

1 George E. Peterson, Esq., Bar No.: 054310
2 Avi Burkwitz, Esq., Bar No.: 217225
3 Natalie U. Luongo, Esq., Bar No.: 285288
4 Kyle Maland, Esq., Bar No.: 292210
5 **PETERSON · BRADFORD · BURKWITZ**
6 100 North First Street, Suite 300
7 Burbank, California 91502
8 818.562.5800

Exempt From Filing Fee
Government Code Section 6103

FILED

Superior Court of California
County of Los Angeles

MAY 23 2014

Attorneys for Defendant
COUNTY OF LOS ANGELES

Sherri B. Carter, Executive Officer/Clerk
By Raul Sanchez Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

PATRICK E. MAXWELL

Plaintiff,

vs.

COUNTY OF LOS ANGELES and DOES 1 - 100,
inclusive

Defendants.

Case No.: BC497305

Assigned to the Honorable: Michelle R. Rosenblatt
[Dept. 40]

**DEFENDANT COUNTY OF LOS ANGELES'
OBJECTIONS TO THE DECLARATION OF
COMMANDER RALPH WEBB (SADR. DEC.
EXHIBIT 14)**

[Filed concurrently with Defendant County of Los Angeles' Reply to Plaintiff's Opposition to Motion for Summary Judgment; and Defendant County of Los Angeles' Evidentiary Objections]

Date: May 29, 2014
Time: 8:30 a.m.
Dept: 40

Trial Date: July 14, 2014
Complaint Filed: December 12, 2012

TO PLAINTIFF PATRICK E. MAXWELL AND HIS COUNSEL OF RECORD:

Defendant, COUNTY OF LOS ANGELES hereby submits the following objections to the Declaration of Commander Ralph Webb dated April 2, 2014, and submitted by Plaintiff as Exhibit 14 to the Declaration of Milad Sadr, Esq. in Support of Opposition to Defendant's Motion for Summary Judgment, or in the Alternative, Summary Adjudication.

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF COMMANDER RALPH WEBB (SADR. DEC. EXHIBIT 36)

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
1.	Webb Dec., page 1, ¶ 3, lines 9-11: "On or about July 22, 2012 I was promoted to commander, as part of a settlement in the lawsuit of <i>Herran, et al v. LASD</i> , in which there were claims of discrimination, retaliation and failure to take corrective action."	1.	Irrelevant. <u>Evid. Code</u> § 350, 352. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u> , (2003) 31 Cal. 4th 990, 1017.	Sustained _____ Overruled _____
2.	Webb Dec., page 1, ¶ 8, lines 27-28: "I believe Captain Maxwell was a top candidate for promotion to Commander. Capt. Maxwell's breath of experience and knowledge are outstanding."	2.	Calls for Speculation. <u>Evid. Code</u> § 403, 702. Improper opinion testimony. <u>Evid. Code</u> § 720, 800 et seq.	Sustained _____ Overruled _____
3.	Webb Dec., page 2, ¶ 9, line 1: "Many Captains are promoted to Commander."	3.	Irrelevant. <u>Evid. Code</u> § 350, 352. Calls for Speculation. <u>Evid. Code</u> § 403, 702. Improper opinion testimony. <u>Evid. Code</u> § 720, 800 et seq.	Sustained _____ Overruled _____
4.	Webb Dec., page 2, ¶ 9, lines 1-2: "It is my understanding that it normally takes around four years for a Captain to promote to Commander"	4.	Lacks foundation, lacks personal knowledge, and calls for Speculation. <u>Evid. Code</u> § 403, 702. Improper opinion	Sustained _____ Overruled _____

n:\files\1338-maxwell (cola)\pleadings\rms\reply documents\p-cola objections to webb dec. (ex. 14 to sadr dec.) docx

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
			testimony. <u>Evid. Code § 720, 800 et seq.</u>	
5.	Webb Dec., page 2, ¶ 9, lines 2-4: "The most Senior Captains in the Sheriffs Department in the past several years were Captains Sam Dacus, Ray Leyva, Joaquin Herran, myself and then Maxwell as I understand and recall."	5.	Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Improper opinion testimony. <u>Evid. Code § 720, 800 et seq.</u>	Sustained _____ Overruled _____
6.	Webb Dec., page 2, ¶ 9, lines 4-6: "I am aware that Captains Sam Dacus, Ray Leyva, Joquin Herran, myself and Maxwell all sued the Sheriff's Department for discrimination as it is common knowledge and I was a plaintiff with Captains Herran and Leyva."	6.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation, lacks personal knowledge, and calls for Speculation. <u>Evid. Code § 403, 702.</u> Improper opinion testimony. <u>Evid. Code § 720, 800 et seq.</u>	Sustained _____ Overruled _____
7.	Webb Dec., page 2, ¶ 9, lines 6-8: "Further, I was contacted by the attorneys for the County to provide information in connections with the Davus lawsuit."	7.	Irrelevant. <u>Evid. Code § 350, 352.</u>	Sustained _____ Overruled _____
8.	Webb Dec., page 2, ¶ 9, lines 8-9: "I also know that all five of us were promoted from Captains to	8.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for	Sustained _____ Overruled _____

n:\files\1338-maxwell (cola)\pleadings\msj\reply documents\p-cola objections to webb dec. (ex. 14 to sadr dec.).docx

