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FILED
Superior Court of California
County of Los Angeles

MAY 23 2014

Sherril B. Carter, Executive Officer/Clerk
Raul Sanchez Deputy
Raul Sanchez

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

11 PATRICK E. MAXWELL
12 Plaintiff,
13 vs.
14 COUNTY OF LOS ANGELES and DOES 1 - 100,
15 inclusive
16 Defendants.

Case No.: BC497305
Assigned to the Honorable: Michelle R. Rosenblatt
[Dept. 40]

**DEFENDANT COUNTY OF LOS ANGELES'
OBJECTIONS TO THE DEPOSITION TESTIMONY
ATTACHED AS EXHIBITS TO THE DECLARATION
OF MILAD SADR, ESQ.**

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

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

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

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

24 Defendant, COUNTY OF LOS ANGELES hereby submits the following evidentiary objections to the
25 Deposition Testimony attached as the following exhibits to the Declaration of Milad Sadr, Esq. in Support of
26 Opposition to Defendant's Motion for Summary Judgment, or in the Alternative, Summary Adjudication ("Sadr
27 Dec."), as cited to in Plaintiff's Opposition to Defendant's Separate Statement in Support of Defendant's
28 Motion for Summary Judgment:

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY
ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.**

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1 1. Sadr Dec. Exhibit 1, excerpts from the Deposition of Sheriff Leroy Baca, Volume A, dated
2 April 18, 2014 from Maxwell v. County of Los Angeles;

3 2. Sadr Dec., Exhibit 2, excerpts from the Deposition of Britta Steinbrenner, dated April 21,
4 2014, from Maxwell v. County of Los Angeles;

5 3. Sadr Dec., Exhibit 3, excerpts from the Deposition of Larry L. Waldie, Volume I, dated
6 February 11, 2014 from Dacus v. County of Los Angeles;

7 4. Sadr Dec., Exhibit 4, excerpts from the Deposition of Patrick Maxwell, Volume II, dated
8 January 16, 2014, from Maxwell v. County of Los Angeles;

9 5. Sadr Dec., Exhibit 5, excerpts from the Deposition of Ronnie Williams, dated March 3, 2014,
10 from Dacus v. County of Los Angeles;

11 6. Sadr Dec., Exhibit 7, excerpts from the Deposition of Paul Tanaka, Vol. I, dated July 1, 2013,
12 from Dacus v. County of Los Angeles;

13 7. Sadr Dec., Exhibit 8, excerpts from the Deposition of Leroy Baca, Vol. VI, dated January 21,
14 2014, from Dacus v. County of Los Angeles;

15 8. Sadr Dec., Exhibit 9, excerpts from the Deposition of Patrick Maxwell, Vol. I, dated July 15,
16 2013, from Maxwell v. County of Los Angeles;

17 9. Sadr Dec., Exhibit 10, excerpts from the Deposition of Michael Claus, dated April 24, 2014,
18 from Maxwell v. County of Los Angeles;

19 10. Sadr Dec., Exhibit 13, excerpts from the Deposition of Dennis Conte, dated February 21,
20 2014, from Dacus v. County of Los Angeles;

21 11. Sadr Dec., Exhibit 15, excerpts from the Deposition of Thomas Laing, dated April 24, 2014,
22 from Maxwell v. County of Los Angeles;

23 12. Sadr Dec., Exhibit 17, excerpts from the Deposition of Marvin Cavanaugh, Vol. II, dated
24 February 25, 2014, from Dacus v. County of Los Angeles;

25 13. Sadr Dec., Exhibit 22, excerpts from the Deposition of Sheriff Leroy Baca, Vol. III, dated
26 January 3, 2014, from Maxwell v. County of Los Angeles;

27 14. Sadr Dec., Exhibit 24, excerpts from the Deposition of Cecil Rhambo, Vol. II, dated March
28 14, 2014, from Maxwell v. County of Los Angeles;

1 15. Sadr Dec., Exhibit 27, excerpts from the Deposition of Sheriff Leroy Baca, Vol. V, dated
 2 January 20, 2014, from Dacus v. County of Los Angeles;

3 16. Sadr Dec., Exhibit 29, excerpts from the Deposition of Samuel Dacus, Vol. I, dated June 28,
 4 2013, from Dacus v. County of Los Angeles;

5 17. Sadr Dec., Exhibit 30, excerpts from the Deposition of Samuel Dacus, Vol. II, dated
 6 December 16, 2013, from Dacus v. County of Los Angeles;

7 18. Sadr Dec., Exhibit 33, excerpts from the Deposition of Sheriff Leroy Baca, Vol. IV, dated
 8 January 10, 2014, from Dacus v. County of Los Angeles;

9 19. Sadr Dec., Exhibit 35, excerpts from the Deposition of James Lopez, dated June 6, 2006,
 10 from Voyer v. County of Los Angeles;

11 20. Sadr Dec., Exhibit 35, excerpts from the Deposition of James Lopez, dated June 6, 2006,
 12 from Voyer v. County of Los Angeles;

13 21. Sadr Dec., Exhibit 37, excerpts from the Deposition of Paul Tanaka, Vol. II, dated February
 14 3, 2014, from Dacus v. County of Los Angeles; and

15 22. Sadr Dec., Exhibit 41, excerpts from the Deposition of Cecil Rhambo, Vol. I, dated February
 16 25, 2014 from Dacus v. County of Los Angeles.

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 18 **OBJECTION TO DEPOSITION OF SHERIFF LEROY BACA, "Volume A" SADR DEC. EXHIBIT 1**

	MATERIAL OBJECTED TO:		GROUND(S) FOR OBJECTIONS	RULING ON OBJECTION
1.	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Sheriff Leroy Baca, Volume A, dated April 18, 2014, as attached to the	1.	Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (See Cal. Evid. Code § 1400.)	Sustained _____ Overruled _____

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>Sadr Dec. as <u>Exhibit 1</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Baca Depo., Sadr Dec. <u>Exhibit 1</u>").</p>	<p>"Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code</u> § 1401.) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 1" of what he claims is the deposition of Sheriff Leroy Baca. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)</p>	
<p>2. Q (MR. GAGE) Do you know an individual by the name of Carlos Vignali? A Yes, I do. Q Who is Carlos Vignali? That's V-i-g-n-a-l-i. A Uh-huh. He's a business man. Q Was he a campaign contributor to you? A He was, and then I returned his donation. Q Why was that?</p>	<p>2. Objection. Irrelevant; prejudicial. (<u>Evid. Code</u> § 210, 350-352.</p>	<p>Sustained _____ Overruled _____</p>

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<p>A Because of an incident regarding his son, and I thought it would be best to give it back. (Baca Depo., Sadr Dec. Exhibit 1 pp.186:16-25).</p>			
<p>3. Q Mr. Vignali's son was pardoned by President Clinton just before Clinton left office; correct? A Yeah, I think he was pardoned. Q. And so he had a sentence of about ten years for dealing drugs, and all of a sudden, was pardoned by President Clinton just before Clinton left office; true? A I believe that's true. (Baca Depo., Sadr Dec. Exhibit 1 pp.186:16-25).</p>	<p>3.</p>	<p>Objection. Vague and ambiguous, lacks foundation. (Evid. Code § 702(a); Irrelevant; prejudicial (Evid. Code § 210, 350-352; Speculation. (Evid. Code § 702).</p>	<p>Sustained _____ Overruled _____</p>
<p>4. Q (MR. GAGE) And there was a -- an article written in the Los Angeles Daily News around February 14th, 2001, saying that mayoral candidates, Representative</p>	<p>4.</p>	<p>Objection. Irrelevant (Evid. Code § 210, 350-351.</p>	<p>Sustained _____ Overruled _____</p>

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<p>Xavier Becerra -- B-e-c-e-r-r-a -- and Former Assembly Speaker Antonio Villaraigosa, along with Sheriff Lee Baca and even Cardinal Roger Mahony all interceded on Vignali's behalf. Do you recall seeing such an article? Mr. Peterson: What does this have to do with Maxwell and any of the allegations in his case or the summary judgment? Q. (Mr. Gage) Go ahead. Mr. Peterson: Although I'm fascinated to hear anything about Bill Clinton, what does it have to do with this lawsuit? Nothing. Mr. GAGE: We are-- MR. PETERSON: Not a thing. MR. GAGE: --exploring claims of my client, man. MR. PETERSON: Oh, geez. Go ahead. We're talking about-- Q (Mr. GAGE) Go ahead.</p>			
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**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY
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A I think that in that context of Mr. Vignali, my belief about Mr. Vignali was that he was a reputable man, and he doesn't have any criminal record at all. And so the context of whatever that article was, which I don't recall and don't remember ever reading, is alluding to that.

Q (MR. GAGE) Mr. Vignali, the drug dealer, his father donated at least \$11,000 to your campaign; MR. PETERSON: Is this the one that he just referred to as being returned?

Q (MR. GAGE) Go ahead.

A I don't believe so. I think that there was an amount, but -- I don't recall the exact amount, but whatever he donated to my campaign was returned.

(Baca Depo., Sadr Dec. Exhibit 1 pp.189:4-190:14).

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<p>5. Q (MR. GAGE) And Carlos Anibal, A-n-i-b-a-l, Vignali had his federal prison sentence commuted by President Clinton just before leaving office at the time he was serving the sixth of fifteen years in prison for organized cocaine trafficking. Does that sound familiar to you? A I believe that's correct. (Baca Depo., Sadr Dec. <u>Exhibit 1</u> pp. 191:2-8).</p>	<p>5. Objection. Irrelevant (<u>Evid. Code</u> § 210, 350-351).</p>	<p>Sustained _____ Overruled _____</p>
<p>6. "Q. And there was also articles that this was controverfrial because Carlso' father, Horacio, H-o-r-a-c-i-o, Carlso Vignali's money gave contributions to Antonio Villaraigosa, Robert Hertzberg, Xavier Becerra, and yourself, who in return petitioned Clinton for the younger Vignali's release. Do you recall seeing anything about that?")</p>	<p>6. Objection. Vague and ambiguous, lacks foundation. (<u>Evid. Code</u> § 702(a); Irrelevant (<u>Evid. Code</u> § 210, 350-351; Speculation. (<u>Evid. Code</u> § 702).</p>	<p>Sustained _____ Overruled _____</p>

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<p>MR. PETERSON: Compound, complex. Vague and ambiguous. Argumentative and calls for speculation. You can respond to that.</p> <p>THE WITNESS: I have never petitioned anyone for release. My involvement with Mr. Vignali, the father, was to attest that he's a good person, the father. I made no reference to the son or any other aspect.</p> <p>(Baca Depo., Sadr Dec. Exhibit 1 pp. 192:3-18).</p>			
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OBJECTION TO DEPOSITION OF LIEUTENANT BRITTA STEINBRENNER, DEC. EXHIBIT 2

	MATERIAL OBJECTED TO		 GROUNDS FOR OBJECTIONS	 RULING ON OBJECTION
1.	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Britta Steinbrenner, dated April 21, 2014, as attached to the Sadr	1.	Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (See Cal. Evid. Code § 1400.)	Sustained _____ Overruled _____

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<p>Dec. as <u>Exhibit 2</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Steinbrenner Depo., Sadr Dec. <u>Exhibit 2</u>").</p>	<p>"Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code</u> § 1401.) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 1" of what he claims is the deposition of Britta Steinbrenner. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<i>Id.</i>)</p>	
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OBJECTION TO DEPOSITION OF LARRY WALDIE, SADR DEC. EXHIBIT 3

	<u>MATERIAL OBJECTED TO</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Larry Walide, Vol. 1, dated February 11, 2014, as attached to the Sadr Dec. as <u>Exhibit 3</u> in	1.	Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (<u>See Cal. Evid. Code</u> § 1400.) "Authentication of a writing is	Sustained _____ Overruled _____

