

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

OCT 11 2011

C. Mundo

1 JON DAGGETT, ESQ./SBN: 227375
2 DEAN SCHIRMER, ESQ./SBN: 146407
3 HIROSHIMA, JACOBS, ROTH and LEWIS
4 1420 River Park Drive, Second Floor
5 Sacramento, CA 95815
6 Telephone: (916) 923-2223
7 Facsimile: (916) 929-7335

8 Attorneys for Defendants, DANIEL R. JACKSON and LARRY BLACKMER

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF RIVERSIDE

11 JEFFRY M. KAATZ, JAMES W.
12 BEACH, and GARY L. BRADLEY,

13 Plaintiff,

14 v.

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

21 Defendants.
22
23
24
25
26
27
28

Case No.: RIC 1112557

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO QUASH SERVICE OF
SUMMONS OF COMPLAINT FOR
LACK OF PERSONAL JURISDICTION

Date: 11-8-11
Time: 8:30
Dept: 2

FILED BY FAX
CRC 2005

1 JON DAGGETT, ESQ./SBN: 227375
2 DEAN SCHIRMER, ESQ./SBN: 146407
3 HIROSHIMA, JACOBS, ROTH and LEWIS
4 1420 River Park Drive, Second Floor
5 Sacramento, CA 95815
6 Telephone: (916) 923-2223
7 Facsimile: (916) 929-7335

8 Attorneys for Defendants, DANIEL R. JACKSON and LARRY BLACKMER

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JEFFRY M. KAATZ, JAMES W.
BEACH, and GARY L. BRADLEY,

Plaintiff,

v.

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

Defendants.

Case No.: RIC 1112557

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
MOTION TO QUASH SERVICE OF
SUMMONS OF COMPLAINT FOR
LACK OF PERSONAL JURISDICTION**

Date:
Time:
Dept:

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

TABLE OF CONTENTS

	<u>Page</u>
I. CALIFORNIA CIVIL CODE §418.10 IS APPLICABLE IN THIS MATTER	1
II. THE DEFENDANTS HAVE INSUFFICIENT CONTACTS WITH THIS JURISDICTION TO MAKE THE EXERCISE OF PERSONAL JURISDICTION FAIR AND REASONABLE.....	1
III. CONCLUSION	9

TABLE OF AUTHORITIES

<u>CASES</u>	<u>Page(s)</u>
<u>Arnesen v. Raymond Lee Organization</u> (1973)	2
31 Cal.App.3d 991, 996 107 Cal. Rptr. 744	
<u>Asahi Metal Industry Co. v. Superior Court</u> (1987)	
480 U.S. 102, 113, 107 S. Ct. 1026, 94 L. Ed. 2d 92	6
<u>Burger King Corp. v. Rudezewicz</u> (1985)	
471 U.S. 492, 474, 105 S. Ct. 2174, 85 L. Ed. 2d 528.....	2, 7
<u>Goehring v. Superior Court</u> (1998)	
62 Cal. App. 4th 594, 908-909, 73 Cal. Rptr. 2d 105.....	8
<u>Hirsch v. Blue Cross, Blue Shield of Kansas City</u> (9 th Cir. 1986)	
800 F.2d 1474, 4744	1
<u>International Shoe Co. v. Washinton</u> (1945)	
326 U.S. 310, 316, 66 S. Ct. 154, 90 L. Ed. 95	2, 9
<u>Jewish Defense Organization, Inc. v. Superior Court</u> (1999)	
72 Cal.App.4th 1045, 1054, 85 Cal. Rptr. 2d 611.....	2
<u>Keeton v. Hustler Magazine, Inc.</u> (1984)	
465 U.S. 770, 781 n, 13, 104 S. Ct. 1473, 79 L. Ed. 2d 790.....	2
<u>Kulko v. California Superior Court</u> (1978)	
436 U.S. 84, 92, 98, S. Ct. 1690, 56 L. Ed. 2d 132	4, 6

I.