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
	Commanders during our lawsuits.		Speculation. <u>Evid. Code</u> § 403, 702.	
9.	Webb Dec., page 2, ¶ 9, lines 9-12: "Thus, as a Commander, I am one of the highest ranking members of the Sheriff's Department and I know first hand that the Sheriff's Department has a pattern and practice of discrimination, harassment and retaliation."	9.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u> , (2003) 31 Cal. 4th 990, 1017.	Sustained _____ Overruled _____
10.	Webb Dec., page 2, ¶ 9, lines 12-16: "I have also expressed this many times to Sheriff Baca, and Undersheriffs Stonich, Waldie and Tanaka, numerous Division Chiefs, including without limitation James Lopez, and Ronnie Williams, as well as Cecil Rhambo when he was a Chief (later he promoted to Assistant Sheriff.)	10.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Calls for a legal conclusion based on the statement in lines 9-12. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u> , (2003) 31 Cal. 4th 990, 1017.	Sustained _____ Overruled _____

n:\files\1338-maxwell (cola)\pleadings\ms\reply documents\tp-cola objections to webb dec. (ex. 14 to sadr dec.).docx

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
11.	Webb Dec., page 3, ¶ 13, lines 14-16: "During the time I was in civil litigation, the Sheriffs Department had over 400 active lawsuits and over 1200 active claims of which approximately 10-20% were employment related cases such as discrimination harassment or retaliation."	11.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u>	Sustained _____ Overruled _____
12.	Webb Dec., page 3, ¶ 13, lines 16-17: "Thus, there were around 40-80 discrimination, etc. lawsuits and around 120-240 claims of discrimination harassment and/or retaliation."	12.	Irrelevant. <u>Evid. Code § 350, 352.</u> Prejudicial, misleads the jury, and confuses the issues. <u>Evid. Code 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u>	Sustained _____ Overruled _____
13.	Webb Dec., page 3, ¶ 13, lines 17-20: "Certainly, the Sheriff's Department was put on notice of a pattern and practice of discrimination harassment and retaliation against employees, as well as an obligation to both	13.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u> Calls for a legal conclusion.	Sustained _____ Overruled _____

n:\files\1338-maxwell (cola)\pleadings\msj\reply documents\p-cola objections to webb dec. (ex. 14 to sadr dec.)\docx