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<p>Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Waldie Depo., Sadr Dec. <u>Exhibit 3</u>").</p>		<p>required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 3" of what he claims is the deposition of Larry Waldie, Vol. 1. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)</p>
<p>2. Q. And so between Commander Fender and Commander Maxwell, would you agree that Commander Maxwell had more of the attributes that would suggest he should have been promoted to commander than Dave Fender? A Not in terms of the attributes. Dave Fender had great attributes. The fact that he was demoted and lied, to me was detrimental in my</p>	<p>2. Objection. Irrelevant (<u>Evid. Code § 210, 350-351, See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>); Based on speculation and conjecture (<u>Evid. Code § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>); Improper lay opinion</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>opinion for his promotion. (Waldie Depo., Sadr Dec. <u>Exhibit 3</u>, p. 64:24-65:7).</p>		<p>(<u>Cal. Evid. Code § 800</u>).</p>	
<p>3. Q And with respect to that he was asked questions regarding the promotion of captains to commanders. And he was asked about stuff going through to the year of 2011, which would include when you were there. He testified that, "The decision of who to promote was based on a purely internal process, which includes input from assistant sheriffs and undersheriffs such as Waldie and Tanaka and the chiefs of their respect to divisions." Do you believe that that testimony of Baca is inaccurate? MR. PETERSON: It's argumentative and it misstates testimony. MR. GAGE: Go ahead. MR. PETERSON: Calls for</p>	<p>3.</p>	<p>Objection. Vague and ambiguous, lacks foundation. (<u>Evid. Code § 702(a)</u>); Irrelevant (<u>Evid. Code § 210, 350-351</u>; Calls for speculation. (<u>Evid. Code § 702</u>).</p>	<p>Sustained _____ Overruled _____</p>

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<p>speculation. THE WITNESS: I think it's accurate. (Waldie Depo., Sadr Dec. <u>Exhibit 3</u>, p.94:8-24).</p>			
<p>4. Q Any why did -- what do you recall in as much detail as possible about your conversation with Pat Maxwell about filing the POE? A I don't remember what the conversation -- it was I just recommended him not to do it. I did. Q Why did you recommend him not to do it? A It would cause some- - potentially could cause some problems and some resentment. (Waldie Depo., Sadr Dec. <u>Exhibit 3</u>, p. 153:3-10).</p>	<p>4.</p>	<p>Objection. Irrelevant, (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Improper lay opinion (<u>Cal. Evid. Code</u> § 800).</p>	<p>Sustained _____ Overruled _____</p>
<p>5. Q Why were you concerned about a complaint -- a POE complaint having an impact on Maxwell's career? A Just the nature of human</p>	<p>5.</p>	<p>Objection. Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or</p>	<p>Sustained _____ Overruled _____</p>

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<p>beings, something like that occurring, since Tanaka denied he had ever said anything derogatory at that meeting and he didn't believe it was true what the POE stated. (Waldie Depo., Sadr Dec. <u>Exhibit 3</u>, p. 154:2-7).</p>	<p>guesswork cannot defeat a motion for summary judgment.); Conclusory and irrelevant, (<u>Evid. Code § 210, 350-351</u>; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Improper lay opinion (<u>Cal. Evid. Code § 800</u>); Inadmissible Hearsay (California Evidence Code § 1200).</p>	
<p>6. Q Did you ever hear of a term known as "freeway therapy"?</p> <p>A I've heard of that.</p> <p>Q What is your understanding of "freeway therapy"?</p> <p>A It's that you send somebody to a job a long way away from his home so it's therapy that he will straighten out. (Waldie Depo., Sadr Dec. <u>Exhibit 3</u>, p. 172:10-17).</p>	<p>6. Objection. Based on speculation and conjecture (<u>Evid. Code § 702, §803</u>; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Conclusory and irrelevant, (<u>Evid. Code § 210, 350-351</u>; Improper lay opinion (<u>Cal. Evid. Code § 800</u>).</p>	<p>Sustained _____ Overruled _____</p>

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OBJECTION TO DEPOSITION OF PATRICK MAXWELL, VOL. II, SADR DEC. EXHIBIT 4

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	<u>MATERIAL OBJECTED TO:</u>		<u>GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Q What do you recall?</p> <p>A I just -- I -- I did not ask the Sheriff why I didn't get promoted. I just told him the things I've done as a lieutenant and -- to prepare myself. And I did mention that, you know, I was told that I was a political liability.</p> <p>And he kind of got agitated. He goes, you know, I'm not -- he goes, You are not a political liability. He said Larry Waldie is a fucking political liability.</p> <p>Q. Did he explain anymore?</p> <p>A. We had a discussion, it was -- at the time I told him that at SEB I, you know, did a lot of stuff there that wasn't very popular. I had actually showed the Sheriff a color</p>	1.	<p>Objection. Conclusory and irrelevant, (<u>Evid. Code § 210, 350-351</u>; See <u>McRae v. Dept. of Corrections and Rehabilitation 142 Cal. App 4th 377</u>, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"])). Inadmissible Hearsay (California Evidence Code § 1200).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>picture of two lieutenants that were chained to a tree. I says, stopped the hazing there. I said these people here -- I said one of them you promoted. And I said when I went there, you know, they had an open bar at SEB. I said I stopped that.</p> <p>(Deposition of Patrick Maxwell, Vol. II, dated January 16, 2014, as attached to the Sadr Dec. as <u>Exhibit 4</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Maxwell Depo. Vol. II, Sadr Dec. <u>Exhibit 4</u>"), p. 180:5-25).</p>			
<p>2. Q. But from my understanding what you're telling me the Sheriff's role in terms of selection of a captain is different than selection of a lieutenant, am I correct on that?</p> <p>A. Yes. There's more</p>	<p>2.</p>	<p>Objection. Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Conclusory and irrelevant (<u>Evid.</u></p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>latitude. (Maxwell Depo. Vol. II, Sadr Dec. <u>Exhibit 4</u>), p. 9-13).</p>	<p><u>Code § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"])</u>. Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Lack of foundation and personal knowledge (<u>Evid. Code § 702(a)</u>).</p>	
<p>3. Q. Have you ever heard any comments about you being too old to be a commander? A. Just generalities. What did you hear? Chief Laing at one of the staff meetings sometime in -- six months before he left he commented that Sheriff Baea would say that he's going to promote people that not only will be here with him through the election but through the next term, which to me that was 2018. And by that time you -- it depends on when I retire I</p>	<p>3. Objection. Based on speculation and conjecture (<u>Evid. Code § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>); Conclusory and irrelevant (<u>Evid. Code § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"])</u>). Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Lack of foundation and personal knowledge</p>	<p>Sustained _____ Overruled _____</p>

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<p>could eligible for retirement.</p> <p>Q. Did you interpret Chief Laing's comment that Sheriff Baca was not looking to promote you to the commander because of your age?</p> <p>A. Chief Laing made it -- came across that the Sheriff was looking to promote younger people.</p> <p>(Maxwell Depo. Vol. II, Sadr Dec. <u>Exhibit 4</u>, pp. 213:17-214:8).</p>		<p>(<u>Evid. Code § 702(a)</u>). Inadmissible Hearsay (California Evidence Code § 1200); double hearsay.</p>
<p>4. Q. Any other comments you can recall that -- similar to the one you just relayed to me about -- from Chief Laing that you felt were comments that you heard regarding your age or being too old or something to that effect?</p> <p>A. Chief Laing on several occasions would ask me how much longer do I have to go, when I'm going to retire.</p> <p>Q. And you interpreted that</p>	<p>4. Objection. Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Conclusory and irrelevant (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>to be comments that were something along the lines of you are not getting promoted to commander, is that what -- was your understanding of those comments?</p> <p>A. I kind of -- I mean I took it as, you know, basically when are you leaving.</p> <p>Q. That's how you took it from Chief Laing?</p> <p>A. Yes. (Maxwell Depo. Vol. II, Sadr Dec. <u>Exhibit 4</u>, pp. 216:8-23).</p>		<p>showing that the opinion is based on fact"). Inadmissible Hearsay (California Evidence Code § 1200).</p>
<p>5. So was there a time where you believed that you were not getting promoted to the level of commander because of your age? There was such a time that you felt that way, right?</p> <p>A. After -- after I heard the, you know comment, about the Sheriff wants people that he, promoted to be there through the term, which I interpreted was 2018.</p>	<p>5. Objection. Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; Conclusory and irrelevant (<u>Evid. Code</u> § 210, 350-351; Inadmissible Hearsay (California Evidence Code § 1200); Lacks foundation and personal knowledge.</p>	<p>Sustained _____ Overruled _____</p>

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<p>(Maxwell Depo. Vol. II, Sadr Dec. <u>Exhibit 4</u>, pp. 221:17-24).</p> <p>6. Q. Okay. When is the first time you thought about doing a POE complaint? When is the first time you thought about it?</p> <p>A. MR. GAGE: Regarding what topic?</p> <p>MR. BURKWITZ: About Mr. Tanaka.</p> <p>THE WITNESS: Probably pretty soon after all the threats were relayed to us by Chief Laing.</p> <p>MR. BURKWITZ:</p> <p>Q. Okay. What were the threats that Chief Laing had related?</p> <p>A. Well, I was told -- they were told to me twice. Once by Commander Rothans and once by Chief Laing.</p> <p>Q. Tell me about that.</p> <p>A. Which one?</p> <p>Q. Let's go with Rothans,</p>	<p>6.</p>	<p>Objection. Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Conclusory and irrelevant (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Lack of foundation and personal knowledge (<u>Evid. Code § 702(a)</u>). Inadmissible Hearsay (California Evidence Code § 1200).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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what did he say?
A. We had -- there was three
captains that were summoned
down to the Chief's office.
And it was myself, Halm, and
Claus. C-l-a-u-s. And either
right after that or on the way
down I called Mike Rothans. I
said, What's the meeting
about, Mike? He said, Oh, he
goes, Laing got called over to
Tanaka's office and got his
ass ripped. When he came
back to the office he was
beat red, he was like scared.
Shaking. He said that Tanaka
said that you three captains
are fucking dead to him. You
won't even get anymore more
fucking resources. Your
career is done. You're not
allowed to come to the gage
meetings anymore. You
know, that the chief now has
two sets of captains to deal
with. These four and then
these three fucking guys. And

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<p>then -- so we all came to the meeting. And in the meeting one of the three captains, as described, Commander Ryan, R-y-a-n, Commander Rothans and Chief Laing. And then Chief Laing repeated pretty much the same that Commander Rothans had told me on the phone. Dec. <u>Exhibit 4</u>, pp. 279:6-280:18).</p>			
<p>7. Q. Do you remember any other information or conversation that you learned? A. Chief Laing tried to talk me out of going to see the Sheriff. Q. Did he tell you why? A. I don't recall. Q. And you didn't go to Mr. Tanaka before then because you didn't -- you figured he can't be challenged so there was no point to go to him,</p>	<p>7.</p>	<p>Objection. Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Conclusory and irrelevant (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based</p>	<p>Sustained _____ Overruled _____</p>