CALIFORNIA CIVIL CODE §418.10 IS APPLICABLE IN THIS MATTER

Defendants, Larry Blackmer and Daniel R. Jackson file this motion to quash as there are insufficient contacts between this forum and the defendants in this matter. Specifically, the defendants invoke the provisions of CC §418.10(a) which states:

(a) A defendant, on or before the last day of his or her time to plead or within any further time that the court may for good cause allow, may serve and file a notice of motion for one or more of the following purposes:

(1) To quash service of summons on the ground of lack of jurisdiction of the court over him or her.

(2) To stay or dismiss the action on the ground of inconvenient forum.

(3) To dismiss the action pursuant to the applicable provisions of Chapter 1.5 (commencing with Section 583.110) of Title 8.

In this matter the defendants contend that this court lacks jurisdiction over them as there are insufficient contacts between these defendants and the present forum and the doctrine of fair play and substantial justice bars this court from exercising jurisdiction over these defendants.

II.

THE DEFENDANTS HAVE INSUFFICIENT CONTACTS WITH THIS JURISDICTION TO MAKE THE EXERCISE OF PERSONAL JURISDICTION FAIR AND REASONABLE

To establish personal jurisdiction, the plaintiff must show that the law of the forum state confers jurisdiction, and that its exercise would not be inconsistent with federal due process. Hirsch v. Blue Cross, Blue Shield of Kansas City (9th Cir. 1986) 800 F.2d 1474, 1477. For jurisdictional purposes, civil actions and proceedings are classified as "in personam," "in rem," or "quasi in rem," depending on the nature of the judgment sought [see Shaffer v. Heitner (1977) 433 U.S. 186, 199, 97 S. Ct. 2569, 53 L. Ed. 2d 683].

The standard for determining whether an exercise of jurisdiction by a state court over the interests of persons is consistent with the due process clause of the U.S.

1 Const., amend. XIV is the minimum contacts standard elucidated in International Shoe
2 Co. v. Washington (1945) 326 U.S. 310, 316, 66 S. Ct. 154, 90 L. Ed. 95. Thus,
3 assertions of state court jurisdiction, whether the action is in personam, in rem, or quasi
4 in rem, must comply with due process requirements and must be evaluated according
5 to the minimum contacts standards set forth in decisions regarding in personam
6 actions. Shaffer v. Heitner (1977) 433 U.S. 186, 199 n.17, 207, 97 S. Ct. 2569, 53 L.
7 Ed. 2d 683, 699-700.

8 The general rule is that for a state court to exercise in personam jurisdiction over
9 a nonresident defendant, the defendant must have certain minimum contacts with the
10 forum state such that maintenance of the suit does not offend traditional notions of fair
11 play and substantial justice. International Shoe Co. v. Washington (1945) 326 U.S.
12 310, 316, 66 S. Ct. 154, 90 L. Ed. 95; see Jewish Defense Organization, Inc. v.
13 Superior Court (1 999) 72 Cal. App. 4th 1045, 1054, 85 Cal. Rptr. 2d 611. The
14 constitutional touchstone of the determination whether an exercise of personal
15 jurisdiction comports with due process is whether the defendant purposefully
16 established minimum contacts in the forum state. Burger King Corp. v. Rudzewicz
17 (1985) 471 U.S. 462, 474, 105 S. Ct. 2174, 85 L. Ed. 2d 528; see also World-Wide
18 Volkswagen Corp. v. Woodson (1980) 444 U.S. 286, 291, 100 S. Ct. 559, 62 L. Ed. 2d
19 490. The rule applies to individual defendants as well as to corporate defendants.
20 Arnesen v. Raymond Lee Organization, Inc. (1973) 31 Cal. App. 3d 991, 996, 107 Cal.
21 Rptr. 744.

22 The fact that a state court may exercise jurisdiction over an out-of-state
23 corporation does not necessarily mean that the court may also assert jurisdiction over
24 its employees, nor does jurisdiction over a parent corporation automatically establish
25 jurisdiction over a wholly owned subsidiary. Each defendant's contacts with the forum
26 state must be assessed individually. Keeton v. Hustler Magazine, Inc. (1984) 465 U.S.
27 770, 781 n.13, 104 S. Ct. 1473, 79 L. Ed. 2d 790; see also Serafini v. Superior Court
28 (1998) 68 Cal. App. 4th 70, 78-80, 80 Cal. Rptr. 2d 159 (contacts of nonresident officer

1 and director of out of state parent corporation not sufficient to give rise to jurisdiction).