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	investigate and then take proper corrective action to eliminate further claims of discrimination harassment or retaliation."		<u>Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u>	
14.	Webb Dec., page 3, ¶ 13, lines 20-22: "Sadly, in my opinion, we failed miserably to prevent or eliminate discrimination harassment or retaliation as it continues to the present."	14.	Irrelevant. <u>Evid. Code § 350, 352. Lacks foundation and calls for Speculation. Evid. Code § 403, 702. Argumentative. Evid. Code § 403. Calls for a legal conclusion. Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u>	Sustained _____ Overruled _____
15.	Webb Dec., page 3, ¶ 14, lines 23-28: "With respect to the Rampone and Voyer case, Defendants Undisputed Material Fact number 15 references that on March 23, 2010, voyer executed a settlement agreement. In my capacity as a Lieutenant in	15.	Irrelevant. <u>Evid. Code § 350, 352. Lacks foundation and calls for Speculation. Evid. Code § 403, 702. Argumentative. Evid. Code § 403. Calls for a legal conclusion. Evid. Code § 702, 800 et</u>	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>Risk Management, I frequently saw settlement agreements between the County and its employees. In every case that I recall, the settlement agreement was signed by the employee, and the County. It is my understanding that if there was not a signed settlement agreement by all parties it would not be enforceable. I received on the job training while at Risk Management."</p>		<p>seq. <u>Kahn v. East Side Union High School Dist.</u>, (2003) 31 Cal. 4th 990, 1017. Privilege. <u>Evid. Code</u> § 950 et seq., 1040.</p>	
16	<p>Webb Dec., page 4, ¶ 15, lines 1-6: "With respect to the Rampone and Voyer case, Defendants Undisputed Material Fact numbers 16 and 20, the Jaimes lawsuit was well known in Department. It was well known that Lt. Voyer stood up for Hispanics in the Sheriffs Department and she was targeted because of that. I also read the Rampone testified on behalf of the plaintiff in the Jaimes case. The</p>	16.	<p>Irrelevant. <u>Evid. Code</u> § 350; 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u>, (2003) 31 Cal. 4th 990, 1017.</p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
	<p>Jaimes case was well known as it was in the news and resulted in a large verdict against the county and punitive damages against some of the individuals defendants, such as Commander Willie Miller."</p>			
17.	<p>Webb Dec., page 4, ¶ 16, lines 7-9: "I have been an employee of the LASD for 33 years, and I known the culture of the LASD. Testifying on behalf of plaintiffs in a discrimination lawsuit is viewed as being disloyal to the organization."</p>	17.	<p>Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u>, (2003) 31 Cal. 4th 990, 1017.</p>	<p>Sustained _____ Overruled _____</p>
18.	<p>Webb Dec., page 4, ¶ 16, lines 7-9-10: "Being viewed as disloyal results in bad things happening to the Department employees- they are retaliated against."</p>	18.	<p>Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Calls</p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
			for a legal conclusion. <u>Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u>	
19.	Webb Dec., page 4, ¶ 16, lines 10-12: "I have even told others that "bad things will happen" to those employees who are testifying against the department - meaning they are likely to be retaliated against."	19.	Irrelevant. <u>Evid. Code § 350, 352. Lacks foundation and calls for Speculation. Evid. Code § 403, 702. Argumentative. Evid. Code § 403. Calls for a legal conclusion. Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017. Hearsay. Evid. Code. § 1200.</u>	Sustained _____ Overruled _____
20.	Webb Dec., page 4, ¶ 16, lines 12-13: "There is a lot of fear of retaliation in our department which results in employees being afraid to complain about discrimination, harassment or retaliation."	20.	Irrelevant. <u>Evid. Code § 350, 352. Lacks foundation and calls for Speculation. Evid. Code § 403, 702. Argumentative. Evid. Code § 403.</u>	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
21.	Webb Dec., page 4, ¶ 16, lines 13-18: "I personally tried to avoid being a witness in other cases involving discrimination against myself for being a witness/litigant in the past. This climate of fear in the organization based on repeated acts retaliation to those who setp forward I believe contributes to the departments failure to take proper corrective action and eliminate discrimination, harassment and retaliation."	21.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u> , (2003) 31 Cal. 4th 990, 1017.	Sustained _____ Overruled _____
22.	Webb Dec., page 4, ¶ 17, lines 19-20: "There is a chilling effect on employees coming forward. The Department never forgets. They wait for the proper moment to retaliate."	22.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
23.	Webb Dec., page 4, ¶ 17, lines 20-21: "It often takes the form of unwarranted complaints of wrongdoing or misconduct."	23.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative.	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
			<u>Evid. Code § 403.</u>	
24.	Webb Dec., page 4, ¶ 17, lines 21-24: "The department will often wait several years before taking retaliatory action, knowing that if there is a longer delay it will be harder for the employees to show a connection between the adverse action (such as an unwarranted complaint) and the earlier act of testifying or assisting others who claim discrimination, harassment and retaliation."	24.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u> Calls for a legal conclusion. <u>Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u>	Sustained _____ Overruled _____
25.	Webb Dec., page 4, ¶ 18, lines 25-28; page 5, ¶ 18, line 1: "With respect to the Rampone and Voyer transferred from Century Station to IRC. It was well known that Voyer was involuntarily transferred to IRC which is considered a less prestigious assignment for a Lieutenant than working at Century Station. Traditionally, IRC would be a place for brand new Lieutenants,	25.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u>	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	not experienced ones."			
26.	Webb Dec., page 5, ¶ 18, lines 1-3: "When I promoted, by policy, custody was the first assignment Lieutenants were required to work in. Custody was considered to be the most elementary of assignments in the past."	26.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
27.	Webb Dec., page 5, ¶ 18, lines 3-6: "Thus, Voyer's reputation would be impacted with a transfer from a Patrol Station to the custody assignment. It would give those in law enforcement pause to question what she did wrong, since it is not normal progression in the department. IRC also is not apposition as likely for a Lieutenant to promote to Captain from."	27.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
28.	Webb Dec., page 5, ¶ 19, lines 7-14: "With respect to the Rampone and Voyer case, Defendants Undisputed Material Fact number 18, there were rumors in the	28.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative.	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>Sheriffs Department that Voyer was being transferred to NCCF, a far distance from her home. At the time Chiefs John Scott and Chuck Jackson stood up on her behalf and intervened to prevent her from receiving further freeway therapy. Freeway therapy is a well known term in the sheriff's department that refers to an employee who is being transferred far from his or her home in retaliation for standing up to the freeway therapy for Voyer, they then retired from the department."</p>		<p><u>Evid. Code § 403.</u> Plaintiff 's declaration is citing an Undisputed Material Fact from a different case that has no relation to Plaintiff or the facts and allegations of this case.</p>	
29.	<p>Webb Dec., page 5, ¶ 20, lines 15-18: "With respect to the Rampone and Voyer case, Defendants Undisputed Material Fact number 19, regarding the transfer of Rampone from Century Station to the Technical Service Division, that is another location that is well known to be less desirable than working in a patrol</p>	29.	<p>Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u> Plaintiff 's declaration is citing an Undisputed Material Fact from a different case that has no</p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	station. Upwardly mobile career minded people do not go there."		relation to Plaintiff or the facts and allegations of this case.	
30.	<p>Webb Dec., page 5, ¶ 21, lines 19-25: "In the Defendants Statement of Undisputed Material Facts which I read, number 22 states that Rampone was listed as a witness in discovery and as a trial witness in Voyer's previous lawsuit against the County. Based on my experience and observations, this would make Rampone doubly disloyal to the Department because now he was a witness in two different claims of discrimination, harassment and/or retaliation. In fact, many would think he was stupid for creating such a risk of retaliation and harm to his future career. It is well known that testifying and supporting others in the Department will likely impact one's ability to promote in the Sheriff's</p>	30.	<p>Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Plaintiff 's declaration is citing an Undisputed Material Fact from a different case that has no relation to Plaintiff or the facts and allegations of this case.</p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	MATERIAL OBJECTED TO:		GROUND FOR OBJECTIONS	RULING ON OBJ.
	Department.”			
31.	Webb Dec., page 5, ¶ 22, lines 26-28: “In the Defendants Statement of Undisputed Material Facts which I read, number 23 states that Rampone was denied lateral transfers from TSD to Narcotics Bureau and Medical Services Bureau.”	31.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Plaintiff’s declaration is citing an Undisputed Material Fact from a different case that has no relation to Plaintiff or the facts and allegations of this case.	Sustained _____ Overruled _____
32.	Webb Dec., page 5, ¶ 22, line 28; page 6, ¶ 22, lines 1-3: “One of the ways the Sheriff’s Department retaliates against employees is to deny them transfer to more prestigious assignments.”	32.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u> , (2003) 31 Cal. 4th 990,	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
			1017.	
33.	Webb Dec., 6, ¶ 22, lines 3-6: "As an example, I know that Dave Waters, a Commander who also has a claim of discrimination, and retaliation has been denied a transfer to another assignment. His present job as a Commander of Administrative Services and Training in charge of facilities (ie the toilets) is considered the worst Commander's Assignment and least prestigious in the department. It is a dead end assignment because the next step from Commander is to a civilian position which a sworn officer cannot have as I understand it."	33.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Improper Opinion testimony. <u>Evid. Code</u> § 720, 800 et seq.	Sustained _____ Overruled _____
34.	Webb Dec., 6, ¶ 22, lines 7-9: Similarly, Commander Waters is the most tenured Commander (time in service, as opposed to Ray Leyva who has more time on the books as a Commander as a result of a retroactive promotion	34.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation, lacks personal knowledge, and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
as part of our lawsuit.)”			
35. Webb Dec., page 6, ¶¶ 23 lines 10-18: “If Rampone was going to be the Operation Lieutenant at Medical Services Bureau, which is the largest unit in the Sheriff’s Department, it would be very helpful for a promotion because the Operations Lieutenant is second in command. That unit is as large as many Divisions. A person successful in Medical Services Bureau would be viewed as very promotable because it is so large and complex, giving confidence to Executives that the Lieutenant could succeed as a Captain Richard Barrentes was the Captain of Medical Services and now has promoted to Assistant Sheriff because performing well in Medical Services gains attention for promotions. Barrantes promoted three additional times	35.	Irrelevant based on the fact that Rampone has nothing to do with this case. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Improper Opinion testimony. <u>Evid. Code</u> § 720, 800 et seq.	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
	(Commander, Chief and Assistant Sheriff) after working at Medical Services."			
36.	Webb Dec., page 6, ¶ 23 lines 10-18: "Likewise, Narcotics Bureau is a much more prestigious and enjoyable assignment than working at TSD. Narcotics Bureau is considered a de facto raise because it include receiving a Count car that can be taken home. Most Lieutenants positions do not have take home vehicles. Thus, employees save money on gas, their personal car insurance as the County car is their primary car which almost always results in a reduction in insurance premiums. Plus repairs to one's vehicle are reduced in a position with a County vehicle being provided."	36.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Improper Opinion testimony. <u>Evid. Code</u> § 720, 800 et seq.	Sustained _____ Overruled _____
37.	Webb Dec., page 6, ¶ 24, lines 24-27: "With respect to the Undisputed Fact numbers 24 and	37.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for	Sustained _____ Overruled _____

