

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

NOV 04 2011

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8 IN THE SUPERIOR COURT OF CALIFORNIA
9 IN AND FOR THE COUNTY OF RIVERSIDE
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11 JEFFRY M. KAATZ, JAMES W. BEACH, and)
GARY L. BRADLEY,)

12 Plaintiffs,)
13)

14 v.)

15 RICARDO GRAHAM; PACIFIC UNION)
CONFERENCE OF SEVENTH-DAY)
ADVENTISTS, a not-for-profit corporation;)
16 DANIEL R. JACKSON; LARRY BLACKMER;)
NORTH AMERICAN DIVISION)
17 CORPORATION OF SEVENTH-DAY)
ADVENTISTS, a not-for-profit corporation; and)
18 LA SIERRA UNIVERSITY, a not-for-profit)
corporation; and DOES 1-100,)

19 Defendants.)
20)
21)

Case No.: RIC 1112557

**DECLARATION OF RICHARD D. McCUNE
IN SUPPORT OF PLAINTIFFS' REQUEST
FOR CONTINUANCE OF HEARING AND
OPPOSITION TO MOTION TO QUASH
SERVICE OF SUMMONS OF COMPLAINT
FOR LACK OF PERSONAL JURISDICTION
BROUGHT BY DEFENDANTS LARRY
BLACKMER AND DANIEL R. JACKSON**

Hearing Date: November 18, 2011

Hearing Time: 8:30 a.m.

Judge: Commissioner Paulette Durand-Barkley

Department: 2

Judge Assigned: Hon. Craig G. Riemer

Complaint Filed: July 28, 2011

22 1. I am an attorney licensed to practice law before all of the courts in the State of California
23 and I am a partner of McCuneWright, LLP. The following facts are within my personal knowledge or
24 based on records and files at my law firm, and, if called upon as a witness, I could and would testify
25 competently thereto.

26 2. I am counsel of record for Plaintiffs. In my investigation of this matter, I have reviewed
27 documents, and/or spoken with individuals that profess personal knowledge of events and documents
28

1 that lead me to believe that if provided the opportunity to conduct discovery, it is likely that discovery
2 would produce admissible evidence that would establish the following:

- 3 a. Since at least 2009 to the present, Defendant Blackmer has had ongoing and regular
4 contacts with Defendant La Sierra University board of trustee members, La Sierra
5 University administration and La Sierra University faculty regarding setting the academic
6 curriculum policies of La Sierra University; the communication of that policy; and the
7 consequences to faculty and La Sierra University if that policy was not followed. Those
8 contacts have been regular personal visits to California, as well as frequent e-mail and
9 telephone conversations.
- 10 b. Defendant Blackmer has personally attended and participated in California resident
11 Defendant La Sierra University's constituency meetings, which is the group that elects
12 the board of trustees that sets policy for La Sierra University.
- 13 c. Defendant Blackmer is an advisor to the board of trustees for Loma Linda University, a
14 very significant California and Inland Empire organization. In that position, Defendant
15 Blackmer makes regular visits to California to attend board meetings and meets with
16 administration as well as makes frequent telephone and e-mail communication regarding
17 this California resident entity. Defendant Blackmer's responsibilities for this position
18 include establishing policies and procedures for California resident Loma Linda
19 University.
- 20 d. Nonresident Defendants Blackmer and Jackson have and continue to be involved in the
21 accreditation of California resident Defendant La Sierra University. That accreditation
22 has involved personal visits to make accreditation decisions as well as to explain the
23 decisions to faculty and staff. It has also involved frequent telephone calls and e-mails
24 with La Sierra University board of trustee members and administration.
- 25 e. Defendant Blackmer is a member of the board for Adventist Media Center, Inc., and as
26 such has visited California and is actively involved in setting policy and communicating
27 with the executives of this California resident.
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- f. Defendant Jackson is the Vice-Chair on the board of trustees for Loma Linda University and Loma Linda University Medical Center, both very significant California and Inland Empire organizations. In that position, Defendant Jackson makes regular visits to California to attend board meetings and to meet with administration as well as having frequent telephone and e-mail communication regarding these California residents. Also in that position, Defendant Jackson is responsible for establishing policies and procedures for California resident Loma Linda University and Loma Linda University Medical Center.
- g. Defendant Jackson regularly visits and communicates with California resident Defendant Pacific Union Conference, and is involved in the setting of policies at Defendant Pacific Union Conference.
- h. Defendant Jackson is the chair of the board of Adventist Media Center, Inc., and as such has visited California and is actively involved in setting policy and communicating with the executives of this California resident.

I so declare the above is true and correct under penalty of perjury under the laws of California and of the United States. Executed on November 4, 2011, at San Francisco, California.



 Richard D. McCune

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA
3 COUNTY OF SAN BERNARDINO

4 I am employed in the County of San Bernardino, State of California. I am over the age of 18
5 years and not a party to the within action; my business address is 2068 Orange Tree Lane, Suite 216,
6 Redlands, California, 92374.

7 On November 4, 2011, I served the foregoing document described as **DECLARATION OF**
8 **RICHARD D. McCUNE IN SUPPORT OF PLAINTIFFS' REQUEST FOR CONTINUANCE OF**
9 **HEARING AND OPPOSITION TO MOTION TO QUASH SERVICE OF SUMMONS OF**
10 **COMPLAINT FOR LACK OF PERSONAL JURISDICTION BROUGHT BY DEFENDANTS**
11 **LARRY BLACKMER AND DANIEL R. JACKSON** on the interested parties through their respective
12 attorneys of record in this action, by placing a true copy or original thereof enclosed in sealed
13 envelopes addressed as follows:

14 Michael W. Connally, Esq.
15 Madonna L. Devling, Esq.
16 Sean Paisan, Esq.
17 LEWIS BRISBOIS
18 BISGAARD & SMITH, LLP
19 650 Town Center Drive, Suite 1400
20 Costa Mesa, CA 92626
21 Phone: 714.545.9200/Fax: 714.850.1030

Attorneys for Defendants, La Sierra University, Pacific
Union Conference of Seventh-day Adventists, and North
American Division Corporation of Seventh-day
Adventists

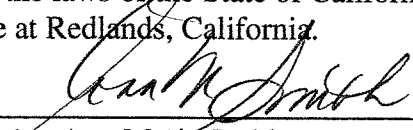
22 Jon Daggett, Esq.
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25 1420 River Park Drive, 2nd Floor
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Attorneys for Defendants, Ricardo Graham, Daniel R.
Jackson, and Larry Blackmer

28 **METHOD OF SERVICE PURSUANT TO CCP SECTION 1013:**

- 29 [] (BY MAIL) I am readily familiar with the firm's business practice for collection and processing
30 of correspondence for mailing. Under that practice, I caused such envelopes with
31 postage thereon fully prepaid to be placed in the United States mail at Redlands,
32 California.
- 33 [] (BY FACSIMILE) I caused such documents to be transmitted by facsimile to the offices of
34 the addressee(s) to the facsimile number(s) listed above.
- 35 [] (BY PERSONAL SERVICE) I caused such envelope(s) to be delivered by hand to the offices
36 of the addressee(s).
- 37 [X] (BY OVERNIGHT DELIVERY) I caused such document to be delivered by overnight delivery
38 to the offices of the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the above is true and
correct. Executed on the above-referenced date at Redlands, California.



Ann Marie Smith