon to do so,
3 would and could competently testify to the following:


4 2. I am a friend of Sharon Song Byrd.

5 3. One day in October 2007, I received a telephone call from Sharon Byrd. Ms. Byrd
6 sounded extremely upset (she was talking in the kind of quick, excited way that people
7 tend to speak when something upsetting or surprising has happened to them), and she
8 went on to tell me that her supervisor Tony Wafford had hit her on her left hand at work
9 that morning. Ms. Byrd also told me that she had called the police as a result of this.
10 Ms. Byrd also said that she was experiencing pain in her left hand.

11 4. Later that evening, I called Ms. Byrd to see how she was doing. I encouraged her to get
12 medical treatment that evening, but Ms. Byrd said she wanted to wait and see how her
13 hand felt the next day.

14 5. The next day, I again talked with Ms. Byrd. She told me that her hand was still hurting,
15 and we discussed what she should do. Eventually (at her request) I accompanied Ms.
16 Byrd to the emergency room at Providence Saint Joseph Medical Center in Burbank,
17 California. I witnessed the examination that Ms. Byrd received.
18

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct and that I executed this declaration on December 14, 2009.
21

22 
23 Wendy Wheaton
24
25
26
27
28

Declaration of Steven N. Brouman, M.D.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. My name is Steven N. Brouman. I have personal knowledge and if called upon to do so would and could competently testify to the following:
2. I am a licensed orthopedic surgeon with a specialty in hand surgery. I have treated Sharon Song Byrd.
3. My professional background is as follows: In 1981 I received my Doctor of Medicine from the University of California at Los Angeles. After medical school I did a general residency in general surgery at Deaconess - Harvard Surgical Center at Harvard University. I later did a residency specializing in orthopedic surgery at The Hospital for Special Surgery at the New York Hospital, Cornell University Medical Center. I then completed hand-surgery fellowships at Allegheny General Hospital in Pittsburgh, Pennsylvania and at L'Institut Francais de la Main in Paris, France.
4. I am certified by the Added Qualifications for Surgery of the Hand and the American Society for Surgery of the Hand.
5. Since 1987, I have had my own private practice specializing in orthopedics and hand surgery. A true and correct copy of my *curriculum vitae* is attached hereto as Exhibit "A."
6. Plaintiff Sharon Song Byrd first came to see me on August 13, 2008. In that meeting, Ms. Byrd complained of pain in her left hand (with resulting limits on how she could use it) and recounted how her supervisor at work (Tony Wafford) forcefully hit her left hand/wrist when he lost his temper with her at work one day. She also advised that she had never had any problems with her hand before this incident.
7. After doing initial tests, I referred Ms. Byrd to occupational therapist Robert Dorer.
8. Ms. Byrd continued to complain about pain in her left hand even after receiving therapy from Mr. Dorer (and after showing improvement as a result of that therapy). On July 29, 2009 I directed Ms. Byrd to get an ultrasound on her left hand, which she obtained on August 13, 2009 and which I later reviewed in conjunction with another exam of Ms. Byrd. A true and correct copy of my report dated August 17, 2009 detailing the findings

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

of her ultrasound is attached hereto as Exhibit "B."

9. Based on the information that I have received and my observations of Ms. Byrd, there is nothing inconsistent between the injuries that Ms. Byrd sustained in her left hand/wrist and how she has said her supervisor hit her. In other words, if Ms. Byrd was hit in the way she has said she was struck by her supervisor Mr. Wafford, the force/trauma from such a blow would have directly caused the injuries (and continuing pain) for which I have treated and examined Ms. Byrd.

I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration on October ____, 2009 at Los Angeles, California.



Steven N. Brouman

Declaration of Robert E. Dorer, M.O.T., O.T.R.

- 1
- 2 1. My name is Robert E. Dorer. I have personal knowledge and if called upon to do so
- 3 would and could competently testify to the following:
- 4 2. I am a licensed occupational therapist who specializes in hand and upper extremity
- 5 rehabilitation. I have treated Sharon Song Byrd.
- 6 3. My professional background is as follows: In 1970 I received my Bachelor of Sciences
- 7 in Psychology from Pennsylvania State University. I later earned a M.O.T. in
- 8 Occupational Therapy in 1973 from Western Michigan University. I am certified in
- 9 Occupational Therapy by the American Occupational Therapy Association and the
- 10 National Board for Certification in Occupational Therapy, Inc. I also am certified by the
- 11 Hand Therapy Certification Commission, Inc.
- 12 4. From 1981 to 1984, I was in a partnership called "Hand Rehabilitation Specialists" in
- 13 Santa Monica, CA. Since then, I have had my own private practice in Burbank, CA. A
- 14 true and correct copy of my *curriculum vitae* is attached hereto as Exhibit "A."
- 15 5. Plaintiff Sharon Song Byrd first came to see me on September 15, 2008 (Steven N.
- 16 Brouman, M.D. referred her). When I met with her then, Ms. Byrd complained of pain
- 17 in her left hand and recounted how her supervisor at work (Defendant Tony Wafford)
- 18 hit her left hand/wrist forcefully while he was wearing a heavy ring. I later evaluated
- 19 and treated Ms. Byrd at least 36 more times.
- 20 6. In my professional opinion based on my observations, tests and evaluations, the injuries
- 21 that Ms. Byrd sustained in her left hand/wrist are consistent with Ms. Byrd's description
- 22 of how her supervisor hit her and are a direct result of that. A true and correct copy of
- 23 my January 23, 2009 report describing the status of Ms. Byrd's injuries is attached
- 24 hereto as Exhibit "B."

25 I declare under penalty of perjury that the foregoing is true and correct and that I

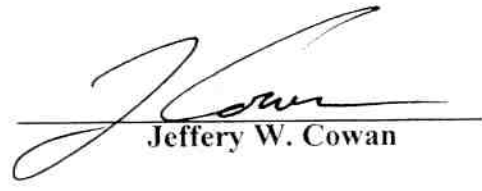
26 executed this declaration on September 30, 2009 at Burbank, California.

27 
28 **Robert E. Dorer**

Declaration of Jeffery W. Cowan

1. I Jeffery W. Cowan declare that I am licensed to practice law in the State of California and am trial counsel in this lawsuit for Plaintiff Sharon Song Byrd. I have personal knowledge and if called upon to do so would and could testify to the following:
2. On or about July 8, 2009 defendant's counsel conducted a deposition of Sharon Song Byrd. Attached hereto as Exhibit 2 is a true and correct copy of pages 1, 247-255 from the certified deposition transcript of Ms. Byrd.
3. On or about September 23, 2009, I deposed Nicole Salgado, an employee for the County of Los Angeles. Attached hereto as Exhibit 3, are true and correct copies of pages 1, 5-7, 13-22, 39-53, 84-86, 92-94, 113-114, 130-138, from Ms. Salgado's certified deposition transcript.
4. Attached hereto as Exhibit 4 are true and correct copies of records from the Los Angeles Police Department (with authenticating declarations from the LAPD's custodians of records) that I obtained pursuant to a subpoena I issued in this lawsuit. The police records pertain to the December 2004 battery by Tony Wafford that Ms. Byrd has testified about in her declaration.
5. Attached hereto as Exhibit 5 are true and correct copies of pages 1, 9-17, 19-25, and 41-42 (and Exhibit 25) from the certified deposition transcript of Deputy Sheriff Matt Schwabe.
6. Attached hereto as Exhibit 6 is a true and correct copy of Defendant Wafford's most recent supplemental response to form interrogatory No. 15.1.
7. Attached hereto as Exhibit 7 is a true and correct copy of Ms. Byrd's response to Defendant Palms' first set of form interrogatories.
8. On December 21 and 22, 2009, I talked with Defendant Wafford's lawyer Dermot Givens and asked if he would stipulate to Plaintiff receiving leave to conduct such discovery. On December 22, Mr. Givens said that his client would not do so.

1 I declare under penalty of perjury under the law of the State of California that the
2 foregoing is true and correct and that I execute this declaration on December 31, 2009.
3

4
5 
6 Jeffery W. Cowan
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Cowan Law Firm
1541 Ocean Avenue, Suite 200
Santa Monica, California 90401
(310) 394-1420

Exhibit 1

Sharonsongbyrd [10:07 AM]: In your words, I didn't qualify for you...there always must be benefits or why engage????
Tonywafford [10:09 AM]: **What do you mean by "there always must be benefits or why engage" and who say you didn't for me?**

Sharonsongbyrd [10:09 AM]: You made that CLEAR!!! When you said I DO!!!! Maybe all those girls that I was at dinner that night, actions was probably a little warped but they made a lot of sense

Tonywafford [10:14 AM]: You made that CLEAR!!! When you said I DO!!!! **If I remember you didn't want a relationship with me.** Maybe all those girls that I was at dinner that night, actions was probably a little warped but they made a lot of sense. **Are you saying that you understand prostitution, because that's all they where talking about? They are only calling benefits selling pussy.**

Sharonsongbyrd [10:17 AM]: No the conversation was more than just about that. I don't condone prostitution at all...Their definition is quite different as that was my position. Their definition was they were not going from man to man selling themselves. In their words they were looking at it from, you want me to be yours exclusively, when you are clearly sharing yourself with a person who you chose to be with for teh rest of your life.

Sharonsongbyrd [10:18 AM]: for whatever reasons...

Tonywafford [10:20 AM]: So what did they mean then by benefits?

Sharonsongbyrd [10:24 AM]: My position was, "you make the decision to spend all your time with this man, who cannot really be with you and can & will be there behind closed doors only. There can never be an open relationship. He doesn't want you seeing anyone, only there for him, doesn't that cut your life short?" Their answer was..that's where they felt that where their benefits had to kick in..

Tonywafford [10:26 AM]: So what are the benefits? Do they want a relationship or will benefits do until they fine that right man?

Sharonsongbyrd [10:27 AM]: From what I got outof it, they looked at it like a job.. They may not like what they do...and their job could kick them to the curve at any moment, but at least they had the benefits, i.e, 401K, IRA, etc to fall back on. I did not look at like that...that's a bit unfeeling to me. It was one of the conversations I had with Keaver years ago. When she ventured into that.

Sharonsongbyrd [10:31 AM]: The benefits to them was the accumualtion of materialistic things that they acquired. My next question was Do You Love Him? They claimed they did..but their understanding was he could and would not leave home for them. So they aimed LOW and sold out for the acquired benefits that means something to them. They were pretty in with each other to some degrees. Quite interesting...

Sharonsongbyrd [10:32 AM]: And to answer your questions, benefits are whatever a person deems important to them..

Sharonsongbyrd [10:34 AM]: And the CHUCH says??? LOL

Tonywafford [10:35 AM]: So what do you call benefits? AMAN

Tonywafford [10:36 AM]: Hello church are you there? Talk back to me church!!!!

Sharonsongbyrd [10:37 AM]: Benefits to me are the WHOLE KIT A COBODLE!!

Tonywafford [10:38 AM]: what is that

Sharonsongbyrd [10:39 AM]: him!!!

Tonywafford [10:39 AM]: Him? what is him?

Tonywafford [10:39 AM]: I don;t understand benefits and him?

Tonywafford [10:41 AM]: **ben-e-fit** Something that promotes or enhances well-being; an advantage: The field trip was of great benefit to the students.

Help; aid.

A payment made or an entitlement available in accordance with a wage agreement, an insurance policy, or a public assistance program.

A public entertainment, performance, or social event held to raise funds for a person or cause.

Archaic. A kindly deed.

Tonywafford [10:42 AM]: That's what benefits means? Which are you looking for?

Sharonsongbyrd [10:44 AM]: I truly know the meaning of what benefits mean, as I said it what a persons deems important to them. Oh come on!!! you know what I'm sayin..I want him. As you say if he Qualifies, He is the Benefit...I am not a materialistic person.

Tonywafford [10:46 AM]: **So the only benefit your looking for is a good man?**

Tonywafford [10:46 AM]: **I can feel you on that.**

Sharonsongbyrd [10:47 AM]: Some women think, just to say they have a man is a clear benefit to them, it doesn't matter how he treats them. Some women deem benefits are only those things that are materialistic and seen are a benefit to them.

Sharonsongbyrd [10:49 AM]: I truly want someone who LOVES ME and a truly good human being. Who is NOT Manipulative ...ie betterment of him!

Sharonsongbyrd [10:49 AM]: and not us

Tonywafford [10:50 AM]: Those that see benefits as only material gain i.e. house, cars, money etc. are only prostitutes calling themselves something else.

Sharonsongbyrd [10:57 AM]: Though I do not agree with it, I do understand. If someone feels they are being deterred from there path when they should be compensated.

Sharonsongbyrd [10:58 AM]: That's their definition of benefit. You feel like if you consult and set up something..you should be compensated for such services rendered.

Tonywafford [11:00 AM]: If one has a path, they shouldn't be deterred from it. And no amount of money, benefits or anything else will make that them reach there destination. Only by staying on there path will they reach there destination.

Tonywafford [11:02 AM]: Selling your dreams and ass for benefits wont allow you to reach you calling.

Tonywafford [11:02 AM]: Tell the sisters that!!!! AMEN!!!

Tonywafford [11:02 AM]: LOLLOLOLOL

Sharonsongbyrd [11:03 AM]: Exactly. But not everyone sees that they have a path. And if they do...they are on the scenic route, so they were of for a few weks, months, years...they feel they can get back on the road anytime they want. At that point, they have acquired more material stuff...But I say not only that, they have are carry heavy luggage.

Tonywafford [11:05 AM]: Hell you can get things just by going to work you don;t have to sell your ass for them. And if these sisters can see that. They don;t need benefits they need to see a doctor.

Sharonsongbyrd [11:06 AM]: I do not plan on having a conversation with them again. It sounded like misery loved company...It all balls down to one's morals and values. Some people will do anything for money, even whatthey may think is common sense to them at light at the end of the tunnel. But at the end of the tunnel it winds up being a cold dark and closed tunnel! Not OUT!

Tonywafford [11:07 AM]: Good you don't need them as friends!!!!!!

Sharonsongbyrd [11:08 AM]: And I see that they finally decide to get back on the road, they might be a little to beat up or used up to do that. At that time the tunnel is cold, dark and a No way OUT situation. Only way out is the way they came in, if that's still an opening!

Sharonsongbyrd [11:09 AM]: I know who I AM and for the most part who's I AM. So I do not have to take that road. I am happy right where I am! Mine is coming...

Tonywafford [11:09 AM]: Or maybe they will be like a BIG BUCKET LOLLOLOLOLOLOL

Sharonsongbyrd [11:10 AM]: YEP!! a big bucket no one wants...and all the glitter will have worn off all that acquired stuff LOL

Sharonsongbyrd [11:13 AM]: Is Rhonda one of your concubines??? who you shower lavish??? Think about this before you jump away NO!!! LOL

Tonywafford [11:17 AM]: Rhoda is getting married tomorrow in LV and no she is one of my concubines. What do you mean, "I shower lavish?" If I where to have a concubine It would be someone like that young lady that came to see me the other day. Rhoda don't qualify.

Sharonsongbyrd [11:18 AM]: ok....if you say so

Sharonsongbyrd [11:19 AM]: And thank you very much, that answers my question, from the top of this conversation...

Tonywafford [11:20 AM]: what question was that?

Sharonsongbyrd [11:20 AM]: scroll up

Tonywafford [11:20 AM]: hell its a ton of things just tell me

Sharonsongbyrd [11:21 AM]: You just wrote what qualifies

Tonywafford [11:21 AM]: I don;t understand

Tonywafford [11:22 AM]: your talking in pieces

Sharonsongbyrd [11:22 AM]: ok, let's discuss??? Why would she be a perfect concubine for you?

Sharonsongbyrd [11:22 AM]: that you would lavish

Tonywafford [11:23 AM]: What do you mean by lavish? And I don't say she would be a perfect concubine.

Sharonsongbyrd [11:25 AM]: In your own words: If I where to have a concubine It would be someone like that young lady that came to see me the other day.

Tonywafford [11:28 AM]: Chrystee would be a good concubine because she smart, we have a lot of the same friends, she's going to do big things and she's cool to hang out with.

Tonywafford [11:28 AM]: But you still didnt tell me what you mean by lavish

Tonywafford [11:29 AM]: Oh by the way Rohnda is gay LOLLOLOLOL or BI

Tonywafford [11:29 AM]: Did you know Donovan is her son?

Sharonsongbyrd [11:31 AM]: She was here the other night... that doesn't mean much... that's like saying "oh, by the way, did you know he's married.. LOL Lavish: giving or spending. Marked by a product of extravagance

Tonywafford [11:35 AM]: Sorry I wouldn't do the lavish things on Chrystee, Rhoda or anyone else. Why would I do that Just for some pussy? LOLLOLO Hell I can get all the pussy I want anytime I want and get it for free. Hell I even know a women or two that would give me money if I needed it. LOLLOLOLOLOLOLOLO I'm 50yrs but I'm not that old yet. LOLLOLOLOL I'm still in somewhat demand. LOLLOLOLOL

Sharonsongbyrd [11:38 AM]: I believe that, the ratio contradicts that! There's about 10-15-hell 20 women to one man.

LOLOLOLOLOLOLOLO

Sharonsongbyrd [12:39 PM]: LOL

Sharonsongbyrd [12:39 PM]: 😊

Tonywafford [12:39 PM]: Is 5:30 good for you?

Sharonsongbyrd [12:41 PM]: I didn't say all that!! We have already feathered it. I have come to terms with my participation in it. I'm healed and delivered...I've moved to the next level..and excited about it.

Tonywafford [12:42 PM]: LOLOLOLOLOLOLOLOL well good for you LOLOLOLOLOLOL. And the church said AMEN!!! LOLOLOL

Tonywafford [12:43 PM]: But you said it was mine did you forget?

Tonywafford [12:43 PM]: 😊

Sharonsongbyrd [12:43 PM]: lol

Tonywafford [12:44 PM]: It's mine and danm it i want it 😊

Sharonsongbyrd [12:44 PM]: You are sooooooo funnyyyyyyyyyyyyyyyyyy 😊

Tonywafford [12:45 PM]: SO if i come by in the moring are you saying you will not open the door?

Tonywafford [12:45 PM]: 😊

Sharonsongbyrd [12:47 PM]: You would not...you would only come if you were sure! 😊

Tonywafford [12:48 PM]: I'm sure its mine and to show you that I'm sure you'll see me in the morning.

😊

Sharonsongbyrd [12:48 PM]: I don't think so...

Tonywafford [4:00 PM]: **I know you talked to him, what did he say?**
Sharonsongbyrd [4:01 PM]: mmm?
Tonywafford [4:01 PM]: **The master?**
Tonywafford [4:01 PM]: **LOLOLOL**
Tonywafford [4:01 PM]: **Did he say invite me over to go over the benefits?**
Tonywafford [4:02 PM]: **LOLOLOLOL**
Sharonsongbyrd [4:02 PM]: The father on your proposal??? so that you make me an adulterer?
Tonywafford [4:03 PM]: **So shall we talk about this in the morning?**
Sharonsongbyrd [4:03 PM]: about making me adulterer?
Sharonsongbyrd [4:04 PM]: and taking a chance on losing favor???
Tonywafford [4:04 PM]: **No about giving me what you said was mine**
Sharonsongbyrd [4:05 PM]: that was before I came to my senses
Tonywafford [4:05 PM]: **OK I understand.**
Tonywafford [4:05 PM]: **So how about one for the road?**
Sharonsongbyrd [4:05 PM]: and disappoint and hurt set in

Tonywafford [4:06 PM]: **Let me love all the hurt away**
Sharonsongbyrd [4:06 PM]: there are no constraints on lasciviousness
Tonywafford [4:06 PM]: **So i will see you in the AM?**
Sharonsongbyrd [4:07 PM]: no.....the jury is still out
Tonywafford [4:08 PM]: **Ok you let me know when its ok to come by.**
Tonywafford [4:08 PM]: **I'll see you in the am**
Sharonsongbyrd [4:09 PM]: Did you just read your previous statement?
Tonywafford [4:09 PM]: **Oh..... i forgot**
Tonywafford [4:09 PM]: **LOLOLOLOL**
Sharonsongbyrd [4:09 PM]: I see
Tonywafford [4:09 PM]: **So i'll see you in the am ok**
Sharonsongbyrd [4:10 PM]: You keep repeating and overriding your previous statement. What's up with that?
Tonywafford [4:11 PM]: **I'm in need so i get a little crazy**
Tonywafford [4:11 PM]: **LOLOLOL**
Sharonsongbyrd [4:12 PM]: All that aside, again I didn't sleep well, I have so much on my mind and a cold is trying to catch me.

What's up with this NEED...You are laying next to warm body everynight...if anyone is I should be?????
Sharonsongbyrd [4:13 PM]: AMEN WALLS! LOL
Sharonsongbyrd [4:15 PM]: Your benefits are right next to you
Tonywafford [4:15 PM]: **Well all i can say is i miss being with you. And if your not feeling it 😊**
Tonywafford [4:15 PM]: **And yours can be also**
Tonywafford [4:16 PM]: **Let talk about this in the AM**
Sharonsongbyrd [4:17 PM]: There AIN'T No benefits...been down that road oh so many times. Its just a fun game to you

Tonywafford [8:50 AM]: **good morning my sweet** 😊

nsongbyrd [8:50 AM]: morning

Tonywafford [8:51 AM]: **is that all i get from you? morning** 😊

Sharonsongbyrd [8:51 AM]: Good moming...how are you????

Tonywafford [8:51 AM]: **Surly you can do better than that.**

Tonywafford [8:51 AM]: **GOOD that's a little better** 😊

Sharonsongbyrd [8:53 AM]: you're funny!! What is it that you wanted to tellme??

Tonywafford [8:56 AM]: **That I am going to start giving you \$500.00 a month to help me with the NAN.**

Sharonsongbyrd [9:04 AM]: And I so look forward to that wonderful Blessing!!! I am expecting and excited about great things happening this New Year!!!

Tonywafford [3:33 PM]: **I'll see you in the morning** 😊

Tonywafford [8:41 AM]: **good morning** 😊

Sharonsongbyrd [8:41 AM]: hey

Tonywafford [8:42 AM]: **do you remember when we would use this to plan our love meetings** 😊

Sharonsongbyrd [8:43 AM]: hummm??

Tonywafford [8:43 AM]: **LOLOLOLOLOL**

Sharonsongbyrd [8:43 AM]: use this plan???

Sharonsongbyrd [8:43 AM]: Your mind is bad!! LOL.

Tonywafford [8:43 AM]: **LOLOLOL**

Tonywafford [8:44 AM]: **yes but it was good!!!**

Sharonsongbyrd [8:44 AM]: Did you write the 3 things you want Santa to bring you?

Tonywafford [8:44 AM]: **you, you and you. Can you make that happen (smile).**

Sharonsongbyrd [8:45 AM]: I don't think you wanna put that down...