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<p>correct?</p> <p>A. I'm not going to a man that just threatened me like that.</p> <p>Q. I'm assuming after you got this information from Chief Laing and Commander Rothans that's when you decided to do the POE complaint?</p> <p>A. After the meeting, yes.</p> <p>Q. After the meeting with who?</p> <p>A. The group meeting.</p> <p>Q. Were you in fact excluded from any meetings?</p> <p>A. Actual meetings?</p> <p>Q. Yes.</p> <p>MR. GAGE: Speculation. Foundation.</p> <p>THE WITNESS: No, because a day or two later I got an e-mail from Chief Laing along the lines, not verbatim, contrary in previous direction your presence is required at the gang meeting. The one</p>		<p>on fact"). Improper lay opinion (Cal. Evid. Code § 800). Lack of foundation and personal knowledge (Evid. Code § 702(a). Inadmissible Hearsay (California Evidence Code § 1200); Legal conclusion. Oral testimony is not admissible to prove the content of a writing. (Cal. Evid. Code § 1523(a)).</p>	
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<p>that we were kicked out of. Dec. <u>Exhibit 4</u>, pp. 281:1-282:3).</p>			
<p>8. Q. Why did you particularly go to POE as opposed to any other entity within the Sheriff's Department? A. Well, I considered the threats leveled to me was retaliation for complaining to Mr. Waldie. And then it created a very hostile work environment for denying me resources, my career is dead. So when you file a POE there is somebody that judges what level they're at. But at the minimum that should -- if it wasn't a POE in the sense it should have went to IAB for at least an investigation for conduct towards others, profanity, what -- threats. Whatever. Q. After filing the POE complaint did you feel that Mr. Tanaka was taking action</p>	<p>8.</p>	<p>Objection. Unduly prejudicial as Plaintiff does not have a complaint for a hostile working environment (<u>Evid. Code § 352</u>); and legal conclusion and ased on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>); Irrelevant (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Lack of foundation and personal knowledge (<u>Evid. Code § 702(a)</u>). Inadmissible Hearsay (California Evidence Code § 1200).</p>	<p>Sustained _____ Overruled _____</p>

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against you that you found
was targeting you?
MR. GAGE: You mean
retaliatory, is that what you're
asking?
MR. BURKWITZ: Then you're
going to give me an objection
it calls for a legal conclusion.
So I was trying to avoid that.
But I like your question better.
Did you feel that Mr. Tanaka -
- I know you're going to give
me -- I will do it anyway.
Did you think Mr. Tanaka was
retaliating against you after
filing the POE complaint?
THE WITNESS: Yes.
MR. BURKWITZ: Q. Okay.
What did you feel?
A. That he was retaliating
against me.
Q. Why did you feel that
way? Was there something in
particular --
A. I mean there was a
number of things. One of the
original threats was I wouldn't

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<p>got any resources. And many, many times I tried to get extra units from the gang unit into my area.</p> <p>Q. Did you feel like there were less resources after filing the POE complaint?</p> <p>A. Less resources.</p> <p>MR. GAGE: Vague and ambiguous.</p> <p>THE WITNESS: I just know my requests weren't granted.</p> <p>MR. BURKWITZ: Q. Okay. You made a requests and they weren't granted?</p> <p>A. Yes.</p> <p>Q. And were you ever notified why they weren't being granted?</p> <p>A. Just can't do it.</p> <p>Q. Who was telling you that they can't do it?</p> <p>A. I know a couple times Chief Laing when I would go through him, I asked for his help.</p>			
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	<p>(Maxwell Depo. Vol. II, Sadr Dec. <u>Exhibit 4</u>, pp. 287:22-289:25).</p>			
<p>9.</p>	<p>Q. Putting aside the resources, is there anything else that you felt that Mr. Tanaka was doing to you that was retaliatory? MR. GAGE: Vague and ambiguous. Can I have it read back, please? (Record read.) MR. GAGE: Vague and ambiguous as to time. Legal conclusion. If you understand. THE WITNESS: One thing is, you know, it was promotion. MR. BURKWITZ:</p>	<p>9.</p>	<p>Objection. Legal conclusion and based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Irrelevant (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion</p>	<p>Sustained _____ Overruled _____</p>

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<p>Q. I'll get there in a minute. Let's put aside promotion. Which is fair. Aside from the promotion, aside from the resources -- MR. GAGE: Resources and promotion. You just want a list basically? MR. BURKWITZ: We talked about resources. Promotion, I get it. Besides those two things. Anything else? MR. GAGE: Same objection. THE WITNESS: You know there was several instances where I felt that I was excluded in things. Like, you know, I was one of the most senior captains and was not included in the oral interview process of lieutenants. A lot of less junior captains were, less experienced. And Mr. Tanaka was one that picked those people. And approved them to be on oral boards. I was never on those.</p>	<p>is based on fact"). Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Lack of foundation and personal knowledge (<u>Evid. Code § 702(a)</u>). Inadmissible Hearsay (California Evidence Code § 1200). Improper character evidence. <u>Evid. Code §</u> 1101 et seq.</p>	
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<p>I had a couple significant events at my station where one of my Explorers was murdered off duty, and I never heard from any of the executives. It was very rare for a department member to be killed and the Sheriff doesn't call or Mr. Tanaka doesn't call. The Assistant Sheriff of Patrol. To see how things are going. How is the family? Didn't come to the funeral. Just, you know -- just what a normal leader would do. In October of I think 2012 one of my detectives had a heart incident at Norwalk and when he was transported to Whittier Press he was diagnosed with a tear in the aorta. He was in critical condition. That went to all the executives. And once again no one called me. No one -- you know, usually somebody at an executive</p>			
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<p>level will call at the hospital. Can I talk to the wife? They will come down. The guy could have died that night. You know. Just -- Tanaka was very short with me. You know. He told me -- I asked him -- around June of 2011 there was three captains who were promoted to commander. They had less experience than me at a station. Two of them had less experience than me on the department. And they were promoted to commander and made part of the jail division. I had run into Tanaka as I get off the elevators and I asked him, I said Paul, my name ever come up for commander? And he looks at me with his little smile that he has and says, People are going to learn from you not to fuck with me. (Maxwell Depo. Vol. II, Sadr</p>			
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	Dec. <u>Exhibit 4</u> , pp. 290:13-292:24).			
10.	<p>Q. Correct.</p> <p>Did you talk to Mr. Waldie about Mr. Tanaka's statement about working in the gray area?</p> <p>A. Yes.</p> <p>Q. What did Mr. Waldie say?</p> <p>That he would talk to him. He said it was -- that type of term is inappropriate.</p> <p>(Maxwell Depo. Vol. II, Sadr Dec. <u>Exhibit 4</u>, pp. 301:17-22).</p>	10.	<p>Objection. Irrelevant (<u>Evid. Code</u> § 210, 350-351; Inadmissible Hearsay (California Evidence Code § 1200).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

OBJECTION TO DEPOSITION OF RONNIE WILLIAMS, SADR DEC. EXHIBIT 5

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Ronnie Williams, dated March 3, 2014, as attached to the Sadr</p>	1.	<p>Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (<u>See Cal. Evid. Code</u> § 1400.)</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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	<p>Dec. as <u>Exhibit 5</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Williams Depo., Sadr Dec. <u>Exhibit 5</u>").</p>		<p>"Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code</u> § 1401.) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 5" of what he claims is the deposition of Ronnie Williams. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)</p>
<p>2.</p>	<p>Q. Okay. Then I'll just focus on how it was when you were there up until the 2008 time frame. How could a chief impact the promotional opportunities from a lieutenant to captain or captain to commander when you worked at the Sheriff's Department? A. When we would meet the chiefs and at the time two assistant sheriffs and</p>	<p>2. Objection. Legal conclusion and based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Conclusory and irrelevant, as Plaintiff was not eligible to promote to Commander until January 2009 and this testimony is with regards to the Dacus case. (<u>Evid. Code</u> §</p>	<p>Sustained _____ Overruled _____</p>

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<p>undersheriff, when we would meet to discuss, I'm going to say, promotions of captains and commanders, let's say, we would be notified that we were going to discuss that on a certain day, date and time. I would -- and I can't speak for any other chief. I would get together with my two commanders, go over our list of candidates for captain and go over our list of candidates for commander, and we would discuss it. And I would walk in with a list of people that I was going to attempt to put on the board for promotion. (Williams Depo., Sadr Dec. <u>Exhibit 5</u>, pp. 25:14-26:7).</p>	<p>210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]). Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Lack of foundation and personal knowledge (<u>Evid. Code § 702(a)</u>).</p>	
<p>3. Q. There was a pre-meeting before the EPC in which Tanaka and Waldie would find out what information was going to be provided to Sheriff Tanaka as a way to sanitize what information would be</p>	<p>3. Objection. Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>);</p>	<p>Sustained _____ Overruled _____</p>

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<p>provided to Sheriff Baca; is that correct?</p> <p>A. Yes.</p> <p>Q. And the information Dr. Honig wanted to discuss regarding how to treat employees including once she brought up the fact there were problems between the Caucasians and African-American employees, those items were not allowed by Tanaka or Waldie to be discussed with Sheriff Baca; is that correct?</p> <p>A. That's correct. (Williams Depo., Sadr Dec. Exhibit 5, pp.30:12-25).</p>	<p>Conclusory and irrelevant, as this testimony pertains to the Honig case, and prejudicial as it pertains to allegations of race discrimination. (<u>Evid. Code</u> § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Improper lay opinion (<u>Cal. Evid. Code</u> § 800). Lack of foundation and personal knowledge (<u>Evid. Code</u> § 702(a). Improper character evidence. <u>Evid. Code</u> § 1101 et seq.</p>	
<p>4. Q. And the Sheriff's Department, at least from your observations when you were working there, seemed to be one of those subjective, nonperfect worlds, at least in some instances where a person's race, national origin, or age seemed to have an</p>	<p>4. Objection. Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; Conclusory, irrelevant and prejudicial, as the testimony does not pertain to this case, Plaintiff was not eligible to promote to Commander until January 2009 and Mr. Williams left LASD in 2008. (<u>Evid. Code</u> § 210, 350-352; See</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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impact on his or her abilities
to promote; is that correct?
MR. PETERSON:
Argumentative, lacks
foundation, and overbroad. If
it's a hypothetical, it's an
incomplete hypothetical.
BY MR. GAGE: Q. Go ahead.
A. My opinion is that at times
because it is an imperfect
world and people are
subjective, that there were
other reasons. This has been
from everyone in the Sheriff's
Department. There were other
reasons people got promoted
beyond their abilities and
beyond their qualifications.
Q. Are you referring to the
pay to play as an example?
Or what are you referring to?
MR. PETERSON: I'm going --
BY MR. GAGE: Q. Race?
National origin? Age? I'm just
trying to figure out what it is
when you say "other
reasons."

McRae v. Dept. of Corrections and
Rehabilitation 142 Cal. App 4th
377, at 394, 395, 396, [Opinion has
"no probative value absent a
showing that the opinion is based
on fact"]. Improper lay opinion
(Cal. Evid. Code § 800). Lack of
foundation and personal knowledge
(Evid. Code § 702(a)).

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MR. PETERSON:
Argumentative. Go ahead.
THE WITNESS: It's been
well-documented. Things
changed when I left in and
Sam Jones in 2008. Things
changed as far as the
promotional process. The
chiefs did not have the
authority or the ability to
promote people out of the
division anymore. Promotions
were being done basically by
one person.
BY MR. GAGE:
Q. Being Baca or Tanaka or
Waldie?
MR. PETERSON: Lacks
foundation.
BY MR. GAGE: Q. Go ahead.
A. My opinion, Tanaka was
doing it, but Baca signed off
on it. Because in the end,
those promotions that
happened, Lee signs off on
them.
(Williams Depo., Sadr Dec.

