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**Government Code Section 6103**

**FILED**

Superior Court of California  
County of Los Angeles

MAY 23 2014

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

Attorneys for Defendant  
COUNTY OF LOS ANGELES

**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  
RETIRED COMMANDER JOAQUIN HERRAN  
(SADR. DEC. EXHIBIT 11)**

*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 Retired Commander Joaquin Herran dated February 17, 2014, and submitted by Plaintiff as Exhibit 11 to the Declaration of Milad Sadr, Esq. in Support of Opposition to Defendant's Motion for Summary Judgment, or in the Alternative, Summary Adjudication.

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	<b>MATERIAL OBJECTED TO:</b>	<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
1. 3 4 5 6 7 8 9 10 11	Herran Dec., Page 2, ¶ 7, Lines 8-10: "Based on the custom and practice of the Sheriffs Department in retroactively promoting Commander Leyva and myself, in my opinion, Captain Dacus should have been promoted to Commander in 2003."	1. <u>Objection:</u> Lacks foundation and calls for speculation. Overbroad. <u>Evid. Code §§ 403, 702.</u> Improper expert opinion. <u>Evid. Code § 720, 801 et. seq.</u> Argumentative and mischaracterizes testimony. <u>Evid. Code § 403.</u> Irrelevant. <u>Evidence Code §350, 352.</u>	Sustained _____ Overruled _____
2. 12 13 14 15 16 17 18 19 20	Herran Dec., Page 2, ¶ 8, Lines 11-13: "Commander Conte came to the Sheriff's Department at the same time as Commander Dacus. Both were at the same rank and Captain Conte promoted on approximately September 30, 2003 to Commander.	2. <u>Objection:</u> Lacks foundation and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Irrelevant. <u>Evidence Code §350, 352.</u>	Sustained _____ Overruled _____
3. 21 22 23 24 25 26 27	Herran Dec., Page 2, ¶ 9, Line 14: "The Department considered the ages of its employees in the promotional process."	3. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code §§ 403, 702, and 803.</u> Argumentative and mischaracterizes testimony. <u>Evid. Code § 403.</u> Irrelevant.	Sustained _____ Overruled _____

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			Evidence Code §350, 352.	
4.	Herran Dec., Page 2, ¶ 9, Lines 14-16: "There was a list of all individuals at the rank of Captain or above. That list was referred to as the "hit list" or "death list" because it listed the dates that an employee reached age 55 and age 60."	4.	<u>Objection:</u> Lacks foundation and calls for speculation. Overbroad. <u>Evid. Code §§ 403, 702, and 803.</u> Improper expert opinion. <u>Evid. Code § 720, 801 et. seq.</u> Irrelevant as Plaintiff was promoted to Commander at the age of 52, and has still yet to reach the age of 55 or 60. <u>Evidence Code §350, 352.</u>	Sustained _____ Overruled _____
5.	Herran Dec., Page 2, ¶ 9, Lines 17-19: "Even Undersheriff Tanaka made reference to the "hit list" in his deposition, stating that there was no reason for the department to have a hit list with individuals names on it."	5.	<u>Objection:</u> Lacks foundation and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Irrelevant as Plaintiff was promoted to Commander at the age of 52, and has still yet to reach the age of 55 or 60. <u>Evidence Code §350, 352.</u>	Sustained _____ Overruled _____
6.	Herran Dec., Page 2, ¶ 9, Lines 19-20: "Tanaka held all the ranks involved in personnel from his position of Commander and above."	6.	<u>Objection:</u> Unintelligible. Lacks foundation and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Irrelevant as Plaintiff was promoted to Commander at the age of 52, and	Sustained _____ Overruled _____

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			has still yet to reach the age of 55 or 60. <u>Evidence Code</u> §350, 352.	
7.	Herran Dec., Page 2, ¶ 9, Lines 20-21: "Baca looked at exhibit "13" (the hit list) to decide whether or not to promote a person from captain to commander."	7.	<u>Objection:</u> Lacks foundation and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant as Plaintiff was promoted to Commander at the age of 52, and has still yet to reach the age of 55 or 60. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
8.	Herran Dec., Page 2, ¶ 10, Lines 23-24: "Further supporting my opinion that Captain Dacus should have been promoted to Commander in 2003 is the fact that by 2003, Captain Dacus had served for six years at that position.	8.	<u>Objection:</u> Lacks foundation and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
9.	Herran Dec., Page 2, ¶ 10, Lines 24-27: "There was testimony in this case that the average time for promotion to Commander from Captain was	9.	<u>Objection:</u> Lacks foundation and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq.	Sustained _____ Overruled _____