Tonywafford [8:47 AM]: **Okay here we go. Lets see 1) seeing you in a new Victoria outfit. 2) seeing you take off a Victoria outfit and 3) me taking off the panties of your Victoria outfit.**

Tonywafford [8:48 AM]: **I hope your is 1) to let me 2) to allow me to see it and 3) to let me.** 😊

Sharonsongbyrd [8:49 AM]: LOL

Tonywafford [8:51 AM]: **LOLOL my ass..... what do you say? Lets have dinner after I go to the meeting at the African American culture center. Then go to your place and light the fire place in your room.**

Sharonsongbyrd [8:52 AM]: Cannot I have a meeting after I workout.

Tonywafford [8:52 AM]: **what time is the meeting over?**

Sharonsongbyrd [8:54 AM]: There is no set time for the meeting to be over. I'm meeting with a client for invitations. Maybe an hour or half. She's a little fickle as to what she wants, so I'm unsure.

Tonywafford [8:55 AM]: **Well your not going to talk until 9pm are you?**

Sharonsongbyrd [8:57 AM]: I hope not, but she is the driver. The meeting is set for 7:45

Tonywafford [9:00 AM]: **Okay how about tomorrow night? We can lay out in front of the fire place, light some candles play some music and I will let you slap that *** (smile).**

Tonywafford [9:02 AM]: **Okay how about tomorrow night? We can lay out in front of the fire place, light some candles play some music and I will let you slap that *** (smile).**

Tonywafford [9:47 AM]: **Did you receive my last IM?**

Tonywafford [9:58 AM]: **Now back to our conversation.**

Tonywafford [10:10 AM]: **Okay getting back to our conversation ... so did you get my email?**

Sharonsongbyrd [10:11 AM]: yes, I did...

Tonywafford [10:12 AM]: **You do remember it was last year that we started something that we do need to continue.**

Sharonsongbyrd [10:37 AM]: Is that right?

Tonywafford [10:38 AM]: **right!!!!!!**

Tonywafford [10:38 AM]: **So lets pick this back up?**

Tonywafford [10:39 AM]: **As much as I try I always fine myself going back to you.**

Sharonsongbyrd [10:40 AM]: As much as you try what??? to walk away??? Is that why you have been so excrutiating mean to me?

Tonywafford [10:40 AM]: **Yes** 😊

Sharonsongbyrd [10:40 AM]: thanks for being honest!!

Tonywafford [10:41 AM]: **your welcome and i'm sorry**

Sharonsongbyrd [10:42 AM]: wow!! doing good does not feel good!

Tonywafford [10:42 AM]: **what do you mean?**

Sharonsongbyrd [10:44 AM]: You know, doing what is right, by your union of marriage. If I listen to you extremely well, I would think that you are head over heels in love with your wife.

Tonywafford [10:46 AM]: **I'm talking about you and me.**

Sharonsongbyrd [10:47 AM]: So am I. I did not ver off from it, the statement was, me trying to do what is right!!

Tonywafford [10:49 AM]: **Okay I understand, and I will support you in that. I guess our timing was just
off. Know that I will always love you.**

SharonSongbyrd [10:50 AM]: I know that you love me and not only because you said it.

Tonywafford [10:50 AM]: **thank you**

Exhibit 2

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES - CENTRAL DISTRICT

3
4 ORIGINAL

5 SHARON SONG BYRD, an individual,)
6)
7 Plaintiff,)
8)
9 vs.)
10 TONY WAFFORD, an individual, THE)
11 PALMS RESIDENTIAL CARE FACILITY, a)
12 California corporation, and DOES 1)
13 through 100,)
14)
15 Defendants.)
16)

Case No.
BC 403677

17 DEPOSITION OF
18 SHARON SONG BYRD
19 LOS ANGELES, CALIFORNIA
20 WEDNESDAY, JULY 8, 2009

21 ATKINSON-BAKER, INC.
22 COURT REPORTERS
23 (800) 288-3376
www.depo.com

24 REPORTED BY: MARY FERGUSON, CSR NO. 8769
25 FILE NO.: A3048A6

1 A. There were no e-mails that he hit me.

2 Q. Why didn't you go see Dr. Nathan?

3 A. Because at that point in time, Kevin -- I was
4 on leave of -- Kevin put me on paid leave of absence,
5 and during that time Kevin kept calling me, threatening
6 me, badgering me, interrogating me that one moment
7 Tony -- Tony just touched my hand; one moment Tony
8 just -- Tony did this, and then he really didn't hit my
9 hand. So I didn't trust Kevin.

10 Kevin, at that point, had told me that he was
11 doing what he was going to do to rectify the situation,
12 but he never at any point -- he was calling me,
13 basically, interrogating me, telling me that Tony's wife
14 had called the police deputies and spoke to them and
15 telling me that ER doctors weren't -- ER doctors weren't
16 doctors.

17 So at that point, I didn't trust Kevin or
18 anything that he was -- because he basically lied to me
19 the whole time.

20 Q. Did you have health insurance at that time?

21 A. No, I did not.

22 Q. You said Mr. Wafford hit you on October 11,
23 2007.

24 Can you describe how he hit you?

25 A. When he came in, he was -- he had said -- he

1 basically was yelling at me. This was about 8:20 in the
2 morning.

3 Mr. Wafford began -- when he walked in, he
4 said, "Byrd, we have to get this documentation together
5 for the County -- this County meeting today."

6 I didn't say anything.

7 Then he yelled again, asking me had I --
8 something about a document, a letter that he had asked
9 me to send out or document, and I didn't recall the
10 document, so I said, "I don't recall the document that
11 you are talking about."

12 I said, "I don't recall mailing a document
13 out."

14 He said, "I did so."

15 I said to him, "If you told me to mail it out,
16 then I mailed it out."

17 After that -- then he told me the letter -- it
18 was a letter of support that the Centinel had wrote.

19 I said, "Then we would have that letter in our
20 review binder."

21 So when I walked toward my desk to get the
22 review binder and put it on my desk to open it up and
23 pull the document out for him, as I am turning the pages
24 of the review binder, he says -- he begins to yell
25 again, "Byrd, if we don't get all this paperwork

1 together, you are not going to have a job come January
2 2008."

3 And I just said "Hmmm" (phonetic).

4 And he said "Hmmm. Hmmm, my ass."

5 I said to Tony, "Can you just talk to me and
6 stop yelling at me?"

7 So I went on to keep turning the pages of the
8 thick binder to get to the document, and as I got to the
9 document, he said -- he was steady just yelling, and I
10 just said, "Tony, you know, I am not going to take too
11 much more of this from you."

12 As I got up and got ready to go out, because at
13 that point I was at that page I was going to give him,
14 and as I got up he came running around the desk and
15 cornered me and wouldn't let me out.

16 At that point I just said, "I am not going to
17 take much more if you can't talk to me in a civilized
18 way."

19 And as I was getting ready to get up, he
20 cornered me. And my desk is right up on me, and in back
21 of me is a direct wall, so the chair only pushes back
22 just a couple of inches or so, just enough to turn and
23 let you out.

24 So he comes up to me and says, "I am not going
25 to take your bullshit anymore. What have you done for

1 me?"

2 He is yelling, screaming to me, "What have you
3 done for me?"

4 By this time, he is direct, toe to toe, and
5 standing over me, yelling at me and, you know, basically
6 he -- his stomach is on mine, touching me, so I put my
7 hands up, and I said, "Tony, just back up off of me.
8 Just back up off of me."

9 So he wouldn't back up off of me until I backed
10 up and went to the middle of the desk.

11 Then he went back to the front of the desk and
12 began retorting at me, I didn't do this, I didn't do
13 that and began -- now he wanted to tell me what I had
14 asked him, basically when I asked him in his office,
15 what had I done.

16 So he basically says, "You can't do this; you
17 can't write a letter; you can't take notes; you can't
18 do this."

19 I said, "Well, Tony, what are you talking
20 about? I have notes here --"

21 He said something about Kevin -- I didn't tell
22 him about some meeting or something.

23 I said, "What are you talking about? Here are
24 the notes right here."

25 I pulled them up and every time he was telling

1 me something, I am explaining to him. He is telling me
2 that I can't do this and I can't do that, and that time
3 I said to him, you know, "I have a degree. You are the
4 one who has -- you have the IQ of a 7th grader, bully
5 mentality."

6 So we go on, and he is getting mad and he is
7 getting -- I mean, extremely mad, so he then keeps
8 yelling at me and so forth, and I said, "You know, Tony,
9 why don't we talk about what this is really about? This
10 is not about a document," you know.

11 He says -- you know -- I remember he just goes
12 on and on and on, because I said, "You are using a
13 personal vendetta for a professional firing."

14 He gets very, very angry with me, and then, as
15 I am -- we are talking, he says -- I remember he -- he
16 is at my desk, and he is just pointing at me, and he
17 then -- then he -- as he is walking away, he says, "I am
18 not going to kiss your ass."

19 And I said, "I am not going to kiss your ass."

20 And I said, "But the problem is, I won't allow
21 you to kiss my ass."

22 And that fires him up.

23 Tony comes -- as I am walking out to get out
24 now, he runs back to the other side and as the -- the
25 side that I am going out of, and he corners me there.

1 So I said to him, "Tony, back up off of me; I
2 am not playing with you."

3 And as he is talking and he is just cussing me
4 out and saying all kinds of crazy stuff, I back up again
5 and go in the middle of the desk. He goes around to the
6 front of the desk.

7 So at this point in time, I am standing up,
8 and as I am standing up, he then says -- he is just
9 going off and, "You are this," and he is saying all of
10 these crazy things.

11 And I said, "Tony, get your hands out of my
12 face," because his body is leaned over my desk. I have
13 all of these things at the front of my desk, and they
14 were falling down.

15 So I said, "You know, Tony --" and he is
16 extremely mad. I mean, he had basically lost it.

17 He says -- so I said, "Tony, move your hands
18 out of my face."

19 He tells me to put my hands down.

20 I said, "Why am I putting my hands down when
21 you have your hands all in my face?"

22 Then he goes on as he is just cussing me out.
23 And his face is just totally like -- like something out
24 of a movie and -- like a monster out of a movie, I
25 should say.

1 So he then says, "If you --" he says, "If you
2 don't put your hands down --" no, he says, "If you put
3 your hands up one more time, I am going to slap the
4 hell out of you."

5 I said, "Tony, you better not hit me, because
6 I am not your child."

7 He says, "If you put your hands back up," so
8 he comes in, because he is mad and he is still leaning
9 over on my desk and pointing his finger in my face.
10 And basically his arm is pretty stretched. It's about
11 maybe three or four inches from my face.

12 So when he says that -- and he is coming at me
13 and I basically do this, because I don't know what he is
14 going to do because he is --

15 MR. GIVENS: For the record, she put her hands
16 up.

17 MR. COWAN: Hands up, palm out, in front of her
18 face in kind of a defensive posture.

19 THE WITNESS: So I guess when I got -- not
20 guess, but when I got ready to put my hands up, he -- I
21 am looking dead in his face.

22 I never saw his left hand coming, and he came
23 like this and hit me right on my pointer finger bone.

24 BY MR. GIVENS:

25 Q. So you were sitting?

1 A. No, I was standing up.

2 Q. Behind your desk?

3 A. Behind my desk.

4 Q. He was standing?

5 A. Across my desk.

6 Q. He was across your desk?

7 A. Leaning into my desk.

8 Q. Leaning into your desk?

9 A. Uh-huh.

10 Q. Did he strike you with his right hand or left
11 hand?

12 A. He struck me with his left hand.

13 Q. So he is facing you?

14 A. Right.

15 Q. And you are facing him?

16 A. I am facing him and he is facing me, yeah.

17 Q. And he is directly in front of you?

18 A. He is probably -- he can't be directly. He is
19 sort of at an angle, because my screen is sitting -- --

20 Q. As you are looking at him, is he more to the
21 right of you or more to the left of you?

22 A. He would be more to my right because my screen
23 sits -- is sitting to my left.

24 Q. When he -- how did his hand -- did his hand hit
25 your hand?

1 A. Yes.

2 Q. How did his hand hit your hand?

3 A. He opened -- he came around, just open, hit me
4 like that.

5 He came, and he open -- he open -- he didn't
6 punch me. He open-slapped me.

7 Q. Open palm?

8 A. Yeah.

9 Q. The top of your hand --

10 A. He caught my hand right where my pointer
11 finger, that pointer finger bone right there. Whatever
12 that bone is.

13 MR. COWAN: You want a closer look at her
14 hand?

15 MR. GOLDBERG: She is demonstrating. I want
16 to see --

17 MR. COWAN: No problem.

18 MR. GIVENS: That's the index finger?

19 THE WITNESS: The index finger.

20 BY MR. GIVENS:

21 Q. So his open palm of his left hand hit your
22 index finger?

23 A. No.

24 Q. How did it happen?

25 A. The open palm hit the back of my hand right

Exhibit 3

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF LOS ANGELES

3 **CERTIFIED COPY**

4 SHARON SONG BYRD, an)
individual)

5 Plaintiff,)

6 VS.)

NO. BC403677

7)
8 TONY WAFFORD, an individual,)
THE PALMS RESIDENTIAL CARE)
9 FACILITY, a California)
Corporation, and Does 1)
10 through 100,)

11 Defendants.)
-----)

12
13
14
15 DEPOSITION OF

16 NICOLE MARIE SALGADO

17 SANTA MONICA, CALIFORNIA

18 WEDNESDAY, SEPTEMBER 23, 2009

19
20
21 ATKINSON-BAKER, INC.
22 COURT REPORTERS
(800) 288-3376
23 www.depo.com

24 REPORTED BY: LAURI PULLMAN, CSR. NO. 8985
25 FILE NO. A307415

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NICOLE MARIE SALGADO,

having been first duly sworn, was
examined and testified as follows:

DEPOSITION OFFICER: Do you solemnly swear that
the testimony that you are about to give in this matter
shall be the truth, the whole truth, and nothing but the
truth, so help you God?

MS. SALGADO: I do.

EXAMINATION

BY MR. COWAN:

Q. Good morning.

A. Good morning.

Q. Would you please state your full name for the 10:37
record.

A. Nicole Marie Salgado.

Q. Great. You work for the County of Los Angeles?

A. Yes, sir, I do.

Q. Since when? 10:38

A. Since 1988.

Q. What's your current title?

A. Assistant staff analyst, comma, Health
Services.

Q. At some point, did you have a position with the 10:38

1 County of Los Angeles that involved supervising or
2 interacting with The Palms Residential Care Facility?

3 A. Yes.

4 Q. When was that?

5 A. In 2006, I believe. 10:38

6 Q. What was your job title then?

7 A. Contract program auditor.

8 Q. What were your responsibilities as a contract
9 program auditor?

10 A. Review, audit, monitor contracts with the 10:38
11 Office of AIDS Programs and Policy.

12 Q. And specifically, what did that mean you were
13 supposed to do with respect to The Palms Residential
14 Care Facility?

15 A. With respect to all the contracts that I 10:38
16 monitor, I had to make sure that they were meeting the
17 performance goals and the --

18 THE REPORTER: Slow down, please.

19 THE WITNESS: With all the contracts that I
20 monitored, my responsibilities pertained to making sure 10:38
21 that each contract met its service calls and objectives
22 outlined in the contract. So, basically, I was
23 reviewing the performance with regards to the
24 programmatic criteria established in the contract.

25 Q. BY MR. COWAN: We are going to get into more 10:39

1 detail in a moment.

2 But at some point, while you were interacting
3 in your capacity as -- with your position for the County
4 of Los Angeles, did you ever have any experiences in
5 which you believe you were either threatened or 10:39
6 subjected to acts of violence or physical intimidation
7 by anyone acting on behalf Palms Residential Care
8 Facility?

9 MR. GOLDBERG: Vague and ambiguous, lacks
10 foundation, not likely to lead to the discovery of 10:39
11 admissible evidence.

12 MS. ROSS: You can answer if you know the
13 question.

14 THE WITNESS: Yes.

15 Q. BY MR. COWAN: Who was the person who did this? 10:40

16 A. There were several people or employees of
17 The Palms Residential, the contract that I monitored,
18 Kevin Pickett, Tony Wafford, and Cynthia Tucker.

19 Q. Okay. And have you -- we are going to come
20 back to those in just a second. 10:40

21 So we have got -- by the way, have you ever
22 heard of any of your other colleagues either
23 experiencing or being threatened with violence or some
24 other kind of harm by anyone acting on behalf of Palms
25 Residential Care Facility? 10:40

1 Q. Okay. At some point, did you ever experience
2 Kevin Pickett doing something that you understood to be
3 a threat or an act of violence?

4 MR. GOLDBERG: Objection, compound, vague and
5 ambiguous, lacks foundation and is not likely to lead to 10:46
6 the discovery of admissible evidence.

7 THE WITNESS: I can answer?

8 MS. ROSS: Yes.

9 THE WITNESS: Yes. One time.

10 Q. BY MR. COWAN: Okay. When was that? 10:46

11 A. 2007 was the year that I can recall. I can't
12 recall the month or the day or the time.

13 Q. As best as you can recall, was it summertime,
14 springtime, holiday season?

15 A. My memory is fuzzy on that, so I just recall it 10:46
16 was in 2007 during the daytime, during my working hours.

17 Q. What happened?

18 A. There was a telephone conversation -- well,
19 actually, let me back up.

20 I was contacted by Kevin Pickett at my office, 10:46
21 and the nature of the call was to apologize to me for
22 some prior statements that was made to my person. I was
23 informed that I was on speaker call -- or speakerphone
24 call, and that Kevin Pickett, in addition to
25 Tony Wafford, were on the conference call. 10:47

1 MR. GOLDBERG: I'm going to object to the whole
2 line of questioning as not related to the subject matter
3 of this litigation or the claims in this litigation.

4 THE WITNESS: Can I answer?

5 MS. ROSS: Yes, you can answer. His objections 10:48
6 are for a later date for the judge to decide.

7 THE WITNESS: The reason that the phone call
8 was made as conveyed to me by Kevin Pickett, when I
9 first was assigned the contracts, my employer, with
10 myself included, conducted -- and I refer to this as 10:48
11 this meet-and-greet, let's meet the contractor, let's
12 meet the people working on the contract, and in turn,
13 meet the people who are going to be monitoring the
14 contract.

15 During that initial meeting, there were 10:49
16 statements made to my person that made me feel that I
17 would not be able to professionally conduct my job as I
18 was required to do, that there was issues beyond the
19 scope of the contract, much deeper issues that later
20 came to -- to the forefront. 10:49

21 Q. BY MR. COWAN: Let's back up.

22 Who made these statements?

23 A. Tony Wafford made these statements.

24 Q. What did Tony Wafford tell you when you first
25 came on this meet-and-greet? 10:49

1 Q. By the way, when Mr. Wafford made that
2 statement, did you understand his tone to be sympathetic
3 or hostile or something else?

4 A. I understood it and I interpreted it to be very
5 hostile towards my person. 10:51

6 Q. Okay.

7 A. I continued on with the contract. It became
8 very hard to do my job, but I did my job. There was
9 blockades that they tried to put up, "they" meaning
10 The Palms. 10:52

11 Q. What do you mean by "blockades"?

12 A. Not making documents available to me that I
13 needed to do my job, lagging on requests for
14 information, just things that seemed to take a very long
15 time for them to produce. And oftentimes, I was told we 10:52
16 don't have that and we will not give that to you.

17 Q. I'm sorry, they said we don't have it, or we
18 have it and we will not give it to you?

19 A. Depending on what I was asking for.

20 Q. Okay. 10:52

21 A. A couple of weeks after that letter was
22 delivered to Palms, I received a phone call from
23 Tony Pickett (sic) at my office and told me that they
24 wanted to apologize for the behavior and their
25 statement, and that Tony Wafford was on the conference 10:52

1 call.

2 During the course of that call, I was told by
3 Tony that I was not very sensitive, that I was probably
4 not the best person to work on that contract. I replied
5 to him that I was selected personally by the director of 10:53
6 OAPP to handle this contract. For whatever reason, that
7 was not conveyed to me, but I have the contract.

8 I am not being pushed off the contract. I am
9 here to do my job. I am here to learn from them, I'm
10 not here to battle with them. I just want to do my job 10:53
11 and do it well.

12 I was told that if I appeared at certain
13 community forums, community meetings, under the services
14 being provided under the contract, that I wouldn't be
15 welcomed because I am a white girl and that I might be 10:53
16 physically removed from these meetings.

17 Q. Who said that?

18 A. Tony Wafford.

19 Q. And you understood Kevin Pickett was present?

20 A. Yes, he was. 10:53

21 And I told Kevin I do not want to engage in
22 this type of conversation with you. You are the
23 contractor, I am the County of Los Angeles. You need to
24 do the contract based on what's said in the contract.
25 My skin color has no relevancy on how effective I can 10:54

1 monitor the contract, and I am not going to engage in
2 this conversation any longer.

3 Kevin told me to calm down, get things in
4 perspective, because they did not need another letter
5 going to them from Mario Perez, the director of OAPP. 10:54

6 I told him that if I were to appear at these
7 meetings, I would do so under the course of my employer,
8 under the contract, and I do not take well to being made
9 to feel that I wouldn't be welcomed there, or based on
10 my skin color, would I be escorted from the building. 10:54

11 I asked, are these threats that you're giving
12 to me, because if these are threats, I need to report
13 them. They assured me they were not threats, they were
14 just facts, that the African-American community is very
15 exclusive when it comes to sensitive issues regarding 10:55
16 their community, and it would be hard for them to accept
17 a person who was not African-American who was overseeing
18 a contract of this nature.

19 Q. When Mr. Wafford and Mr. Pickett -- first of
20 all, was it Mr. Wafford or Mr. Pickett who said this 10:55
21 last part about the African-American community being
22 sensitive and not welcoming --

23 A. Mr. Wafford.

24 Q. When he said that, was his tone -- did you
25 perceive his tone to be hostile or to be friendly or 10:55

1 supportive or something else?

2 MR. GOLDBERG: Objection, vague and ambiguous,
3 not likely to lead to the discovery of admissible
4 evidence, outside the scope of the pleadings.

5 THE WITNESS: I took it to be very hostile. 10:55

6 Q. BY MR. COWAN: Let's talk a little bit more
7 about what you just -- part of what you just told me
8 where you were told that if you showed up, you would be
9 escorted.

10 Was that from Mr. Wafford or from Mr. Pickett? 10:56

11 A. That was from Mr. Wafford.

12 Q. Do you remember specifically what Mr. Wafford
13 said with respect to this idea that if you attended a
14 function in your capacity as a monitor for the County of
15 Los Angeles, that would not be welcome simply -- and 10:56
16 would be removed from the premises because of the
17 pigmentation of your skin?

18 A. Correct.

19 Q. As best as you remember, what words came out of
20 his mouth, if you can remember? 10:56

21 A. That I would not be welcomed, I would not be
22 well received, and it may come down to the fact where I
23 would be physically escorted from the meeting.