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	<u>Exhibit 5</u> , pp. 52:25-54:14).		
<p>5. Q. Interesting you should use the term "gray." Did you ever hear about Tanaka's statement "working in the gray"?</p> <p>A. Yes.</p> <p>Q. And how did you hear about that?</p> <p>A. When he came over to the patrol side, he visited Century Station, and there was the audience that was there. There were quite a few Regulators in the audience, and he talked about -- he stated it a little bit different there. He stated he wanted them to work right on the edge of the rules and to work hard on the edge of the rules, and he also stated that he never liked IA, never liked the way IA did business. At the time my captain was Steve Roller.</p> <p>After that meeting he called</p>	5.	<p>Objection. Irrelevant (<u>Evid. Code § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Inadmissible Hearsay (California Evidence Code § 1200). Improper character evidence. <u>Evid. Code § 1101 et seq.</u></p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>my office and told my commander what had stated, what Paul Tanaka had stated. I advised him to write a memo on what was stated. He wrote the memo, and I did a cover memo and ran it up the chain of command. (Williams Depo., Sadr Dec. Exhibit 5, pp. 63:17-64:11).</p>			
<p>6. Q. Page 126 starting at Line 10, it says, "Do you recall anything you said to this group about working in the gray area?" And you've read this while you were off the record, so you know this is an interview of then Captain Maxwell, and he's talking about then undersheriff Paul Tanaka; correct? A. Yes. Q. And so Maxwell indicates starting at Line 17, "He was talking to my sergeants, lieutenants. He said, 'You</p>	<p>6.</p>	<p>Objection. Irrelevant (<u>Evid. Code § 210, 350-351</u>; Lack of foundation (<u>Evid. Code § 702(a)</u>). Inadmissible Hearsay (California Evidence Code § 1200); Oral testimony is not admissible to prove the content of a writing. (Cal. Evid. Code § 1523(a)).</p>	<p>Sustained _____ Overruled _____</p>

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<p>need to let deputies do their job out there. They have a tough job.' Then he physically moved himself from the room where he was standing. He moved himself to the right. He said, 'You need to allow the deputies to work in the gray area.' Do you see that sentence?</p> <p>A. Yeah.</p> <p>(Williams Depo., Sadr Dec. Exhibit 5, p. 68:7-24).</p>			
<p>7. If you go on the edge of it, people can die needlessly; is that correct?</p> <p>MR. PETERSON: Argumentative.</p> <p>THE WITNESS: The policies are there for a reason, and we want the deputies to stay within the framework of our policies and procedures. It protects not only the community, but it protects the deputy.</p>	<p>7.</p>	<p>Objection. Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Conclusory and irrelevant (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a</p>	<p>Sustained _____ Overruled _____</p>

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1	(Williams Depo., Sadr Dec.		showing that the opinion is based	
2	<u>Exhibit 5</u> , p. 71:1-8).		on fact"). Improper lay opinion	
3			(<u>Cal. Evid. Code</u> § 800). Lack of	
4			foundation and personal knowledge	
5			(<u>Evid. Code</u> § 702(a).	
6	8. Q. And do you believe that it	8.	Objection. Based on speculation	Sustained _____
7	was proper or improper for		and conjecture (<u>Evid. Code</u> § 702,	Overruled _____
8	the undersheriff, Tanaka, to		§803; <u>Knapp v. Doherty</u> (2004) 123	
9	say that "We have 45 Internal		Cal.App.4th 76, 99; [Speculation,	
10	Affairs investigators. In my		conjecture, imagination or	
11	opinion, that's fucking 44 too		guesswork cannot defeat a motion	
12	many"?		for summary judgment.);	
13	MR. PETERSON:		Conclusory and irrelevant (<u>Evid.</u>	
14	Argumentative, ambiguous,		<u>Code</u> § 210, 350-351; See <u>McRae</u>	
15	lacks foundation.		<u>v. Dept. of Corrections and</u>	
16	THE WITNESS: It was very		<u>Rehabilitation</u> 142 Cal. App 4th	
17	improper for him to say that,		377, at 394, 395, 396, [Opinion has	
18	and he knows that.		"no probative value absent a	
19	(Williams Depo., Sadr Dec.		showing that the opinion is based	
20	<u>Exhibit 5</u> , p. 73:16-23).		on fact"). Improper lay opinion	
21			(<u>Cal. Evid. Code</u> § 800). Lack of	
22			foundation and personal knowledge	
23			(<u>Evid. Code</u> § 702(a). Inadmissible	
24			Hearsay (California Evidence Code	
25			§ 1200).	
26	9. If Captain Maxwell gave this	9.	Objection. Lack of foundation and	Sustained _____
27	testimony to the CCJV here in		personal knowledge, Mr. Williams	Overruled _____
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	<p>Exhibit 27 and it was a lie or untrue, the normal practice of the Sheriff's Department would have been to initiate an Internal Affairs investigation against Captain Maxwell; correct?</p> <p>MR. PETERSON: It's argumentative as phrased. Go ahead.</p> <p>THE WITNESS: Yes. (Williams Depo., Sadr Dec. <u>Exhibit 5</u>, p.74:13-22).</p>		<p>has not worked at LASD since March 2008. (<u>Evid. Code § 702(a)</u>). Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>); Conclusory and irrelevant (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Improper lay opinion (<u>Cal. Evid. Code § 800</u>). Inadmissible Hearsay (California Evidence Code § 1200).</p>
<p>10.</p>	<p>Q. And if Sam had told Ralph that "This is a concern of mine, and if you keep making these kinds of statements, I'm going to have to follow up, file a Policy of Equality complaint," would that be</p>	<p>10. Objection. Irrelevant opinion, pertains to the Dacus case. (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a</u></p>	<p>Sustained _____ Overruled _____</p>

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<p>something that would be a protected activity under the policies of the Sheriff's Department?</p> <p>MR. PETERSON: Overbroad, ambiguous, calls for speculation.</p> <p>BY MR. GAGE: Q. Go ahead.</p> <p>A. If Sam, and I'm saying if, and I don't think it happened, but if Sam approached Ralph Martin about this and he didn't file a POE, Sam's in violation of the policy because he didn't file the POE. That would give me pause as far as to believe that this happened because Sam would be in violation of policy if he didn't file the POE.</p> <p>(Williams Depo., Sadr Dec. Exhibit 5, p. 127:12-128:3).</p>		<p>showing that the opinion is based on fact"). Lack of foundation and personal knowledge, Mr. Williams has not worked at LASD since March 2008. (<u>Evid. Code § 702(a)</u>). Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]; Improper lay opinion (Cal. Evid. Code § 800). Inadmissible Hearsay (California Evidence Code § 1200).</u></p>
<p>11. Q. Okay. So then you would have expected Commander Martin at least once per year to be asking questions of Sam if he planned on retiring</p>	<p>11. Objection. Irrelevant, pertains to the Dacus case. (<u>Evid. Code § 210, 350-351; Lack of foundation (Evid. Code § 702. Inadmissible Hearsay (California Evidence Code § 1200</u></p>	<p>Sustained _____ Overruled _____</p>

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<p>because that was part of what you would do each year.</p> <p>A. All 11 captains. (Williams Depo., Sadr Dec. <u>Exhibit 5</u>, p. 132:11-16).</p>			
<p>12. Q. Now, if Baca is making some kind of inappropriate comment to employees, whether it's those comments about Mexicans can't run a large organization or about people over 70 being dead, what could one of the subordinates in the Sheriff's Department do, in your opinion, to deal with that comment? He's the boss.</p> <p>MR. PETERSON: Argumentative, lacks foundation, also overbroad. Go ahead.</p> <p>THE WITNESS: We still do the same procedures, and the procedures and the policies are the same for the sheriff as they are for anybody else.</p>	<p>12.</p>	<p>Objection. Irrelevant, prejudicial. (<u>Evid. Code § 210, 350-352</u>; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge, Mr. Williams has not worked at LASD since March 2008. (<u>Evid. Code § 702(a)</u>). Based on speculation and conjecture (<u>Evid. Code § 702, §803</u>; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Improper lay opinion (<u>Cal. Evid. Code § 800</u>).</p>	<p>Sustained _____ Overruled _____</p>

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<p>BY MR. GAGE:</p> <p>Q. So one of the ways to do it would be a complaint to the DFEH; correct?</p> <p>A. Or a POE.</p> <p>Q. Or POE. Either one.</p> <p>A. Yeah.</p> <p>Q. And then Commander Maxwell said that he had made a complaint against Tanaka, and he went to Baca about it. As a result, Baca was upset with Maxwell for complaining, and he forced Maxwell to go back to Tanaka and deal with Tanaka directly when Maxwell was a captain still. Is that consistent with what the normal policy and procedure is for the Sheriff's Department?</p> <p>A. No.</p> <p>(Williams Depo., Sadr Dec. Exhibit 5, p. 133:18-134:22)</p>			
<p>13. Q. You said "no"?</p> <p>A. Absolutely not. That's not --</p>	<p>13.</p>	<p>Objection. Irrelevant, prejudicial.</p> <p>(Evid. Code § 210, 350-352; See</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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Q. And why not?
A. That's not the procedure.
Q. And you say absolutely not. Why is that not the procedure?
A. The procedure is if you have a complaint, if it's POE related, you file the POE. You go to the ombudsperson or you go to the Fair Housing and Employment Administration. Whatever you think you need. But it's -- the sheriff can't order you to talk to your nemesis. It doesn't work like that even for the sheriff.
Q. It's further alleged that after Baca made that comment -- withdraw. It's further alleged that after Maxwell, as a captain, made the comment that he was complaining against Tanaka, Tanaka said that Maxwell is fucking dead to him. Would that be a proper statement in the

McRae v. Dept. of Corrections and Rehabilitation 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge, Mr. Williams has not worked at LASD since March 2008. (Evid. Code § 702(a)). Based on speculation and conjecture (Evid. Code § 702, §803; Knapp v. Doherty (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Improper lay opinion (Cal. Evid. Code § 800).

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department if he did that?

MR. PETERSON:

Argumentative, lacks
foundation.

THE WITNESS: Absolutely
not.

BY MR. GAGE:

Q. And why not?

A. That's inappropriate. I
mean, not only the profanity,
but the threats on someone's
career. That's not what the
Sheriff's Department
executive should do.

Q. And in response to making
the complaint, that is after
Captain Maxwell complained
to Baca about Tanaka, Baca
wanted to send Maxwell to a
psychologist. Is that
consistent with what the
policies and procedures were
at the department at the time?

MR. PETERSON:

Argumentative, lacks
foundation.

THE WITNESS: No, it wasn't

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<p>the policies, and I'm shocked to even hear about that. (Williams Depo., Sadr Dec. Exhibit 5, p. 135:2-136:16)</p>			
<p>14. Q. Okay. Well, you talk about both the Regulators and Vikings had racial elements to them and the groups targeted certain members of racial groups in the community. Can you explain the genesis of that statement for us, please. A. Well, the Vikings you already stated that the judge said they were a part of a neo-Nazi-type group. With the Regulators, we never could pin it down, but we -- there were allegations that they were abusing African-Americans out in the field and abusing African-Americans more so than any other group in those areas. (Williams Depo., Sadr Dec.</p>	<p>14.</p>	<p>Objection. Irrelevant, prejudicial, does not pertain to this case. (Evid. Code § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge, Mr. Williams has not worked at LASD since March 2008. (Evid. Code § 702(a). Based on speculation and conjecture (Evid. Code § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Improper lay opinion (Cal. Evid. Code § 800).</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p><u>Exhibit 5</u>, p.156:8-20).</p> <p>15. Q. Did you feel it would be improper to transfer a lieutenant or a captain to a less desirable assignment after she or he had complained about their boss' language on a claim that they did not fit in, if that transfer was because of the complaint?</p> <p>A. If a person got transferred because they were going to file a complaint, it's out of policy. That's kind of direct and simplistic. It's out of policy.</p> <p>(Williams Depo., Sadr Dec. <u>Exhibit 5</u>, p.165:12-21).</p>	<p>15.</p>	<p>Objection. Irrelevant opinion, prejudicial, does not pertain to this case. (<u>Evid. Code</u> § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge, Mr. Williams has not worked at LASD since March 2008. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Improper lay opinion (<u>Cal. Evid. Code</u> § 800).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