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four years. I believe this is an accurate estimate based on the material I have reviewed.	Irrelevant. <u>Evidence Code</u> §350, 352.	
10. Herran Dec., Page 2, ¶ 10, Lines 27-28; Page 3, ¶ 10, Line 1: "Since Captain Dacus served as Captain since 1997, four years would have seen Captain Dacus promoted by 2001."	10. <u>Objection:</u> Lacks foundation and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
11. Herran Dec., Page 3, ¶ 10, lines 1: "Thus, estimating that he deserved a promotion in 2003 I believe is a conservative estimate.	11. <u>Objection:</u> Lacks foundation and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
12. Herran Dec., Page 3, ¶ 11, Lines 2-3: "In further support of my opinion that Captain Dacus deserved a promotion before 2003, Captain Dacus had more high profile assignments than Conte."	12. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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13.	Herran Dec., ¶ 11, Lines 3-5: "He started as the Captain at ICIB, which is one of the highest profile positions in the department. He was transferred from this high prestige position to Marina Del Rey station which is well known to be a much less prestigious position."	13.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
14.	Herran Dec., Page 3, ¶ 11, Lines 6-9: "According to Defendant's separate statement and deposition of Captain Dacus at pages 186-188, Waldie accused Dacus of pursuing an ICIB investigation against Waldie when Dacus was ay ICIB. That investigation included claims that Waldie acted illegally by affiliating with Asian Gangs."	14.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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15.	Herran Dec., Page 3, ¶ 11, Lines 9-11: "In 1997,, the Los Angeles County Metropolitan Transportation Authority Police ("MTA") merged with the LASD. Dacus laterally transferred to the LASD as a Captain.	15. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
16.	Herran Dec., Page 3, ¶ 12, Lines 12-13: "One important document demonstrating the disparate treatment of Sam Dacus is the Commanders Certification List Exam 245 dated May, 2013."	16. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
17.	Herran Dec., Page 3, ¶ 12, Lines 13-14: "That list states the number of years that Captains served as the time of the list. Captain Dacus had 15 years and six months."	17. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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18.	Herran Dec., Page 3, ¶ 13, Lines 15-18: "Captain Joanne Sharp is on the Intent to Promote Commander list that came out on February 14, 2014 approximately. On the Cert List in May 2013, she had two years and one month experience as Captain before promotion. Thus, she will be promoted to Commander with less than four years experience."	18.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
19.	Herran Dec., Page 3, ¶ 14, Lines 19-22: "Captain Robert Esson is also on the Intent to Promote' to Commander List that came out February 14, 2014 approximately. On the Cert List from May 2013, he had two years and two months experience as Captain. Now he will have a promotion to Commander with less than four years experience."	19.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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20.	Herran Dec., Page 3, ¶ 15, Lines 23-25: "Captain Stephen Smith is also on the Intent to Promote to Commander List that came out February 14, 2014 approximately. On the Cert List from May 2013, he had three years and five months experience as Captain. Now he will have a promotion to Commander."	20.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
21.	Herran Dec., Page 3, ¶ 16, Lines 26-28: "Captain Joseph Gooden, III was promoted to Commander in January 2014. On the Cert list from May 2013, he had two years and two months experience as Captain. Thus, he had under three years experience as a Captain before his promotion to Commander."	21.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
22.	Herran Dec., Page 4, ¶ 17, lines 1-2: Captain Dacus had 15 years and six months as a Captain as of May, 2013	22.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant.	Sustained _____ Overruled _____

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			<u>Evidence Code</u> §350, 352.	
23.	Herran Dec., Page 4, ¶ 17, Lines 2-3: "The next most experienced Captain was Patrick Maxwell with six years and one month."	23.	<u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350. Undue prejudice, confusion of issues, misleads the jury. <u>Evid. Code</u> §352.	Sustained _____ Overruled _____
24.	Herran Dec., Page 4, ¶ 17, 3-4: "After Maxwell all other Captains served for less than five years."	24.	<u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
25.	Herran Dec., Page 4, ¶ 17, 4-5: "The third most senior Captain was David Silversparre with four years and six months."	25.	<u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
26.	Herran Dec., Page 4, ¶ 18, Lines 9-11: Dacus had outstanding qualifications, including stellar evaluations and a Master's degree. Dacus	26.	<u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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1 2 3 4 5 6 7 8 9	was continually a top candidate for Commander, but has been passed over each time. In addition to my personal knowledge, this was confirmed in the Tanaka deposition." deposition at pages 38-39.		
10 11 12 13 14 15 16 17	27. Herran Dec., Page 4, ¶ 19, Lines 12-13: "Between 1998 and 2013, Baca admitted that Dacus was eligible to promote to Commander, and there was no legitimate reason for him not to be promoted each of those years."	27. <u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
18 19 20 21 22 23 24 25 26 27	28. Herran Dec., Page 4, ¶ 14, Lines 13-17: "In my opinion since there was not a legitimate reason for the failure to promote Dacus, initially he was not promoted because of his age and the perception he was a whistleblower in connection with illegal activities by then Assistant Sheriff	28. <u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352. Improper opinion testimony. <u>Evid. Code</u> § 720, 801 et. seq.	Sustained _____ Overruled _____