24 Q. Did Mr. Wafford said who would physically
25 escort you? 10:56

1 A. No, sir, he did not.

2 Q. Did Mr. Wafford say that he would do his best,
3 as someone acting on behalf of The Palms, to stop people
4 from prohibiting you from conducting your duties as a
5 government employee? 10:56

6 MR. GOLDBERG: Objection, argumentative,
7 misstates testimony, lacks foundation, not likely to
8 lead to the discovery of admissible evidence.

9 THE WITNESS: No, sir, he did not.

10 Q. BY MR. COWAN: Did Mr. Pickett ever interject 10:57
11 in this conversation and say anything to suggest that he
12 would make efforts to prevent anyone attending such an
13 event from keeping you from carrying out your duties as
14 a government employee?

15 A. No, sir, he did not. 10:57

16 Q. Did Mr. Pickett ever say anything to suggest
17 that Mr. Wafford was speaking out of line?

18 A. No, sir, he did not.

19 Q. Did he say anything to indicate any
20 disagreement of any kind with what Mr. Wafford said? 10:57

21 A. No, sir, he did not.

22 Q. Did you take what Mr. Pickett said or did not
23 say as an adoption or ratification of what Mr. Wafford
24 was saying to you?

25 A. Can you rephrase that, sir. 10:57

1 Q. Sure.

2 Based on what Mr. Pickett said or didn't say
3 after Mr. Wafford made these comments to you, did you
4 understand him to be agreeing or disagreeing with the
5 position that Tony Wafford was giving on behalf of 10:57
6 The Palms?

7 MR. GOLDBERG: Objection, calls for
8 speculation, lacks foundation that led to -- leads to
9 the discovery of admissible evidence, outside the
10 pleadings. 10:58

11 THE WITNESS: I perceived that he was in
12 agreement with Tony's opinion.

13 Q. BY MR. COWAN: After this conversation
14 occurred, what did you do -- I am sorry, let me back up.
15 Did anything else take place in this 10:58
16 conversation that you haven't already told me about?

17 A. Not that I can recall, sir?

18 Q. Is there anything that would help you remember?

19 A. Probably not. It happened quite some time ago.
20 I couldn't give you specific details, but I do recall 10:58
21 how I felt.

22 Q. Did you take any notes about this?

23 A. No. Actually, after the phone call ended, I
24 reported the incident to my chain of command.

25 Q. To whom did you report it? 10:59

1 A. No. It was always in the context of doing my
2 job.

3 Q. I understand that. I am not suggesting you
4 were going to the ball game with Mr. Wafford.

5 A. Okay. 11:28

6 Q. I wanted to confirm that the only occasion that
7 you would interact with him would be in the course of
8 these particular events.

9 A. Absolutely.

10 MS. ROSS: Plus the prior testimony, the 11:28
11 meet-and-greet.

12 MR. COWAN: Yes.

13 MS. ROSS: Okay.

14 Q. BY MR. COWAN: Is that right?

15 A. Correct, sir. 11:29

16 Q. Were there occasions -- let me back up.
17 How many occasions -- you told me once about a
18 phone call where Mr. Wafford said something about you
19 being removed from the premises if you attended an
20 event. 11:29

21 MR. GOLDBERG: Objection, misstates the
22 testimony, not likely to lead to the discovery of
23 admissible evidence.

24 Q. BY MR. COWAN: Did I misstate your testimony?

25 A. No, sir, you did not. 11:29

1 Q. Did that happen -- did Mr. Wafford make
2 statements to that effect more than once?

3 A. In my presence?

4 Q. To you.

5 A. To me. 11:29

6 I can only recall that one specific time during
7 that phone conversation.

8 Q. And during that conversation, did he say
9 anything about you -- did he ever use the word "attack,"
10 or did he simply talk about you being removed? 11:29

11 A. If I do recall correctly, it was physically
12 removed from the premises or physically escorted from
13 the premises.

14 Q. Now, you told me a moment ago that when you
15 first met Mr. Wafford, he made some comment to you about 11:30
16 you not being able to -- some comment that pertained to
17 the fact that The Palms dealt with the African-American
18 community and you were not African-American.

19 A. Correct.

20 Q. As best as you can remember, precisely what 11:30
21 words did he say?

22 A. During the meet-and-greet meeting, "She is a
23 white girl. How is she going to work the contract?"

24 Q. Are you Caucasian, by the way?

25 A. I am biracial, sir. 11:31

1 Q. Okay. How did you take his comment?

2 MR. GOLDBERG: It's outside the scope of the
3 pleadings, vague and ambiguous.

4 THE WITNESS: I took the comment as very
5 unprofessional. It angered me personally. I don't base 11:31
6 someone's performance on the color of their skin.

7 Q. BY MR. COWAN: Right. And did you perceive the
8 comment to be hostile?

9 MR. GOLDBERG: Objection, vague and ambiguous,
10 argumentative, leading, not likely to lead to the 11:31
11 discovery of admissible evidence.

12 MR. GIVENS: Objection, asked and answered.

13 MR. GOLDBERG: Join.

14 THE WITNESS: His physical demeanor, when he
15 made the statement, made me feel that it was a hostile 11:31
16 statement.

17 Q. BY MR. COWAN: What was his physical demeanor
18 when he made the statement?

19 A. His voice was very, very loud. He threw his
20 hands up in the air and brought them down to the table. 11:32

21 Q. He slammed them on the table?

22 A. I wouldn't use the word "slammed," but they
23 were placed loudly on the table.

24 Q. And especially if you can remember, this was
25 what month of what year? 11:32

1 A. I was given the contract in January, so it had
2 to be late January or early February of 2006.

3 Q. At the time -- let's back up.

4 Do you have an estimate as to how tall
5 Mr. Wafford is? 11:32

6 A. I am five-nine and a half without heels. He is
7 taller than me, so I would assume he is five-ten or
8 higher.

9 Q. Do you have any estimate as to how much he
10 weighed then? 11:32

11 MR. GOLDBERG: Objection, not likely to lead to
12 the discovery of admissible evidence, outside the scope
13 of the pleadings.

14 THE WITNESS: I am not a small girl. He is
15 bigger than me. I would assume his weight is maybe 260, 11:33
16 265.

17 Q. BY MR. COWAN: During all the time that you
18 interacted with Mr. Wafford, did you observe his weight
19 to fluctuate much?

20 A. No. 11:33

21 Q. So it always was in about that range, as you
22 estimated?

23 A. Correct, sir.

24 Q. On the occasions when you interacted -- let's
25 back up. 11:33

1 Q. Did you ever have any occasions with
2 Mr. Wafford where he was friendly or welcoming?

3 MR. GOLDBERG: Objection, vague and ambiguous,
4 compound, outside the scope of the pleadings.

5 THE WITNESS: During my interactions with 11:35
6 Tony -- and this is just my opinion, sir -- as he became
7 aware of the fact that his tactics did not deter me in
8 doing my job, his demeanor lessened. I don't want to
9 call it friendly, but became more -- a slight more
10 respectful and a slight more professional. 11:35

11 Q. BY MR. COWAN: You just used the word
12 "tactics." Is it your opinion that Mr. Wafford, when
13 he, in the beginning, was interacting with you, was
14 using a particular tactic?

15 MR. GOLDBERG: Objection, vague and ambiguous, 11:35
16 calls for speculation, lacks foundation, outside the
17 scope of the pleadings.

18 THE WITNESS: Yes, I refer to them as tactics.

19 Q. BY MR. COWAN: Would you call them scare
20 tactics? 11:36

21 MR. GOLDBERG: Objection, vague and ambiguous,
22 argumentative, leading, outside the scope of the
23 pleadings.

24 THE WITNESS: I call them intimidation tactics.

25 Q. BY MR. COWAN: Tell me everything that 11:36

1 Mr. Wafford was doing to you when you first started
2 working with him that caused you to believe he was using
3 intimidation tactics?

4 A. For the first few quarterly meetings that I
5 participated in and oversaw, the conference room similar 11:36
6 to this one that we would use was very small. It was
7 smaller than this.

8 When I would enter the room --

9 Q. Was this the room at The Palms?

10 A. Yes, sir, it was in with The Palms on the 11:36
11 La Brea location.

12 He would situate himself to where he was near
13 the door -- or the entrance, because there wasn't a
14 door, it was just walking in, if I recall correctly.
15 And when we would go to leave or exit the conference, he 11:37
16 would stand where I would either -- one of us would have
17 to move. I would have to walk around him, or I would
18 have to wait for him to move. And I always chose to
19 walk around him.

20 Q. Are you saying that he would, essentially, 11:37
21 block you from being able to walk directly out of the
22 room?

23 A. I felt that he was doing that. Sometimes there
24 was a conversation being held by him and some other
25 person. I just -- it just seemed to always happen with 11:37

1 me, from my perspective.

2 Q. Did you ever observe Mr. Wafford to
3 intentionally move so that he was blocking your way?

4 A. Intentionally move. That's hard to say.

5 Just when the meetings ended, I had -- to get 11:38
6 out of the room, I would have to go through the
7 passageway. And seven out of nine times, he was always
8 situated right there, either with someone else or by
9 himself. And I would -- I would either wait for him to
10 get out of my way or I would walk around him. 11:38

11 He did not -- I just found it unusual that he
12 was always there at that time, after each meeting,
13 when -- I didn't see a reason for him to be there in
14 that particular passageway. Everyone else would -- he
15 would move for the other ladies that were with Palms. 11:38
16 He would not move for me.

17 Q. So you would observe, at the end of these
18 meetings, that when other women were trying to leave the
19 room, he would step aside so they could pass by, but
20 when you tried to move to pass by, he would not move? 11:38

21 A. Seven out of the nine times, he would not move.
22 I would have to walk around him.

23 Q. Did you have reason to believe, on these seven
24 out of nine times when Mr. Wafford didn't move for you,
25 but did move for other women, that he couldn't see you? 11:39

1 A. No. We were looking each other right in the
2 eye.

3 Q. Are you familiar with the concept of personal
4 space?

5 A. Yes, sir, I am.

11:39

6 Q. Do you understand that -- I just want to make
7 sure we have a clear record.

8 Do you understand that to be the concept that
9 it's socially acceptable to get only within a certain
10 distance of somebody with whom you don't have a very
11 close, intimate relationship, whether it's family or
12 friendship or otherwise?

11:39

13 A. Absolutely. I practice that a lot within my
14 career.

15 Q. Okay. What's your understanding of what's an
16 appropriate personal space in a business context?

11:39

17 MR. GOLDBERG: Objection, lacks foundation,
18 calls for speculation, leading, argumentative, not
19 likely to lead to the discovery of admissible evidence.

20 THE WITNESS: The distance that you and me have
21 right now between the tables from us is a comfortable
22 respectable professional distance. Outside of that, it
23 would not be professional.

11:39

24 Q. BY MR. COWAN: We are seated, and the table is
25 about four feet across.

11:40

1 that he was told I was on the contract. He came up to
2 me, and he was walking -- I stood up and we shook hands.
3 We introduced each other. He told me he was told by --
4 there were just some comments made about me to him by
5 other individuals and that he looked forward to working 11:42
6 with me.

7 So that was the only time that I can recall
8 where we interacted where it was not in a sitting
9 situation.

10 Q. And was there anything -- did you consider 11:42
11 there to be anything inappropriate about that?

12 A. The comments that were shared to him, I
13 considered to be inappropriate, unprofessional. But you
14 have to let that -- being a contractor in the position
15 that you're in and being a monitor to that contract, you 11:42
16 have to have thick skin.

17 Q. I'm sorry, I'm just confused when you said the
18 comments that were shared to him. Did he say something
19 that you felt was inappropriate?

20 A. Yes, he did. 11:43

21 Q. What did he say that you thought was
22 inappropriate when he came up to you and interacted with
23 you at this conference?

24 A. He told me that he was aware of who I was, my
25 reputation within the Office of AIDS, and that he 11:43

1 welcomes hard-nosed people to the contract.

2 Q. As best as you can remember, what exactly did
3 Mr. Wafford say, for example, including whatever he
4 would have said about your reputation? So if you were
5 doing a little play or skit and recreating this, as best 11:43
6 as you remember, what words exactly came out of
7 Tony Wafford's mouth? "Hi, I'm Tony Wafford," blah,
8 blah, blah.

9 A. "Hi, I am Tony Wafford. Nice to meet you. I
10 understand you're on The Palms contract. I've been told 11:43
11 that you're hard-nosed and you have a very serious
12 reputation within the Office of AIDS, and I welcome
13 hard-nosed people to the contract."

14 Q. And what about -- what about those comments did
15 you think was inappropriate? 11:44

16 A. Based on initial meeting, I just thought, okay,
17 why is he telling me this, big deal.

18 I will only be -- I only come hard if I need to
19 roll at you hard, meaning you give me what I want,
20 you're not going to have a problem with me. You fight 11:44
21 me, you're going to have -- there is a concern. I need
22 to do my job. Don't obstruct me from doing my job.

23 I asked him who made those comments, and he was
24 told that he had a conversation with Lila Hung, H-u-n-g,
25 I believe. 11:45

1 Q. When Mr. Wafford made these comments to you,
2 was his tone friendly or aggressive or something else?

3 A. Aggressive and gruff.

4 Q. What was his body language like that he made
5 these comments in a tone that you perceived to be 11:45
6 aggressive and gruff?

7 MR. GOLDBERG: Not likely to lead to the
8 discovery of admissible evidence, calls for speculation.

9 THE WITNESS: We were both in a standing
10 position because we had shaken (sic) hands. We were in 11:45
11 each other's personal space. He is a large man, but it
12 was more of his tone and the way that he said the
13 statement versus his physical demeanor.

14 He is a big guy. When you see him, he is a big
15 guy, so you automatically assume that -- he is a big 11:46
16 guy. He can throw his weight around if he needs to.

17 Q. BY MR. COWAN: Was there something about his
18 physical demeanor that suggested an aura of physical
19 action or violence in conjunction with what he was
20 saying? 11:46

21 MR. GOLDBERG: Objection, argumentative.

22 THE WITNESS: No, just his words and his tone.
23 We did shake hands. From my experience, when a man goes
24 to shake a lady's hand, they are not firm. He was very
25 firm with my handshake, but yet I have a very firm 11:46

1 handshake as well.

2 But I've never -- there is a business
3 relationship between the County and the contractor. And
4 I've been contracting a long time for the County -- or
5 monitoring, and I just found it different, the demeanor 11:47
6 and mind-set that he had. It made me feel I was working
7 for him versus the other way around, he was working for
8 the County.

9 Q. BY MR. COWAN: How long have you been
10 contracting or supervising contracts for the County? 11:47

11 A. Since 2000.

12 Q. At some point, you stopped covering or
13 supervising The Palms contract; correct?

14 A. Yes.

15 Q. Is that something that you requested? 11:48

16 A. No, sir, I did not.

17 Q. Do you know how that came to be?

18 A. It was an instruction from my chain of command.

19 Q. Do you have any understanding as to whether
20 this was done to keep you from being involved in more 11:48
21 confrontations with the people at The Palms?

22 MR. GOLDBERG: Objection, argumentative, lacks
23 foundation, outside the scope of the pleading.

24 THE WITNESS: It was felt by my chain of
25 command that it's best for my safety and mind-set that I 11:48

1 was no longer the program manager over that particular
2 contract.

3 Q. BY MR. COWAN: Who told you that?

4 A. My supervisor and his division chief at that
5 time. 11:49

6 Q. Your supervisor who told you that was who?

7 A. David Pieribone.

8 Q. And his supervisor was?

9 A. Carlos Vega-Matos.

10 Q. Two of them told you this? 11:49

11 A. Yes, at the same time.

12 Q. Was anyone else present besides the three of
13 you?

14 A. Not that I can recall.

15 Q. When did they tell you this? 11:49

16 A. The day that I found out about the incident
17 between your client and Mr. Wafford, I was at the
18 office. I immediately reported it to my chain of
19 command.

20 Q. You're talking about the occasion where my 11:50
21 client says Tony Wafford hit her?

22 A. Correct.

23 Q. So you learned about this on or about
24 October 17, 2007?

25 A. I just remember it was 2007. I will trust the 11:50

1 telephone call to you for the purpose of apologizing to
2 you, what happened at the meet-and-greet. Is that true?

3 A. Correct.

4 Q. And Mr. Pickett did apologize to you; correct?

5 A. No, there was no actual apology given. 12:50

6 Q. Well, then, if there was no apology given,
7 what's the basis for your testimony that he called you
8 to apologize?

9 A. That's what he told me that the intent of the
10 telephone call was for. 12:50

11 Q. Okay. And how did you -- do you remember what
12 he -- specifically what he told you the purpose of the
13 phone call was?

14 A. The purpose of the phone call was that they
15 received the letter that my director had issued and that 12:50
16 he was calling for The Palms to apologize and to clarify
17 any misconceptions that I may have.

18 Q. Okay. And you referenced a statement that
19 Mr. Wafford made to you over the telephone during the
20 telephone conference, that -- referencing being escorted 12:51
21 from the meeting.

22 Do you remember that testimony?

23 A. Yes, I do.

24 Q. What was the -- did Mr. Wafford specifically
25 tell you that he would escort you from the meeting? 12:51

1 A. No, the statement was I would just be
2 physically escorted from the meeting.

3 Q. And the context of that was that he expressed
4 his view -- isn't it true that he expressed his view
5 that the participants in these meetings, these community 12:51
6 meetings, might be offended by you. Is that what he
7 said?

8 A. No, he did not say that.

9 Q. Why -- did Mr. Wafford explain to you why he
10 felt you might have to be escorted from these meetings? 12:51

11 A. No, he did not.

12 Q. But the context of the conversation was that
13 Mr. Wafford felt that because he thought you were white,
14 that your effectiveness on the contract might be
15 impaired? 12:52

16 A. He felt that I wouldn't have an understanding
17 of the purpose of the contract.

18 Q. Did he also express to you that he felt that
19 people in the black -- people in the community might not
20 receive you very well? Is that what he indicated to 12:52
21 you?

22 A. That I would not be well received, that's
23 correct.

24 Q. As a result, you might have to be physically
25 escorted from these meetings. Isn't that true? 12:52

1 A. That I would just have to be physically
2 escorted from these meetings.

3 Q. Because you wouldn't be well received by the
4 black community in these meetings; correct? That was
5 the context? 12:52

6 A. Right.

7 Q. You talked about Mr. Wafford, at times,
8 appeared to you to invade your personal space. Did I
9 understand that correctly?

10 A. Yes, you did. 12:53

11 Q. Was it inappropriate for Mr. Wafford to shake
12 your hand?

13 A. On the initial meeting, no, it was not.

14 Q. Is it an invasion of personal space to shake
15 somebody's hand? 12:53

16 A. Depending on the two individuals, it could be
17 or it could not. But -- are you getting ready to say
18 something?

19 Q. No.

20 A. But after the interactions I had with him, I 12:53
21 felt it best that I maintain the personal distance from
22 him.

23 Q. Did you make any report in writing to your
24 supervisor about Mr. Wafford?

25 A. Everything was done verbally. 12:53

1 business hours and through the course of her daily
2 responsibilities at The Palms, that it was employee
3 related.

4 Q. Did she tell you anything that happened that --
5 that led her to decide to sue The Palms? 13:01

6 A. No, she did not. She just made reference that
7 it happened during working hours.

8 Q. What is -- did she explain what "it" was?

9 A. The incident happened during working hours.

10 Q. What was "the incident"? 13:01

11 A. Where Tony had beat on her.

12 MR. GIVENS: I didn't hear that.

13 (The record was read by the reporter as
14 follows:

15 "Answer: Where Tony had beat on her.") 13:02

16 MR. GIVENS: I wasn't clear on this. What did
17 she say?

18 MS. ROSS: "Tony had beat on her."

19 MR. GIVENS: Okay.

20 Q. BY MR. GOLDBERG: Did she use those exact 13:02
21 words?

22 A. Yes.

23 Q. Did you ask how did he beat on her? Did you
24 inquire at all about the incident?

25 A. Yes. I was very concerned when I found out it 13:02

1 happened. I could tell she was emotionally distraught.
2 It happened during the day, during the course of
3 business. He flew off the handle about something and
4 was overheard in some manner, went to strike her, and
5 she put her arm -- her arm up in defense. And that's 13:02
6 how her arm or this part of her body was hurt.

7 Q. Which part of her body?
8 A. (Indicating.)
9 Q. Oh, her forearm?
10 A. Yes. 13:03
11 That's what happened.

12 Q. And that's what she told you a day or two after
13 the incident?
14 A. Correct.

15 Q. Did she ever talk to you about exactly what had 13:03
16 happened -- strike that.
17 Did she ever describe to you the incident after
18 this conversation? Was there a subsequent conversation?
19 A. The only time when -- when she would contact
20 me, when she referenced it, it was always "the 13:03
21 incident."
22 Q. She never went into details again?
23 A. No.
24 Q. Did you ever talk to her about your feelings
25 about Mr. Wafford's conduct? 13:03

1 A. In regards to?

2 Q. The Palms.

3 Let me be more clear. You testified about
4 Mr. Wafford's general conduct or demeanor. Did you ever
5 relate that to Ms. Byrd? 13:03

6 A. Yes.

7 Q. When did you relate that to her?

8 A. During the conversations that we would have,
9 she would make comments that Tony was a beast, an
10 animal. And my response back to her was, my 13:04
11 interactions with him, I could see where she could make
12 those assessments, and that I considered him to be very
13 unprofessional and untactful and very aggressive.

14 Q. What did Mr. Wafford specifically do to you
15 that you felt was aggressive -- let me strike that. 13:04

16 When you say "aggressive" --

17 A. Uh-huh.

18 Q. Let me strike that.

19 Did you find Mr. Wafford to be intimidating by
20 his physical presence? 13:05

21 A. Yes, I did.

22 Q. He is a big black man; correct?

23 A. Not necessarily him being black, but he is a
24 large man.

25 Q. Did he have a low voice or a high voice? 13:05

1 Q. And I will get to that.

2 But let me ask you first, was this incident --

3 did that have anything to do with the contract?

4 MR. GOLDBERG: Objection, calls for

5 speculation, lacks foundation, vague and ambiguous. 13:43

6 I am sorry.

7 THE WITNESS: That's okay.

8 Q. BY MR. GIVENS: Let me rephrase it.

9 Did the incident that Ms. Byrd was calling you

10 about have anything to do with your duties concerning 13:43

11 the contract?

12 A. No.

13 Q. And when did Ms. Byrd call you and tell you

14 about this incident?

15 A. One to two days after it happened. 13:44

16 Q. Did she say why she was calling?

17 A. I think -- why did she -- she called to tell me

18 about what had happened, that she felt that I needed to

19 know.