OBJECTION TO DEPOSITION OF PAUL TANAKA VOL. I, SADR DEC. EXHIBIT 7

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	MATERIAL OBJECTED TO:	 GROUNDS FOR OBJECTIONS	 RULING ON OBJECTION
1. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	<p>Q. A lot has been written lately about the mental state of Sheriff Baca, and some have questioned whether he seems to be losing it, if he seems to be all together. Do you have any opinions about his current mental state?</p> <p>MR. BURKWITZ: Lacks foundation, calls for a medical opinion.</p> <p>BY MR. GAGE: Q. Go ahead.</p> <p>A. He's definitely inconsistent in the orders and directions that he gives. Now, I really, honestly can't say is that a reflection of his mental state, is it a reflection of the stresses of the job or politics, is it something that he is doing intentionally? I don't</p>	<p>1. Objection. Lack of foundation and personal knowledge. (<u>Evid. Code § 702(a)</u>). Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>); Conclusory and irrelevant (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Improper lay opinion. (<u>Cal. Evid. Code § 800</u>).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>know. But, I mean, from the average viewer, even those people who know him very well, the directions are, in my opinion, inconsistent and erratic. (Deposition of Paul Tanaka, Vol. I, dated July 1, 2013, as attached to the Sadr Dec. as <u>Exhibit 7</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Tanaka Depo. Vol. I, Sadr Dec. <u>Exhibit 7</u>"), pp. 34:10--35:2).</p>			
<p>2. Q. Okay. Why is that? A. Well, actually about a year or two ago, I asked them to remove that. They didn't. It doesn't make any sense anymore. It made sense before at a time when 60 was mandatory retirement date. It made sense at a time when historically if you go back when we were a lot younger</p>	<p>2.</p>	<p>Objection. Irrelevant (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept.</u> <u>of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]). Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702,</p>	<p>Sustained _____ Overruled _____</p>

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY
 ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.**

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in the organization, when people hit 55, it was very rare to see people stay beyond that. The pension, L.A. Sheriff's pension is designed to get you to 55 in a certain fashion percentage-wise, and from 55 to 60, the percentage slowed down significantly. So it almost made a lot more sense, as I've been told, for people to retire under that old Plan A system than to stick around because the potential cost of living was higher than if you would have stuck around for the additional 55 through 60 age. Back in the day, you rarely saw people that were over the age of 55 in this organization for that reason. So the first time I ever saw this list, and I might have been a sergeant, I think, and I remember asking what is the significance of this.

§803; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]); Improper lay opinion. (Cal. Evid. Code § 800).

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<p>This was referred to as the hit list. It was -- remember that? It was the hit list. It was -- this was every lieutenant's dream to see when a captain hit 55 and you were gone, and therefore I had a chance to get promoted. And it was the hit list. And 60, nobody -- I don't remember anybody sticking around to 60 back then. So that was -- so it serves no purpose today. Fifty-five has no significance. Sixty has no significance. And even though I made that request, I didn't make it formally. I just -- I forget who I told. I suggested that you need to remove these two columns because they have no relevance anymore. (Tanaka Depo. Vol. I, Sadr Dec. <u>Exhibit 7</u>, pp. 52:15-53:24).</p>			
<p>3. Q. And when those inmates engage in that kind of</p>	<p>3.</p>	<p>Objection. Irrelevant (<u>Evid. Code</u> § 210, 350-351.</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>behavior, have they ever been, like, moved with their names altered in any way that you're aware of? I'm asking a very specific time. I'm not asking about like Anthony Brown or anything like that by this. I'm just asking if in general, there have been any inmates in jail who if they had killed or injured a deputy, they ended up getting moved and their names were changed.</p> <p>A. It's possible, but I'm not aware of that occurring.</p> <p>(Tanaka Depo. Vol. I, Sadr Dec. <u>Exhibit 7</u>, pp. 112:18-113:3).</p>			
<p>4. "Q. And I think that you yourself have experienced or seen situations where you felt that Sheriff Baca, if he, for whatever reason, didn't like a person, would start to treat them unfairly, try to push them out of the organization,</p>	<p>4.</p>	<p>Objection. Irrelevant (<u>Evid. Code § 210, 350-351</u>; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"])). Lack of foundation and personal</p>	<p>Sustained _____</p> <p>Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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	<p>things of that sort; is that accurate?") THE WITNESS: Yes. (Tanaka Depo. Vol. I, Sadr Dec. <u>Exhibit 7</u>, pp. 122:10-18)</p>		
<p>5.</p>	<p>Q. What have you heard in that regard? A. Well, she has been overseeing Internal Affairs and Internal Criminals for quite some time now. But there are people that believe that they have been targeted, whether it's because the sheriff ordered it or whether it's her own -- her own desire. And I've told this to the sheriff before. Q. What did he say in response to that? A. I said he should move her because she has a reputation for being very</p>	<p>5. Objection. Irrelevant, prejudicial. (Evid. Code § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge. (Evid. Code § 702(a). Based on speculation and conjecture (Evid. Code § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]).</p>	<p>Sustained _____ Overruled _____</p>

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<p>vindictive and being someone that has a general sense that all deputies are up to no good. And I said you should put somebody in there that has a reputation that is fair, and it would bring a lot more credibility to a unit that is already looked upon with a jaundice eye by most. (Tanaka Depo. Vol. I, Sadr Dec. <u>Exhibit Z</u>, pp. 134:3-22).</p>			
<p>6. Q. Some of these I will probably skip over, but I'll kind of point you to it. You guys can look on. This, for the record, is a four-page article by Robert Faturechi of The Los Angeles Times. It's dated April 30th, 2013. The title says "Top Baca aide pushed to quit, offers harsh appraisal of sheriff." And then it says, "Calling the Sheriff's Department a house of cards,</p>	<p>6.</p>	<p>Objection. Irrelevant, prejudicial. (<u>Evid. Code</u> § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]). Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation,</p>	<p>Sustained _____ Overruled _____</p>

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Paul Tanaka says Baca was a disengaged leader who used it as his own personal employment agency?"

Do you see that paragraph --
A. Yes.

Q. -- and did you make that comment?

A. I think you are sort of paraphrasing, but I did use the term "house of cards" and "personal employment agency."

Q. And why did you feel that it was a house of cards?

A. Well, I think it's something that we talked about earlier, and certainly, you know, the sheriff is -- he has the last say-so in virtually everything that concerns the organization. If he wants to promote 20 people that the other 17,800 think are unqualified, that's his prerogative. So my assessment of that was just

conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]).
Inadmissible Hearsay (California Evidence Code § 1200).

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<p>based on a lot of promotions that have been made that there doesn't seem to be any, going back to that rhyme or reason. Although I'm away from the organization and I have been away from it pretty much for the better part of over two or three months now, I still hear a lot of the bickering that's going on at the top. You know, the confusion that's caused because these are new people now having to deal with the sheriff, and they're not used to having these kinds of orders that make no sense to them. So they are probably wishing somebody was back there that could help guide them in that regard. And then you have like a lot of these various factions which is really making life difficult. And in the house of cards, that's really</p>			
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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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what that boils down to. It seems like everybody is just kind of operating on their own. Even though the orders come down from the sheriff, I hear this a lot. There's a lot of people that are, "Hey, that's not sensible; I'm not going to do that." But they just -- everybody says "yes." We once made reference to the sheriff's Executive Planning Council meeting because the sheriff will bark an order that everybody knew was -- was undoable, and everybody just sits there and nods their head. And I called him on that. I said, "It looks like Dodger bobble head day in here." I called him out on that. The people, they're understandably afraid and concerned for their positions and their jobs. I myself didn't agree with that. I feel it's wrong. You gotta tell the man			
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what he needs to hear. (Tanaka Depo. Vol. I, Sadr Dec. <u>Exhibit 7</u> , pp. 143:2- 1145:8)			
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OBJECTION TO DEPOSITION OF SHERIFF LEROY BACA, VOL. VI, SADR DEC. EXHIBIT 8

	<u>MATERIAL OBJECTED TO</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Sheriff Leroy Baca, Vol. VI, dated January 21, 2014, as attached to the Sadr Dec. as <u>Exhibit 8</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Baca Depo. Vol. VI, Sadr Dec. <u>Exhibit 8</u> ").	1.	Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (<u>See Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 8" of what he claims is the deposition of Sheriff Leroy Baca. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it.	Sustained _____ Overruled _____

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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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		Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (Id.)	
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OBJECTION TO DEPOSITION OF PATRICK MAXWELL, VOL. I SADR DEC. EXHIBIT 9

	MATERIAL OBJECTED TO:		GROUND(S) FOR OBJECTIONS	RULING ON OBJECTION
1.	<p>Q. But you believe that those matters prevented you from moving above the rank of captain at some point, correct?</p> <p>A. Those and others, yes.</p> <p>(Deposition of Patrick Maxwell, Vol. I, dated July 15, 2013, as attached to the Sadr Dec. as <u>Exhibit 9</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication (Maxwell Depo., Sadr Dec. <u>Exhibit 9</u>, p. 76:4-7).</p>	1.	<p>Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"])). Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.])).</p>	<p>Sustained _____</p> <p>Overruled _____</p>
2.	<p>Q. What do you recall speaking to Mr. Waldie</p>	2.	<p>Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-352); Inadmissible</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>about?</p> <p>A. We were at the contract cities dinner. City of Industry. And Mr. Waldie told me that, you know, come around March they're going to be making five or six commanders. He said that he supports me for commander, but when he talked to Mr. Tanaka about it Paul got very upset. He said no fucking way, he crossed the line. (Maxwell Depo., Sadr Dec. <u>Exhibit 9</u>, p. 88:9-17).</p>	<p>Hearsay (California Evidence Code § 1200). Lack of foundation and personal knowledge. (<u>Evid. Code § 702(a)</u>).</p>	
<p>3. Q. Now Chief Laing mentioned at the time that Tanaka had told him that your career, this is what you typed in, would be dead, correct? He used another word in front of dead.</p> <p>A. Yes.</p> <p>Q. That starts with an F and ends with a G?</p> <p>A. Yes.</p>	<p>3. Objection. Irrelevant, prejudicial. (<u>Evid. Code § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Lack of foundation and personal knowledge. (<u>Evid. Code § 702(a)</u>). Based on speculation and conjecture (<u>Evid. Code § 702,</u></p>	<p>Sustained _____</p> <p>Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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MR. GAGE: Fucking dead.
Just so we have a clear
record.

THE WITNESS: We were
fucking dead to him. Our
fucking careers are dead. He
was like Mafia.

MR. BURKOWITZ:
Q. That caused you a lot of
stress?

A. Yes. Tanaka wheeled all
the power.

Q. Then there was -- well, did
Laing say anything about
what he thought or what he
felt or anything or was he just
giving you the news?

A. Laing was scared to death.

Q. Did he say anything else
other than your interpretation
that he was scared to death,
did he say anything?

A. You know, he was -- I was
very upset during this time.

And I told Laing -- you know, I
explained to Laing, I said, you
know, this is basically bull

§803; Knapp v. Doherty (2004) 123
Cal.App.4th 76, 99; [Speculation,
conjecture, imagination or
guesswork cannot defeat a motion
for summary judgment.]).
Inadmissible Hearsay (California
Evidence Code § 1200).