2 In the case of Serafini v. Superior Court the Court applying the Taylor-Rush
3 reasoning stated:

4 Serafini argues that there is insufficient evidence affording an inference of such
5 conduct on his part. We agree. Three potential tort causes of action are alleged
6 in the complaint--discharge of an employee in violation of public policy,
7 intentional infliction of emotional distress, and harassment of an employee
8 because of race, religious creed, or national origin. Serafini unequivocally
9 denies any such conduct. Khadir suggests that, notwithstanding these denials,
10 the role Serafini played in managing some aspects of RPM Systems gives rise
11 to an inference he "ratified" personnel actions pertaining to Khadir or
12 "participated in" decisions "eventually . . . causing" emotional distress and
discrimination. The vagueness of this rejoinder demonstrates that no evidence
was adduced which affords an inference that Serafini engaged in or directed
tortious conduct against Khadir; there is only speculation that he could have
been involved. This does not suffice for specific jurisdiction.

13 The situation is similar in this instance as the plaintiffs are attempting to impose
14 jurisdiction on the employees of higher level entities based upon their actions within the
15 course and scope of their duties as officers of those entities. As can be seen by the
16 attached declarations of Larry Blackmer and Daniel Jackson, the defendants
17 unequivocally deny any of the wrongdoing plaintiffs attempt to allege against them.
18 Additionally, review of the Complaint will show that other than coming to California for a
19 faculty meeting, passing the digital recording of the plaintiffs to Ricardo Graham and
20 speaking with Ricardo Graham, these defendants did nothing which should subject
21 them to the jurisdiction of this court. The plaintiffs were not present at any of the
22 alleged meetings of these individual defendants and their interpretation of what
23 occurred at those meetings is pure speculation and insufficient evidence to subject
24 these defendants to the jurisdiction of this court. Plaintiffs' cannot allege "facts" that
25 have no basis in reality in order to impose jurisdiction on these defendants.

26 The concept of minimum contacts performs two related, but distinguishable,
27 functions: (1) it protects the defendant against the burdens of litigating in a distant or
28 inconvenient forum, and (2) it acts to ensure that the states, through their courts, do not

1 reach out beyond the limits imposed on them by their status as coequal sovereigns in a
2 federal system. World-Wide Volkswagen Corp. v. Woodson (1980) 444 U.S. 286, 291-
3 292, 100 S. Ct. 559 62 L. Ed. 2d 490.

4 Consequently, while the interests of the forum state and of the plaintiff in
5 proceeding with the cause in the plaintiff's forum of choice are to be considered in
6 determining whether there is a proper basis for the exercise of in personam jurisdiction
7 over the defendant, an essential criterion in all cases is whether the quality and nature
8 of the defendant's activity is such that it is reasonable and fair to require the defendant
9 to conduct a defense in the state, Kulko v. California Superior Court (1978) 436 U.S.
10 84, 92, 98 S. Ct. 1690, 56 L. Ed. 2d 132. Thus, the minimum requirements inherent in
11 the concept of "fair play and substantial justice" may defeat the reasonableness of
12 jurisdiction even if the defendant has purposefully engaged in forum activities. The
13 appropriate inquiry becomes whether the plaintiff's cause of action arises out of or has
14 a substantial connection with a business relationship defendant has purposefully
15 established within California. The courts thus asks:

- 16 1. What is the business relationship between the defendant and the
- 17 California-based interests;
- 18 2. What is the claim asserted by the plaintiff against the defendant; and
- 19 3. Is there a substantial nexus or relationship between the two because the
- latter arises out of or it substantially connected to the former?

20 The first inquiry addresses the purposeful availment issue, and the latter two
21 inquiries focus on whether the particular claim is substantially related to the defendant's
22 forum contacts. VirtualMagic Asia, Inc. v. Fil-Cartoons, Inc. (2002) 99 Cal. App. 4th
23 228, 239-240, 121 Cal. Rptr. 2d 1.