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3 4 5	Waldie who had the ability to control promotions from 1999 through approximately 2011."			
6 7 8 9 10 11 12 13 14 15 16 17 18	29. Herran Dec., Page 4, ¶ 19, Lines 17-21: "In 2012, I believe Dacus also was not promoted because of his association with Captains Leyva, Webb and myself, and in retaliation for his supporting us, as evidenced by his appearing at our settlement conference and because Dacus sat with Leyva and I at management conferences before 2011 at what was known as the "Lepper table."	29.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
19 20 21 22 23 24 25 26 27	30. Herran Dec., Page 4, ¶ 20, Lines 24-27: "In support of my opinions is the testimony of Baca himself. Baca testified that Sam Dacus was eligible to promote from Captain to Commander in 1998, and there were commander positions' available to promote to. Baca	30.	<u>Objection:</u> Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper opinion testimony. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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1 2 3 4 5	did not know of any legitimate reason why he chose not to promote Dacus at that time."			
6 7 8 9 10 11 12 13 14 15	31. Herran Dec., Page 4, ¶ 21, Lines 28; Page 5, ¶ 21, Lines 1-2: "Sam Dacus was eligible to promote from Captain to Commander in 1999, and there were Commander positions available to promote to. Baca did not know of any legitimate reason why he chose not to promote Dacus at that time."	31.	<u>Objection:</u> Lacks foundation, lacks personal knowledge, and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
16 17 18 19 20 21 22 23	32. Herran Dec., Page 5, ¶ 24, Lines 10-12: "For example, I believe that at the latest, Dacus should have been promoted to Commander in 2003 based on the custom and practice and averages of when a Captain was promoted to Commander."	32.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
24 25 26 27	33. Herran Dec., Page 5, ¶ 25, Lines 16-17: "LASD has not followed its promotional customs and	33.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert	Sustained _____ Overruled _____

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1 2 3 4 5 6 7	past practices in connection with promotions for Dacus."	opinion. <u>Evid. Code</u> § 720, 801 et. seq. Argumentative and mischaracterizes testimony. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.	
8 9 10 11 12 13	34. Herran Dec., Page 5, ¶ 25, Lines 19-20: "The Sheriff s Department has never promoted a person over the age of 65 to Commander."	34. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. Overbroad. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
14 15 16 17 18 19 20 21 22	35. Herran Dec., Page 5, ¶ 26, Lines 22-23: "Dacus was the oldest Captain in the Sheriff's Department. This was confirmed by review of the "Death list" given one of the available commander positions in Court Services prior to 2013."	35. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
23 24 25 26 27	36. Williams Dec. I, Page 5, ¶ 27, Herran Dec., Lines 24-25: "Sheriff Baca conceded that he could not think of a single	36. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant.	Sustained _____ Overruled _____

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legitimate reason why Dacus was not given one of the available commander positions in Court Services prior to 2013."	<u>Evidence Code</u> §350, 352.	
37. Herran Dec., Page 5, ¶ 28, lines 27-28; Page 6, ¶ 28, Line 1: "UnderSheriff Tanaka testified that Baca was inconsistent in his rationale for promotions, allowing him to discriminate against individuals seeking promotion. Tanaka depo, page 122. I agree with him."	37. <u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
38. Herran Dec., Page 6, ¶ 29, Lines 4-5: "There were at least a few captains whose performance at work was so poor, they were advised they would be terminated or demoted."	38. <u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
39. Herran Dec., Page 6, ¶ 30, Lines 8-13: "The reasons were well known in the Department. Danny Cruz had problems with	39. <u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant.	Sustained _____ Overruled _____

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	<b>MATERIAL OBJECTED TO:</b>		<b>GROUND(S) FOR OBJECTIONS</b>	<b>RULING ON OBJECTION</b>
<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17</p>	<p>Central Jail and a Christmas party fight at the Quiet Canyon Restaurant where Cruz was present while six deputies beat three other deputies. Problems at the Central Jail included Cruz' failure to complete" numerous use of force packages and Cruz' name came up in the CCJV Commission testimony. There was an investigation opened on Cruz. Baca said he would demote him and Cruz ,retired instead in 2012."</p>		<p><u>Evidence Code §350, 352.</u></p>	
<p>18 19 20 21 22 23 24 25 26 27</p>	<p>40. Herran Dec., Page 6, ¶ 31, Lines 14-18: "Bernice Abrams was Captain of Carson station. It was alleged she released confidential investigative materials to gang members compromising investigations. Her actions were caught on a Federal wire tap. Baca was going to terminate her, but she</p>	<p>40.</p>	<p><u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Irrelevant.  <u>Evidence Code §350, 352.</u></p>	<p>Sustained _____ Overruled _____</p>

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF RETIRED COMMANDER JOAQUIN HERRAN (SADR. DEC. EXHIBIT 11)**



	<b>MATERIAL OBJECTED TO:</b>		<b>GROUND FOR OBJECTIONS</b>	<b>RULING ON OBJECTION</b>
3 4 5 6 7 8	chose to retire. She was obviously not an outstanding captain. I was advised that Abrams went to High School with former Undersherff Tanaka."			
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	41. Herran Dec., Page 6, ¶ 32, Lines 19-23: "Rufus Tamayo was going to have a founded charge on sex harassment violations and chose to retire in lieu of termination. He was Captain of the Academy, involved in a relationship with a sworn Deputy whose husband was also a Deputy at Lennox. She brought a lawsuit for sexual harassment as did her husband. They won their lawsuits and then left the department. The Deputies last names were Desmarteau."	41.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
26 27	42. Herran Dec., Page 6, ¶ 33, Lines 24-26: "Sinclair allegedly	42.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for	Sustained _____