20 Q. And why did she feel you needed to know? 13:44

21 A. I didn't ask and she didn't specify.

22 Q. And what did she tell you? Can you --

23 A. She told me there was an incident at The Palms,

24 that Tony had beat on her, what had happened.

25 Q. Can you be specific as far as what she said? 13:44

1 MR. GOLDBERG: Asked and answered.

2 Q. BY MR. GIVENS: Did she tell you that the law
3 enforcement had been called?

4 A. Yes, that was -- she told me about what
5 happened during the incident and what happened after the 13:44
6 incident and her state of mind and those things.

7 Q. Did she tell you that she went to the hospital?

8 A. Yes, she did.

9 Q. Did she tell you that -- what did she tell you
10 about the law enforcement officers that came? 13:45

11 A. That they were called on site. She didn't
12 specify what site. When they arrived, Kevin Pickett was
13 there, and for whatever reason, he was able to get the
14 officers to leave the scene.

15 She, then, went to Marina Del Rey sheriff's 13:45
16 station, I believe, to file a complaint. And I believe
17 she did that -- she said I went to file a complaint.
18 And then she was taken -- she went to the hospital to
19 get a -- to get medical treatment.

20 Q. Did she tell you what treatment she received? 13:45

21 A. That they gave her a medication for pain,
22 follow-up appointments, possible therapy, and that her
23 arm was in some type of bandage sling ensemble.

24 Q. And did that have anything to do with your --
25 did that information that she was giving you have 13:46

1 you not to answer because if you say yes, you've --

2 THE WITNESS: So I do not answer?

3 MS. ROSS: Do not answer because it's
4 attorney/client privilege.

5 THE WITNESS: I will not answer. 14:05

6 Q. BY MR. GOLDBERG: How long was your
7 conversation with Mr. Cowan?

8 A. Fifteen minutes, maybe.

9 Q. And is there anything in that -- is there
10 anything in the conversation you had with Mr. Cowan that 14:05
11 you haven't testified to today?

12 A. No.

13 MR. GOLDBERG: Thank you.

14 THE WITNESS: Thank you.

15 14:05

16 FURTHER EXAMINATION

17 BY MR. COWAN:

18 Q. Okay. A couple of points of clarification and
19 I think we can get you out of here.

20 If you were to go to -- if you would have gone 14:06
21 to one of The Palms' community events as part of your
22 job and found that a number of people there attending
23 didn't want you there and literally, physically, picked
24 you up and carried, pushed, or pulled you out, would you
25 consider that to be okay? 14:06

1 MR. GOLDBERG: Objection, lacks foundation,
2 incomplete hypothetical, argumentative, not likely to
3 lead to the discovery of admissible evidence.

4 THE WITNESS: Yes, that would not be acceptable
5 to me. 14:06

6 Q. BY MR. COWAN: Okay. And would you consider
7 that your -- if you were at an event, and a bunch of
8 people you didn't know, basically, said you're not
9 allowed to be here, we don't want you here, and they
10 picked you up and pushed you out, carried you out, 14:07
11 physically forced you to be removed from the premises,
12 would you consider your safety to be at risk?

13 A. Absolutely.

14 MR. GOLDBERG: Improper hypothetical, not
15 likely to lead to discovery of admissible evidence, 14:07
16 calls for speculation.

17 THE WITNESS: Absolutely.

18 Q. BY MR. COWAN: So on this conference call you
19 previously talked about where you were speaking with
20 Mr. Pickett and Mr. Wafford, and Mr. Wafford made the 14:07
21 comment about people removing you from the premises if
22 you tried to attend one, because this -- this would be
23 African-American events and you were not
24 African-American, did you consider that to be some sort
25 of threat regarding your personal safety, if you were to 14:07

1 attend?

2 MR. GOLDBERG: Objection, argumentative,
3 mischaracterizes the testimony, not likely to lead to
4 the discovery of admissible evidence.

5 MS. ROSS: Call for speculation. 14:07

6 MR. GOLDBERG: Join.

7 THE WITNESS: Just to -- I don't know what this
8 is for, but I need to let you -- everyone at the table
9 be aware of this.

10 That one meeting that I spoke to regarding 14:08
11 Mr. Wafford's attorney, there were various ethnicities
12 at that meeting. So I didn't -- when I saw the
13 participants of that meeting in regards to Tony's
14 statement, I thought how did he come to that conclusion?

15 It's -- yes, the contract is for 14:08
16 African-Americans, but within that contents, within the
17 African-American community, you have Cubans who are
18 Hispanic, you have all these other denominations or
19 groups, you know, people that, on the contents, may look
20 African-American, but behind their appearance, they are 14:08
21 not African-American descent.

22 Q. BY MR. COWAN: In other words, their
23 ethnicities is more complex --

24 A. Yeah.

25 Q. -- because who they are is more than just the 14:08

1 pigmentation of their skin, it's also the countries and
2 cultures that their ancestors are from?

3 A. Correct.

4 MR. GOLDBERG: Argumentative and move to strike
5 as nonresponsive, the last answer. 14:09

6 THE WITNESS: Yes.

7 Q. BY MR. COWAN: Let's turn for a second to the
8 conversation you had with my client on the telephone
9 where she told you that Mr. Wafford had hit her.

10 As I understood you to be talking, you said 14:09
11 that you had an understanding that Tony Wafford had hit
12 Sharon Byrd somewhere on either her hand or forearm or
13 something like that.

14 MR. GIVENS: Objection, leading, misrepresents
15 the testimony. 14:09

16 MR. COWAN: I haven't finished my question yet.

17 MR. GOLDBERG: I think you should let him
18 finish.

19 MR. COWAN: Let me finish my question, please,
20 gentlemen. 14:09

21 MR. GOLDBERG: I was asking counsel to let you
22 finish your question.

23 MR. COWAN: Yes. Thank you, Mr. Goldberg.

24 Q. You testified earlier in -- let me try this
25 again. 14:10

1 You testified earlier, in response to
2 questioning by Mr. Goldberg about how Sharon Byrd, my
3 client, told you that Tony Wafford had hit her hand or
4 arm.

5 Is that accurate? 14:10

6 MR. GIVENS: Objection, misstates her
7 testimony, leading.

8 MR. GOLDBERG: Are you done?

9 MR. COWAN: I am done. I am giving her an
10 opportunity to say "yes" or "no" without suggesting what 14:10
11 the answer should be.

12 MR. GOLDBERG: I wanted to let you finish your
13 question.

14 I do want to object as totally mischaracterizes
15 testimony of record and argumentative. 14:10

16 THE WITNESS: What Sharon had told me is that
17 he hit her -- her arm. And the way that she told me her
18 arm was bandaged, it made me feel it was more in the
19 forearm, because she told me she felt that he was going
20 to strike her face and she went to block the strike from 14:10
21 her face. And that's how her forearm got injured.

22 Q. BY MR. COWAN: If you have a clear memory, did
23 she specify whether her hands and arms were up in a
24 palm-outward position or in a diagonal position with
25 hands in partially closed grips or some other way? 14:11

1 In other words, did she specify, as you
2 remember it, exactly how her hands and arms were when
3 she was hit?

4 MR. GOLDBERG: Lacks foundation, argumentative,
5 leading. 14:11

6 THE WITNESS: What I can recall is she raised
7 her arm to block a blow.

8 Q. BY MR. COWAN: The reason I ask you that
9 question is the way you're raising your hand indicates a
10 very particular way that the hand would have been 14:11
11 raised. But in fact, there are many ways one could
12 raise one hand to break a blow.

13 You could do it with your palms out, hands up,
14 in sort of a stop gesture. You could do it in a
15 diagonal position with the fist closed, which is 14:12
16 something that's used, for example, in martial arts.
17 You could have it with both hands up in sort of a
18 Muhammad Ali rope-a-dope peek-a-boo kind of position.

19 There are a lot of different ways that could
20 happen. And because you learned this information from 14:12
21 her on the telephone, I am asking a more pointed
22 question. Did she specifically tell you how her hands
23 were raised when she was hit?

24 MR. GOLDBERG: Argumentative, leading, and
25 asked and answered. 14:12

1 THE WITNESS: No, she did not specify. And
2 again, she was very emotional on the phone, so I could
3 tell that -- she was emotional. I understood what was
4 going on.

5 MR. GOLDBERG: Move to strike as nonresponsive 14:12
6 with respect to the tenor of her voice.

7 Q. BY MR. COWAN: When she told you about being
8 hit, was she emotional?

9 A. She was crying. She was very emotional.

10 Q. You told Mr. Goldberg that Mr. Wafford, 14:13
11 himself, never threatened to harm you; correct?

12 A. Correct.

13 Q. Did you consider Mr. Wafford's comments during
14 the speakerphone conversation about how, if you went to
15 the -- to a meeting, you would be physically removed by 14:13
16 people attending it, to be a threat of harm, if not by
17 Mr. Wafford, then by other people?

18 MR. GOLDBERG: Mischaracterizes her testimony.
19 She said that he told her she would be escorted from the
20 premises. Mischaracterizes her testimony, 14:14
21 argumentative, outside the scope of the pleadings.

22 MS. ROSS: I was going to object as to
23 misstates prior testify.

24 MR. GOLDBERG: I should say also lacks
25 foundation. 14:14

1 THE WITNESS: The comment was made I would be
2 physically escorted or removed from the meeting. I, in
3 the way Nicole processed that, that I felt it was a
4 threat against my person, not by Tony directly, but by
5 the participants in the meeting. 14:14

6 I even felt that by him making that statement,
7 that there would be no interjection by any of The Palms
8 staff under the contract. I said is this a threat, am I
9 being threatened, because I need to know if I am being
10 threatened. And they just kind of chuckled. 14:15

11 Q. BY MR. COWAN: When he told you that you would
12 be physically ejected --

13 MR. GOLDBERG: Ha, ha.

14 Q. BY MR. COWAN: That's the term you used; right?

15 A. I think I said "escorted or removed." 14:15

16 Q. "Escorted or removed," okay. Did you have an
17 understanding about what that meant?

18 A. My understanding of that was very crystal to
19 me. Being physically escorted, removed, whatever,
20 however we want to package the terminology, meant that I 14:15
21 would have people escorting me out, either by me
22 voluntarily going out or people would have their hands
23 on me physically, dragging me out of the facility.

24 I saw those two scenarios played through my
25 head. 14:16

1 Q. Is it fair to say -- and tell me if it's not --
2 that it was very clear to you that if you showed up at
3 one of these events, according to Mr. Wafford, and
4 insisted on doing your job, that people would physically
5 pick you up and throw you out? 14:16

6 MR. GOLDBERG: Objection, mischaracterizes
7 testimony, calls for speculation, lacks foundation,
8 outside the scope of the pleadings.

9 THE WITNESS: That they would put their hands
10 on me and take me out, yes, in that context. 14:16

11 Q. BY MR. COWAN: If you refused to voluntarily
12 leave, then these people would --

13 A. Physically put their hands on me. Whether that
14 meant grabbing my arms and pulling me out -- I'm a big
15 girl, I am not a little girl -- that could mean picking 14:16
16 me up and taking me out.

17 I've seen -- I live in Los Angeles county.
18 I've seen people removed from meetings before
19 involuntarily. It is not a pretty situation. Not that
20 I would let that happen, but that's the frame of mind 14:17
21 that I had.

22 Q. Did you tell your supervisors about
23 Sharon Byrd's claim that Tony Wafford had hit her
24 because it caused you to be concerned for your safety?

25 A. The minute I got off the phone with her, I did. 14:17

Exhibit 4

SHOTS FIRED

Los Angeles Police Department

COMBINED EVID. REPORT MULTIPLE DRS ON THIS REPORT

PRELIMINARY CASE SCREENING

- SUSPECT / VEHICLE NOT SEEN
PRINTS OR OTHER EVIDENCE NOT PRESENT
MO NOT DISTINCT
PROPERTY LOSS LESS THAN \$5000
NO SERIOUS INJURY TO VICTIM
ONLY ONE VICTIM INVOLVED

PRELIMINARY INVESTIGATION OF BATTERY (MISD)

INVEST. DIV. SW
LAST NAME, FIRST, MIDDLE (OR NAME OF BUSINESS)
SEX M, DESC B, AGE, DOB

PREMISES (SPECIFIC TYPE) UNIV. AUDITORIUM ATM

ENTRY 459/BFV POINT OF ENTRY POINT OF EXIT
FRONT REAR SIDE ROOF FLOOR OTHER
METHOD INSTRUMENT / TOOL

LOCATION OF OCCURRENCE SAME AS V/S RES. BUS. R.D. 358
3551 TROUSDALE PKWY
DATE & TIME OF OCCURRENCE 12-04-04 1410
DATE & TIME REPORTED TO PD 12-04-04 1420

VICT'S VEH. (IF INVOLVED) - YEAR, MAKE, TYPE, COLOR, LIC. NO.
NOTIFICATIONS (PERSON & DIVISION)
CONNECTED REPORTS (TYPE & DR)

MO IF LONG FORM, LIST UNIQUE ACTIONS. IF SHORT FORM, DESCRIBE SUSPECT'S ACTIONS IN BRIEF PHRASES...
SUSP & VICT GOT INTO ARGUMENT AT EVENT ON USC CAMPUS. SUSP GRABBED VICT FROM BEHIND IN ATT TO GET VICT TO LEAVE. SUSP & VICT FELL OVER CHAIR & AGAINST DOOR, CAUSING INJ TO VICT.
MOTIVATED BY HATRED/PREJUDICE DOMESTIC VIOLENCE

Complete below sections if any Preliminary Case Screening boxes are not checked.

SUSP'S VEHICLE: COLOR(S), VEH. LIC. NO., STATE, INTERIOR, EXTERIOR, BODY, WINDOWS
SEX, DESC, HAIR, EYES, HEIGHT, WEIGHT, AGE, CLOTHING, NAME, ADDRESS, DOB, IF KNOWN; NAME, BKG. NO., CHARGE, IF ARRESTED
PERSONAL ODDITIES (UNUSUAL FEATURES, SCARS, TATTOOS, ETC.)
WEAPON (VERBAL THREATS, BODY FORCE, SHOOTED GUN ETC. IF KNIFE OR GUN, DESCRIBE FULLY) BODILY FORCE

INVOLVED PERSONS: W - WITNESS R - PERSON RPTG S - PERSON SECURING (459) D - PERSON DISCOVERING (459) P - PARENT
CP - CONTACT PERSON (DOMESTIC VIOLENCE) TO - TRUE OWNER
NAME, SEX, DESC, DOB, ADDRESS, CITY, ZIP, PHONE

COMBINED EVID. RPT. USE THIS SECTION IN LIEU OF PROPERTY REPORT IF NO GUN AND NO MORE THAN THREE ITEMS OF EVIDENCE
ITEM, QUAN, ARTICLE, SERIAL NO./TYPE TEST OF DRUG, BRAND / DRUG WEIGHT UNITS, MODEL NO./DRUG TEST RESULT, MISC.

NARRATIVE 1) LIST ADDL SUSPS & INVOLVED PERSONS. 2) RECONSTRUCT OCCURRENCE, INCL. ALL ELEMENTS OF CORPUS DELECTI. 3) IF NOT USING EVID. CONTINUATION FORM, DESCRIBE EVIDENCE. INCLUDE PRINTS, STATE LOCATION FOUND AND BY WHOM. GIVE DISPOSITION. 4) SUMMARIZE OTHER DETAILS, INCL. WHEN & WHERE PERSONS WITH NO PHONE CAN BE LOCATED. 5) INDICATE TYPE OF TRANSLATOR NEEDED FOR ANY INVOLVED PERSON. 6) LIST ITEMS MISSING.

VICTIM IDENTIFICATION INFORMATION (IF APPLICABLE)
IS ANY OF THE VICTIM'S PROPERTY MARKED WITH AN OWNER APPLIED IDENTIFICATION NUMBER? IF "YES" EXPLAIN IN NARRATIVE. YES NO

APPROVAL AND REVIEW: SUPERVISOR APPROVING (Signature), SERIAL NO., DETECTIVE SUPERVISOR REVIEWING (637 FEB 09), SERIAL NO., DATE & TIME REPRODUCED (12/11/04 0130), CLERK (3)

USC SUPV M. [Signature] 01906

C 311389

PAGE NO. 2/5		TYPE OF REPORT BATTERY (MISD)				BOOKING NO.	DR NO.
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (E.G. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE
<u>SOURCE OF ACTIVITY:</u>							
ON 12-9-04, OFCR REC'D RADIO CALL "BATTERY REPORT AT DPS STATION".							
UPON ARRIVAL, OFCR REC'D INFO ABOUT AN INCIDENT THAT OCCURRED ON 12-4-04							
HANDLED BY DPS OFCR SIMPSON. LT HECKELMAN (DPS WATCH CMDR) DIRECTED							
ME TO COMPLETE A BATTERY REPORT BASED ON OFCR SIMPSON'S INFO.							
<u>INVESTIGATION:</u>							
ON SATURDAY, DECEMBER 4, 2004 AT APPROXIMATELY 1410 HRS OFCR							
SIMPSON (USC DEPT OF PUBLIC SAFETY OFFICER) WAS IN FULL UNIFORM							
AND IN A MARKED PATROL VEHICLE ASSIGNED TO USC PATROL. OFCR							
RECEIVED A RADIO CALL FROM W#2 ([REDACTED]) USC COMMUNITY							
SERVICE OFFICER, "ASSISTANCE NEEDED 3551 UNIVERSITY (USC BOUARD)"							
UPON OFCR SIMPSON'S ARRIVAL, OFCR SIMPSON OBSERVED TWO							
PERSONS, VICTIM ([REDACTED]) & S-1 (WAFFORD), WHO WERE VERY UPSET AND							
EXCHANGING WORDS WITH EACH OTHER. OFCR SIMPSON STATED							
THEY WERE SEPARATED IMMEDIATELY. OFCR SIMPSON INTERVIEWED							
S-1 (WAFFORD).							
S-1 (WAFFORD) STATED, HE (WAFFORD) IS THE PERSON IN CHARGE							
AND RESPONSIBLE FOR THE EVENT (AFRICAN AMERICAN HIV/AIDS SUMMIT)							
S-1 (WAFFORD) STATED ONE OF HIS EMPLOYEE(S) WALKED OVER TO HIM							
(WAFFORD), VICTIM ([REDACTED]) SET UP SHOP ON ONE OF THEIR TABLES AND							
WAS HANDING OUT ANTI-AIDS LITERATURE. S-1 (WAFFORD) STATED							
HE WALKED OVER TO VICTIM ([REDACTED]), INTRODUCED HIMSELF AND							
ADVISED VICTIM HE WAS IN CHARGE AS WELL AS THE SPONSOR							
OF THE EVENT, AND HE (VICTIM/[REDACTED]) WAS NOT ALLOWED TO							
HAND OUT LITERATURE. S-1 (WAFFORD) STATED, VICT ([REDACTED]) TOLD							
HIM S-1 (WAFFORD), "I AM NOT GOING TO MOVE OR STOP PASSING							
OUT LITERATURE UNTIL YOU COULD PROVIDE ME WITH SOME KIND							
OF PROOF SAYING YOU ARE INDEED THE PERSON THAT'S IN CHARGE							
OF THE EVENT, OR SHOW ME A RECEIPT THAT SHOW YOU ARE THE							
SPONSOR." S-1 (WAFFORD) STATED TO VICT AT THAT TIME, "I DO NOT							
HAVE TO SHOW YOU ANY PROOF I'M IN CHARGE OR SPONSOR THE EVENT."							
S-1 (WAFFORD) FURTHER STATED HE ASKED VICTIM ([REDACTED]) TO							
LEAVE SEVERAL TIMES, BUT VICT ([REDACTED]) REFUSED. S-1 (WAFFORD) STATED							
HE THEN PICKED UP (VICT'S [REDACTED]) BOX FROM THE TABLE AND							
SAT IT ON THE GROUND. S-1 (WAFFORD) STATED VICTIM ([REDACTED]) GRABBED							
HIS (WAFFORD'S) RIGHT WRIST AND ASKED, "WHAT THE FUCK DO YOU THINK							
YOU'RE DOING?" S-1 (WAFFORD) ASKED VICTIM ([REDACTED]) TO LET GO							
OF HIS WRIST. S-1 (WAFFORD) STATED VICT ([REDACTED]) REFUSED AND							

PAGE NO. 3 of 5		TYPE OF REPORT BATTERY (MISD)			BOOKING NO.		DR NO.	
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (E.F. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)		DOLLAR VALUE
INVESTIGATION (CONTINUED)								
AND TIGHTENED HIS GRIP. S-1 (WAFFORD) STATED HE THEN PLACED VICTIM ([REDACTED]) IN A REAR WRIST LOCK AND TOLD HIM VICTIM/ [REDACTED] TO CALM DOWN AND ALL HE NEEDS TO DO IS GET HIS BELONGINGS AND LEAVE. S-1 (WAFFORD) STATED VICTIM/ [REDACTED] BECAME FURTHER ENRAGED AND BEGAN TO AGGRESSIVELY STRUGGLE WITH S-1 WAFFORD TO GET LOOSE FROM S-1 (WAFFORD). S-1 (WAFFORD) STATED THIS CAUSED BOTH S-1 (WAFFORD) AND VICTIM/ [REDACTED] BOTH TO TUMBLE BACKWARDS INTO A WOODEN DOOR IN FRONT OF THE LOCATION AND ALSO TRIPPED OVER A CHAIR THAT WAS IN FRONT OF THE DOOR. S-1 (WAFFORD) STATED HE HELD VICTIM/ [REDACTED] UNTIL THE TWO USC /COMMUNITY SERVICE OFFICER(S) ASKED HIM S-1 WAFFORD TO LET GO OF VICTIM/ [REDACTED].								
OFFICER SIMPSON THEN INTERVIEWED VICTIM/ [REDACTED] WHO STATED THAT HE WAS INVITED TO ATTEND THIS EVENT BY TWO SEPARATE INVITATIONS. VICTIM/ [REDACTED] STATED ONCE HE ARRIVED HE DECIDED HE DIDN'T LIKE THE MATERIAL AND DECIDED TO GET HIS OWN AND PASS IT OUT. VICTIM/ [REDACTED] STATED S-1 APPROACHED HIM (V/ [REDACTED]) AND STATED, "YOU CAN'T PASS LITERATURE OUT ANYMORE, AND REMOVE YOUR BELONGINGS OFF THE TABLE, BECAUSE I PAID FOR THE TABLE TOO." VICT/ [REDACTED] STATED HE ASKED S-1 (WAFFORD), "WHAT AUTHORITY DO YOU HAVE TO TELL ME I COULD OR COULD NOT PASS OUT MATERIAL?" VICTIM/ [REDACTED] STATED, S-1 (WAFFORD) BECAME ENRAGED AND BEGAN TAKING HIS BELONGINGS OFF THE TABLE AND PLACING THEM ON THE GROUND. VICTIM/ [REDACTED] STATED, "S-1 (WAFFORD) GRABBED HIM FOR NO REASON AND AS THEY STRUGGLED THE RIGHT SIDE OF HIS (V/ [REDACTED]) STRUCK THE BIG WOODEN DOOR IN FRONT OF THE LOCATION. VICTIM/ [REDACTED] STATED THEY V/ [REDACTED] AND S-1 (WAFFORD) BOTH FELL OVER A CHAIR AND POSSIBLY SOME OTHER FURNITURE AND THIS CAUSED INJURY TO HIS (V/ [REDACTED]) LEFT THUMB, WRIST AND BACK."								