24 As outlined in the declarations of Larry Blackmer and Daniel Jackson, the
25 defendants are the Vice-president of Education and the President for the North
26 American Division of Seventh-day Adventists. Neither have a direct connection with La
27 Sierra University and are only involved in this matter as they were the parties who
28 conducted the faculty meeting about accreditation that was recorded by Lenny Darnell

1 before he met with plaintiffs. Larry Blackmer and Daniel Jackson's later receipt of the
2 digital recording of the plaintiffs' meeting and their subsequent discussions with
3 Ricardo Graham regarding that recording did not expand their "business relationship"
4 with California. As stated in their declarations neither defendant owned any property in
5 California or had any separate business interests in this State. Larry Blackmer's only
6 contact with this forum was as an advisor to the LSU Board but said position did not
7 require his presence at board meetings or membership on the LSU Board. Daniel
8 Jackson's only contact with California was his holding of certain Board positions in
9 California entities as a result of his position as President of North American Division of
10 Seventh-day Adventists, however these positions did not concern LSU. As to both
11 defendants, all actions related to this lawsuit took place in Maryland, with the exception
12 of the faculty meeting which they attended and which was recorded by Lenny Darnell.
13 However, that faculty meeting, and defendants' actions there, are not the subject of this
14 litigation.

15 Plaintiffs' claims against these defendants are tenuous at best. They claim that
16 these defendants had some role in the resignation of the plaintiffs. They allege that
17 defendants somehow plotted with defendant Ricardo Graham to terminate the plaintiffs
18 after listening to the digital recording of the plaintiffs and were responsible for the illegal
19 use of the digital recording. However, as can be seen by the declarations of the
20 defendants that is not the case. Both defendants have emphatically stated that the
21 decision to request the resignation of the plaintiffs in this matter was the decision of the
22 LSU Board Chair, defendant Ricardo Graham, in consultation with LaSierra
23 University's legal counsel. Neither defendant instructed Ricardo Graham as how to
24 proceed as they believed the decision would ultimately be his as chairman of the board
25 for LaSierra University. As to the illegal use of the recording, these defendants did not
26 receive it until it had been given to various LSU personnel by Mr. Darnell and after it
27 had been posted on a public website, none of which were attributable to defendants
28 Jackson and Blackmer. If the plaintiffs have an issue with the release of this recording

1 their action is against Mr. Darnell not these defendants.

2 As can be seen by the declarations of these defendants, there is no nexus
3 between their actions and the damages suffered by the plaintiff. The plaintiff has cited
4 numerous "facts" to support this alleged nexus, but careful review of the Complaint will
5 show that each and every "fact" related to these defendants is based upon pure
6 speculation as to what occurred in meetings and phone conversations where the
7 plaintiffs were not present. Unlike a demurrer, the plaintiffs must be able to prove their
8 allegations in order to impose jurisdiction on out of state defendants. Without these
9 speculative allegations the plaintiffs cannot show any direct contact by these
10 defendants with the plaintiffs in this matter or any role in their resignations.

11 The minimum contacts test, like any standard that requires a determination of
12 reasonableness, is not susceptible of mechanical application; rather, the facts of each
13 case must be weighed to determine whether the requisite affiliating circumstances are
14 present. Kulko v. California Superior Court (1978) 436 U.S. 84, 92, 98 S. Ct. 1690, 56
15 L. Ed. 2d 132. In determining whether the exercise of in personam jurisdiction would
16 comport with fair play and substantial justice, the courts, in appropriate cases, may
17 evaluate:

- 18 I. The burden on the defendant.
- 19 II. The forum state's interest in adjudicating the dispute.
- 20 III. The plaintiff's interest in obtaining convenient and effective relief.
- 21 IV. The interstate judicial system's interest in obtaining the most efficient
22 resolution of controversies.
- 23 V. The shared interest of the several states in furthering fundamental
24 substantive social policies. (Asahi Metal Industry Co. v. Superior Court
25 (1987) 480 U.S. 102, 113, 107 S. Ct. 1026, 94 L. Ed. 2d 92).