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<b>MATERIAL OBJECTED TO:</b>	<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
<p>mismanaged Federal Funds while he was the unit commander at Mira Lorna Detention Center. He was overseeing the Federal Detainees. We had a contract with the Federal Government."</p>	<p>speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Irrelevant. <u>Evidence Code §350, 352.</u></p>	<p>Overruled _____</p>
<p>43. Herran Dec., Page 6, ¶ 34, Lines 27-28, and Page 7, Lines 1-4: "Dave Fender was demoted from Captain to Lieutenant after falsifying records regarding qualifying for shooting. He was later reinstated to Captain after six months and subsequently promoted to Commander instead of Captain Dacus, which I believe was not proper since falsification of records would make Fender less qualified to promote to Commander than Captain Dacus. Fender now is serving</p>	<p>43. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code §§ 403, 702, and 803</u> Irrelevant. <u>Evidence Code §350, 352.</u> Argumentative. <u>Evid. Code § 403.</u></p>	<p>Sustained _____ Overruled _____</p>

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	<b>MATERIAL OBJECTED TO</b>		<b>GROUND(S) FOR OBJECTIONS</b>	<b>RULING ON OBJECTION</b>
	as an Acting Chief. I believe Dacus would have been better qualified to serve as an Acting Chief than Fender. Fender was promoted to Commander in 2008."			
44.	Herran Dec., Page 7, ¶ 35, Lines 5-8: "Three sworn employees were engaged in a fraud during the 2012 Baker to Vegas run. They utilized an unauthorized runner. The individuals involved were Commander Pat Jordan who was demoted to Captain; Captain Holly Perez who was demoted to Lieutenant and Captain Matt Rodriguez who retired in lieu of being demoted."	44.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
45.	Herran Dec., Page 7, ¶ 36, Lines 11-15: " Based on my review of the documents produced by the Department, Captain Dacus was passed	45.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 701, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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MATERIAL OBJECTED TO:	GROUNDS FOR OBJECTIONS	RULING ON OBJECTION
<p>over for promotion to            Commander over 100 times            since 1998. I am not aware of            any Captain ever in my over 35            years at the Sheriff's            Department ever being passed            over for a promotion 10            Commander more than 100            times. Indeed, I am not aware            of anyone other than Dacus            who was passed over for            promotion more than 63 times            to Commander like Leyva."</p>	<p>Argumentative. <u>Evid. Code § 403.</u></p>	
<p>46. Herran Dec., Page 7, ¶ 37,            Lines 16-18: "Typically, a            Senior Captain is selected for            promotions, but Dacus was            repeatedly passed over for            promotions by less            experienced Captains, often            including captains with less            education, seniority, and            experience in fewer            assignments and had received            discipline."</p>	<p>46. <u>Objection:</u> Lacks foundation, lacks            personal knowledge and calls for            speculation. <u>Evid. Code §§ 403,</u>  <u>702, and 803. Argumentative.</u>  <u>Evid. Code § 403. Irrelevant.</u>  <u>Evidence Code §350, 352.</u></p>	<p>Sustained _____            Overruled _____</p>

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47.	Herran Dec., Page 7, ¶ 38, Lines 19-23: "When Dacus was promoted in 2013, he was the oldest member of the Department and the oldest Captain as shown by the "Death List." The next most senior captain in the Department at the time was Patrick Maxwell. Maxwell is a white male, around 50 years old. It only took him six years to promote. (He promoted after filing his own lawsuit for the delay in his promotion because whistle blower and had other claims of wrongdoing.)	47.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352.. Calls for a legal conclusion. <u>Evidence Code</u> §720. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
48.	Herran Dec., Page 7, ¶ 39, Lines 24-25: "The general characteristics considered for promotion were tenure; time in grade; experience; and education according to Tanaka's depo, vol. 1, at 21	48.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Mischaracterizes the testimony. <u>Evid. Code</u> 403. .	Sustained _____ Overruled _____

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	<b>MATERIAL OBJECTED TO:</b>		<b>GROUND(S) FOR OBJECTIONS</b>	<b>RULING ON OBJECTION</b>
3	:24-23: 1."		Irrelevant. <u>Evidence Code</u> §350, 352.	
5	49. Herran Dec., Page 8, ¶ 40, lines 3-5: "Tanaka also testified there has never been a member of the Sheriff's Department with more enforcement experience than plaintiff Sam Dacus."	49.	Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
12	50. Herran Dec., Page 8, ¶ 41, Lines 8-11: "Beginning in 2001, I would attend LASD functions such as golf tournaments, quarterly management conferences, mandatory training sessions and retirement parties. At these functions, Assistant Sheriff/UnderSheriff Larry Waldie Would often remark that Dacus was too old and queried when Dacus was going to retire."	50.	Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352. Hearsay. <u>Evid. Code</u> § 1200. Inadmissible character evidence. <u>Evidence Code</u> § 1101;	Sustained _____ Overruled _____
26	51. Herran Dec., Page 8, ¶ 41, Lines 11-13: "In fact, Waldie	51.	Lacks foundation, lacks personal knowledge and calls for	Sustained _____