C. 0631500

PAGE NO. 4 of 5		TYPE OF REPORT BATTERY (MISD)			BOOKING NO. [REDACTED]		
ITEM NO.	QUAN.	ARTICLE	SERIAL NO.	BRAND	MODEL NO.	MISC. DESCRIPTION (E.G. COLOR, SIZE, INSCRIPTIONS, CALIBER, REVOLVER, ETC.)	DOLLAR VALUE
INVESTIGATION (CONTINUED)							
<p>DFCR SIMPSON THEN INTERVIEWED W#1 WHO STATED, "I SAW THE WHOLE THING."</p> <p>WITNESS #1 ([REDACTED]) STATED HE WAS TALKING WITH V/ [REDACTED] AT THE TIME OF INCIDENT. W#1 ([REDACTED]) STATED S-1 (WAFFORD) CAME OVER AND WAS VERY POLITE. S-1 WAFFORD INTRODUCED HIMSELF AND SAID HE WAS THE SPONSOR AND IN CHARGE OF THE EVENT. W#1 STATED S-1 (WAFFORD) EXPLAINED TO V/ [REDACTED], HE ([REDACTED]) IS NOT AUTHORIZED TO PASS OUT THE MATERIAL HE HAD.</p> <p>W#1 ([REDACTED]) STATED V/ [REDACTED] BECAME UPSET AND ASK S-1 (WAFFORD) FOR A RECEIPT OR SOMETHING SAYING THAT S-1 (WAFFORD) IS REALLY THE ONE IN CHARGE.</p> <p>W#1 ([REDACTED]) STATED CONVERSATION WAS OVER. WHEN S-1 (WAFFORD) BEGAN TO MOVE MATERIAL OFF THE TABLE AND PUT IT ON THE GROUND, W#1 ([REDACTED]) STATED V/ [REDACTED] BECAME UPSET AND GRABBED S-1 (WAFFORD'S) WRIST AREA AND THEY BEGAN TO STRUGGLE, FALLING INTO THE DOOR AND OVER A CHAIR. S-1 (WAFFORD) HELD ON TO V/ [REDACTED] UNTIL THE SECURITY OFFICER(S) TOLD HIM TO LET GO.</p> <p>DFCR MONTGOMERY INTERVIEWED W#2 ([REDACTED]) (VSC PUBLIC SAFETY COMMUNITY SERVICE DFCR) WORKING THE EVENT, STATED SHE HEARD SOMEONE SAY, "SECURITY, I'M REQUESTING SECURITY." W#2 (STAFF) STATED SHE LOOKED UP AND OBSERVED S-1 (WAFFORD) WAS HOLDING VICT [REDACTED] IN A POSITION FROM THE BACK. S-1 WAFFORD'S ARMS WERE UNDER V/ [REDACTED] ARMPITS AND HANDS LOCKED ON V/ [REDACTED] SHOULDERS. WITNESS #2 ([REDACTED]) STATED SHE OBSERVED S-1 WAFFORD ATTEMPTING TO REMOVE VICT BACKWARD WITH HOLD STILL IN PLACE, AND THEY S-1 WAFFORD AND V/ [REDACTED] BOTH FELL ON A TABLE. W#2 ([REDACTED]) STATED SHE ASKED S-1 WAFFORD TO RELEASE V/ [REDACTED] AND S-1 (WAFFORD) COMPLIED. DRS DFCR SIMPSON ARRIVED APPROXIMATELY 1 MINUTE AFTER AND INTERVIEWED S-1 WAFFORD, V/ [REDACTED] AND W#1 ([REDACTED]).</p>							

C. 0631391

[support] [log out]

CALL FOR SERVICE

TRACE

Created By E9325
 Created On 08/11/2009@18.51.53
 Requested By M. NOVAK, LAD-DISC.

INCIDENT DETAIL

Number	4345000740	Date Time	12/10/2004@06:01
Location	3551 TROUSDALE PY	RD	358
Operator	34603	Operator Loc ID	
Position	93	Type	242I - BATTERY INVEST
Code/Priority		Source	TP
Reporter Name		Phone	213/
Address		Business	3551 TROUSDALE PKWY

COMMENTS

\DSPO RPT 0601 034603 PACC03 93\
 \EDB REQUESTS 1001 P 0 V 0\
 \

UNITS

UNIT	DSPTCH	ACK	ENR	ATS	CMP	INT	TOTAL INT	UNIT STATUS	DSPO TYPE	DSPO CODE
	06:01	00:00	00:00	00:00	06:01	00:00	00:00	OPCL	242I	RPT

LOS ANGELES POLICE DEPARTMENT

WILLIAM J. BRATTON
Chief of Police



ANTONIO R. VILLARAIGOSA
Mayor

P.O. Box 30158
Los Angeles, CA 90030
Telephone: (213) 978-6585
TDD: (877) 275-5273
Ref #: 9.2

DECLARATION ACCOMPANYING RECORDS IN RESPONSE TO A FORMAL REQUEST

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

I John Harowicz, declare I am employed by the Los Angeles Police Department and assigned to Communications Division. I am the duly authorized representative of the Los Angeles Police Department and have authority to certify Communications Division Records.

On 8-11-09, a formal request was made to the Los Angeles Police Department for communications records.

The request called for the production of:
911 CALL

Date: 12-10-04

Time: 0601

Location: 3551 TROUSDALE PKWY

I have exercised due diligence in searching the records, files, and database that Communications Division has access to and/or possession of and, except as may be noted below, the accompanying copies are true copies of all records described in the request. Said reports were prepared by personnel of the Los Angeles Police Department in the ordinary course of business at or near the time of the acts, conditions, or events recorded therein.

**DECLARATION ACCOMPANYING RECORDS
IN RESPONSE TO A FORMAL REQUEST**

Page 2

Of the records described in said formal request, the Los Angeles Police Department is unable to comply with the request because:

There is no record of any kind based on the information provided in the formal request for _____

The tape records are unavailable due to destruction in accordance with the Los Angeles Administrative Code Section 12.3 (b) (7), computer print-outs are available only.

No radio recordings were located, computer information only.

Communications Division records ONLY incoming and outgoing calls for service received by Communications Division's Dispatch Center.

Specific information is needed: Date, Exact Time, Location of Occurrence, Type of Crime or Charge, and Unit Number of the Los Angeles Department Officers involved. _____

Due to the heavy workload for requests received pursuant to court Order, we are unable to comply with the due date of your request. The request will be completed as soon as possible.

INFORMATION FOR INCIDENT #4345000740 WAS RECEIVED AT SOUTHWEST DIVISION POLICE STATION. _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____

8-12-09

Los Angeles, California

(Signature of Declarant)

LOS ANGELES POLICE DEPARTMENT



WILLIAM J. BRATTON
Chief of Police

ANTONIO R. VILLARAIGOSA
Mayor

P. O. Box 30158
Los Angeles, CA 90030
Telephone: (213) 978-6585
TDD: (877) 275-5273
Ref #: 9.2

AFFIDAVIT

I state that I, John Harowicz, Serial No. G8882, am a duly authorized Custodian of Taped Records of Communications Division and have authority to certify the attached records.

The accompanying attachments are true copies of all records described in your request.

The records were prepared by personnel of the City of Los Angeles in the ordinary scope and course of business at or near the time of the acts or events.

I attest the above to be true under penalty of perjury.


Date:

8-12-09

Signature

John Harowicz

WILLIAM J. BRATTON
Chief of Police


REGINA A. SCOTT, Captain
Commanding Officer
Communications Division

Enclosures

LOS ANGELES POLICE DEPARTMENT



WILLIAM J. BRATTON
Chief of Police

P. O. Box 30158
Los Angeles, California 90030
Telephone: (213) 978-2100
TDD: (877) 275-5273
Reference Number: 14.4

ANTONIO R. VILLARAIGOSA
Mayor

DECLARATION OF CUSTODIAN OF RECORDS

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

Title of Action: SHARON SONG BYRD vs. TONY WAFFORD, ET AL.

Case Number: BC403677

Name of Party Obtaining Subpoena: Jeffrey W. Cowan, Esquire

Date of Compliance: August 24, 2009

Location of Compliance: 1541 Ocean Avenue, Suite 200
Santa Monica, CA 90401

I, MICHAEL NOVAK, declare:

1. I am employed as a Management Analyst by the Los Angeles Police Department and assigned to the Legal Affairs Division. I am a duly authorized representative of the Custodian of Records and have authority to certify said records.
2. On August 10, 2009, a Subpoena Duces Tecum was served on Los Angeles Police Department, which was issued by the Superior Court of California, Los Angeles County, and called for the production of: "1. All writings (defined herein as items falling within the scope of Evidence Code § 250) that refer or relate to an investigation or response that you conducted on or about December 4, 2004 regarding a complaint (whether informal or formal) that a male (identity unknown) had been hit, battered or assaulted by tony Wafford at an event held in or about the Bovard Auditorium at the University of Southern California. This request includes but is not limited to all writings discussing, referring or relating to (a) a telephone call to either 911 or the Los Angeles Police about such an incident, (b) the summoning or arrival of an ambulance to treat the victim of the above described battery, (c) reports regarding this incident." (sic)
3. The documents transmitted are true copies of the original records described in the subpoena duces tecum. Portions of this report have been withheld pursuant to Article 1, Section 1 of the California State Constitution (a person's right to privacy).

AN EQUAL EMPLOYMENT OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER
www.LAPDOnline.org
www.joinLAPD.com

Declaration of MICHAEL NOVAK
Custodian of Records
Los Angeles Police Department
Page 2
14.4

4. The records referred to above were prepared by personnel of the Los Angeles Police Department in the ordinary course of business at or near the time of the acts, condition, or event described therein.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 18, 2009, at Los Angeles, California.

A handwritten signature in cursive script, appearing to read "Michael Novak", written in black ink on a white background.

Signature of Declarant

Exhibit 5

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

CERTIFIED COPY

SHARON SONG BYRD, AN
INDIVIDUAL,

Plaintiff,

vs.

TONY WAFFORD, AN INDIVIDUAL,
THE PALMS RESIDENTIAL CARE
FACILITY, A CALIFORNIA
CORPORATION AND DOES 1
THROUGH 100,

Defendants.

No. BC403677

DEPOSITION OF MATTHEW SCHWABE

TUESDAY, OCTOBER 20, 2009

SANTA MONICA, CALIFORNIA

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

REPORTED BY: JEANINE CURCIONE
CSR NO. 10223, RPR

FILE NO.: A3098E9

1 A. Yes.

2 Q. When you were working with Deputy Stilson in
3 October of 2007, were you the supervising deputy
4 sheriff?

5 A. I was his training officer at the time,
6 supervising his investigation and performance.

7 Q. Is that because you were more experienced
8 than he?

9 A. Yes. I was an assigned training officer to
10 him.

11 Q. So you were his teacher?

12 A. Correct.

13 Q. Was he a good student?

14 A. Very good. Very thorough.

15 Q. So although he was still at a stage in his
16 career where he was receiving the benefit of your
17 training, did you have -- what opinion -- what other
18 opinions did you have of his performance as a peace
19 officer in 2007?

20 A. He's very professional in his duties. Very
21 mature. Shows a lot of experience in his
22 investigations, and he needed minimal direction with
23 respect to anything he handled.

24 Q. A moment ago you used the word mature?

25 A. Mature.

1 Q. So if you were giving him a grade based on
2 his performance in October of 2007 what would it be?

3 MR. GOLDBERG: Objection. Vague and ambiguous.
4 Lacks foundation.

5 THE WITNESS: Can I answer?

6 Q. BY MR. COWAN: Yeah.

7 A. It's hard for me to give him a grade based
8 on the fact that he was in training and wasn't --
9 hadn't had a lot of experience, but he did his job very
10 well.

11 Q. For someone with the amount of experience
12 that he had would you say he was among -- he was very
13 good, among the best you'd ever seen? You're not
14 comparing him to a 20 year peace officer. You're
15 comparing him to someone for the amount of experience
16 he had.

17 MR. GOLDBERG: Objection. Lacks foundation.
18 Overbroad. Calls for speculation. Assumes facts not
19 in evidence.

20 THE WITNESS: I would have to say that Deputy
21 Stilson was further advanced than most deputies at his
22 stage that I had worked with that were in training.

23 Q. BY MR. COWAN: Now, you were served with a
24 subpoena to appear today; correct?

25 A. Yes, sir.

1 Q. And the subpoena asked you -- directed you
2 to produce any documents you had that related either to
3 my client Sharon Song Byrd or to someone named Tony
4 Wafford with respect to an incident on October 11,
5 2007.

6 A. Yes.

7 Q. Did you search for documents?

8 A. I looked through my records and my notes and
9 my lockers and I wasn't able to locate anything with
10 respect to that date or incident.

11 Q. Would you have had notes?

12 A. Not necessarily, no.

13 Q. So let me show you now some documents. I'm
14 going to give them to you -- although they were
15 separately stapled, they were actually produced to us
16 together. They're some documents from the Sheriff's
17 Department and then the form with them is an affidavit
18 from Detective Tim Hazelwood. I'll have the court
19 reporter mark these as Exhibit 25.

20 (Plaintiff's Exhibit 25 was marked for
21 identification by the Reporter.)

22 Q. BY MR. COWAN: Do you know what these
23 documents are?

24 A. Yes, I do.

25 Q. What are they?

1 A. It's a record for our log activity for that
2 day on that particular shift.

3 Q. And who's Tim Hazlewood?

4 A. He is a detective assigned to our station at
5 Marina Del Rey.

6 Q. You understand that he does or was acting in
7 June of 2009 as the custodian of records for the
8 Sheriff?

9 A. Yes.

10 Q. And in looking at these documents that were
11 produced with the affidavit, do you understand them to
12 be printouts of records generated or contained within
13 the Sheriff's computer system?

14 A. Yes, that's correct.

15 Q. And these are entries that would have been
16 made at the time that events happened by a sheriff?

17 A. Yes.

18 Q. Do you know who made these particular
19 entries?

20 A. Well, it would be several people. The first
21 of which being it would be a dispatcher that receives
22 the call that types it in and creates the incident.
23 And then there are assisting units that are assigned to
24 it that create a record as well as time records. At
25 what time we went in route to the call, time we

1 arrived, as well as the time we left the call in
2 addition to a clearance, clearing the call from our
3 computer.

4 Q. Would -- you're looking at the first page?

5 A. Yes.

6 Q. And at some point would either you or Deputy
7 Stilson actually have entered comments into the
8 computer, though?

9 A. Yes.

10 Q. So you'd have -- is it accurate to say --
11 tell me if it's not -- that there would be entries made
12 by an operator who took a 911 call and then later there
13 would be entries by a deputy who responded to a call?

14 A. That's correct.

15 Q. Turning to -- let me back up. We chatted a
16 little bit beforehand. Do you have any recollection of
17 going out in response to a 911 call that was made by my
18 client Sharon Byrd?

19 A. At this time, no, I do not.

20 Q. So any memory you might have is directly
21 dependent on whatever the notes reflect; is that right?

22 A. At this time, other than a picture I've seen
23 of the location that I'm familiar with that general
24 area, but I have no recollection of this particular
25 incident.

1 Q. Looking at the first page that says
2 "Incident History Report," Marina Del Rey, page 1 of 1
3 at the top, at the bottom of the page where it says
4 "0920" and there's a little star and then "clear" and
5 then it goes on, and there's a reference to Sharon
6 Byrd. Can you translate -- this appears to be some
7 sort of a police shorthand. Is it?

8 A. Yes, it is.

9 Q. Could you translate that for us.

10 A. From what it says it appears that it says,
11 "Contacted informant Byrd, Sharon, FB," that is female
12 black, "11-26 of 64." That would be her birth date.
13 "regarding possible 242" which is battery by boss.

14 Q. So the 242 refers to the Penal Code statute
15 that codifies the crime of battery?

16 A. Yes. The nature of our presence there.

17 Q. Battery is an unlawful or unpermitted
18 touching?

19 A. Yes.

20 MR. GOLDBERG: Objection. Calls for a legal
21 conclusion.

22 Q. BY MR. COWAN: Go on.

23 A. "Possible 242 battery by boss. Informant
24 non-desire -- desirous of prosecution. Warn and
25 advised Wafford, Anthony, male black, birth date of

1 6-27-56 regarding a 415," which is a disturbance --

2 Q. BY MR. COWAN: 415 is referring to a
3 provision in the Penal Code?

4 A. Yes.

5 Q. And that would be disturbing the peace?

6 A. Yes. "With employee," and then "will co,"
7 which means will cooperate and that they understood.
8 The 2767 is just the reporting district of the incident
9 and where it occurred.

10 Q. Does the shorthand for "will cooperate"
11 refer -- let me rephrase that. Do you know for a
12 certainty whether the will co reference is referring to
13 Ms. Byrd agreeing to cooperate or Mr. Wafford agreeing
14 to cooperate or both?

15 A. I don't recall in this incident.

16 Q. There's no way for you to tell based on
17 standard practices the way these reports are written?

18 A. Standard practice would indicate that if it
19 says will co, that the parties involved understood what
20 was going on and understand whatever it was that we
21 explained to them.

22 Q. If only one had agreed to cooperate, would
23 the report have been written differently based on the
24 standard practices?

25 MR. GOLDBERG: Objection. Vague and ambiguous.

1 THE WITNESS: It depends. I can't say for this
2 incident, but sometimes in certain applications.

3 Q. BY MR. COWAN: And turning to the second
4 page, about the a third of the way up from the bottom
5 there's another reference to an incident involving
6 Sharon Byrd. Do you see that?

7 A. Yes.

8 Q. This one -- let's -- let's go through it.
9 The first line specifies the location.

10 A. Correct.

11 Q. Then below that it says 212 disorderly
12 conduct. What does that mean?

13 A. 212 is a statistical code we use for
14 incidence disturbance. Disorderly conduct, it's
15 disorderly conduct. Usually it's some sort of a
16 disturbance between parties.

17 Q. Then it says disturbing the peace/court
18 disturbances. What does that mean?

19 A. That relates to the 212 code that we put in.
20 Everything following the 212 is computer generated,
21 referring to the 212 section disturbing the peace,
22 court disturbance, it could be either one. It's kind
23 of nonspecific.

24 Q. And then is the rest the same as -- the same
25 essentially shorthand as what was on the other sheet?

1 A. That's correct. It's just a replication of
2 each. Same as the first.

3 Q. Let's mark as Exhibit 26 a photograph.
4 (Pleading's Exhibit 26 was marked for
5 identification by the Reporter.)

6 Q. BY MR. COWAN: Do you recognize this
7 photograph to be the address at 5003 South La Brea
8 Avenue?

9 A. Yes.

10 Q. And this would have been where you went out
11 on October 11, 2007 in response to the call that's
12 identified in the police records we just talked about?

13 A. Yes.

14 MR. GOLDBERG: Objection. Lacks foundation.

15 THE WITNESS: Yes.

16 Q. BY MR. COWAN: This address -- you
17 understand this to be part of a mini-mall?

18 A. Yes.

19 Q. And you've been there before?

20 A. Several times, yes.

21 Q. Did you go into the Palms on October 11,
22 2007?

23 A. I don't recall.

24 Q. Have you ever been inside the premises?

25 A. Not to my recollection, no.

1 A. It's possible. I don't recall.

2 Q. Going back to Exhibit 25, the police report,
3 the report indicates that Ms. Byrd did not want to
4 prosecute. How many -- would you say you've been on
5 dozens or hundreds or more calls involving some sort of
6 crime -- crime involving violence?

7 MR. GOLDBERG: Lacks foundation. Argumentative.
8 Overbroad.

9 Q. BY MR. COWAN: Let me rephrase that. Before
10 October 2007 you'd gone out on calls involving battery
11 and other kinds of violence?

12 A. Yes.

13 Q. What's your best estimate as to how many?

14 A. Hundreds.

15 Q. Had you experienced going out on a call
16 involving a complaint of battery or some other kind of
17 violence and when you arrived, the person who had made
18 the call who was the alleged or purported victim didn't
19 want to prosecute, didn't want to press charges?

20 A. Yes.

21 Q. How often had that happened?

22 A. It's hard to say -- put a specific number on
23 it or give a percent, but it is common.

24 Q. Do you have any understanding as to why it's
25 common?

1 MR. GOLDBERG: Calls for speculation. Lacks
2 foundation.

3 THE WITNESS: It depends on the specific
4 situation that we're handling at the time, but a lot of
5 the people that call us out and that are non-desirous
6 have told us in the past that they feel that it will
7 make the situation worse as well as a lot of the time
8 when we present folks with a private person's arrest,
9 we also advise the other parties and a lot of the times
10 they both want each other arrested and that's a
11 deterrent also. They don't want to prosecute because
12 they don't want to get arrested themselves.

13 Q. BY MR. COWAN: So in other words, it's a
14 mutual deterrent. They're afraid that if they sign
15 paper to have the other person arrested, that person
16 will turn around and sign the same kind of document and
17 cause them to be arrested.

18 A. Yes, that happens.

19 Q. How many times have you gone out on calls
20 pertaining to complaints of violence that involve
21 people in the same workplace?

22 MR. GOLDBERG: Objection. Overbroad. Lack of
23 foundation.

24 THE WITNESS: I honestly couldn't put a number
25 on it but it's a common occurrence, very common.

1 Q. BY MR. COWAN: Would it be fair to say that
2 it's at least in the dozens?

3 MR. GOLDBERG: Objection. Calls for
4 speculation. Lacks foundation.

5 THE WITNESS: Easily. Yes.

6 Q. BY MR. COWAN: And does the same -- is it
7 your understanding that the same dynamic holds true
8 there, that people who have complained of workplace
9 violence are afraid that pressing charges will only
10 escalate the problem and make it worse?

11 MR. GOLDBERG: Overbroad. Mischaracterizes
12 testimony.

13 THE WITNESS: We've run into that, yes.

14 Q. BY MR. COWAN: Based on all the people
15 you've talked with and interacted with as a result of
16 going out on the what you estimate are at least dozens
17 of calls involving workplace violence, is there a
18 common thread or perception that you've observed from
19 the persons who have made the complaint and then choose
20 not to prosecute once you and your colleagues arrive?

21 MR. GOLDBERG: Overbroad. Lacks foundation.

22 THE WITNESS: Well, it's just a situation where
23 a crime isn't apparent to us and it's a
24 he-said-she-said type of a situation where they're
25 presented with their options and -- for private persons

1 arrest, and a lot of the time when presented with it,
2 they change their mind for fear of being arrested
3 themselves.