26 In determining the prongs of the "fair play and substantial justice" test, the initial
27 consideration is a determination as to the burden on the defendant if jurisdiction should
28 be exercised. In this matter, the plaintiffs are seeking to sue two parties who were not
involved in any of the decisions which are the subject of this litigation. Their contacts
with this jurisdiction in relation to this litigation were unrelated to the employment and

1 privacy causes of action brought by the plaintiff. The plaintiffs' specious allegations, if
2 treated as true would subject two individuals to the jurisdiction of this court and force
3 them to litigate claims 3,000+ miles from their homes and places of employment.
4 Individual defendants acting within the course and scope of their duties should not be
5 subject to litigation in foreign jurisdiction without sufficient evidentiary support.

6 As for California courts' interests in adjudicating this dispute, the plaintiffs have
7 also sued the North American Division of Seventh-day Adventists and as such have a
8 defendant who has the requisite minimum contacts with this forum. The causes of
9 action against these individual defendants who were acting within the course and
10 scope of their duties is frivolous and unnecessary and does nothing to further the
11 courts' interests in adjudicating this dispute. The same argument is applicable to the
12 plaintiffs' interest in obtaining convenient and effective relief. Dismissal of defendants
13 Jackson and Blackmer and the quashing of service upon them will not jeopardize the
14 plaintiffs' interests. The plaintiffs will still have the same causes of action against their
15 employer, the North American Division of Seventh-day Adventists and their recovery, if
16 any, would not be jeopardized by the dismissal of the individual defendants.

17 If the defendant's activities within the state are not so pervasive as to justify the
18 court's exercise of general jurisdiction, the court may nevertheless, in certain cases,
19 exercise a limited, sometimes referred to as specific jurisdiction over the defendant
20 with respect to a given cause of action. Burger King Corp. v. Rudzewicz (1985) 471
21 U.S. 462, 474-475, 105 S. Ct. 2174, 85 L. Ed. 2d 528. A three-part test has been
22 developed for determining whether a defendant is subject to the forum state's specific
23 jurisdiction:

- 24 (1) The nonresident defendant must do some act or consummate some
25 transaction with the forum or perform some act by which he purposefully avails
26 himself of the privilege of conducting activities in the forum, thereby invoking the
27 benefits and protections of its laws;
- 28 (2) the claim must be one which arises out of or results from the defendant's
forum-related activities; and
- (3) exercise of jurisdiction must be reasonable. Pedus Building Services, Inc. v.

1 Allen (2002) 96 Cal. App. 4th 152, 116 Cal. Rptr. 2d 542.

2 Jurisdiction in these cases depends on the quality and nature of the defendant's
3 activities in the forum in relation to the particular cause of action. That is, the cause of
4 action must arise out of an act done or a transaction consummated in the forum, or the
5 defendant must perform some other act by which he or she purposely availed himself
6 or herself of the privilege of conducting activities in the forum, thereby invoking the
7 benefits and protections of its laws. Burger King Corp. v. Rudzewicz (1985) 471 U.S.
8 462, 474-475, 105 S. Ct. 2174, 85 L. Ed. 2d 528

9 Plaintiffs argue that the defendants, as recipients of the digital recording and by
10 passing it on, are responsible for the damages suffered by the plaintiffs. Additionally,
11 they argue that the defendants plotted with defendant Ricardo Graham to "terminate"
12 the plaintiffs. However, neither of these actions are sufficient to impose jurisdiction on
13 these defendants. Courts have held that the mere causing of an effect is not
14 necessarily sufficient to afford a constitutional basis for jurisdiction. Jurisdiction may be
15 invoked only if the actor committed an out-of-state act intending to cause effects in
16 California or reasonably expecting that effects in California would result. Goehring v.
17 Superior Court (1998) 62 Cal. App. 4th 894, 908-909, 73 Cal. Rptr. 2d 105. In this
18 matter, once the speculative allegations are removed from the Complaint and this
19 matter is decided purely on the facts and testimony of parties who were present at the
20 meetings and conversations where the recordings were discussed, the court has no
21 option but to dismiss this matter for lack of jurisdiction as there was no intention by
22 these defendants to interpose themselves into the decision to terminate the plaintiffs.