n:\files\1338-maxwell (cola)\pleadings\mvs\reply documents\p-cola objections to webb dec. (ex. 14 to sadr dec.) .docx

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>25, Rampone seeking a Chief's Aide position, it looks to me like he is attempting to get exposure so that he can then promote from Lieutenant to Captain. Without a Chiefs support, it is hard to promote. The way to get that support is to have exposure."</p>		<p>Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Improper Opinion testimony. <u>Evid. Code</u> § 720, 800 et seq. Plaintiff's declaration is citing an Undisputed Material Fact from a different case that has no relation to Plaintiff or the facts and allegations of this case.</p>	
38.	<p>Webb Dec., page 7, ¶ 25, lines 1-6: "Unfortunately, once an employee is considered "disloyal" to the department by suing the department or assisting others as a witness, when they are suing the department for discrimination, harassment, or retaliation, those employees are frequently retaliated against with lack of promotions, petty and unjustified Internal Affairs Investigations</p>	38.	<p>Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Improper Opinion testimony. <u>Evid. Code</u> § 720, 800 et seq. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union</u></p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	(including turning minor events that normally would not rise to the level of an IA, into an IA), and transfer to less prestigious assignments and removal from committees and/or collateral duties.		<u>High School Dist., (2003)</u> 31 Cal. 4th 990, 1017.	
39.	Webb Dec., page 7, ¶ 25, lines 6-11: "In my prior lawsuit, I know that Commanders Ray Leyva and Joquinn Herran claimed they were repeatedly passed over for promotions because of their having brought complaints with the EEOC of discrimination against Hispanics with respect to promotions. The Sheriff's Department paid large sum of money to them and retroactively promoted both Leyva and Herran as a part of our lawsuit. In my claims, I was promoted, and had my attorneys fee paid."	39.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u>	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND'S FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
40.	Webb Dec., page 7, ¶ 25, lines 11-14: "The Department also just entered into a non confidential settlement agreement with Commander Sam Dacus for \$700,000 as a result of his claims of discrimination for his associations with Latino employees (Leyva, Herran and me) and claims of retaliation including whitsle blowing.	40.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Privilege. <u>Evid. Code</u> 950 et seq., 1040.	Sustained _____ Overruled _____
41.	Webb Dec., page 7, ¶ 25, lines 14-17: "Thus, the department has clearly recognized they have a pattern and practice of discrimination and retaliation as shown by the payments of large sums to employees via settlements and trials (e.g., Jaimes case). There is particularly a concern with how the Department treats Hispanic employees and those who associate with them."	41.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Privilege. <u>Evid. Code</u> 950 et seq., 1040. Improper Opinion Testimony. <u>Evid. Code</u> § 702, 720, 800 et seq.	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
42.	Webb Dec., page 7, ¶ 26, lines 18-19: "In the Department, we keep track of who was promoted because there is a Departmental Announcement, called "intent to promote" which comes from the Sheriff."	42.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
43.	Webb Dec., page 7, ¶ 26, lines 19-21: "I am aware of experience employees who were not promoted in the department after they engaged in some kind of protected activity."	43.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u> , (2003) 31 Cal. 4th 990, 1017.	Sustained _____ Overruled _____
44.	Webb Dec., page 7, ¶ 26, lines 21- 23: "Lts. Voyer, Rampone, Captains Maxwell, Leyva, Herran, Dacus, myself and Commander Waters were all examples of individuals whose promotions	44.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____

n:\files\1338-maxwell (cola)\pleadings\msj\reply documents\p-cola objections to webb dec. (ex. 14 to sadr dec.) .docx