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	<b>MATERIAL OBJECTED TO:</b>		<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
	and his aides coined a phrase "making a hole for younger people." Such phrases and derogatory comments were about, or directed, at Dacus."		speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant.  <u>Evidence Code</u> §350, 352.  Hearsay. <u>Evid. Code</u> § 1200.  Inadmissible character evidence.  <u>Evidence Code</u> § 1101.	Overruled _____
52.	Herran Dec., Page 8, ¶ 43, Lines 16-18: "While Waldie played golf at a tournament that I was at, Waldie made comments about Dacus' age to several of us. Waldie also made comments at the management conference where's that old guy?"	52.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant.  <u>Evidence Code</u> §350, 352..  Hearsay. <u>Evid. Code</u> § 1200.	Sustained _____  Overruled _____
53.	Herran Dec., Page 8, ¶ 43, Lines 19-21: "When Waldie made his comments about Sam Dacus's age, Captain Dacus appeared uncomfortable and embarrassed. Dacus was and is the oldest African American employee on the department at the time."	53.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant.  <u>Evidence Code</u> §350, 352.	Sustained _____  Overruled _____

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	<b>MATERIAL OBJECTED TO</b>		<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
3	54. Herran Dec., Page 8, ¶ 43, 4 Lines 21-22: "Waldies age 5 related comments occurred 6 between 2003 through 2008 or 7 2009."	54.	<u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
8	55. Herran Dec., Page 8, ¶ 44, 9 Lines 23-27: "Waldie also 10 referred to Ray Leyva and I as 11 "wet backs" and said, "what do 12 those fucking wet backs want 13 now?" Waldie's comments 14 were made when he was the 15 Under Sheriff. No one would 16 complain against Waldie for 17 improper comments because 18 of a fear of retaliation. In the 19 Department, we had the 20 phrase "go along to get along." 21 This meant that no matter what 22 was exposed, including 23 information now in federal 24 indictments, employees were 25 afraid to complain."	55.	<u>Objection</u> : Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper opinion testimony. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evid. Code</u> § 350. Undue prejudice, confusion of issues, misleads the jury. <u>Evid.</u> <u>Code</u> §352. Hearsay. <u>Evid.</u> <u>Code</u> § 1200. Inadmissible character evidence. <u>Evidence</u> <u>Code</u> § 1101. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
26	56. Herran Dec., Page 8, ¶ 44, 27 Lines 27-28; Page 9, ¶ 44,	56.	<u>Objection</u> : Lacks foundation, lacks personal knowledge and calls for	Sustained _____

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1 2 3 4 5 6 7 8 9 10 11 12 13	lines 1-2: " It, was well known that employees who reported discrimination, retaliation or wrong doing would be transferred to inferior assignments (called non desirable assignments) often far from home (called ("freeway therapy") and their careers were destroyed (no promotional opportunities).		speculation. Overbroad. <u>Evid. Code</u> §§ 403, 701, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352. Argumentative. <u>Evid. Code</u> § 403.	Overruled _____
14 15 16 17 18 19 20 21 22	57. Herran Dec., Page 9, ¶ 45, Lines 3-4: "Although Baca was Sheriff, Waldie and Tanaka had enormous power, allowing them to block promotional opportunities and influence transfers of employees to undesirable assignments."	57.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352. Argumentative. <u>Evid. Code</u> § 403.	Sustained _____ Overruled _____
23 24 25 26 27	58. Herran Dec., Page 9, ¶ 46, Lines 5-6: "In June 2012, Dacus attended non-privileged, non-confidential portions of a mandatory settlement	58.	<u>Objection:</u> Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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	<b>MATERIAL OBJECTED TO:</b>		<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
	conference in Herran, et. al. v. County of Los Angeles at the Stanley Mosk Courthouse."			
59.	Herran Dec., Page 9, ¶ 47, Lines 7-13: "In our lawsuit, we claimed discrimination by Baca against Latinos. Baca made anti-Hispanic statements. For example, when Baca was at a HAPCOA meeting in the 1990's while he was a Chief of the Sheriff's Department, Baca said, "You know the difference between a bucket full of crabs on the American side of the border, and a bucket full of crabs on the Mexican side of the boarder? The audience said no. Baca replied the American crabs are helping each other out of the bucket to freedom and the Mexican crab at the top is kicking everyone back into the bucket so he could be the only one out."	59.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352. Hearsay. <u>Evid. Code</u> § 1200.	Sustained _____ Overruled _____

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	<b>MATERIAL OBJECTED TO</b>		<b>GROUND FOR OBJECTIONS</b>	<b>RULING ON OBJECTION</b>
60.	<p>Herran Dec., Page 9, ¶ 48, Lines 14-19: "When looking at the promotions that Baca made, he never had an Assistant Sheriff or Under Sheriff that was Hispanic from 1998 until he resigned in 2014. He also did not have Hispanic Chiefs for some of his tenure. After the 2003 HAPCOA lawsuit, Baca returned Mike Aranda to Chief Status to resolve part of that claim. Tom Angel changed his status in the department from white to Hispanic. There was no system to check on this, but once he was classified as Hispanic, it allowed Baca to brag about promoting a Hispanic chief."</p>	60.	<p><u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert opinion. <u>Evid. Code</u> § 720, 801 et. seq. Irrelevant. <u>Evidence Code</u> §350, 352. Argumentative. <u>Evid. Code</u> § 403.</p>	<p>Sustained _____            Overruled _____</p>
61.	<p>Herran Dec., Pge 9, ¶ 49, Lines 20-24: Dacus has been friends with Leyva, and I , for years. In fact, Dacus has always shown his public support for us. For</p>	61.	<p><u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.</p>	<p>Sustained _____            Overruled _____</p>