23 As stated above, the claim must be one which arises out of or results from the
24 defendants' forum-related activities. As illustrated in the declarations of the
25 defendants, the defendants' forum related activities consisted of attending a meeting to
26 discuss a decision of the Adventist Accrediting Associations relative to LSU. The
27 plaintiffs' claim does not arise from that meeting; it arises from the discussions held by
28 the plaintiffs at the home of one of the plaintiffs after that meeting. The later phone

1 conversation with Ricardo Graham regarding the digital recording is slightly more
2 relatable but as discussed in the declarations of these defendants, the defendants did
3 not instruct Graham as to how to proceed or how to handle the matter. The decision
4 was left entirely to Ricardo Graham and LSU's legal counsel. Given the nature of the
5 conversation with Ricardo Graham and the lack of involvement in the decision to ask
6 the plaintiffs for their resignation, this conversation is insufficient to provide a basis for
7 imposing jurisdiction on these defendants.

8 Lastly, the exercise of jurisdiction must be reasonable given the facts of the
9 matter. As stated above, the determination as to whether there were sufficient contacts
10 between the defendant and the jurisdiction is to be determined on a case by case basis
11 using the standards set forth in International Shoe Co. v. Washington. When the true
12 facts of this matter are considered and the speculative allegations of the plaintiff are
13 weeded out, it is evident that there are insufficient contacts to impose liability on these
14 defendants and that to do so would offend traditional notions of fair play and substantial
15 justice.

16 III.


17 CONCLUSION

18 In this instance there were no pervasive activities within the State as to subject
19 defendants Jackson and Blackmer to the general jurisdiction of this court and as to the
20 application of limited jurisdiction, the facts clearly show that there are insufficient
21 contacts as to the individual defendants Blackmer and Jackson to make the imposition
22 of limited jurisdiction reasonable. Furthermore, the imposition of jurisdiction would be a
23 significant burden on defendants Jackson and Blackmer, who work and reside in
24 Maryland, while the interests of California, the plaintiffs, and the judicial system are not
25 harmed by lack of personal jurisdiction because the North American Division, Jackson
26 and Blackmer's employer, is already a defendant on the same causes of action.
27 Defendants Jackson and Blackmer, to the extent any of their actions relate to this
28 litigation, were at all times acting in the course and scope of their employment for

1 defendant North American Division, a fact which plaintiffs admit.¹

2 Dated: October 11, 2011

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

By: 

JON DAGGETT / SBN 227375
DEAN SCHIRMER / SBN 146409
HIROSHIMA, JACOBS, ROTH and LEWIS
1420 River Park Drive, Second Floor
Sacramento, California 95815
Telephone: (916) 923-2223
Facsimile: (916) 929-7335
Attorneys for Defendants, DANIEL R.
JACKSON and LARRY BLACKMER

¹ Complaint, page 5, lines 25-27

PROOF OF SERVICE
CCP 1013(a), 1013(c), 2015.5/FRCP 5
California Rules of Court 2.253, 2.255, 2.260, 2.301(3), 2.306(a)

1 NAME: KAATZ v. GRAHAM, et al.
2 COURT NAME: RIVERSIDE COUNTY SUPERIOR COURT
3 CASE NO: RIC 1112557

4 I am a resident of, or employed in the County of Sacramento, State of California. I am over the age of eighteen years
5 and not a party to this action. My business address is: 1420 River Park Drive, 2nd Floor; Sacramento, CA 95815.