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	were delayed beyond what appears to be the average time for promotions."			
45.	Webb Dec., page 7, ¶ 26, lines 23-28: "Sheriff Baca was in charge of those promotions and its well known he even testified in the Dacus case that he had no legitimate reason not to promote Dacus earlier than he did. I am aware of some of the facts of the Dacus case because I met with an attorney who was representing the Sheriffs Department in action and she shared with me testimony, including that of Commander Ray Leyva. I informed her that the testimony of Ray Levya was essentially true.	45.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
46.	Webb Dec., page 7, ¶ 26, line 28 and page 8, ¶ 26, lines 1-3: Thus, I wound up giving the attorney for the County (Ms. Gregorio) information that was supportive of Sam Dacus and since then, I and	46.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Calls	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>others who are associated with me have in my opinion been retaliated against. (The meeting was on or about March 4, 2014 at approximately 11 a.m. in my office).</p>		<p>for a legal conclusion. <u>Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u></p>	
<p>47.</p>	<p>Webb Dec., 8, ¶ 26, lines 3-10: "I am aware that some of the claims of Commander Dacus included his belief that then Assistant Sheriff Waldie and Sheriff Baca were involved in criminal activities linked to the Asian Triad's gang. Thomas Michael O'Brien was a Lieutenant in the newly created Asian Crime Task Force for his insistence on pursuing criminal allegations against then Assistant Sheriff Larry Waldie and others. (My attorney Bradley Gage never gave permission as far as I know for me to speak with Ms. Gregorio, and Mr. Gage was not made aware of my communications with Ms. Gregorio until April 2, 2014 as</p>	<p>47.</p>	<p>Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u> Calls for a legal conclusion. <u>Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u></p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
	I was preparing this declaration.)”			
48.	Webb Dec., page 8, ¶ 27, lines 11-13: "I also know that Commander Pat Maxwell provided testimony to the CCJV about comments that Undersheriff Tanaka allegedly made that were critical of Internal Affairs and comments by Tanaka about working in the gray, which I interpreted as doing illegal activities.	48.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for Speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Improper Opinion Testimony. <u>Evid. Code</u> § 720, 800 et seq.	Sustained _____ Overruled _____
49.	Webb Dec., page 8, ¶ 27, lines 13-15: "I believe that it was very irresponsible for an executive to make such a statement because it would open the floodgates to bad behavior."	49.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for speculation based on the previous statement identified. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403. Improper Opinion Testimony. <u>Evid. Code</u> § 720, 800 et seq.	Sustained _____ Overruled _____
50.	Webb Dec., page 8, ¶ 27, lines 15-17: "At the time, Undersheriff	50.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	Tanaka had influence and power over promotions to Commander and could have easily retaliated against then Captain Maxwell preventing him from promoting to Commander in retaliation for whistle blowing activities."		foundation, lacks personal knowledge, and calls for Speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u> Improper Opinion Testimony. <u>Evid. Code § 720, 800 et seq.</u>	
51.	Webb Dec., page 8, ¶ 28, lines 18-19: "With respect to race by Baca, I have heard Baca make racial comments against Latinos, which even came out in a deposition that I attended.	51.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702.</u>	Sustained _____ Overruled _____
52.	Webb Dec., page 8, ¶ 28, lines 19-20: "Further, I have heard of Baca making a comment to the effect of where are the people in their 70's and then answering "they are dead."	52.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u>	Sustained _____ Overruled _____
53.	Webb Dec., page 8, ¶ 28, lines 20-22: "Baca also made comments in my presence about age, saying that he would live to be 100 years old and that he	53.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation. <u>Evid. Code § 403, 702.</u>	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	would be Sheriff until he was 100."			
54.	Webb Dec., page 8, ¶ 28, lines 22-24: "I also recently read in the press (I think the Los Angeles Times) where Back spoke saying that law enforcement is a younger man's game, or words to that effect."	54.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for speculation. <u>Evid. Code</u> § 403, 702.	Sustained _____ Overruled _____
55.	Webb Dec., page 8, ¶ 29, lines 25-28; page 9, ¶ 29, line 1: "I am familiar with the Interview Process for East LA. Station, because I competed for Captain there in the past. I also know Captain James Wolak who worked for me at Norwalk Station as a Lieutenant and he had a caustic personality. As a result he was transferred out of my station because of his demeanor. Wolak is a close personal friends with Assistant Sheriff James Hellmold (current Sheriff Candidate.)"	55.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
56.	Webb Dec., page 9, ¶ 30, lines 2-14: "I have read defendants	56.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