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY
ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.**

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<p>shit. I said these two guys sitting here are having all these threats and they have nothing to do with it. That's when I told him that I'm the one that went to Waldie. I said I want a meeting with Waldie and Tanaka. And it was relayed back to me from Laing that Tanaka refused that. (Maxwell Depo., Sadr Dec. <u>Exhibit 9</u>, pp. 102:2-103:8).</p>			
<p>4. Q. Okay. You're saying the Sheriff was the one who directed the meeting? A. He ordered it. Q. How do you know that? A. He told me. Q. When did you speak to the Sheriff about your POE complaint? A. In-between filing it and talking to Tanaka. Q. What did the Sheriff tell you? A. He was visibly upset with</p>	<p>4.</p>	<p>Objection. Inadmissible Hearsay (California Evidence Code § 1200). Irrelevant, prejudicial. (<u>Evid. Code</u> § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123</p>	<p>Sustained _____ Overruled _____</p>

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me.
Q. Why was he upset with you?
A. Well, at the time Tanaka was the golden boy and I filed a complaint against, you know, Tanaka. And I said a lot of things to the Sheriff in his office, it was just one-on-one. You know, that Tanaka runs the Department. He controls the promotions. You know, you got to pay to play or walk his precincts to get promoted. He issues county cars to -- issue county cars to his supporters that are reserves. Which is inappropriate. It's -- you know, get county funds. And the Sheriff was very upset with me. And told me that there must be something else wrong with me. It's crazy for me to be this upset. You need to go to Employee Support Services. He didn't want to hear anything else

Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]

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<p>about Tanaka. You two are going to get together and work this out. He got up and marched me over to Tanaka's office. Tanaka wasn't there. He ordered me to call tomorrow and make an appointment. You meet with Tanaka and work this out.</p> <p>(Maxwell Depo., Sadr Dec. Exhibit 9, p. 105:4-106:10).</p>			
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OBJECTION TO DEPOSITION OF MICHAEL CLAUS, SADR DEC. EXHIBIT 10

	<u>MATERIAL OBJECTED TO:</u>	<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Q. Can you explain for the record what is Pay to Play as you understood it?</p> <p>A. As I understood it, there were a great number of people at our ranks, lieutenant and above, that were contacted and told that they were expected to</p>	<p>1. Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>contribute to Tanaka's campaign and you probably don't want to be one of those people that are not on the list that contributed.</p> <p>Q. Why was that?</p> <p>A. Repercussions.</p> <p>Q. What were the repercussions that you --</p> <p>A. You're just done.</p> <p>(Deposition of Michael Claus, dated April 24, 2014, as attached to the Sadr Dec. as <u>Exhibit 10</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication (Claus Depo., Sadr Dec. <u>Exhibit 10</u>) p. 10:9-23).</p>		<p>Based on speculation and conjecture (<u>Evid. Code § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>).</p>
<p>2. Q. During the time that you met with Baca at your house, did you hear Maxwell also advise him about the Pay to Play for promotions and job assignments?</p> <p>A. Did I hear Pat say that at my house?</p>	<p>2. Objection. Inadmissible Hearsay (California Evidence Code § 1200).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>Q. Yes.</p> <p>A. Absolutely. He was part of the conversation.</p> <p>(Claus Depo., Sadr Dec. <u>Exhibit 10</u> p. 26:20-25).</p>			
<p>3. Q. And what did you learn in that regard?</p> <p>A. Well, Pat had told me that "You're not going to believe this one" and told me the request that had been made to him. And at that point I told him "I want nothing to do with this," you know, because I don't want to be followed by the FBI basically.</p> <p>(Claus Depo., Sadr Dec. <u>Exhibit 10</u> p. 38:10-15).</p>	3.	<p>Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-351; Inadmissible Hearsay (California Evidence Code § 1200).</p>	<p>Sustained _____</p> <p>Overruled _____</p>
<p>4. Q. Go ahead.</p> <p>A. My perception of what someone would be working in the gray?</p> <p>Q. Yeah.</p> <p>A. Teetering on going to prison.</p> <p>Q. And why do you say "teetering on going to prison"?</p>	4.	<p>Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>A. Because if you're working on the edge, that edge is now going to become your normal. And once that becomes your normal, you're going to fall into the abyss. And the abyss is doing things that are not constitutionally correct, doing things that are not departmentally correct or procedurally correct. You're either going to get yourself killed, your partner killed, or you're going to put people in jail that aren't necessarily doing what you say they're doing on a police report. Or you're going to go to jail. (Claus Depo., Sadr Dec. <u>Exhibit 10</u> p. 47:9-48:1).</p>		<p>Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]).</p>
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OBJECTION TO DEPOSITION OF DENNIS CONTE, SADR DEC. EXHIBIT 13

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	Q. What did you hear?	1.	Objection. Inadmissible Hearsay	Sustained _____

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<p>A. On several occasions I used attend what's Chiefs. My Chief at the time delegated me to attend because he just didn't want to go, and I enjoyed coming, because I learned more of what's going on throughout the department, and we had the pre meeting from 8:00 to 9:00, and the Sheriff came on at 9:00, and we conducted the formal meeting.</p> <p>And there were occasions where Larry Waldie would make in jest, in a jesting manner, would make some comments about both Sam and I, "With your gray hair," and, "When are you going to retire?" It was all, again, done in humor and in that room with everybody else. It wasn't something I would challenge him with, but probably more so him because I had so little regard for him. It was</p>	<p>(Evid. Code § 1200). Irrelevant.</p> <p>(Evid. Code § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]).</p>	<p>Overruled _____</p>
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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>bothersome to me that he would say something like that. (Deposition of Dennis Conte dated February 21, 2014, as attached to the Sadr Dec. as <u>Exhibit 13</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication (Conte Depo., Sadr Dec. <u>Exhibit 13</u>) p. 55:5-22).</p>			
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OBJECTION TO DEPOSITION OF THOMAS LAING, SADR DEC. EXHIBIT 15

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Q. An adverse action would include a person being denied promotions or being denied transfers; correct? A. Yes, sir. Q. And if a person is denied a promotion in retaliation for filing a complaint under the Policy of ' Equality, the denial would be an adverse action in</p>	1.	<p>Objection. Irrelevant. (<u>Evid. Code § 210, 350-351; See <i>McRae v. Dept. of Corrections and Rehabilitation</i> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Lack of foundation and personal knowledge, (<u>Evid. Code § 702(a)</u>). Legal Conclusion; Improper lay</p>	<p>Sustained _____ Overruled _____</p>

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<p>violation of the policy; correct? A. Could be, yes. (Deposition of Thomas Laing dated April 24, 2014, as attached to the Sadr Dec. as <u>Exhibit 15</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication (Laing Depo., Sadr Dec. <u>Exhibit 15</u>") p. 113:10-18).</p>	<p>opinion (<u>Cal. Evid. Code § 800</u>)</p>	
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OBJECTION TO DEPOSITION OF MARVIN CAVANAUGH, VOL. II, SADR DEC. EXHIBIT 17

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>"Q. After you reached age 61, Sheriff Baca no longer had you in those discussions of who to promote from captain to commander; true?" THE WITNESS: Apparently so. (Deposition of Marvin Cavanaugh dated February</p>	1.	<p>Objection. Irrelevant. (<u>Evid. Code § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Lacks foundation (<u>Evid. Code § 702(a)</u>).</p>	<p>Sustained _____ Overruled _____</p>

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<p>25, 2014 as attached to the Sadr Dec. as <u>Exhibit 17</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication (Cavanaugh Depo., Vol. II, Sadr Dec. <u>Exhibit 17</u>") p. 115:8-12).</p>			
<p>2. Q. As far as being a fair person, strong leader, would you have rated Asmus and Dacus equally strong in that area? A. I think Asmus would have a little leg up on that. Sam is very good, but he's, what I would say, very much like me, old school, and there's nothing wrong with that, but sometimes old school can be a tough sell for some of our newer employees. Q. What do you mean by old school? A. Well, old school in the sense that the mission has to get done and it's important to</p>	<p>2.</p>	<p>Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lacks foundation (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803).</p>	<p>Sustained _____ Overruled _____</p>

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	<p>get it done and within certain parameters and time constraints if there are any, and that there really aren't any excuses to get it done. Whining about I don't have enough resources, I don't have enough this, I don't have enough that. Just get it done. That's old school. (Cavanaugh Depo., Vol. II, Sadr Dec. <u>Exhibit 17</u> p. 157:5-20).</p>			
3.	<p>Q. I'm just trying to distinguish new school from old school. New school deals with younger people; old school deals with older people, generally speaking; is that correct? A. Generally speaking. (Cavanaugh Depo., Vol. II, Sadr Dec. <u>Exhibit 17</u> p. 161:2-6).</p>	3.	<p>Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lacks foundation (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803).</p>	<p>Sustained _____ Overruled _____</p>
4.	<p>Q. All right. So when you recommended Asmus over</p>	4.	<p>Objection. Irrelevant; does not pertain to this lawsuit and is</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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Dacus, you considered Asmus to be new school and Dacus to be old school; correct?

A. Yes.

Q. And old school was older people, new school was

MR. BURKWITZ: You've asked that so many times.

BY MR. GAGE:

Q. Go ahead.

MR. BURKWITZ: It misstates the evidence. You're going to have to wait for the objection.

Misstates evidence, lacks foundation, asked and answered.

You can answer.

BY MR. GAGE:

Q. Go ahead.

A. Yes.

(Cavanaugh Depo., Vol. II, Sadr Dec. Exhibit 17 p. 186:16-187:7).

prejudicial. (Evid. Code § 210, 350-352; See McRae v. Dept. of Corrections and Rehabilitation 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]). Lacks foundation (Evid. Code § 702(a)).

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OBJECTION TO DEPOSITION OF SHERIFF BACA, VOL. III, SADR DEC. EXHIBIT 22

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	<u>MATERIAL OBJECTED TO</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	(Deposition of Sheriff Leroy Baca dated January 3, 2014 as attached to the Sadr Dec. as <u>Exhibit 22</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication (Baca Depo., Vol. III, Sadr Dec. <u>Exhibit 22</u>) p. 257:20-259:6).	1.	Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (See <u>Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 22" of what he claims is the deposition of Sheriff Leroy Baca, Vol. III. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)	Sustained _____ Overruled _____
2. 26 27 28	Q. And do you have any knowledge of how the Sheriff's Department reacted	2.	Objection. Irrelevant; prejudicial. (<u>Evid. Code § 210, 350-352.</u>)	Sustained _____ Overruled _____

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at the time that it was
discovered that Anthony
Brown had that cell phone in
the jail system?
A. Do I have any what, sir?
Q. Knowledge of how the
Sheriff's Department reacted
to that cell phone being
discovered.
A. Some, yes.
Q. What is that?
MR. PETERSON: Is this a
matter of a current
investigation or prosecution?
THE WITNESS: It's a matter
of both.
MR. PETERSON: Then you
are the only one who can tell
us whether or not it is
information that you can
disclose or not. I can't instruct
you because I don't know the
implications of this. But if it is
a matter that is currently
under either investigation,
indictment, or prosecution,
you have to make a

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determination as to whether
the information is disclosable
or not.
THE WITNESS: Yes. Yes. I
heard what he said.
BY MR. GAGE: Q. Okay.
A. Your question?
Q. So what is the information
that you are aware of with
regards to the cell phone?
MR. PETERSON: It's
overbroad as phrased. Your
earlier question was how did
the department react when
the information was first
received to which I objected
that it was overbroad.
BY MR. GAGE: Q. Go
ahead. You can answer.
A. Yeah, it's not appropriate
for me to comment on that.
It's an ongoing investigation,
and it's an ongoing matter in
the U.S. Attorney's Office.
(Baca Depo., Vol. III, Sadr
Dec. Exhibit 22, p. 257:20-
259:6).