4 Q. BY MR. COWAN: Any other common reasons
5 you've observed that people who have made a call to the
6 police about allegedly being the victim of violence in
7 the workplace changed their minds and don't want to
8 press charges once you and the other sheriff show up?

9 A. Not that I recall, no.

10 Q. So hang on a second. At one point I thought
11 you said that one reason people don't press charges is
12 because they're concerned that it will make the
13 situation worse.

14 A. Correct.

15 Q. When you said that were you referring only
16 to the fact that it might cause somebody else to want
17 to have them arrested, or were you referring to
18 something else such as the fact it might create more
19 tensions or political problems in the workplace?

20 MR. GOLDBERG: Overbroad. Lacks foundation.

21 THE WITNESS: Creating more problems not only
22 for the incident we're out there investigating, but in
23 addition the fear of getting arrested themselves, if
24 they themselves, the complaining party, presses charges
25 and signs a private person's arrest having that person

1 arrested. The fear of they themselves being arrested
2 on a private person's arrest.

3 Q. BY MR. COWAN: When you report to the scene,
4 if the person who is the alleged perpetrator of
5 criminal violence says something to the effect of, "I
6 didn't hit her. She hit me. I was acting in --
7 yeah -- yes, I used some physical force to touch her or
8 restraining her because she was hitting me. I was
9 acting in self defense," as opposed to saying, "It
10 never happened. This person is crazy. I haven't
11 touched her all day," will the person reflect that the
12 person who was the subject of the call to 911 is now
13 accusing the other person of violence?

14 MR. GOLDBERG: Objection. Incomplete
15 hypothetical. Overbroad.

16 THE WITNESS: If a report is necessary it will
17 reflect that.

18 Q. BY MR. COWAN: So to be clear, if you go out
19 on a battery call and when you get there the victim
20 says, yes, something to the effect of, "Yes, this
21 person hit me," and the person who is claimed to have
22 committed a battery says, "No. The alleged victim hit
23 me. Whatever I did was in self-defense. I'm the one
24 who got hit. Look at this bruise" or "look at this
25 cut," whatever the person says so you've got competing

1 claims of criminal touching, is that going to be
2 reflected in the general logs?

3 MR. GOLDBERG: Objection. Incomplete
4 hypothetical. Calls for speculation.

5 THE WITNESS: In the event we run across an
6 incident like that where the two parties are claiming
7 misdemeanor battery, however, they're nondesirous, it
8 will usually reflect in the log that it was a mutual
9 combat and both parties were non-desirous.

10 Q. BY MR. COWAN: There is nothing in the log
11 with respect to this incident to suggest that
12 Mr. Wafford was claiming that Sharon Byrd hit him or
13 acted unlawfully in any way; correct?

14 A. Correct.

15 Q. And and if there had been such report it
16 probably would be in this log; right?

17 MR. GOLDBERG: Objection. Argumentative.

18 THE WITNESS: Yes.

19 Q. BY MR. COWAN: Let me rephrase that. If
20 there had been such an allegation by Mr. Wafford, would
21 it most likely be reflected in this log?

22 A. Typically it would. Yes.

23 Q. By the way, if I -- I may have referred to
24 my client a moment ago as Sharon Byrd. If I had
25 referred to her by her full name which her middle name

1 is Song, so her full name is Sharon Song Byrd, does
2 that refresh your memory about this incident in any
3 way?

4 A. No.

5 MR. COWAN: Off the record for just one second.

6 (Recess taken.)

7 MR. COWAN: I don't have any further questions.

8 MR. GOLDBERG: I just have a few questions for
9 you, deputy.

10 [EXAMINATION

11 BY MR. GOLDBERG:

12 Q. First thing I'd like to do is mark as
13 Exhibit 27 the deposition notice in this case and it
14 has a subpoena attached directed to you. I'd just like
15 to show that to you.

16 (Plaintiff's Exhibit 27 was marked for
17 identification by the Reporter.)

18 THE WITNESS: Okay.

19 Q. BY MR. GOLDBERG: Is that the subpoena that
20 brought you here today?

21 A. It appears to be the same -- copy of the
22 same subpoena, yes.

23 Q. And it directed you to look for documents;
24 correct?

25 A. Correct.

1 through your personal notebooks.

2 A. Correct.

3 Q. And you also checked with one of your
4 colleagues for whatever was sort of on file with
5 respect to this particular day.

6 A. That's correct.

7 MR. GOLDBERG: Mischaracterizes testimony.

8 THE WITNESS: That's correct.

9 Q. BY MR. COWAN: But beyond that you didn't
10 conduct an independent search of every piece of paper
11 that might be filed in the Sheriff's office; right?

12 A. Correct.

13 Q. Now, the other thing is with respect to the
14 issue of the contents of these notes that are marked as
15 Exhibit 25 and the fact that there's no reference in
16 here to Mr. Wafford complaining that Ms. Byrd hit him,
17 my colleague Mr. Goldberg asked you a second ago about
18 the fact that whether it was a certainty that no such
19 complaint was made. Let me ask you a little bit
20 different question. Would you say based on the absence
21 of any complaints of any comments in these notes about
22 Mr. Wafford complaining that Sharon Byrd did something
23 unlawful or criminal against him, that it's merely more
24 likely than not that no such complaint was made?

25 MR. GOLDBERG: Calls for speculation.

1 Q. BY MR. COWAN: Based on the practices of you
2 and your colleague and what you would write down.

3 A. Based on my experience and the clearance
4 that I have before me here, I would believe that the
5 complaint was not made on his part. Otherwise it would
6 have indicated that there was a non-desirous mutual
7 combat.

8 MR. COWAN: I don't have anything else.

9 [FURTHER EXAMINATION

10

11 MR. GOLDBERG: One quick follow up.

12 Q. I think you mentioned that you did contact
13 the sheriff's bureau about the subpoena that was served
14 on you to find any records.

15 A. No. I contacted my detective bureau at
16 Marina Del Rey station to ascertain if there was any
17 report generated behind this particular subpoena so I
18 could refresh my memory with it. All they gave me and
19 told me was these are the same records that they found.
20 They found nothing else.

21 Q. Who did you contact at the detective bureau?

22 A. Sergeant -- Detective Hazlewood.

23 Q. And so did Detective Hazlewood provide you
24 with documents that you produced today?

25 A. No. He explained to me that after his check

INCIDENT HISTORY REPORT
MARINA DEL REY

Station: MDR Incident Date: 10/11/07 Tag #: 40 Incident #: MDR07284-0040

/0836 ENTRY (248149) INCIDENT, 5003 LA BREA AV, LAD #C "PALMS RESIDENTIAL CARE, P, 415B, P242R, .9, . . . , TONY WAFFORD, SAME, (323) 296-4503, FEM SECRETARY SAYS HER BOSS, (INF) SLAPPED HER. . . . , MDR, . . . , MDRWD

/0836 ASSIGN/B (439117) 274/D #439021 GASKIN

/0836 ASSIST/B (439117) 273/D #475144 STILSON #258444 SCHWABE

/0836 CHGHDL (439117) 274/D->273/D

/0836* ACK (439021) 274/D <000>

/0837* ENR (439021) 274/D <000>

/0838 NOACK (263471) 273/D

/0840 ACK (263471) 273/D

/0840* ASSIST/S (173139) 273A/D #173139 COOPER JR #465628 CROOKS <000>

/0840* ACK (173139) 273A/D <000>

/0840* ENR (173139) 273A/D <000>

/0840* ENR (475144) 273/D <000>

/0841* 10/97 (439021) 274/D <000>

/0842* 10/97 (173139) 273A/D <000>

/0849* 10/97 (475144) 273/D <000>

/0855* 10/98 (439021) 274/D <000>

/0855* 10/98 (173139) 273A/D <000>

/0856* CLEAR (173139) 273A/D, . . . 780, X-273 AS
NEEDED, <000>

/0905* 10/98 (475144) 273/D <000>

/0920* CLEAR (475144) 273/D, . . 212, , CTD I/F BYRD, SHARON F/B 11/, 26/64 RE POSS 742 BY BOSS. I/F N, ON DESIR OF PROSCTE. W/A WAFFORD, ANTHONY M/B 06/28/56 RE 415 W/E, MPLOYEE, WILCO., 2767, <000>

/0921* CLEAR (439021) 274/D, . . . 780, X-
273, <000>

/0926 OKI (248149)

25

EXHIBIT 25
10-20-09

DEPUTY DAILY WORKSHEET

06/26/09 0906

STATION: MDR

UNIT: 273 SHIFT: D DATE: 10/11/07 0700 - 1500 CLASS: H TYPE: P

475144 STILSON JAMES E O/T: O/T PA:
258444 SCHWABE MATTHEW C O/T:

VEH: SD4054 MILES: (83810 -> 83857) : 47 MOBILE: 6726
SPEC EQP: AR 15,SG 4,STUN BAG,RAD. PAGER

PORTABLES: 14545 18956

ARRESTS /FEL-MA: FA: MJ: FJ: CITS/HZ: NHZ: PKG:
/MSD-MA: FA: MJ: FJ:

PATROL AREA/TIME: 01/209

TIME-SHIFT: 480 TT: 35 HDL: 221 WRT: 15 PTL: 209 UNALLOC: 0 RPTS: 2

INCIDENT ASSIGNMENTS:

Table with columns: TAG#, CODE, DISP, ACK, ENRT, 10/97, 10/98, RD#, A, S, P, TT, HDL, WRT, URN. Row 1: 32, 924B, 0659, 0659, 0743, 2761, O, R, 44

LOC: MDR
CLR: 754 STATION SERVICE: Briefing
CLR: 758 STATION SERVICE: Station Service
NARR: BRIEFING, VEH PREP

Table with columns: TAG#, CODE, DISP, ACK, ENRT, 10/97, 10/98, RD#, A, S, P, TT, HDL, WRT, URN. Row 2: 36, 925A, 0812, 0812, 0840, 2768, O, R, 28

LOC: ALLEY SO/SLAUSON W/WEST ST
CLR: 723 VEHICLE/BOATING LAWS, CITATIONS: Warning Given
CLR: 840 Traffic Stop
CLR: 718 NON-CRIMINAL: Suspicious Vehicle
NARR: CNT DRIVER DAVIS, YAMARO 08/06/71 M/B RE NO PLATES, BRKN WINSHIELD. W/A RE LIC STATUS.
CHK PASSENGER DAY, AMIKA F/B 11/08/72 CHK OK. W/A RE CHILD ENDANGERMENT

CONTACT TYPE: D - DETAINEE-DRIVER NAME: DAVIS, YAMARO
CONTACT 1 SEX: M RACE: B DOB: 08/06/71 SEARCH: P - PAT DOWN
CONTACT 2 SEX: F RACE: B DOB: 11/08/72 SEARCH: P - PAT DOWN
PC: V - VEHICLE CODE SECT: 5200A VSRCH: C - CONSENT SEARCH
CONTRABAND SEIZED: NS - NO SEIZURE

Table with columns: TAG#, CODE, DISP, ACK, ENRT, 10/97, 10/98, RD#, A, S, P, TT, HDL, WRT, URN. Row 3: 40, 415B, 0836, 0840, 0840, 0849, 0905, 2767, 9, P, 9, 16

LOC: 5003 LA BREA AV, LAD #C "PALMS RESIDENTIAL CARE
CLR: 212 DISORDERLY CONDUCT: Disturbing The Peace/Court Disturbances
NARR: CTD I/F BYRD, SHARON F/B 11/26/64 RE POSS 242 BY BOSS. I/F NON DESIR OF PROSCTE. W/A
WAFFORD, ANTHONY M/B 06/28/56 RE 415 W/EMPLOYEE, WILCO.

Table with columns: TAG#, CODE, DISP, ACK, ENRT, 10/97, 10/98, RD#, A, S, P, TT, HDL, WRT, URN. Row 4: 47, 415N, 0925, 0927, 0929, 0935, 0949, 2767, C, R, 6, 14

LOC: 6249 CONDON AV, LAD
CLR: 212 DISORDERLY CONDUCT: Disturbing The Peace/Court Disturbances
NARR: CNT I/F WILSON, MILTON M/B 10/15/36. RE COMPLAINT OF THREATS MADE BY NEIGHBOR TO KILL
HIS DOG. CNT BROOKS, JUSTIN M/B 12188. W/A RE 415N, WILCO.

Table with columns: TAG#, CODE, DISP, ACK, ENRT, 10/97, 10/98, RD#, A, S, P, TT, HDL, WRT, URN. Row 5: 54, 925, 1041, 1041, 1054, 2768, O, R, 13

LOC: SOUTH SIDE SLAUSON @ BRYANHURST
CLR: 716 NON-CRIMINAL: Suspicious Person
CLR: 841 Pedestrian Stop
NARR: CNT DILLARD, RAYMOND M/B 122059 AND STONE, RONALD M/W 090474 RE 925/DRINKING IN
PUBLIC. W/A NOT TO BE IN PUBLIC WITH OPEN CONTAINER. WILCO
CONTACT TYPE: D - DETAINEE-DRIVER NAME: DILLARD, RAYMOND

CONTACT 1 SEX: M RACE: B DOB: 12/20/59 SEARCH: P - PAT DOWN
 CONTACT 2 SEX: M RACE: W DOB: 09/04/74 SEARCH: P - PAT DOWN
 PC: P - PENAL CODE SECT: 647F VSRCH: N - NOT SEARCHED
 CONTRABAND SEIZED: NS - NO SEIZURE

58	415F	1103	1105	1107	1108	1134	2767	C P	1	26	02926
----	------	------	------	------	------	------	------	-----	---	----	-------

LOC: 5616 OVERDALE DR, LAD
 CLR: 212 DISORDERLY CONDUCT: Disturbing The Peace/Court Disturbances
 NARR: CNT I/F HARMON, PEARLEN F/B 012942 RE GRANDDAUGHTER SMASHING THINGS. CNT GRANDDAUGHTER WILKERSON, TREASURE F/B 110492 RE 415F.WILCO

59	909	1104		1104	1107		2767	O R		3	
----	-----	------	--	------	------	--	------	-----	--	---	--

LOC: SLAUSON E/O OVHILL
 CLR: 718 NON-CRIMINAL: Suspicious Vehicle
 CLR: 840 Traffic Stop
 NARR: CNT DILLARD, XAVIER M/B 071988 RE NO SEAT BELT.W/A TO WEAR SEAT BELT IN FUTURE. WILCO

CONTACT TYPE: D - DETAINEE-DRIVER NAME: DILLARD, XAVIER
 CONTACT 1 SEX: M RACE: B DOB: 07/19/88 SEARCH: P - PAT DOWN
 PC: V - VEHICLE CODE SECT: 27315D1 VSRCH: C - CONSENT SEARCH
 CONTRABAND SEIZED: NS - NO SEIZURE

60	459A	1120	1133	1135	1138	1147	2766	A C R	3	9	
----	------	------	------	------	------	------	------	-------	---	---	--

LOC: 5824 CORNING AV, LAD RES.(JACKSON)
 CLR: 780 Assigned Assist
 NARR: ASSISTED 274 RE 459A. RESIDENCE CHKD OK, NO SIGN OF CRIME.

63	586	1215	1216	1219	1223?	1241	2767	C R	4	18	
----	-----	------	------	------	-------	------	------	-----	---	----	--

LOC: 5511 OVERDALE DR, LAD
 CLR: 734 VEHICLE/BOAT, OTHER NON-CRIMINAL: Vehicle Red Tagged
 NARR: CHKD AND RED TAGGED WHT TRUCK AND TWO BLU MERCDZ ON STREET

67	P917A	1245	1245	1245	1249	1254	2768	C R	4	5	
----	-------	------	------	------	------	------	------	-----	---	---	--

LOC: 5422 KENISTON AV, LAD
 CLR: 734 VEHICLE/BOAT, OTHER NON-CRIMINAL: Vehicle Red Tagged
 NARR: CHKD AND RED TAGGED GRN SATURN 3PIP828
 STATUS: ***CAN at 1243

69	917A	1302			1302	1319	2768	O R		17	15 02864
----	------	------	--	--	------	------	------	-----	--	----	----------

LOC: RIMPAU N/O SLAUSON AV, LAD
 CLR: 735 VEHICLE/BOAT, OTHER NON-CRIMINAL: Vehicle/Boat, Stored/Impounded
 NARR: STORED TWO VEHICLES RE EXPIRED REGISTRATION. APPEARED TO BE DUMPED P/10-29V NOT REPORTED. LIC 1JNJ420 AND LIC 2GOE080

70	459A	1315	1316	1319	1327	1328	2766	C R	8	1	
----	------	------	------	------	------	------	------	-----	---	---	--

LOC: 6534 SHERBOURNE DR, LAD RES (ROBINSON).
 CLR: 700 NON-CRIMINAL: Alarm-Burglary
 NARR: ASSISTING UNIT ADVISED CODE 4

79	EOW	1433			1433	1500?	2761	O R		27	
----	-----	------	--	--	------	-------	------	-----	--	----	--

LOC: MDR

CLR: 758 STATION SERVICE: Station Service
NARR: PAPER, REFUEL, VEH INSPEC

AFFIDAVIT

RE: SHARON SONG BYRD VS. TONY WAFFORD

I, THE UNDERSIGNED, AM THE DULY AUTHORIZED CUSTODIAN OF RECORDS OF LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, WITH THE AUTHORITY TO CERTIFY SAID RECORDS, AND DO HEREBY DECLARE THE FOLLOWING:

1. THAT THE COPY OF THE RECORDS ATTACHED TO THIS AFFIDAVIT IS A TRUE COPY OF ALL THE RECORDS DESCRIBED IN THE SUBPOENA, FOUR PAGES IN LENGTH, THAT WE ARE AUTHORIZED BY LAW TO RELEASE UNDER SUBPOENA, AND
2. THAT THE RECORDS WERE PREPARED BY EMPLOYEES OF LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, IN THE ORDINARY COURSE OF BUSINESS AT OR NEAR THE TIME OF THE ACT, CONDITION, OR EVENT, FOR THE SPECIFIC PURPOSES OF THE BUSINESS ITSELF.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED JUNE 30, 2009 AT MARINA DEL REY, CALIFORNIA

SIGNATURE: _____

PRINT NAME: TIM HAZLEWOOD _____

TITLE: DETECTIVE

Exhibit 6

Dermot Givens SBN. 194571
468 Camden Dr., Ste. 305
Beverly Hills, CA 90210
(310) 854-8823
(323) 878-0416 fax
Attorney for Plaintiff, Tony Wafford


SUPERIOR COURT OF THE STATE OF CALIFORNIA
LOS ANGELES COUNTY

Sharon Song Byrd, Plaintiff.) BC 403677
) third amended
) RESPONSE TO 2nd SET
vs.) OF REQUEST FOR
) FORM INTERROGATORIES
)
Tony Wafford, The Palms)
Residential Care Facility,)
AND DOES 1-100,)
INCLUSIVE,)
Defendants.)
_____)

PROPOUNDING PARTY: Sharon Song Byrd
RESPONDING PARTY: Tony Wafford
SET: (second amended) 2

VERIFICATION

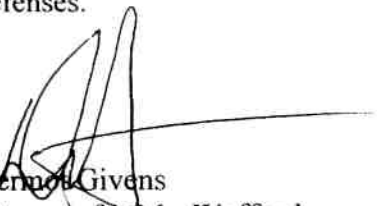
I, Tony Wafford, have reviewed the above responses to request for responses to form interrogatories and find the answers to be true and correct. I sign this under the penalty of perjury under the laws of the State of California.


Tony Wafford

11/1/09

15.1(a)

- Defendant denies that Plaintiff was battered.
 - Defendant denies that Plaintiff was sexually harassed.
 - Defendant asserts that Plaintiff initiated consensual sexual contacts.
 - Defendant asserts that he did not keep a diary of sexual contacts and does not remember specific dates, times or locations of sexual contacts, with Ms. Byrd or other women, over the period of time he had consensual sex with Ms. Byrd. Sexual contact with Ms. Byrd began before 2000 and ended on or about October 2007..
 - Defendant asserts that he did not know and was not informed of any conduct that plaintiff believed was harassment.
- Defendant asserts, that at this time, no witness or document exist that support the denial.
Defendant asserts, at this time, that no witness or documents exist that support affirmative defenses.



Derron Givens
Attorney for Mr. Wafford

PROOF OF SERVICE
BC 403677

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business is: 468 N. Camden Drive, Ste. 305, Beverly Hills, CA 90210-4410.

X On November 2, 2009, I served the foregoing documents described as:

THIRD AMENDED RESPONSE TO FORM INTERROGATORIES

X I placed the documents in postage prepaid sealed envelope in the U. S. Mail in Los Angeles, Ca addressed as follows;

Jeffrey Cowan Esq.
1541 Ocean Ave., Ste. 200
Santa Monica, CA 90401

Robert Goldberg, Esq.
Clark, Goldberg & Madruga
11400 W. Olympic Blvd., Ste. 1150
LA., CA 90064

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

____ Keith Worthy
Print or Type Name



Signature

Exhibit 7

1 **JEFFREY W. COWAN, ESQ., SBN 157474**
The Cowan Law Firm
2 1541 Ocean Avenue, Suite 200
Santa Monica, California 90401
3 Tel: (310) 394-1420
Fax: (310) 394-1430

4 Attorney for **Plaintiff Sharon Song Byrd**

5
6
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF LOS ANGELES**
9

10 Sharon Song Byrd, an individual,
11 Plaintiff,

12 vs.

13 Tony Wafford, an individual, The Palms
14 Residential Care Facility, a California
Corporation, and Does 1 through 100,
15 Defendants.
16

CASE NO. BC 403677

(Action filed December 10, 2008;
assigned to Hon. Michael C. Solner)

**Plaintiff Sharon Byrd's Response to
Defendant The Palms Residential Care
Facility's 1st Set of Form
Interrogatories**

17
18
19 Propounding Party: Defendant The Palms Residential Care Facility
20 Responding Party: Plaintiff Sharon Byrd
21 Set Number: One
22
23
24

25 **FORM INTERROGATORY NO. 1.1:**

26 State the name, ADDRESS, telephone number, and relationship to you of each PERSON
27 who prepared or assisted in the preparation of the responses to these interrogatories. (Do not
28 identify anyone who simply typed or reproduced the responses.)

1 **RESPONSE TO INTERROGATORY NUMBER 1.1:**

2 Sharon Song Byrd and Jeffrey W. Cowan, Esq.

3 **FORM INTERROGATORY NO. 2.1:**

4 State:

- 5 (a) your name;
- 6 (b) every name you have used in the past;
- 7 (c) the dates you used each name.