<u>MATERIAL OBJECTED TO:</u>	<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
<p>undisputed fact numbers 62, 63, and 107 etc. These indicated that Voyer was off work for around three years because of a injuries to her back, and knee as well as other locations. At undisputed fact number 110, it is claimed by Voyer that her back surgery was "unreasonably delayed for many years." I am familiar with the process for medical treatment. The Sheriffs Department works with the Third Party Administrators (TPA) regarding requests for medical treatment. It is very common for injured employees to be lost in the paper shuffle. The Sheriffs Department thus has a unit formerly known as Health and Safety, currently known as the Back to Work Unit, which works with the employee and the TPA to navigate through and expedite the process. Although the Sheriffs Department does not control</p>	<p>foundation and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u> Improper opinion testimony. <u>Evid Code. § 702, 720, 800 et seq.</u> Calls for a legal conclusion. <u>Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u></p>	

n:\files\1338-maxwell (cola)\pleadings\msj\reply documents\p-cola objections to webb dec. (ex. 14 to sadr dec.) docx

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
	<p>much of the worker's compensation process, they can exert influence and get things moving to expedite medical procedures when the Department gets involved to assist an employee. Conversely, it is easy for the Sheriffs Department to retaliate against an employee and delay necessary medical treatment simply by not assisting an employee to obtain prompt medical attention."</p>			
57.	<p>Webb Dec., page 9, ¶ 31, lines 15-16: "I was specifically told by then Undersheriff Bill Stonich, that Maxwell was referred to as a "lightening rod for controversy" but said that I could handle it.</p>	57.	<p>Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for speculation. <u>Evid. Code</u> § 403, 702. Hearsay. <u>Evid. Code</u> § 1200.</p>	<p>Sustained _____ Overruled _____</p>
58.	<p>Webb Dec., page 9, ¶ 31, lines 16-20: "I knew that when Maxwell was at SEB, he got rid of their Bar, and demanded that employees comply with policy. His elimination of potentially illegal</p>	58.	<p>Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for speculation. <u>Evid. Code</u> § 403, 702. Argumentative. <u>Evid. Code</u> § 403.</p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	activities and other misconduct at SEB, made Maxwell a controversial figure and a well known whistle blower who was likely to be retaliated against and not allowed to promote."		Improper opinion testimony. <u>Evid Code</u> § 702, 720, 800 et seq. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq. <u>Kahn v. East Side Union High School Dist.</u> , (2003) 31 Cal. 4th 990, 1017.	
59.	Webb Dec., page 9, ¶ 32, lines 21-22: "It was well known in the Sheriff's Department that the person who assisted the promotion of Maxwell was Larry Waldie who was Assistant Sheriff and later Under Sheriff."	59.	Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for speculation. <u>Evid. Code</u> § 403, 702.	Sustained _____ Overruled _____
60.	Webb Dec., page 9, ¶ 33, lines 23-24: "Defendants undisputed fact number 13 indicates that Maxwell was Captain of the Norwalk Station for over six years which is highly unusual."	60.	Argumentative. <u>Evid. Code</u> § 403. Improper opinion testimony. <u>Evid Code</u> § 702, 720, 800 et seq.	Sustained _____ Overruled _____
61.	Webb Dec., page 9, ¶ 33, lines 24-27: "I do not believe any other Captain was in charge of a station	61.	Lacks foundation and calls for speculation. <u>Evid. Code</u> § 403, 702.	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJ.</u>
	<p>for so long. Normally the department would give a Captain a break if not promoted since running a patrol station is so difficult and demanding.</p> <p>Essentially, the Captain of a Patrol Station serves as the Chief of Police for the community or communities that he or she serves."</p>		<p>Argumentative. <u>Evid. Code § 403.</u> Improper opinion testimony. <u>Evid Code. § 702, 720, 800 et seq.</u></p>	
62.	<p>Webb Dec., page 9, ¶ 34, lines 28; page 10, ¶ 34, lines 1-2: "It is my understanding that when Captain Maxell was promoted to Commander the only Captain with more seniority on the department was Sam Dacus, also the oldest Captain on the Department (over 70 years of age.)"</p>	62.	<p>Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702.</u></p>	<p>Sustained _____ Overruled _____</p>
63.	<p>Webb Dec., page 10, ¶ 34, lines 2-10: The department kept track of the age of its Executives (Captains and higher) evening having a chart stating when employees would reach age 55</p>	63.	<p>Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u></p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>and age 60. The list was referred to as the Death Watch List. AS I explained to the County's lawyers, the Death Watch was initially started by Sheriff John Scott's wife, Alice Scott. It was "unofficial" but accurate. She was a Captain at the time. She called and asked for the information, age, date of birht etc. when she tired, Captain Tony Ward took over publication of the Death Watch List. When he retired, Sheriffs Headquaters Bureau said they would take responsibility. Now that SHB is preparing the list, it only is disseminated to Chiefs and above- the same people who are most influential in deciding who will be promoted to the ranks of Captain and above."</p>			
64.	<p>Webb Dec., page 10, ¶ 35, lines 11-12: "As I understand promotions from Captain to Commander, once a Captain was</p>	64.	<p>Irrelevant. <u>Evid. Code</u> § 350, 352. Lacks foundation and calls for speculation. <u>Evid. Code</u> §</p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	off probation, if they applied for promotion, they would be eligible to promote."		403, 702. Argumentative. <u>Evid. Code § 403.</u> Vague and Ambiguous.	
65.	Webb Dec., page 10, ¶ 35, lines 12-14: "If Captain Maxwell promoted to Captain in April of 2007, as indicated in Undisputed Fact number 13, then he should have been eligible to promote six months later, e.g. October, 2007 if he applied and was in Band 1."	65.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u> Misstates the evidence.	
66.	Webb Dec., page 10, ¶ 36, lines 15-26: "Regarding Defendants Undisputed Fact Number 19, Sheriff Baca promoted many Captains to Commander with very little experience. Examples include Paul Tanaka, Doyle Campbell, James Helmold (who didn't even serve as a Chief before going to Assistant Sheriff) and Christy Guyovich. Furthermore, I have seen a document entitled 02/28/00 Commanders Biographical	66.	Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u>	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>Information J-2723-G. This is a Department Document produces as part of the cola Further Supply Resp. RFP #3. On the document it indicates that Gerlad Barnes wad ranked as Competent, Very Good and Very Good over a three year period. Richard Barrentes was rated as "Competent" in 2000 and now is the Assistant Sheriff. John Bauer was rated as Competent and Very Good in two of three evaluations. Juan Rodriguez had a Competent evaluation, as did John Vanderhorck. On the document it indicates that one year Ceil Rhambo who became an Assistant Sheriff was rated as "competent" as was Bernadette Roberts. Many others were rated as only competent or Very good.</p>			
67.	<p>Webb Dec., page 10, ¶ 36, lines 26-27: "Moreover, I do not believe the performance of every Captain</p>	67.	<p>Lacks foundation and calls for speculation. <u>Evid. Code</u> § 403, 702.</p>	