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MATERIAL OBJECTED TO	GROUNDS FOR OBJECTIONS	RULING ON OBJECTION
<p>example, often at department functions or meetings, Leyva and I would be isolated from others and seated at a specific table by ourselves (referred to as the "leper" table). In such situations, Dacus would regularly come and sit at our table. Dacus continued to engage Leyva and I in public in front of LASD personnel including Baca."</p>	<p>Argumentative. <u>Evid. Code § 403.</u></p>	
<p>62. Herran Dec., Page 9, ¶ 50, Lines 25-27: "Dacus wished to show his support for us at the MSC. Moreover, Dacus identified with our plight since Dacus has also been discriminated and retaliated against. Dacus' presence at the MSC was noted and observed by attorneys and agents of the LASD/County, including County Counsel."</p>	<p>62. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Argumentative. <u>Evid. Code § 403.</u> Irrelevant. <u>Evidence Code §350, 352.</u> Calls for a Legal Conclusion. <u>Evid. Code. §720.</u></p>	<p>Sustained _____          Overruled _____</p>

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63.	Herran Dec., Page 9, ¶ 51, Line 28, Page 10, ¶ 51, Lines 1-3: "Shortly after the settlement conference, Dacus was suddenly moved from his position at Court Services, Central Bureau to Court Services, West Bureau, in October 2012. Dacus' replacement at Central Bureau was a newly promoted captain. It is unheard of for a senior captain to be reassigned from his position to accommodate a new captain."	63.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evid. Code</u> § 350. Undue prejudice, confusion of issues, misleads the jury. <u>Evid. Code</u> §352. Calls for a Legal Conclusion. <u>Evid. Code</u> . §720.	Sustained _____ Overruled _____
64.	Herran Dec., Page 10, ¶ 52, Lines 4-7: "Since I know where Dacus' lives, the transfer to West Bureau added significantly to his daily commute. In fact, Dacus' weekly commute has been increased by over 200 miles. Moreover, Dacus' on-duty driving has increased	64.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.Calls for a Legal Conclusion. <u>Evid. Code</u> . §720.	Sustained _____ Overruled _____

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1 2 3 4 5 6 7	significantly since the various courthouses that Dacus must attend to are very spread out, in sharp contrast with Central Bureau."			
8 9 10 11 12 13 14 15 16 17	65. Herran Dec., Page 10, ¶ 53, Lines 8-9: "The LASD has a practice or pattern of transferring personnel to remote locations from their homes as a means of punishment. This practice is commonly referred to as "freeway therapy."	65.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
18 19 20 21 22 23 24 25 26 27	66. Herran Dec., Page 10, ¶ 54, Lines 10-13: "I am advised that Defendants have an "undisputed fact" number 28 that Captain Dacus did not say he was against the transfer from Central Bureau to West Bureau. In the Sheriff's Department a Captain would not make such a complaint	66.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352. Misstates the evidence. "Undisputed fact" 28 referenced in the declaration is not a part of Defendant's moving papers, or	Sustained _____ Overruled _____

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF RETIRED COMMANDER JOAQUIN HERRAN (SADR. DEC. EXHIBIT 11)**

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	<b>MATERIAL OBJECTED TO</b>		<b>GROUND FOR OBJECTIONS</b>	<b>RULING ON OBJECTION</b>
1 2 3 4 5 6	because it would be viewed as weakness in our culture, due to the fact that we are a para-military organization."		this case.	
7 8 9 10 11 12 13 14 15 16 17 18	67. Herran Dec., Page 10, ¶ 55, Lines 14-17: "In "Undisputed Fact" number 29, Defendants say that Barrantes offered Dacus to return to Central Bureau, but Dacus declined because he felt it would look like a failure on his part. That is a well known concern, and would also be a sign of weakness if Dacus returned to Central after being transferred."	67.	<u>Objection</u> : Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352. Misstates the evidence. "Undisputed fact" 29 referenced in the declaration is not a part of Defendant's moving papers, or this case.	Sustained _____ Overruled _____
19 20 21 22 23 24 25 26 27	68. Herran Dec., Page 10, ¶ 56, Lines 18-23: "We are not the only members of the Sheriff's Department to be subjected to retaliation after filing complaints of discrimination or retaliation. For example, I have been advised that Lt. Kathy Voyer after filing a lawsuit was	68.	<u>Objection</u> : Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352. Hearsay. Evid. Code. § 1200.	Sustained _____ Overruled _____

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	<b>MATERIAL OBJECTED TO:</b>		<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
1 2 3 4 5 6 7 8 9 10 11 12 13	placed into Band 5 on the Captains promotional exam. She is the only person I am aware of who has ever been placed into Band 5. The department selects individuals for promotion starting with Band 1 and working its way down. Thus, placing her in Band 5 virtually insures that she will not be promoted."			
14 15 16 17 18 19 20 21 22 23 24 25 26 27	69. Herran Dec., Page 10, ¶ 57, Lines 24-27: "Usually employees are placed in either Band 1 or at worse Band 2 so that the Department can then select whoever they want since all employees are in the same band. Lt. Voyer was associated with various Latino officers and was well known to have testified in the discrimination claims of Deputy Angel Jaimes."	69.	<u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Irrelevant. <u>Evidence Code §350, 352.</u>	Sustained _____ Overruled _____