8 **RESPONSE TO FORM INTERROGATORY NO. 2.1**

- 9 (a) Sharon Song Byrd
- 10 (b) Sharon Song Byrd
- 11 (c) n/a

12

13 **FORM INTERROGATORY NO. 2.2:**

14 State the date and place of your birth.

15 **RESPONSE TO FORM INTERROGATORY NO. 2.2**

16 November 26, 1964 - Paterson, New Jersey

17

18 **FORM INTERROGATORY NO. 2.3:**

19 At the time of the INCIDENT, did you have a driver's license? If so, state:

- 20 (a) the state or other issuing entity;
- 21 (b) the license number and type;
- 22 (c) the date of issuance;
- 23 (d) all restrictions.

24

25

26 **RESPONSE TO FORM INTERROGATORY NO. 2.3**

1 Object that the interrogatory is not relevant or reasonably calculated to lead to the
2 discovery of admissible evidence; this is not an auto accident case or a lawsuit that otherwise
3 involves driving.
4

5 **FORM INTERROGATORY NO. 2.4:**

6 At the time of the INCIDENT, did you have any other permit or license for the operation
7 of a motor vehicle? If so, state:

- 8 (a) the state or other issuing entity;
9 (b) the license number and type;
10 (c) the date of issuance;
11 (d) all restrictions.
12

13 **RESPONSE TO FORM INTERROGATORY NO. 2.4**

14 Object that the interrogatory is not relevant or reasonably calculated to lead to the
15 discovery of admissible evidence; this is not an auto accident case or a lawsuit that otherwise
16 involves driving.
17
18
19

20 **FORM INTERROGATORY NO. 2.5:**

21 State:

- 22 (a) your present residence ADDRESS;
23 (b) your residence ADDRESSES for the last five years;
24 (c) the dates you lived at each ADDRESS.
25

26 **RESPONSE TO FORM INTERROGATORY NO. 2.5**

1 (a) Object that the Request violates the right to privacy, and is not reasonably
2 calculated to lead to the discovery of admissible evidence because Plaintiff is
3 represented by counsel.

4 (b) 14551 Margate Street, Sherman Oaks, CA 91411 - August 2001-December 2008

5
6
7 **FORM INTERROGATORY NO. 2.6:**

8 State:

9
10 (a) the name, ADDRESS, and telephone number of your present employer or place
11 of self-employment;

12 (b) the name, ADDRESS, dates of employment, job title, and nature of work for
13 each employer or self-employment you have had from five years before the
14 INCIDENT until today.
15

16 **RESPONSE TO FORM INTERROGATORY NO. 2.6**

17 (a) Executive Temps, 2321 West Olive Avenue, Burbank, CA 91506; Executive
18 Assistant; April 2008-present

19 (b) The Palms Residential Care Facility, 5003 South La Brea Avenue, Los Angeles,
20 CA 90056; Program Administrator; March 2004-December 2007
21
22

23
24 **FORM INTERROGATORY NO. 2.7:**

25 State:

26 (a) the name and ADDRESS of each school or other academic or vocational
27 institution you have attended beginning with high school;
28

- 1 (b) the dates you attended;
2 (c) the highest grade level you have completed;
3 (d) the degrees received.

4 **RESPONSE TO FORM INTERROGATORY NO. 2.7**

- 5 (a) Eastside High School (1978-1982) - graduate
6 (b) United States International University (1982-1986) - B.A. Music, minor Business
7 Administration
8

9
10 **FORM INTERROGATORY NO. 2.8:**

11 Have you ever been convicted of a felony? If so, for each conviction state:

- 12 (a) the city and state where you were convicted;
13 (b) the date of conviction;
14 (c) the offense;
15 (d) the court and case number.
16

17 **RESPONSE TO FORM INTERROGATORY NO. 2.8**

18 No
19
20

21 **FORM INTERROGATORY NO. 2.9:**

22 Can you speak English with ease? If not, what language and dialect do you normally
23 use?
24
25

26 **RESPONSE TO FORM INTERROGATORY NO. 2.9**

27 Yes.
28

FORM INTERROGATORY NO. 2.10:

1 Can you read and write English with ease? If not, what language and dialect do you
2 normally use?
3

4 **RESPONSE TO FORM INTERROGATORY NO. 2.10**

5 Yes.
6

7 **FORM INTERROGATORY NO. 2.11:**

8 At the time of the INCIDENT were you acting as an agent or employee for any
9 PERSON? If so, state:
10

11 (a) the name, ADDRESS, and telephone number of that PERSON;

12 (b) a description of your duties.
13

14 **RESPONSE TO FORM INTERROGATORY NO. 2.11**

15 Object that the interrogatory is vague and ambiguous as to the term "incident."
16 Notwithstanding and subject to this objection, at all relevant times in this lawsuit I legally was
17 an employee of Palms Residential Care Facility even though I was unlawfully paid and treated
18 as an independent contractor by Palms.
19
20
21
22
23
24

25 **FORM INTERROGATORY NO. 2.12:**

26 At the time of the INCIDENT did you or any other person have any physical, emotional,
27 or mental disability or condition that may have contributed to the occurrence of the INCIDENT?
28 If so, for each person state:

- 1 (a) the name, ADDRESS, and telephone number;
- 2 (b) the nature of the disability or condition;
- 3 (c) the manner in which the disability or condition contributed to the occurrence of
- 4 the INCIDENT.

5 **RESPONSE TO FORM INTERROGATORY NO. 2.12**

6 Object that the interrogatory is vague and ambiguous as to the term "incident."

7 Notwithstanding and subject to this objection, Plaintiff states as follows: no.

8

9

10 **FORM INTERROGATORY NO. 2.13:**

11 Within 24 hours before the INCIDENT did you or any person involved in the

12 INCIDENT use or take any of the following substances: alcoholic beverage, marijuana, or other

13 drug or medication of any kind (prescription or not)? If so, of each person state:

14

- 15 (a) the name, ADDRESS, and telephone number;
- 16 (b) the nature or description of each substance;
- 17 (c) the quantity of each substance used or taken;
- 18 (d) the date and time of day when each substance was used or taken;
- 19 (e) the ADDRESS where each substance was used or taken;
- 20 (f) the name, ADDRESS, and telephone number of each person who was present
- 21 when each substance was used or taken;
- 22 (g) the name, ADDRESS, and telephone number of any HEALTH CARE
- 23 PROVIDER that prescribed or furnished the substance and the condition for
- 24 which it was prescribed or furnished.
- 25
- 26

27 **RESPONSE TO FORM INTERROGATORY NO. 2.13**

28

Object that the interrogatory is vague and ambiguous as to the term "incident."

1 Notwithstanding and subject to this objection, Plaintiff states as follows: not to my knowledge.
2
3

4 **FORM INTERROGATORY NO. 6.1:**

5 Do you attribute any physical, mental, or emotional injuries to the **INCIDENT**? If your
6 answer is "no," do not answer interrogatories 6.2 through 6.7.

7 **RESPONSE TO FORM INTERROGATORY NO. 6.1:**

8 Object that the interrogatory is vague and ambiguous as to the term "incident."

9
10 Notwithstanding and subject to this objection, Plaintiff states as follows: I suffered physical
11 injuries to my left hand as a result of the battery by Tony Wafford, and I suffered mental and
12 emotional distress as a result of the sexual harassment and retaliation that I endured from Tony
13 Wafford and then from Palms after it fired me in retaliation from my reporting the sexual
14 harassment and retaliation of Tony Wafford.
15
16
17
18
19
20
21
22

23 **FORM INTERROGATORY NO. 6.2:**

24 Identify each injury you attribute to the **INCIDENT** and the area of your body affected.

25
26 **RESPONSE TO FORM INTERROGATORY NO. 6.2:**

27 Object that the interrogatory is vague and ambiguous as to the term "incident."

28 Notwithstanding and subject to this objection, Plaintiff states as follows: Mr. Wafford caused

1 severe nerve damage to my left hand when he hit me in October 2007. I also suffered emotional
2 distress, which affects my mind, soul and spirit and my entire body indirectly.

3
4 **FORM INTERROGATORY NO. 6.3:**

5 Do you still have any complaints that you attribute to the **INCIDENT**? If so, for each
6 complaint state:

- 7 (a) a description;
8 (b) whether the complaint is subsiding, remaining the same, or becoming worse;
9 (c) the frequency and duration.

10
11 **RESPONSE TO FORM INTERROGATORY NO. 6.3:**

12 Object that the interrogatory is vague and ambiguous as to the term "incident."
13 Notwithstanding and subject to this objection, Plaintiff states as follows: my left hand is largely
14 better as a result of the extensive treatment and therapy that I have received from hand specialist
15 physicians in 2008 and 2009 but I do occasionally still experience pain or discomfort.

16
17
18
19
20 **FORM INTERROGATORY NO. 6.4:**

21 Did you receive any consultation or examination (except from expert witnesses covered
22 by Code of Civil Procedure section 2034) or treatment from a HEALTH CARE PROVIDER for
23 any injury you attribute to the **INCIDENT**? If so, for each HEALTH CARE PROVIDER state:

- 24 (a) the name, **ADDRESS**, and telephone number;
25 (b) the type of consultation, examination, or treatment provided;
26 (c) the dates you received consultation, examination, or treatment;
27 (d) the charges to date.

RESPONSE TO FORM INTERROGATORY NO. 6.4:

1 Object to each interrogatory to the extent it calls for the compilation of an abstract or
2 summary that could be compiled as easily by Defendants based on the documents being
3 produced pursuant to the concurrent served document request of Defendant Palms.
4

5 Notwithstanding and subject to this objection, Plaintiff responds as follows:
6

7 Steven N. Brouman, M.D., California Hand Surgery & Orthopedic Specialists Medical
8 Clinic, Inc., 8641 Wilshire Blvd., Ste 205, Beverly Hills, CA 90211, telephone (310) 657-2202;
9 hand specialist seen for continuing pain and damage to left hand.
10

11
12 Robert E. Dorer, M.O.T., O.T.R., Inc., 1624 West Olive, Ste G, Burbank, CA 91506,
13 telephone (818) 954-0811; physical therapy for hand (referred to by Dr. Brouman)
14

15
16 Providence Saint Joseph Medical Center (emergency room), 501 S. Buena Vista Street,
17 Burbank, CA 91505, telephone (818) 843-5111; \$1,150 bill re emergency room treatment for
18 injured hand on October 12, 2009.
19

20
21 Hand specialist Benjamin Lesin, M.D., 14624 Sherman Way, #303, Van Nuys, CA
22 91405; consultations on about December 18, 2008 and February 8, 2009. Total charges were
23 about \$275.00
24

25
26 Finally, Plaintiff states that her total charges to date from physicians and hospitals (but
27 not mental health therapists) are about \$17,204.00
28

FORM INTERROGATORY NO. 6.5:

1 Have you taken any medication, prescribed or not, as a result of injuries that you
2 attribute to the **INCIDENT**? If so, for each medication state:

- 3 (a) the name;
4 (b) the **PERSON** who prescribed or furnished it;
5 (c) the date prescribed or furnished;
6 (d) the dates you began and stopped taking it;
7 (e) the cost to date.

8
9
10 **RESPONSE TO FORM INTERROGATORY NO. 6.5:**

- 11 (a) Motrin
12 (b) St. Joseph's hospital emergency room staff prescribed Motrin to me to ease the
13 pain in my left hand
14 (c) 10/12/2007
15 (d) 10/12/2007 to the present (I still take it occasionally for pain)
16 (e) Approximately \$250.

17
18
19
20 **FORM INTERROGATORY NO. 6.6:**

21 Are there any other medical services not previously listed (for example, ambulance,
22 nursing, prosthetics)? If so, for each service state:

- 23 (a) the nature;
24 (b) the date;
25 (c) the cost;
26 (d) the name, **ADDRESS**, and telephone number of each provider.

27
28 **RESPONSE TO FORM INTERROGATORY NO. 6.6:**

Object that the interrogatory is vague and ambiguous as to the term "incident."

1 Notwithstanding and subject to this objection, Plaintiff states as follows: no as to my hand
2 injury, yes as to my emotional distress from having been sexually harassed and then retaliated
3 against. I have seen the following therapists for psychotherapy to help me deal with the
4 emotional distress that I incurred: Lili Endlich, MFT, 3901 Kingwood Road, Sherman Oaks,
5 CA 91403. Therapy sessions between October 2007 and January 2008. Total bill: about
6 \$1,125.00
7
8

9
10 **FORM INTERROGATORY NO. 6.7:**

11 Has any HEALTH CARE PROVIDER advised that you may require future or additional
12 treatment for any injuries that you attribute to the **INCIDENT**? If so, for each injury state:

- 13 (a) the name and **ADDRESS** of each HEALTH CARE PROVIDER;
14 (b) the complaints for which the treatment was advised;
15 (c) the nature, duration, and estimated cost of the treatment.
16

17 **RESPONSE TO FORM INTERROGATORY NO. 6.7:**

18 Object that the interrogatory is vague and ambiguous as to the term "incident."

19 Notwithstanding and subject to this objection, Plaintiff states as follows: with respect to my
20 hand, Dr. Dorer advised at one point that I might need surgery if physical therapy alone did not
21 cure me. He estimated such surgery would cost about \$15,000 to \$20,000.
22
23

24 **FORM INTERROGATORY NO. 7.1:**

25 Do you attribute any loss of or damage to a vehicle or other property to the **INCIDENT**?
26 If so, for each item of property:
27

- 28 (a) describe the property;

(b) describe the nature and location of the damage to the property;

1 (c) state the amount of damage you are claiming for each item of property and how
2 the amount was calculated;

3
4 (d) If the property was sold, state the name, ADDRESS and telephone number of the
5 seller, the date of sale, and the sale price.

6 **RESPONSE TO FORM INTERROGATORY NO. 7.1:**

7 Object that the interrogatory is vague and ambiguous as to the term "incident."

8 Notwithstanding and subject to this objection, Plaintiff states as follows: no.
9

10
11 **FORM INTERROGATORY NO. 7.2:**

12 Has a written estimate or evaluation been made for any item of property referred to in
13 your answer to the preceding interrogatory? If so, for each estimate or evaluation state:

14 (a) the name, ADDRESS, and telephone number of the PERSON who prepared it
15 and the date prepared;

16 (b) the name, ADDRESS and telephone number of each PERSON who has a copy;

17 (c) the amount of damage stated;
18
19

20 **RESPONSE TO FORM INTERROGATORY NO. 7.2:**

21 Object that the interrogatory is not relevant or reasonably calculated to lead to the
22 discovery of admissible evidence and is not applicable. This is not an automobile accident case
23
24

25 **FORM INTERROGATORY NO. 7.3:**

26 Has any item of property referred to in your answer to interrogatory 7.1 been repaired?

27 If so, for each item state:

28 (a) the date repaired;

- 1 (b) a description of the repair;
- 2 (c) the repair cost;
- 3 (d) the name, ADDRESS and telephone number of the PERSON who repaired it;
- 4 (e) the name, ADDRESS and telephone number of the PERSON who paid for the
- 5 repair.

6 **RESPONSE TO FORM INTERROGATORY NO. 7.3:**

7 Object that the interrogatory is not relevant or reasonably calculated to lead to the

8 discovery of admissible evidence and is not applicable. This is not an automobile accident case.

9

10

11 **FORM INTERROGATORY NO. 8.1:**

12 Do you attribute any loss of income or earning capacity to the **INCIDENT**? If you

13 answer is "no," do not answer interrogatories 8.2 through 8.8.

14

15 **RESPONSE TO FORM INTERROGATORY NO. 8.1:**

16 Object that the interrogatory is vague and ambiguous as to the term "incident."

17 Notwithstanding and subject to this objection, Plaintiff states as follows: yes.

18

19

20 **FORM INTERROGATORY NO. 8.2:**

21 State:

- 22 (a) the nature of your work;
- 23 (b) your job title at the time of the **INCIDENT**;
- 24 (c) the date your employment began.
- 25

26 **RESPONSE TO FORM INTERROGATORY NO. 8.2:**

27 Object that the interrogatory is vague and ambiguous as to the term "incident."

28 Notwithstanding and subject to this objection, Plaintiff states as follows: I worked as an

1 administrative assistant at Palms Residential Care Facility during the relevant times at issue in
2 this lawsuit. I also at all relevant times had a home-based part-time business that involved
3 making invitations.
4

5 **FORM INTERROGATORY NO. 8.3:**

6 State the last date before the **INCIDENT** that you worked for compensation.

7 **RESPONSE TO FORM INTERROGATORY NO. 8.3:**

8 Object that the interrogatory is vague and ambiguous as to the term "incident."
9
10 Notwithstanding and subject to this objection, Plaintiff states that she worked at all times before
11 and during the incidents that are at issue in this lawsuit.
12

13 **FORM INTERROGATORY NO. 8.4:**

14 State your monthly income at the time of the **INCIDENT** and how the amount was
15 calculated.
16

17 **RESPONSE TO FORM INTERROGATORY NO. 8.4:**

18 Object that the interrogatory is vague and ambiguous as to the term "incident."
19
20 Notwithstanding and subject to this objection, Plaintiff states as follows: my monthly income at
21 The Palms was about \$2,903. Until my hand was injured by Tony Wafford, I used to make
22 approximately \$1,000 per month from my "moonlighting"/home business of making invitations.
23
24
25
26
27
28

FORM INTERROGATORY NO. 8.5:

1 State the date you returned to work at each place of employment following the
2 **INCIDENT.**

3
4 **RESPONSE TO FORM INTERROGATORY NO. 8.5:**

5 Object that the interrogatory is vague and ambiguous as to the term "incident."
6 Notwithstanding and subject to this objection, Plaintiff states as follows: after being fired by
7 The Palms, I found employment elsewhere through a temp agency in approximately April 2008.
8 I also was able to resume operating my "side" invitation business in about February 2009 (when
9 I made \$500 on an invitation project).
10

11
12 **FORM INTERROGATORY NO. 8.6:**

13 State the dates you did not work and for which you lost income.

14
15 **RESPONSE TO FORM INTERROGATORY NO. 8.6:**

16 Object that the interrogatory is vague and ambiguous as to the term "incident."
17 Notwithstanding and subject to this objection, Plaintiff states as follows: with respect to
18 working as an administrative assistant, I was unemployed from January 1, 2008 through about
19 April 21, 2008; and I was unable to run my invitation business because of pain in my hand and
20 emotional distress from about October 2007 through February 2008 (at which time I was able to
21 do some calligraphy only but no designing or invitation assembling).
22

23
24
25 **FORM INTERROGATORY NO. 8.7:**

26 State the total income you have lost to date as a result of the **INCIDENT** and how the
27 amount was calculated.

28 **RESPONSE TO FORM INTERROGATORY NO. 8.7:**

1 I lost a \$1,400 calligraphy job in October 2007 that I could not perform because of the
2 emotional distress I was suffering that had been caused by Defendants' conduct. I also was
3 unable to perform a \$2,500 "design and assemble" wedding invitation job in October and
4 another one in November due to not only the emotional distress but also pain in my left hand
5 (which I had to use when assembling invitations). My distress did not subside to the point of
6 allowing my "creative juices" to return until February 2008 (at which point I was able to do a
7 \$3,725 calligraphy job). I was not able to resume doing invitation projects that involved
8 assembly until February 2009 because of continued pain in my left hand.
9

10
11 **FORM INTERROGATORY NO. 8.8:**

12 Will you lose income in the future as a result of the **INCIDENT**? If so, state:

- 13 (a) the facts upon which you base this contention;
14 (b) an estimate of the amount;
15 (c) an estimate of how long you will be unable to work;
16 (d) how the claim for future income is calculated.
17

18 **RESPONSE TO FORM INTERROGATORY NO. 8.8:**

19 Object that the interrogatory is vague and ambiguous as to the term "incident."
20

21 Notwithstanding and subject to this objection, Plaintiff states as follows: no (unless I end up
22 needing surgery, in which case the answer is "yes").
23

24 **FORM INTERROGATORY NO. 9.1:**

25 Are there any other damages that you attribute to the **INCIDENT**? If so, for each item
26 of damages state:
27

- 28 (a) the nature;

- 1 (b) the date it occurred;
- 2 (c) the amount
- 3 (d) the name, **ADDRESS**, and telephone number of each **PERSON** to whom an
- 4 obligation was incurred.

5 **RESPONSE TO FORM INTERROGATORY NO. 9.1:**

6 Object that the interrogatory is vague and ambiguous as to the term "incident."

7 Notwithstanding and subject to this objection, Plaintiff states as follows: no.

8

9

10 **FORM INTERROGATORY NO. 9.2:**

11 Do any **DOCUMENTS** support the existence or amount of any item of damages

12 claimed in interrogatory 9.1? If so, state the name, **ADDRESS**, and telephone number of the

13 **PERSON** who has each **DOCUMENT**.

14

15 **RESPONSE TO FORM INTERROGATORY NO. 9.2:**

16 Object that the interrogatory is not applicable and not relevant or reasonably calculated

17 to lead to the discovery of admissible evidence.

18

19

20 **FORM INTERROGATORY NO. 10.1:**

21 At any time before the **INCIDENT** did you have complaints or injuries that involved the

22 same part of your body claimed to have been injure in the **INCIDENT**? If so, for each state:

23

- 24 (a) a description;
- 25 (b) the dates it began and ended;
- 26 (c) the name, **ADDRESS**, and telephone number of each **HEALTH CARE**
- 27 **PROVIDER** whom you consulted or who examined or treated you.
- 28

RESPONSE TO FORM INTERROGATORY NO. 10.1:

Object that the interrogatory is vague and ambiguous as to the term "incident."

1 Notwithstanding and subject to this objection, Plaintiff states that she never had any prior
2 complaints or injuries involving her left hand.
3
4

5 **FORM INTERROGATORY NO. 10.2:**

6 List all physical, mental, and emotional disabilities you had immediately before the
7 **INCIDENT**. (You may omit mental or emotional disabilities unless you attribute any mental or
8 emotional injury to the **INCIDENT**.)
9

10 **RESPONSE TO FORM INTERROGATORY NO. 10.2:**

11 Object that the interrogatory is vague and ambiguous and violates the right to privacy.
12 *See Tylo v Superior Court, 55 Cal. App. 4th 1379 (1997).*
13
14

15 **FORM INTERROGATORY NO. 10.3:**

16 At any time after the **INCIDENT**, did you sustain injuries of the kind for which you are
17 now claiming damages. If so, for each incident state:

- 18 (a) the date and the place it occurred;
19 (b) the name, **ADDRESS**, and telephone number of any other **PERSON** involved;
20 (c) the nature of any injuries you sustained;
21 (d) the name, **ADDRESS**, and telephone number of each **HEALTH CARE**
22 **PROVIDER** that you consulted or who examined or treated you;
23 (e) the nature of the treatment and its duration.
24
25

26 **RESPONSE TO FORM INTERROGATORY NO. 10.3:**

27 Object that the interrogatory is vague and ambiguous as to the term "incident."
28 Notwithstanding and subject to this objection, Plaintiff states as follows: no.