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY
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<p>3. Do you dispute the statement by Tanaka that you, as a sheriff, played an intimate role in the department's handling of that inmate?</p> <p>MR. PETERSON: The question is argumentative, it lacks foundation, and again, if this pertains to matters under investigation or prosecution, you have to make a determination as to whether or not it is a matter that you can disclose.</p> <p>THE WITNESS: I can't comment on that.</p> <p>BY MR. GAGE: Q. You're not even able to say "yes" or "no," either you dispute what Tanaka says or you agree with it? Is that what you're telling us?</p> <p>MR. PETERSON: No, that is argumentative as phrased. He didn't say that at all.</p> <p>BY MR. GAGE: Q. Do you dispute the statement that</p>	<p>3. Objection. Irrelevant; does not pertain to this lawsuit and is prejudicial. (<u>Evid. Code § 210, 350-352</u>; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]]). Lacks foundation (<u>Evid. Code § 702(a)</u>).</p>	<p>Sustained _____</p> <p>Overruled _____</p>
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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>Tanaka made to the media that you played an intimate role in the department's handling of an inmate that was found to be secretly collecting information on allegedly abusive and corrupt jail deputies for the FBI?</p> <p>MR. PETERSON: It lacks foundation, it is argumentative, and you have to make a determination as to whether or not this is a matter that you can disclose if it pertains to an ongoing investigation or prosecution.</p> <p>THE WITNESS: I can't comment on that.</p> <p>BY MR. GAGE: Q. And the reason why you can't comment on</p> <p>A. Because I can't.</p> <p>Q. Is that based on a Fifth Amendment ground?</p> <p>A. No. I can't comment on it.</p> <p>Q. What's the reason you can't comment on it?</p>			
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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>A. Because I can't.</p> <p>Q. Why can't you?</p> <p>MR. PETERSON: If to respond to that question would pertain to matters under investigation, I don't know. I can't comment on this. I can't make any recommendation or conclusion myself. You're the only one who can do this.</p> <p>THE WITNESS: Yeah, I'm saying for the sake of respecting what the process is in that matter that the U.S. Attorney is in the control of, I can't comment on it.</p> <p>(Baca Depo., Vol. III, Sadr Dec. <u>Exhibit 22</u> pp. 264:4-266:2).</p>			
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OBJECTION TO DEPOSITION OF CECIL RHAMBO VOL. II, SADR DEC. EXHIBIT 24

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS:</u>	<u>RULING ON OBJECTION</u>
1.	Defendant, County of Los	1.	Evidence must be properly	Sustained _____

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	<p>Angeles objects generally to Plaintiff's use of the Deposition of Cecil Rhambo, Vol. II, dated March 14, 2014, as attached to the Sadr Dec. as <u>Exhibit 24</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Rhambo Depo., Sadr Dec. <u>Exhibit 24</u>").</p>	<p>authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (<u>See Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 22" of what he claims is the deposition of Assistant Sheriff Cecil Rhambo. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)</p>	<p>Overruled _____</p>
<p>2.</p>	<p>Q. So about how old were you when people first started asking you "When are you going to retire?" A. I probably was over 50. Q. And who would ask you, "When are you going to retire?"</p>	<p>2. Objection. Irrelevant and prejudicial, (<u>Evid. Code § 210, 350-352; Inadmissible Hearsay (California Evidence Code § 1200).</u>)</p>	<p>Sustained _____ Overruled _____</p>

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<p>A. Just people in general. people who knew that I had a lot of county time. (Rhambo Depo., Sadr Dec. <u>Exhibit 24</u>, p. 123:13-19).</p>			
<p>3. Q. And what other kinds of age-related comments have you heard personally or heard of others in the Sheriff's Department saying even in a joking manner? A. Well, I mean, the common one you hear is that this is a young man's game. Q. When you say it's common to say this is a young man's game, how many times have you heard that kind of a statement in the Sheriff's Department in the last five years? A. Last five years? Q. Yeah. A. I don't know. At least a dozen. Q. And between five years and ten years ago, about</p>		<p>3. Objection. Irrelevant and prejudicial, no person made comments to Plaintiff about his age. (<u>Evid. Code § 210, 350-352; See <i>McRae v. Dept. of Corrections and Rehabilitation</i> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]</u>). Lack of foundation and personal knowledge. (<u>Evid. Code § 702(a)</u>). Based on speculation and conjecture (<u>Evid. Code § 702, §803; <i>Knapp v. Doherty</i> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>).</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>how many times did you hear a comment "This is a young man's game" in the Sheriff's Department?</p> <p>A. That's always been a statement in our organization. (Rhambo Depo., Sadr Dec. <u>Exhibit 24</u>, p. 129:17-130:8).</p>		
<p>4. Q. So you said you had always heard the statement that this is a young man's game in the department. That's kind of the culture of the department that it was a young man's game. Would you agree?</p> <p>MR. PETERSON: That's argumentative, it's overbroad, it lacks foundation, it calls for speculation.</p> <p>BY MR. GAGE: Q. Go ahead.</p> <p>A. I wouldn't say that was an untrue statement. (Rhambo Depo., Sadr Dec. <u>Exhibit 24</u>, p. 130:18;131:3).</p>	<p>4. Objection. Irrelevant and prejudicial, no person made comments to Plaintiff about his age. (<u>Evid. Code</u> § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"])). Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.])).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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OBJECTION TO DEPOSITION OF SHERIFF LEROY BACA, VOL. V, SADR DEC. EXHIBIT 27

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	MATERIAL OBJECTED TO:		GROUND(S) FOR OBJECTIONS:	RULING ON OBJECTION
1.	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Sheriff Leroy Baca, Vol. V, dated January 20, 2014, as attached to the Sadr Dec. as <u>Exhibit 27</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Baca Depo. Vol. V, Sadr Dec. <u>Exhibit 27</u> ").	1.	Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (See <u>Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 27" of what he claims is the deposition of Sheriff Leroy Baca. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)	Sustained _____ Overruled _____
2.	Q. Were you aware that Commanders Herran, Webb, and Leyva sued the	2.	Objection. Irrelevant and prejudicial, does not relate to this lawsuit and Plaintiff has no race	Sustained _____ Overruled _____

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>department claiming they were discriminated against in part because they were Latino?</p> <p>A. Yes.</p> <p>Q. Were you aware that they also alleged that they were being retaliated against because they had filed complaints with the DFEH and the EEOC of discrimination with regards to promotions of Latino sheriff's employees?</p> <p>A. I think they made those allegations.</p> <p>Q. Right.</p> <p>A. That's my understanding.</p> <p>Q. And, in fact, I took your deposition in that case; correct?</p> <p>A. Yes.</p> <p>Q. And at the time they were alleging that they were not being promoted from captains to commanders because they</p>	<p>discrimination claims. (<u>Evid. Code</u> § 210, 350-352).</p>	
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<p>were Latino; true?</p> <p>A. They were alleging that.</p> <p>Q. They, as you understood from their lawsuit, they claimed that they were the second, third, and fourth most senior captains in the Sheriff's Department at the time, and they were being passed over repeatedly for promotion from captain to commander in retaliation for their lawsuits and because of discrimination.</p> <p>You were aware of that; correct?</p> <p>A. That was their allegation. (Baca Depo. Vol. V, Sadr Dec. <u>Exhibit 27</u>, p. 429:22-430:25).</p>			
<p>3. Q. Is there a reason why you did not promote Captain Leyva to Commander Leyva before he filed his lawsuit? A. Well, he had a number of</p>		<p>3. Objection. Irrelevant and prejudicial, does not relate to this lawsuit and Plaintiff has no race discrimination claims. (<u>Evid. Code</u> § 210, 350-352).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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litigation involvements with
the Sheriff's Department with
the EEOC, and when
something is in litigation or in
a complaint status, the issues
of what are being raised in the
EEOC take much longer to be
resolved.

And by the time the EEOC
finished their review, there
was no finding that this was a
discriminatory status that Mr.
Leyva was in or Captain
Leyva was in. They didn't
come forth with any rendering
that was based on race or
based on ethnicity.

MR. GAGE: Okay. Move to
strike part of that as
nonresponsive.

Q. But let me see if I can
understand what you're
saying. So you're saying --

A. Excuse me, but go ahead.
The EEOC process
took a lot of years to devolve
into a nonactionable

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	<p>result, and then the next step was to come to a law firm like yours. (Baca Depo. Vol. V, Sadr Dec. <u>Exhibit 27</u>, p. 435:16-436:12).</p>			
<p>4.</p>	<p>Q. Did you ever learn that in the Marina del Rey Station, Chief Willie Williams was trying to get the captains in the station to get money from tow truck operators? MR. PETERSON: Lacks foundation, argumentative. THE WITNESS: I don't know anything about that. BY MR. GAGE: Q. Are you aware that it would actually be illegal for anyone in law enforcement to try to solicit contributions from tow truck operators in exchange for getting contracts to tow cars? A. That's against the rules. Q. Right. Trying to solicit money for the Marina del Rey</p>	<p>4.</p>	<p>Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350-352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]).</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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Station from tow truck operators would be a violation of law, as you understand it; correct?

MR. PETERSON:
Argumentative and overbroad.

THE WITNESS: Well, you said for the Marina del Rey Station in terms of what? Charity

BY MR. GAGE:

Q. Soliciting money from tow truck operators for the Marina del Rey Station, and then in exchange, those tow truck operators would have the contract for impounding vehicles.

A. Oh, that's against the law. You can't do that.

(Baca Depo. Vol. V, Sadr Dec. Exhibit 27, p. 478:10-479:14).

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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

OBJECTION TO DEPOSITION OF SAMUEL DACUS, VOL. I, SADR DEC. EXHIBIT 29

	MATERIAL OBJECTED TO	REASON	RULING ON OBJECTION
1. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Samuel Dacus, dated June 28, 2013, as attached to the Sadr Dec. as <u>Exhibit 29</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Dacus Depo. Vol. I, Sadr Dec. <u>Exhibit 29</u> ").	1. Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (<u>See Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 29" of what he claims is the deposition of Samuel Dacus. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)	Sustained _____ Overruled _____
26 27 28	2. Q. Was there ever a comment that you heard from Sheriff Baca that you thought was	2. Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code § 210, 350-</u>	Sustained _____ Overruled _____

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>offensive to you based on your age? A. Yes. Q. What did you hear? A. Regarding my age? Q. Yes. A. I was at a conference several months ago out at the Court in Alhambra when he was speaking and he made the comment that he was 70 years old and he asked a question where are people in their 70's and then he answered they are dead. And he went on. And practically -- everyone there knew that I was over 70. He knew I was over 70. And so did everyone else. And that was very offensive to me. (Dacus Depo. Vol. I, Sadr Dec. <u>Exhibit 29</u>, p. 69:10-23).</p>	<p>352; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]). Inadmissible Hearsay (<u>Cal. Evid. Code</u> § 1200.</p>	
<p>3. Q. In what context did Sheriff Baca make this comment, do you recall what proceeded in making this comment?</p>	<p>3. Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350-352; See <u>McRae v. Dept. of</u></p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>A. That was his opening for his address to us. And for some reason I was shocked when he got up there and --</p> <p>MR. GAGE: You've answered the question.</p> <p>MR. BURKOWITZ:</p> <p>Q. Why were you shocked?</p> <p>MR. GAGE: Go ahead.</p> <p>THE WITNESS: Because the question appeared to have been directed to me. Since I'm the only person there other than him that's over 70. And the statement he made that people over 70 are dead.</p> <p>(Dacus Depo. Vol. 1, Sadr Dec. <u>Exhibit 29</u>, p. 71:24-72:11).</p>	<p><u>Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lack of foundation. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]).</p> <p>Inadmissible Hearsay (<u>Cal. Evid. Code</u> § 1200.</p>	
<p>4. Q. Did anyone ever tell you -- anyone from the Sheriff's Department ever tell you why you had not been promoted to commander at any time?</p> <p>A. There was a comment</p>	<p>4. Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350-352; Inadmissible Hearsay (<u>Cal. Evid. Code</u> § 1200.</p>	<p>Sustained _____</p> <p>Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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<p>made on October 3rd by Commander Asmus. He wanted to meet with me. And one of the first things he said was, Sam, whenever your name come up for promotion your age is a factor. (Dacus Depo. Vol. I, Sadr Dec. <u>Exhibit 29</u>, p. 75:14-20).</p>		
<p>5. Q. Did he explain what he meant by that, age is coming up, what does what mean; did he explain? A. Well the statement was that every time your name comes up for promotion your age is a factor. (Dacus Depo. Vol. I, Sadr Dec. <u>Exhibit 29</u>, p. 78:2-5).</p>	<p>5. Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350- 352; Inadmissible Hearsay (<u>Cal.</u> <u>Evid. Code</u> § 1200. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.])</p>	<p>Sustained _____ Overruled _____</p>
<p>6. Q. Tell me what your understanding is. A. My understanding was that he himself did not have</p>	<p>6. Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350- 352; Inadmissible Hearsay (<u>Cal.</u></p>	<p>Sustained _____ Overruled _____</p>

**DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY
 ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.**

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	<p>anything to do with me not being promoted, that he felt that I was worthy of a promotion but when my name was presented at some place someone would bring up my age. (Dacus Depo. Vol. I, Sadr Dec. <u>Exhibit 29</u>, p. 81:6-10).</p>	<p><u>Evid. Code</u> § 1200. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.])</p>	
7.	<p>Q. Let's go back on the record. There was something you wanted to say? A. Yes. Every -- from the time I entered the Department in '97, being the oldest person I was asked by executives frequently about my retirement because of my age. Whenever I attend briefings, as far back and most current briefings, if there's any type of a service award presented for people with years on the Department I'm always the focal point by the chief or the commander</p>	7. Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350-352; Inadmissible Hearsay (<u>Cal. Evid. Code</u> § 1200. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.])	