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	would have warranted an outstanding evaluation."		Argumentative. <u>Evid. Code § 403</u> . Improper opinion testimony. <u>Evid. Code § 720, 800 et seq.</u>	
68.	Webb Dec., page 10, ¶ 37, line 28; page 11, ¶37, line 1: "Interestingly, Anthony Argott apparently had a poor interview when seeking Captain's position at East L.A. Station in the past was given a Very Good and Competent position."	68.	Irrelevant. <u>Evid. Code § 350, 352</u> . Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702</u> . Argumentative. <u>Evid. Code § 403</u> .	Sustained _____ Overruled _____
69.	Webb Dec., page 11, ¶ 38, lines 2-3: "Warren Asmus was given a Very Good, Competent and Competent position, yet he has been promoted to Chief."	69.	Irrelevant. <u>Evid. Code § 350, 352</u> . Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702</u> . Argumentative. <u>Evid. Code § 403</u> .	Sustained _____ Overruled _____
70.	Webb Dec., page 11, ¶ 39, lines 4-9: "There were times when Captains with less seniority were promoted ahead of Captains with more seniority. Historically, the Commanders position was a revolving door, those Captains	70.	Irrelevant. <u>Evid. Code § 350, 352</u> . Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702</u> . Argumentative. <u>Evid. Code § 403</u> .	Sustained _____ Overruled _____

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>who stuck around would promote to Commander for the last two years of their County employment. There were roughly two times as many Captains as Commanders. Thus, with the high turnover at the Commander position, those who stuck around as a Captain for a few years were usually promoted to Commander."</p>			
71.	<p>Webb Dec., page 11, ¶ 40, lines 10-13: "Contrary to Undisputed Fact 33, although many factors go into all promotions, there are many commanders promoted that did not have the experience and skill to "hit the ground running." One example is Oceal Victory, who was a very nice lady, but not competent as a Commander. She retired well short of two years as a Commander because she was not cutting it."</p>	71.	<p>Lacks foundation and calls for speculation. <u>Evid.</u> Code § 403, 702. Argumentative. <u>Evid.</u> Code § 403. Improper Opinion Testimony. <u>Evid.</u> Code § 720, 800 et seq.</p>	<p>Sustained _____ Overruled _____</p>
72.	<p>Webb Dec., page 11, ¶ 41, lines 14-17: "In the Commander</p>	72.	<p>Irrelevant. <u>Evid.</u> Code § 350, 352. Lacks</p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	<p>position at present, there are 28 Commanders. From the list of Commanders, it is my understanding the Department as 23 males and five females. Ethnically for males, there are 13 Caucasians, five African Americans, four Hispanics, zero American Indians, one Asian and zero Filipino. For females, there are five Caucasians based on my understanding and observation."</p>		<p>foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403.</u></p>	
73.	<p>Webb Dec., page 11, ¶ 42, lines 19-20: "Maxwell told me that I needed to write a check for at least \$200 to Paul Tanaka's Mayoral Campaign in Gardena."</p>	73.	<p>Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702.</u> Hearsay. <u>Evid. Code § 1200.</u></p>	<p>Sustained _____ Overruled _____</p>
74.	<p>Webb Dec., page 11, ¶ 42, lines 20-22: "I asked him why I needed to do that, since I did not live in Gardena. He told me that as a newly promoted Captain, I did not want to get on Tanaka's bad side or seem disloyal, so I</p>	74.	<p>Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation and calls for speculation. <u>Evid. Code § 403, 702.</u></p>	<p>Sustained _____ Overruled _____</p>