1
2 **FORM INTERROGATORY NO. 11.1:**

3
4 Except for this action, in the last 10 years have you filed an action or made a written
5 claim or demand for compensation for you personal injuries? If so, for each action, claim, or
6 demand state:

- 7 (a) the date, time, and place and location of the **INCIDENT** (closest street
8 **ADDRESS** or intersection);
9
10 (b) the name, **ADDRESS**, and telephone number of each **PERSON** against whom
11 the claim was made or action filed;
12 (c) the court, names of the parties, and case number of any action filed;
13 (d) the name, **ADDRESS**, and telephone number of any attorney representing you;
14 (e) whether the claim or action has been resolved or is pending.
15

16 **RESPONSE TO FORM INTERROGATORY NO. 11.1:**

17 Object that the interrogatory is vague and ambiguous and not relevant or reasonably
18 calculated to lead to the discovery of admissible evidence. Notwithstanding and subject to this
19 objection, Plaintiff states that she has never made any claims before regarding either injury to
20 her left hand or for emotional distress.
21

22
23 **FORM INTERROGATORY NO. 11.2:**

24 In the past 10 years have you made a written claim or demand for worker's
25 compensation benefits? If so, for each claim or demand state:
26

- 27 (a) the date, time and place of the **INCIDENT** giving rise to the claim;
28

- 1 (b) the name, **ADDRESS**, and telephone number of your employer at the time of the
injury;
- 2 (c) the name, **ADDRESS**, and telephone number of the worker's compensation
3 insurer and the claim number;
- 4 (d) the period of time during which you received worker's compensation benefits;
- 5 (e) a description of the injury;
- 6 (f) the name, **ADDRESS**, and telephone number of any HEALTH CARE
7 PROVIDER that provided services;
- 8 (g) the case number at the Worker's Compensation Appeals Board.
- 9
- 10

11 **RESPONSE TO FORM INTERROGATORY NO. 11.2:**

12 No.

13

14

15 **FORM INTERROGATORY NO. 12.1:**

16 State the name, ADDRESS, and telephone number of each individual:

- 17 (a) who witnessed the INCIDENT or the events occurring immediately before or
18 after the INCIDENT;
- 19 (b) who made any statement at the scene of the INCIDENT;
- 20 (c) who heard any statements made about the INCIDENT by any individual at the
21 scene;
- 22 (d) who YOU OR ANYONE ACTING ON YOUR BEHALF claim has knowledge
23 of the INCIDENT (except for expert witnesses covered by Code of Civil Procedure section
24 2034).
- 25
- 26

27 **RESPONSE TO FORM INTERROGATORY NO. 12.1**

28

1 Object that the interrogatory is vague and ambiguous. Notwithstanding and subject to
2 this objection, Plaintiff states as follows: Kevin Pickett, Tony Wafford, Cynthia Tucker, James
3 McKnight, 1098 Rose Walkway, Pasadena, CA 91103; (323) 376-2978; the Honorable Rodrick
4 Wright - State Capital, room 5064, Sacramento, CA 95814, telephone (916) 651-4025; Donrich
5 L. Young, 760 Kingsword Court SE, Mableton, GA 30126, (412) 983-0708; deputy Los
6 Angeles sheriffs Stilson and Schwabe (both male), and the 911 operator who overheard me
7 screaming that Mr. Wafford had hit me and as a result caused the deputy sheriffs to come out.
8

9
10 **FORM INTERROGATORY NO. 12.2:**

11 Have YOU OR ANYONE ACTING ON YOUR BEHALF interviewed any individual
12 concerning the INCIDENT? If so, for each individual state:

- 13 (a) the name, ADDRESS, and telephone number of the individual interviewed;
14 (b) the date of the interview;
15 (c) the name, ADDRESS, and telephone number of the PERSON who conducted the
16 interview.
17

18 **RESPONSE TO FORM INTERROGATORY NO. 12.2**

19 Object that the interrogatory is vague and ambiguous as to the term "incident" and
20 violates the work product doctrine. Notwithstanding and subject to this objection, Plaintiff
21 states as follows: no.
22

23
24 **FORM INTERROGATORY NO. 12.3:**

25 Have YOU OR ANYONE ACTING ON YOUR BEHALF obtained a written or
26 recorded statement from any individual concerning the INCIDENT? If so, for each statement
27 state:
28

1 (a) the name, ADDRESS, and telephone number of the individual from whom the
statement was obtained;

2 (b) the name, ADDRESS, and telephone number of the individual who obtained the
3 statement;

4 (c) the date the statement was obtained;

5 (d) the name, ADDRESS, and telephone number of each PERSON who has the
6 original statement or a copy.
7

8 **RESPONSE TO FORM INTERROGATORY NO. 12.3**
9

10 Object that the interrogatory is vague and ambiguous as to the term "incident" and
11 violates the work product doctrine. Notwithstanding and subject to this objection, Plaintiff
12 states as follows: no.
13

14 **FORM INTERROGATORY NO. 12.4:**
15

16 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any photographs,
17 films, or videotapes depicting any place, object, or individual concerning the INCIDENT or
18 plaintiff's injuries? If so, state:
19

20 (a) the number of photographs or feet of film or videotape;

21 (b) the places, objects, or persons photographed, filmed, or videotaped;

22 © the date the photographs, films, or videotapes were taken;

23 (d) the name, ADDRESS, and telephone number of the individual taking the
24 photographs, films, or videotapes;

25 (e) the name, ADDRESS, and telephone number of each PERSON who has the
26 original or a copy.
27

28 **RESPONSE TO FORM INTERROGATORY NO. 12.4**

1 Object that the interrogatory is vague and ambiguous as to the term "incident" and
2 violates the work product doctrine. Notwithstanding and subject to this objection, Plaintiff
3 states as follows: no.
4

5 **FORM INTERROGATORY NO. 12.5:**

6 Do YOU OR ANYONE ACTING ON YOUR BEHALF know of any diagram,
7 reproduction, or model of any place or thing (except for items developed by expert witnesses
8 covered by Code of Civil Procedure section 2034) concerning the INCIDENT? If so, for each
9 item state:
10

- 11 (a) the type (i.e., diagram, reproduction, or model);
12 (b) the subject matter;
13 © the name, ADDRESS, and telephone number of each PERSON who has it.
14

15 **RESPONSE TO FORM INTERROGATORY NO. 12.5**

16 Object that the interrogatory is vague and ambiguous as to the term "incident" and
17 violates the work product doctrine. Notwithstanding and subject to this objection, Plaintiff
18 states as follows: no.
19
20

21 **FORM INTERROGATORY NO. 12.6:**

22 Was a report made by any PERSON concerning the INCIDENT? If so, state:

- 23 (a) the name, title, identification number, and employer of the PERSON who made
24 the report;
25 (b) the date and type of report made;
26 © the name, ADDRESS, and telephone number of the PERSON for whom the
27 report was made.
28

RESPONSE TO FORM INTERROGATORY NO. 12.6

1 Object that the interrogatory is vague and ambiguous as to the term "incident" and
2 violates the work product doctrine. Notwithstanding and subject to this objection, Plaintiff
3 states as follows: no, other than the physicians who Plaintiff saw and presumably the sheriffs
4 who responded to The Palms after Ms. Byrd contacted the police and presumably made some
5 sort of report about their field visit.
6
7
8

FORM INTERROGATORY NO. 12.7:

9
10 Have YOU OR ANYONE ACTING ON YOUR BEHALF inspected the scene of the
11 INCIDENT? If so, for each inspection state:

12 (a) the name, ADDRESS, and telephone number of the individual making the
13 inspection (except for expert witnesses covered by Code of Civil Procedure section 2034);
14

15 (b) the date of the inspection.

RESPONSE TO FORM INTERROGATORY NO. 12.7

16
17 Object that the interrogatory is vague and ambiguous as to the term "incident."
18 Notwithstanding and subject to this objection, Plaintiff states as follows: no.
19
20

FORM INTERROGATORY NO. 13.1:

21
22 Have YOU OR ANYONE ACTING ON YOUR BEHALF conducted surveillance of
23 any individual involved in the INCIDENT or any party to this action? If so, for each
24 surveillance state:
25

26 (a) the name, ADDRESS, and telephone number of the individual or party;

27 (b) the time, date, and place of the surveillance;
28

1 (c) the name, ADDRESS, and telephone number of the individual who conducted
2 the surveillance.

3 **RESPONSE TO FORM INTERROGATORY NO. 13.1:**

4 Object that the interrogatory is vague and ambiguous as to the term "incident."

5 Notwithstanding and subject to this objection, Plaintiff states as follows: no.

6
7 **FORM INTERROGATORY NO. 13.2:**

8 Has a written report been prepared on the surveillance? If so, for each written report
9 state:
10

11 (a) the title;

12 (b) the date;

13 (c) the name, ADDRESS, and telephone number of the individual who prepared the
14 report;

15 (d) the name, ADDRESS, and telephone number of each PERSON who has the
16 original or a copy.
17

18 **RESPONSE TO FORM INTERROGATORY NO. 13.2:**

19 Object that the interrogatory is vague and ambiguous as to the term "incident."
20

21 Notwithstanding and subject to this objection, Plaintiff states as follows: no.
22
23
24
25

26 **FORM INTERROGATORY NO. 14.1:**

27 Do YOU OR ANYONE ACTING ON YOUR BEHALF contend that any person
28 involved in the INCIDENT violated any statute, ordinance, or regulation and that the violation

1 was a legal (proximate) cause of the INCIDENT? If so, identify each PERSON and the statute,
2 ordinance, or regulation.

3 **RESPONSE TO FORM INTERROGATORY NO. 14.1:**

4 Yes – Government Code § 12940(j); Government Code § 12940(h); Penal Code § 242

5
6 **FORM INTERROGATORY NO. 14.2:**

7 Was any PERSON cited or charged with a violation of any statute, ordinance, or
8 regulation as a result of this INCIDENT? If so, for each PERSON state:

- 9
- 10 (a) the name, ADDRESS, and telephone number of the PERSON;
 - 11 (b) the statute, ordinance, or regulation allegedly violated;
 - 12 (c) whether the PERSON entered a plea in response to the citation or charge and, if
13 so, the plea entered;
 - 14 (d) the name and ADDRESS of the court or administrative agency, names of the
15 parties, and case number.

16
17 **RESPONSE TO FORM INTERROGATORY NO. 14.2:**

18 Not to my knowledge other than as set forth in the operative complaint in this lawsuit.
19

20
21 **FORM INTERROGATORY NO. 17.1:**

22 Is your response to each request for admission served with these interrogatories an
23 unqualified admission? If not, for each response that is not an unqualified admission:

- 24
- 25 (a) state the number of the request;
 - 26 (b) state all facts upon which you base your response;
 - 27 (c) state the names, ADDRESSES, and telephone numbers of all PERSONS who
28 have knowledge of those facts;

(d) identify all **DOCUMENTS** and other tangible things that support your response and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each **DOCUMENT** or thing.

RESPONSE TO FORM INTERROGATORY NO. 17.1:

Re: Request No. 1: “Admit that YOU had a consensual sexual relationship with WAFFORD during YOUR employment at PALMS RESIDENTIAL.”

My consensual sexual relationship with Tony Wafford ended in approximately December 2004 after I learned he was having sex with another woman at work named Selby Barrett. Persons with knowledge of these facts include me, Tony Wafford, and Selby Barrett. I am not aware of any documents that evidence these facts directly.

Re: Request No. 2: “Admit that YOU had a “cordial and loving relationship” with WAFFORD before you began work at PALMS RESIDENTIAL.”

My relationship with Tony Wafford did not evolve from platonic to romantic/sexual until after Tony Wafford (on his own initiative) hired me to work at the Palms Residential and he started coming on to me and ultimately caused the relationship to change. Persons with knowledge of these facts include me, Tony Wafford, Cynthia Tucker, Roland Wirt, 5301 7th Avenue, Los Angeles, CA 90043; (323) 295-1721; Evelyn Byrd, 7441 Hazeltine Avenue, Van Nuys, CA 91405; (818) 909-0272; Linda Davis, Jacaranda Street, Valencia, CA; and Philip Whyte (address unknown). In addition, Kevin Pickett admitted to me on October 11, 2007 that he had known that Tony Wafford and I had been having a sexual relationship in 2004 while I was employed by Palms (but I do not expect him to tell the truth and admit this). I am not aware of any documents that evidence these facts.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Re: Request No. 4: “Admit that YOU had a written contract with PALMS RESIDENTIAL.”

I never signed the document that is attached as Exhibit 3 to the Requests for Admission. I am informed and believe that this was done by Cynthia Tucker because on several occasions I saw her try to copy or emulate my handwriting while writing invitations for Palms Events or for her “moonlighting” event planning business. Persons with knowledge of this include me, Cynthia Tucker, and presumably everyone at the Palms to the extent he/she is a witness to the fact that I never signed Exhibit 3.

Re: Request No. 6: “Admit that YOU experienced pain in YOUR left hand prior to October 11, 2007.”

I never had *any* problems with pain (or anything else) in my left hand before Tony Wafford struck it on October 11, 2007. Persons with knowledge of this would include me, my entire family, everyone with whom I went to school from elementary school onwards (including teachers and principals) and anyone who has been a good friend of mine since I was an infant. I am not aware of any documents that would evidence something that never happened.

Re: Request No. 7: Admit that YOU first reported the INCIDENT to PALMS RESIDENTIAL on October 15, 2007. [For the purpose of these Request for Admissions [sic], the term “INCIDENT” means the alleged assault by WAFFORD on October 11, 2007]

I told Kevin Pickett what happened several days before October 15 (on October 11, 2007 specifically), which is what caused him to beg me not to file a formal police report. Persons with knowledge of these facts include me, Kevin Pickett, Donrich L. Young, 760 Kingsword

1 Documents that evidence this include Kevin Pickett's October 15, 2007 email to me (sent at
2 10:05 a.m.) and also my November 1, 2007 email to Kevin Pickett.
3
4

5 **Re: Request No. 13:** "Admit that after YOU complained about WAFFORD, Kevin Pickett
6 told YOU that YOU would work directly under his supervision."
7

8 When I reported the battery and prior sexual harassment and retaliation by Tony
9 Wafford, Kevin Pickett said he would have me work in another location until he could
10 investigate my complaint. Persons with knowledge of this include me, Kevin Pickett, Cynthia
11 Tucker and State Senator Roderick Wright (who is a friend). Documents that evidence this
12 include emails between me and Kevin Pickett on October 15, 2007.
13
14

15 **Re: Request No. 14:** "Admit that promptly upon informing PALMS RESIDENTIAL about
16 the INCIDENT Kevin Pickett requested that you prepare a written report."
17

18 Kevin Pickett did not ask me to prepare a written report until about October 15 or 16,
19 2007. Persons with knowledge of this include me, Kevin Pickett and perhaps State Senator
20 Roderick Wright. I am not aware of any documents that evidence this.

21 **Re: Request No. 15:** "Admit that YOU first reported the alleged sexual abuse to PALMS
22 RESIDENTIAL on October 18, 2007."
23

24 I reported it to Kevin Pickett on October 11, 2007 right after Tony Wafford hit me.
25 Persons with knowledge of this include me, Kevin Pickett and perhaps State Senator Roderick
26 Wright. I am not aware of any documents that evidence this.
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Re: Request No. 10: “Admit that after YOU complained about WAFFORD to Kevin Pickett, WAFFORD stopped acting as YOUR supervisor.”

Tony Wafford continued to act as my supervisor until about November 15, 2007 when I was forced to work from my home while Mr. Wafford was allowed to continue working in the office. He did this by communicating with me through Cynthia Tucker, who would relay messages between us. Persons with knowledge of this include me, Kevin Pickett, Tony Wafford, Cynthia Tucker and presumably everyone who worked in the facility where I had been working up to November 2007. Documents that evidence this include whatever emails or other writings of the Palms that show I where I was working during these periods in question.

Re: Request No. 20: “Admit that upon informing PALMS RESIDENTIAL of the incident, PALMS RESIDENTIAL asked YOU to return to work at a different location – Mt. Carmel, where YOU would not be in direct contact with WAFFORD.”

I reported the battery on October 11, 2007 but was not told initially to work from the Mt. Carmel location until about October 15, 2007.

Persons with knowledge of this include me, Kevin Pickett, Cynthia Tucker, Tony Wafford, coordinator Shirrell Edey (address unknown to me), counselor Christopher Sharp, and administrative assistant Maria Salazar. Documents that evidence this include any documents of the Palms that may be at the Mr. Carmel facility (or elsewhere) that would evidence I started working there on October 15, 2007.

Re: Request No. 24: “Admit that the December 1, 2006 consultant agreement YOU signed attached hereto as Exhibit “3” you signed [*sic*] is genuine.”

1 That is not my signature. I believe it was forged by Cynthia Tucker. I am not
2 aware of anyone who would know this beside me, Ms. Tucker, and anyone at the Palms
3 Residential who was familiar with my signature. Documents that support these facts include
4 Exhibit 5 to these RFAs and any other document I signed in conjunction with my employment
5 with Palms Residential (or any other document I signed for other purposes for that matter).
6

7 **Re: Request No. 27:** “Admit that before things soured between YOU and WAFFORD,
8 YOU had a “cordial and loving friendship with WAFFORD during the time YOU were
9 employed with PALMS RESIDENTIAL.”
10

11 After I terminated our sexual/romantic relationship because I learned that Tony Wafford
12 was also sleeping with co-employee Selby Barrett, the relationship I tried to maintain was
13 “cordial” but not loving. Tony Wafford was my boss/supervisor. As a result, I needed a cordial
14 and professional relationship so that I could not only continue to do my job well but also enjoy
15 doing it – as opposed to suffering the abuse and harassment that Mr. Wafford put me through.
16

17 Persons with knowledge of these facts include me, Tony Wafford, and presumably
18 everyone who worked at Palms Residential from about January 2004 through October 11, 2007.
19 Documents that evidence these facts include certain Instant Messages that I will be producing
20 that show how I tried to deflect sexual advances from Tony Wafford after I broke up with him.
21
22

23 **Re: Request No. 29:** “Admit that YOU started a sexual relationship with WAFFORD in
24 2004.”
25

26 Tony Wafford came on to me. He and I know this, as may Kevin Pickett (who told me
27 on October 11 that he knew that Mr. Wafford and I had been having a sexual relationship in
28 2004). I am not aware of any documents that evidence this.

1 **Re: Request No. 30:** “Admit that YOU accused WAFFORD of having a sexual relationship
2 with Cynthia Tucker.”

3 I never did this. I and Tony Wafford know this. I do not know of any documents
4 that would prove this negative proposition.

5
6 **Re: Request No. 32:** “Admit that PALMS RESIDENTIAL allowed YOU to continue
7 working from YOUR home.”

8 Initially Kevin Pickett told me that he would have Tony Wafford work elsewhere so that
9 I could continue to work on the premises on LaBrea Avenue. Cynthia Tucker later complained
10 that Mr. Wafford’s presence was necessary and too important, and as a result Mr. Pickett told
11 me to work at the Mt. Carmel facility. I spent about one day at the Mt. Carmel facility and then
12 was put on paid administrative leave. Only later in about November 2007 was I told to work
13 from my home. I, Kevin Pickett, Tony Wafford and Cynthia Tucker know this. I know of no
14 documents that evidence this.
15
16
17
18
19
20

THE COWAN LAW FIRM

21 DATED: May 21, 2009

22 By:


23 Jeffrey W. Cowan
24 Attorney for **Plaintiff Sharon Song Byrd**

JEFFREY W. COWAN, ESQ.
825 Wilshire Boulevard, #338
Santa Monica, California 90401
(310) 395-2267

PROOF OF SERVICE

I am over the age of eighteen years and not a party to this action; my business address is 1541 Ocean Avenue, Suite 200, Santa Monica, California 90401.

On May 21, 2009 I served **Plaintiff Sharon Byrd's Response to Defendant The Palms Residential Care Facility's 1st Set of Form Interrogatories** on the interested parties in said action as indicated below:

Robert D. Goldberg
Clark, Goldberg & Madruga
11400 West Olympic Blvd.
Suite 1150
Los Angeles, CA 90064

[Attorneys for Defendant The Palms Residential Care Facility]

Dermot D. Givens, Esq.
438 N. Camden Drive, Suite 305
Beverly Hills, CA 90210

[counsel for Defendant Tony Wafford]

[BY MAIL] by placing a copy of said document for collection and mailing on the date indicated above, in a sealed envelope(s), addressed as set forth above, pursuant to ordinary business practices. I am "readily familiar" with this firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service at Santa Monica, California on that same day in the ordinary course of business.

[BY OVERNIGHT COURIER] I caused to be delivered to and served by an *Overnight Courier* on all interested parties in said action, the above named document(s) by placing true copies thereof in enclosed sealed envelopes, delivery fees paid or provided for, and addressed as set forth above.

[STATE] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 21, 2009, at Santa Monica, California.

Valerie A. Dearth

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am over the age of eighteen years and not a party to this action; my business address is 1541 Ocean Avenue, Suite 200, Santa Monica, California 90401.

On December 31, 2009 I served **Plaintiff Sharon Song Byrd's Notice of Motion and Motion for Order Permitting Discovery of Defendant Tony Wafford's Profits and Financial Information; [C.C. § 3295]; Memorandum of Points and Authorities; Declaration of Sharon Song Byrd; Declaration of Wendy Wheaton; Declaration of Steven Brouman, M.D., Declaration of Robert Dorer, MOT, OTR; Declaration of Jeffrey W. Cowan** on the interested parties in said action as indicated below:

Robert D. Goldberg
Clark, Goldberg & Madruga
11400 West Olympic Blvd.
Suite 1150
Los Angeles, CA 90064

[Attorneys for Defendant The Palms Residential Care Facility]

Dermot D. Givens, Esq.
468 N. Camden Drive, Suite 305
Beverly Hills, CA 90210

[counsel for Defendant Tony Wafford]

[BY MAIL] by placing a copy of said document for collection and mailing on the date indicated above, in a sealed envelope(s), addressed as set forth above, pursuant to ordinary business practices. I am "readily familiar" with this firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service at Santa Monica, California on that same day in the ordinary course of business.

[BY FACSIMILE] by transmitting a true copy by facsimile transmission at the time indicated on the transmission report from facsimile telephone number (310) 394-1430 to a facsimile machine maintained by the party on whom it was served, at the facsimile machine telephone number indicated on the attached service list. The transmission was reported as complete and without error. The transmission report which was properly issued by the transmitting facsimile machine is attached to the file copy of this document.

[BY OVERNIGHT COURIER] I caused to be delivered to and served by an *Overnight Courier* on all interested parties in said action, the above named document(s) by placing true copies thereof in enclosed sealed envelopes, delivery fees paid or provided for, and addressed as set forth above.

[STATE] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 31, 2009, at Santa Monica, California.



Valerie A. Dearth