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF RETIRED COMMANDER JOAQUIN HERRAN (SADR. DEC. EXHIBIT 11)**



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<b>MATERIAL OBJECTED TO:</b>	<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
70. Herran Dec., Page 11, ¶ 58, Lines 4-7: "Another example is Tommie David Martinez, a Hispanic Sergeant at Century Station, was black listed by Mr. Tanaka and Waldie during the 2003 Lieutenant Promotional process. He was on the list that Chief Williams said was provided to him by Tanaka and Waldie and was told to screw him."	70. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352. Hearsay. <u>Evid. Code</u> § 1200.	Sustained _____ Overruled _____
71. Herran Dec., Page 11, ¶ 59, Lines 4-7: "To show the disparity of treatment Captain Fender, a Caucasian, was demoted to Lieutenant for a period of six months for falsification on his qualification for shooting. He was not fired for this, but rather moved to the Academy for six months, then returned to Lakewood as the Captain and shortly thereafter promoted to Commander	71. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____

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	<b>MATERIAL OBJECTED TO:</b>		<b>GROUNDS FOR OBJECTIONS</b>	<b>RULING ON OBJECTION</b>
	despite falsifying official documents.”			
72.	Herran Dec., Page 11, ¶ 60, Lines 8-9: “While Fender has a history of discipline, Captain Dacus has never been disciplined as far as I know. The lack of discipline further demonstrates the quality of Captain Dacus.”	72.	<u>Objection:</u> Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Argumentative. <u>Evid. Code § 403.</u> Irrelevant. <u>Evidence Code §350, 352.</u>	Sustained _____ Overruled _____
73.	Herran Dec., Page 11, ¶ 61, Lines 10-17: “In the few situations where Captains are not to be promoted to Commander, they are usually given outstanding, high visibility assignments, but LASD did not follow this custom and practice in connection with its treatment of Dacus. In fact, Dacus' career has been on a downward trajectory given he was initially assigned as captain of ICIB, then to a patrol station, and	73.	<u>Objection:</u> Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code §§ 403, 702, and 803.</u> Argumentative. <u>Evid. Code § 403.</u> Irrelevant. <u>Evidence Code §350, 352.</u>	Sustained _____ Overruled _____

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	<b>MATERIAL OBJECTED TO:</b>	<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
	<p>now to Court Services, West Bureau. In 1997, the Los Angeles County Metropolitan Transportation Authority Police ("MTA") merged with the LASD. Dacus laterally transferred into LASD as a Captain. When Dacus became a Captain at the Sheriff's Department, Baca was not yet Sheriff. Thus, Baca was not involved in assigning Dacus to ICIB.</p>		
74.	<p>Herran Dec., Page 11, ¶ 62, Lines 18-23: "In the summary judgment document by Defendants they state at "undisputed fact" number 30, that Captain Dacus did not apply for the Commander position in 2006. However, during a meeting on our lawsuit, we learned that Captain Webb and 5 or 6 other Captains were left off the list of</p>	74. <u>Objection:</u> Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352. <u>Evid. Code</u> §352. Misstates the evidence. "Undisputed Fact" 30 referenced in the Declaration is not a part of Defendant's moving papers, and is unrelated to this case.	<p>Sustained _____          Overruled _____</p>

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MATERIAL OBJECTED TO	GROUNDS FOR OBJECTIONS	RULING ON OBJECTION
<p>who were eligible to promote.            During the meeting, the County claimed that Webb was not on the list of eligible Captains according to their records, but he brought documents to prove that he was on that list contrary to the Departments claims.</p>		
<p>75. Herran Dec., Page 11, ¶ 63, Lines 24-28, Page 12, ¶ 63, Lines 1-2: "In the summary judgment document prepared by Defendants they state at "undisputed fact" number 31, Defendants say that "all Captains are considered by Sheriff Baca to be... "Outstanding." However, it is my understanding that Captain Cruz was to be placed on a performance improvement plan by Commander Olmsted, and he received a evaluation less than outstanding after Olmsted</p>	<p>75. <u>Objection</u>: Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.. Misstates the evidence. "Undisputed Fact" 31 referenced in the Declaration is not a part of Defendant's moving papers, and is unrelated to this case.</p>	<p>Sustained _____            Overruled _____</p>

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF RETIRED COMMANDER JOAQUIN HERRAN (SADR. DEC. EXHIBIT 11)**

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	<b>MATERIAL OBJECTED TO:</b>		<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
	retired. Cruz was also going to be demoted after the fight at the Quiet Canyon restaurant several deputies beat other deputies. Thus, I disagree with Defendants' "Undisputed Fact" number 32."			
76.	Herran Dec., Page 12, ¶ 64, Line 3: "There was no requirement for a Captain to advocate for promotion to Commander."	76.	<u>Objection</u> : Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper opinion testimony. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
77.	Herran Dec., Page 12, ¶ 65, Lines 4-5: "There was no need for a Captain to speak to anyone at any time above his rank about an interest in becoming a Commander. An application advised of that interest.	77.	<u>Objection</u> : Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper opinion testimony. <u>Evid. Code</u> § 801. Irrelevant. <u>Evidence Code</u> §350, 352.	Sustained _____ Overruled _____
78.	Herran Dec., Page 12, ¶ 66, Lines 6-8: "Under the policies of the Sheriff's Department, if a person felt he or she was a	78.	<u>Objection</u> : Lacks foundation, lacks personal knowledge, and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Improper expert	Sustained _____ Overruled _____