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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who's making the presentation by referring to me as the -- with the most time on, which is age related, on the Department. And many times this evoked questions from the deputies, which is sort of annoying to me, about my age. And about when I'm going to retire. There's some specific incidences that I have here of the specific individuals and specific times who have made such comments at our quarterly conferences where all the executives are there. Sometimes or every few minutes as I walk around one of the executives will say, Sam, are you still here? When are you retiring? And those types of things would often come up. And whenever I'm at a meeting and there's some type of sensitive age that would come up, while people would not say

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<p>anything, they would all look at me. Which puts me in -- and it's -- even today, even after I filed this thing here, at a pin presentation where Commander -- Chief Barrantes was giving me a 15-year pin for service on the Department. And after he gave that 15-year pin he stated, Well Sam has more than 15 years in law enforcement. Then he asked the question, Sam, how long have you been in law enforcement? Of course I said 49 years. Then the captain right away asked the question, How many people here are 49 years old? See, these constant little things -- and sometimes I hate going into a briefing where I know these things are going to occur. Because it happens all the time.</p> <p>(Dacus Depo. Vol. I, Sadr</p>			
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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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Dec. <u>Exhibit 29</u> , p. 87:18-89:6).		
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OBJECTION TO DEPOSITION OF SAMUEL DACUS, VOL. II, SADR DEC. EXHIBIT 30

	<u>MATERIAL OBJECTED TO</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Q And did you complain to any of these people about the way that Waldie was treating you?</p> <p>A Several of those people, yes, I discussed it. I know with the guys from the FBI, I mentioned it to them, yes.</p> <p>Q What did you tell the FBI about Waldie?</p> <p>A Well, I told him all that I knew because the task force is to look at corruption and ethical things and so forth and so on, and we all had to be honest with each other.</p> <p>Q I understand. Did you tell the FBI that Waldie was acting illegally? Did you tell</p>	1.	<p>Objection. Irrelevant and unduly prejudicial; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350-352; Inadmissible Hearsay (<u>Cal. Evid. Code</u> § 1200. Lack of foundation and personal knowledge. (<u>Evid. Code</u> § 702(a). Based on speculation and conjecture (<u>Evid. Code</u> § 702, §803; <u>Knapp v. Doherty</u> (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]). Legal opinion; Improper lay opinion (<u>Cal. Evid. Code</u> § 800).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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<p>them that?</p> <p>A Yes. I had gotten complaints, and yes.</p> <p>Q So you told the FBI people that Waldie had been acting illegally; correct? A Yeah. Basically, yeah.</p> <p>(Deposition of Samuel Dacus, dated December 16, 2013, as attached to the Sadr Dec. as <u>Exhibit 30</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Dacus Depo. Vol. I, Sadr Dec. <u>Exhibit 30</u>"), p. 192:2-18).</p>			
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OBJECTION TO DEPOSITION OF SHERIFF LEROY BACA, VOL. IV, SADR DEC. EXHIBIT 33

	<u>MATERIAL OBJECTED TO</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Sheriff Leroy Baca, dated January 10,	1.	Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it	Sustained _____ Overruled _____

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	<p>2014, as attached to the Sadr Dec. as <u>Exhibit 33</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Baca Depo. Vol. IV, Sadr Dec. <u>Exhibit 33</u>").</p>	<p>is. (<u>See Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 33" of what he claims is the deposition of Sheriff Leroy Baca. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)</p>	
<p>2.</p>	<p>Q. Is there any justification or reason that you are aware of between 2005 and 2013 as to why Sam Dacus was not promoted for any available commander position? MR. PETERSON: That question is argumentative. Again, you can respond. THE WITNESS: I don't recall any of the conversations. (Baca Depo. Vol. IV, Sadr</p>	<p>2. Objection. Irrelevant; does not relate to this lawsuit. (<u>Evid. Code § 210, 350-351.</u>)</p>	<p>Sustained _____ Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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Dec. <u>Exhibit 33</u> , p. 326:16-24).		
<p>3. Q. What is the reason why Sam Dacus did not receive any promotions to the commander position in charge of Court Services before 2013, to your knowledge?</p> <p>MR. PETERSON: Lacks foundation, but you can respond.</p> <p>THE WITNESS: I don't know.</p> <p>BY MR. GAGE:</p> <p>Q. Can you think, as you sit here today, of a legitimate reason why Sam Dacus was not promoted to any available commander positions before 2013 in the Court Services Division?</p> <p>MR. PETERSON:</p> <p>Argumentative, not to mention asked and answered innumerable times.</p> <p>THE WITNESS: I don't know.</p> <p>(Baca Depo. Vol. IV, Sadr</p>	<p>3. Objection. Irrelevant; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350-351).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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Dec. Exhibit 33, p. 359:4-18).

OBJECTION TO DEPOSITION OF JAMES LOPEZ, SADR DEC. EXHIBIT 35

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND(S) FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Q. Did you ever write any kind of a memorandum explaining that some of the work that Lieutenant Voyer had been able to keep up on was because it was kept by you in our car by mistake and not given to her?</p> <p>A. That's possible. That's possible.</p> <p>(Deposition of James Lopez, dated June 6, 2006, as attached to the Sadr Dec. as <u>Exhibit 35</u> in Opposition to Defendant's Motion for Summary Judgment/ Adjudication ("Lopez Depo., Sadr Dec. <u>Exhibit 35</u>"), p. 1414:15-20).</p>	1.	<p>Objection. Irrelevant; does not relate to this lawsuit. (<u>Evid. Code</u> § 210, 350-351).</p>	<p>Sustained _____</p> <p>Overruled _____</p>

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OBJECTION TO DEPOSITION OF PAUL TANAKA, VOL. II, SADR DEC. EXHIBIT 37

	<u>MATERIAL OBJECTED TO:</u>	<u> GROUNDS FOR OBJECTIONS:</u>	<u>RULING ON OBJECTION</u>
1. 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Paul Tanaka, Vol. II, dated February 3, 2014, as attached to the Sadr Dec. in Opposition to Defendant's Motion for Summary Judgment/ Adjudication as <u>Exhibit 37</u> ("Tanaka Depo. Vol. II, Sadr Dec. <u>Exhibit 37</u> ").	1. Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (<u>See Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received in evidence." (<u>Cal. Evid. Code § 1401.</u>) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 37" of what he claims is the deposition of Paul Tanaka. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)	Sustained _____ Overruled _____
26 27 28	2. Q. Right. If the sheriff is discriminating against people or retaliating against them,	2. Objection. Irrelevant. (<u>Evid. Code § 210, 350-351; See McRae v. Dept. of Corrections and Rehabilitation</u>	Sustained _____ Overruled _____

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<p>there's really no avenue that existed even for a person who was number two in the department to try and complain about his behavior; is that correct?</p> <p>A. Short of having a discussion with him and trying to get his attention on something, there was there was no place else to go. (Tanaka Depo. Vol. II, Sadr Dec. <u>Exhibit 37</u>, p. 431:16-23).</p>	<p>142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]. Lacks foundation (<u>Evid. Code § 702(a)</u>). Based on speculation and conjecture (<u>Evid. Code § 702, §803; Knapp v. Doherty (2004) 123 Cal.App.4th 76, 99; [Speculation, conjecture, imagination or guesswork cannot defeat a motion for summary judgment.]</u>).</p>	
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OBJECTION TO DEPOSITION OF PAUL TANAKA, VOL. II, SADR DEC. EXHIBIT 38

	<u>MATERIAL OBJECTED TO:</u>		<u>GROUND FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Q. Well, one of Mr. Tanaka's statements is that you demanded all sheriff's deputies be removed from joint crime fighting operations with the FBI as payback for a federal investigation of the</p>	1.	<p>Objection. Irrelevant. (<u>Evid. Code § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based</u></p>	<p>Sustained _____ Overruled _____</p>

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<p>jails. Is that something that you believe is an untrue statement by him? A. Yes. (Deposition of Sheriff Leroy Baca dated July 19, 2014, as attached to the Sadr Dec. in Opposition to Defendant's Motion for Summary Judgment/ Adjudication as <u>Exhibit 38</u> ("Baca Depo. Vol. I, Sadr Dec. <u>Exhibit 38</u>"), p. 34:10-17).</p>	<p>on fact"). Speculative and lacks foundation (<u>Evid. Code § 702(a)</u>). Hearsay (California Evidence Code § 1200).</p>	
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OBJECTION TO DEPOSITION OF CECIL RHAMBO, VOL. I, SADR DEC. EXHIBIT 41

	<u>MATERIAL OBJECTED TO:</u>	<u> GROUNDS FOR OBJECTIONS</u>	<u>RULING ON OBJECTION</u>
1.	<p>Defendant, County of Los Angeles objects generally to Plaintiff's use of the Deposition of Cecil Rhambo, Vol. I, as attached to the Sadr Dec. in Opposition to Defendant's Motion for Summary Judgment/</p>	<p>1. Evidence must be properly authenticated, such that introduction is sufficient to sustain a finding that it is the writing that the proponent of the evidence claims it is. (<u>See Cal. Evid. Code § 1400.</u>) "Authentication of a writing is required before it may be received</p>	<p>Sustained _____ Overruled _____</p>

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	<p>Adjudication as <u>Exhibit 41</u> ("Rhambo Depo. Vol. I, Sadr Dec. <u>Exhibit 41</u>").</p>	<p>in evidence." (<u>Cal. Evid. Code</u> § 1401.) Plaintiff attaches to the Sadr Declaration pages of the transcript as "Exhibit 41" of what he claims is the deposition of Cecil Rhambo, Vol. I. The Exhibit lacks any authentication whatsoever; no signature of a court reporter is attached to authenticate it. Therefore, the unauthenticated evidence should not be admitted into evidence by the Court. (<u>Id.</u>)</p>	
<p>2.</p>	<p>Q. Had you ever seen or heard anybody referring to Exhibit 13 as a hit list or a death list based on the dates at age 55 and 60? A. I've heard it referred to as a drop dead list, but not a hit list. (Rhambo Depo. Vol. I, Sadr Dec. <u>Exhibit 41</u>, p. 66:25-67:4).</p>	<p>2. Objection. Irrelevant. (<u>Evid. Code</u> § 210, 350-351; See <u>McRae v. Dept. of Corrections and Rehabilitation</u> 142 Cal. App 4th 377, at 394, 395, 396, [Opinion has "no probative value absent a showing that the opinion is based on fact"]]). Speculative and lacks foundation (<u>Evid. Code</u> § 702(a). Hearsay (California Evidence Code § 1200.</p>	<p>Sustained _____ Overruled _____</p>

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DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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DATED: May 13, 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

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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 May 23, 2014, I served the foregoing document described as:

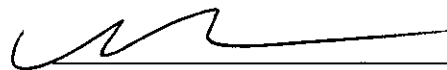
DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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 May 23, 2014, at Burbank, California.



Martha Gonzalez

DEFENDANT COUNTY OF LOS ANGELES' OBJECTIONS TO THE DEPOSITION TESTIMONY ATTACHED AS EXHIBITS TO THE DECLARATION OF MILAD SADR, ESQ.

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

Case No.: BC497305

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