PETERSON · BRADFORD · BURKOWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
	begudgingly contributed because of the pressure to contribute."			
75.	Webb Dec., page 11, ¶ 42, lines 22-24: "It appeared to me that then Lieutenant Maxwell was scared and I became scared enough to contribute money to Tanaka."	75.	Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u> Improper opinion testimony. <u>Evid. Code § 720, 800 et seq.</u>	Sustained _____ Overruled _____
76.	Webb Dec., page 11, ¶ 43, lines 25-27: "Undisputed Fact number 102 discussed a POE that Maxwell filed against Tanaka. Even though they were supposed to be confidential, that issue was discussed all over the department and was very well known."	76.	Irrelevant. <u>Evid. Code § 350, 352.</u> Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u>	Sustained _____ Overruled _____
77.	Webb Dec., page 11, ¶ 44, lines 28; page 12, ¶ 1-2: "Regarding Undisputed Fact number 108, it was well known that Captain Halm had guilt by association after Maxwell's complaint, and thus, he, Maxwell and Captain Claus were then denied resources.	77.	Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u> Assumes facts not in evidence. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403, 702.</u>	Sustained _____ Overruled _____

n:\files\1338-maxwell (cola)\pleadings\mjs\reply documents\p-cola objections to webb dec. (ex. 14 to sadr dec.).docx

PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
78.	Webb Dec., page 12, ¶ 2-3: "Under the department policy and practice, if any employee files a POE complaint and then is retaliated against, that retaliation would violate our policy was well."	78.	Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u> Improper opinion testimony. <u>Evid. Code § 720, 800 et seq.</u>	Sustained _____ Overruled _____
79.	Webb Dec., page 12, ¶ 45, lines 4-7: "When Maxwell testified before the CCJV, there was a pod case to the Sheriff's Department. All of the testimony was fed live so that members of the Sheriff's Department could watch the testimony. I saw Maxwell's testimony, so it was well known that he was whistle blower, and testified against Tanaka re: the gray area and Internal Affairs described above."	79.	Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403, 702.</u> Calls for a legal conclusion. <u>Evid. Code § 702, 800 et seq. Kahn v. East Side Union High School Dist., (2003) 31 Cal. 4th 990, 1017.</u>	Sustained _____ Overruled _____
80.	Webb Dec., page 12, ¶ 46, lines 8-9: "Tanaka's statement to "work in the gray" went all over the department, so it was well known that Maxwell came forward with	80.	Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid.</u>	Sustained _____ Overruled _____

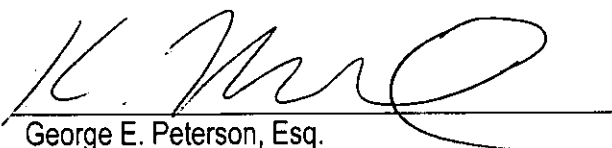
PETERSON · BRADFORD · BURKWITZ
 100 North First Street, Suite 300
 Burbank, California 91502
 818.562.5800

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

		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJ.</u>
the testimony."		<u>Code § 403, 702.</u>	
81. Webb Dec., page 12, ¶ 47, lines 10-13: "I personally interpreted the work in the gray area as meaning illegal conduct. That would be a common interpretation in law enforcement, in that context from Tanaka. It is like opening the flood gates to engage in illegal conducts, and would be known as 10-30, i.e., does not confirm to policy (this is a radio code.)"	81.	Irrelevant. <u>Evid Code § 350, 352.</u> Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code § 403, 702.</u> Argumentative. <u>Evid. Code § 403, 702.</u> Improper opinion testimony. <u>Evid. Code 720, 800 et seq.</u>	Sustained _____ Overruled _____

DATED: May 23, 2014

PETERSON · BRADFORD · BURKWITZ

By: 
 George E. Peterson, Esq.
 Avi Burkwitz, Esq.
 Natalie U. Luongo, Esq.
 Kyle Maland, Esq.
 Attorneys for Defendant,
 COUNTY OF LOS ANGELES

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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 address is 100 North First Street, Suite 300, Burbank, California 91502.

On May²³, 2014, I served the foregoing document described as:
DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF COMMANDER RALPH WEBB (SADR. DEC. EXHIBIT 14)

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

- BY MAIL:** I deposited such envelope in the mail at Burbank, California. The envelope was mailed with postage thereon fully prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Burbank, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- BY FACSIMILE:** I served by facsimile a true copy of the above-described document. I am "readily familiar" with this firm's practice of processing correspondence by fax. Under that practice documents are placed in our fax machine and are processed and received simultaneously at their destination. The above-referenced document(s) was placed in the fax machine with all costs of faxing prepaid, directed to each party (using their fax number), listed on the attached Service List. Once the document has been transmitted, the fax machine provides a report indicating time of completion.
- BY OVERNIGHT EXPRESS MAIL:** As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence by Overnight Express mailing. Under that practice it was deposited with the Overnight Express service on that same day with proper postage thereon fully prepaid at Burbank, California in the ordinary course of business.
- BY PERSONAL SERVICE:** I delivered such envelope by hand to the addressee.
- STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May²³, 2014, at Burbank, California.



Martha Gonzalez

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF COMMANDER RALPH WEBB (SADR. DEC. EXHIBIT 36)

PETERSON • BRADFORD • BURKOWITZ
100 North First Street, Suite 300
Burbank, California 91502
818.562.5800

SERVICE LIST

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: Maxwell, Patrick E. v. County Of Los Angeles

Case No.: BC497305

Bradley C. Gage, Esq.
Milad Sadr, Esq.
Law Offices of Goldberg & Gage
A Partnership of Professional Corporations
23002 Victory Blvd.
Woodland Hills, CA 91367
T: (818) 340-9252
F: (818) 340-9088

Attorney for Plaintiff, Patrick E. Maxwell

PETERSON • BRADFORD • BURKOWITZ
100 North First Street, Suite 300
Burbank, California 91502
818.562.5800