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF RETIRED COMMANDER JOAQUIN HERRAN (SADR. DEC. EXHIBIT 11)**

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<b>MATERIAL OBJECTED TO:</b>	<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
<p>victim of discrimination, filing a complaint with the DFEH was accepted procedure. Unfortunately, after filing such a complaint, retaliation was common place."</p>	<p>opinion. <u>Evid. Code</u> § 801. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352. Calls for a legal conclusion. <u>Evid. Code</u> § 702, 800 et seq.</p>	
<p>79. Herran Dec., Page 12, ¶ 67, Lines 9-10: "Bernice Abrams a Captain was under investigation including by the FBI for misconduct and was about to be fired. Thus, how could she be considered outstanding as a Captain?"</p>	<p>79. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.</p>	<p>Sustained _____            Overruled _____</p>
<p>80. Herran Dec., Page 12, ¶ 68, Lines 16-23: "On or about July 2011, Captain Ray Leyva and I filed a civil lawsuit against the Los Angeles County Sheriff's Department because of discrimination and retaliation, Herron. et al. v. County Los Angeles, case no. BC465401. After the suit was initially filed, Captain Ralph</p>	<p>80. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.</p>	<p>Sustained _____            Overruled _____</p>

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	<b>MATERIAL OBJECTED TO</b>	<b> GROUNDS FOR OBJECTIONS</b>	<b> RULING ON OBJECTION</b>
	<p>Webb joined us also claiming discrimination and retaliation. All three of us are Latin American! Hispanic. Each of us were treated differently in the terms and conditions of our employment and denied promotion to Commander because of our Hispanic National Origin and also in retaliation for filing of discrimination and retaliation complaints with the EEOC individually and as members of HAPCOA (Hispanic American Police Command Officers Association.) I was a former National President and local Vice President of HAPCOA."</p>		
81.	<p>Herran Dec., Page 12, ¶ 69, Lines 25-28, Page 13, ¶ 69, Lines 1-3: "By his own admission, Sheriff Baca considered Captains Leyva, Webb and myself as</p>	<p>81. <u>Objection</u>: Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.</p>	<p>Sustained _____            Overruled _____</p>

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<u>MATERIAL OBJECTED TO:</u>	<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJECTION</u>
<p>"outstanding" or excellent captains. Yet, Captain Leyva was passed over for commander approximately 63 times before being promoted after the filing of this lawsuit and on the eve of mediation. I was passed over for Commander approximately 34 times. Captain Webb was passed over for commander approximately 27 times. We were the second, third-, and fourth- most senior Captains in the Sheriff's Department. The most senior captain in the Sheriff's Department is, and was, Capt. Dacus."</p>		
<p>82. Herran Dec., Page 13, ¶ 70, Lines 4-8: "Captain Dacus was the only department employee who appeared at the Mandatory Settlement Conference for our lawsuit showing his support for our</p>	<p>82. <u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.</p>	<p>Sustained _____          Overruled _____</p>

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<u>MATERIAL OBJECTED TO:</u>		<u> GROUNDS FOR OBJECTIONS</u>	<u> RULING ON OBJECTION</u>
<p>position. Attorneys for the County of Los Angeles (Pierio) was present and recognized Captain Dacus and had the ability to advised Baca that Dacus was there. Also, attorney Jeff Hausman asked Captain Dacus who he was; and Dacus told him that Dacus was the Captain of Central Bureau."</p>			
<p>83. Herran Dec., Page 13, ¶ 71, Lines 13-18: "As a result of our lawsuit, I was promoted to Commander and given a five year retroactive (late) for that promotion because the County recognized that they unfairly delayed my promotion. The same thing happened to then Captain Leyva. Commander Leyva and I were also given back pay because of the wrongful delay in our promotions. My promotion was</p>	<p>83.</p>	<p><u>Objection:</u> Lacks foundation, lacks personal knowledge and calls for speculation. <u>Evid. Code</u> §§ 403, 702, and 803. Argumentative. <u>Evid. Code</u> § 403. Irrelevant. <u>Evidence Code</u> §350, 352.</p>	<p>Sustained _____          Overruled _____</p>

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DECLARATION OF RETIRED COMMANDER JOAQUIN HERRAN (SADR. DEC. EXHIBIT 11)**

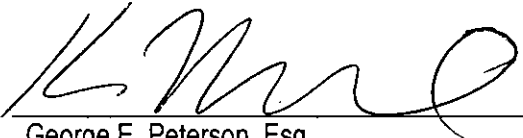
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	MATERIAL OBJECTED TO	GROUNDS FOR OBJECTIONS	RULING ON OBJECTION
	deemed effective as of April 1, 2007, even though the actual promotion was on or about August 12, 2012. Commander Leyva's date of promotion was retroactive for seven years to April 1, 2005."		

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DATED: May 23 2014

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SERVICE LIST

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

Case No.: BC497305

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