6 On the date below, I served the following listed documents by the method indicated below, on the parties in this action:

7 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO QUASH SERVICE**
8 **OF SUMMONS OF COMPLAINT FOR LACK OF PERSONAL JURISDICTION**

- 9 BY U.S. MAIL: By placing the original/ a true copy thereof enclosed in a sealed envelope(s), with postage fully
10 prepaid, addresses as per the attached service list, for collection and mailing at Hiroshima, Jacobs, Roth & Lewis in
11 Sacramento, California following ordinary business practices. I am readily familiar with the firm's practice for collection
12 and processing of correspondence for mailing. Under that practice, the correspondence is deposited with the U.S. Postal
13 Service on the same day in the ordinary course of business. See CCP 1013(a).
- 14 BY OVERNIGHT DELIVERY: By delivering the document(s) listed above in a sealed envelope(s) or package(s)
15 designated by the express service carrier, with delivery fees paid or provided for, addresses as per the attached service
16 list, to a facility regularly maintained by the express service carrier or to an authorized courier or driver authorized by the
17 express service to receive documents. Sent Via FEDERAL EXPRESS. See CCP 1013(c).
- 18 BY PERSONAL DELIVERY:
- 19 By personally delivering the document(s) listed above to the parties listed on the service list. See CCP 1011.
- 20 By personally delivering the documents(s) listed above to the offices at the address(es) shown on the service list.
21 See CCP 1011(a).
- 22 By placing the document(s) listed above in a sealed envelope(s) and instructing a registered process server to
23 personally deliver the envelope(s) to the offices at the address(es) set forth on the attached service list. The signed proof
24 of service by the registered process server is attached.
- 25 BY ELECTRONIC SERVICE: (via electronic filing service provider) By electronically transmitting the document(s) listed
26 above to a LexisNexis File and Serve, an electronic service provider, at www.fileandserve.lexisnexis.com pursuant to
27 the Court's Order mandating electronic Service. The transmission was reported as complete and without error. See
28 California Rules of Court 2.253, 2.255, 2.260.
- BY ELECTRONIC SERVICE: (to individual persons) By electronically transmitting the document(s) listed above to the
email address(es) of the person(s) set forth on the attached service list. The transmission was reported as complete
without error. See Rules of Court 2.260.
- BY FACSIMILE: By transmitting the document(s) listed above from HIROSHIMA, JACOBS, ROTH & LEWIS in
Sacramento, California to the facsimile machine telephone number(s) set forth on the attached service list. The
telephone number I used was (916) 929-7335. The facsimile machine complies with Rule 2.301(3) of the California
Rules of Court. Service by facsimile transmission was made pursuant to the agreement of the parties, confirmed in
writing. Pursuant to California Rules of Court, Rule 2.306(a), I caused the machine to print a transmission record of the
transmission, a copy of which is attached to this Declaration.
- STATE I declare under the penalty of perjury under the laws of the State of California that the above is true and
correct.
- FEDERAL I declare under the penalty of perjury under the laws of the United States that I am employed in the office of
a member of the bar of this court whose direction the service is made

Executed on October 11, 2011 at Sacramento, California.

CHRISTINA WILL

/s/

(Signature)

PROOF OF SERVICE
CCP 1013(a), 1013(c), 2015.5/FRCP 5
California Rules of Court 2.253, 2.255, 2.260, 2.301(3), 2.306(a)

SERVICE LIST

COUNSEL	PHONE/FAX/EMAIL	PARTY(IES)
Richard D. McCune, Esq. David C. Wright, Esq. Michele M. Vercoski, Esq. McCuneWright LLP 2068 Orange Tree Lane, Suite 216 Redlands, CA 92374	PH: (909) 557-1250 FX: (919) 557-1275 EM: rdm@mccunewright.com dcw@mccunewright.com mmv@mwtriallawyers.com	<i>Counsel for PLAINTIFFS</i> JEFFRY M. KAATZ, JAMES W. BEACH, and GARY L. BRADLEY
Michael W. Connally, Esq. Madonna L. Devling, Esq. Sean Paisan, Esq. LEWIS BRISBOIS BISGAARD & SMITH, LLP 650 Town Center Drive, Suite 1400 Costa Mesa, CA 92626	PH: (714) 545-9200 FX: (714) 850-1030 EM: connally@lbbslaw.com devling@lbbslaw.com spaisan@lbbslaw.com	<i>Counsel for DEFENDANTS</i> LA SIERRA UNIVERSITY, PACIFIC UNION CONFERENCE OF SEVENTH-DAY ADVENTISTS and NORTH AMERICAN DIVISION CORPORATION OF SEVENTH- DAY ADVENTISTS

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