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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

WILLIAM TAYLOR, Plaintiff, vs. CITY OF BURBANK, Defendant.	Case No: BC422252 Assigned to: Hon John L. Segal Action Filed: Sept. 22, 2009 Trial Date: March 5, 2012 **NOTICE OF HEARING AND MOTION OF DEFENDANT CITY OF BURBANK FOR LEAVE TO AUGMENT EXPERT WITNESS LIST AND DECLARATION; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF RONALD F. FRANK IN SUPPORT THEREOF** Date: January 9, 2012 Time: 8:30 a.m. Dept: 50

TO PLAINTIFF AND TO HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on Monday January 9, 2012 at 8:30 a.m. or as soon thereafter as counsel may be heard in Department 50 of the above-entitled court, a hearing will be held on the Motion of Defendant CITY OF BURBANK ("City") for leave to augment its expert witness list and expert declaration to include Jim Voge, a retired Commander of the Los Angeles Police Department, who was first contacted by the City subsequent to the expert witness disclosure date in this case.

This Motion is brought pursuant to California Code of Civil Procedure §§ 2034.610 and 2034.620 on the grounds that (a) plaintiff has designated and retained an independent expert witness on 13 subjects pertaining to Internal Affairs issues and the propriety of the Gardiner investigation but the City did not, (b) proposed expert Cmdr. Voge has training and experience in the processes and conduct of internal affairs investigations at a major police department, and his testimony on such matters and on the Gardiner investigation and its related issues would be helpful to the jury, (c) the City participated in the expert witness exchange by designating a damages expert on October 17, 2011, (d) given the continuance of the trial date to March 5, 2012 and postponement of expert discovery completion until January 31, 2012, the City's designation of a retained expert on internal affairs issues will not unfairly prejudice the plaintiff, and (e) the City failed to designate Cmdr. Voge earlier as a result of mistake, inadvertence, or excusable neglect.

This Motion is based upon this Notice of Hearing and Motion, the attached Memorandum of Points and Authorities and Declaration of Ronald F. Frank filed and served concurrently herewith, upon all papers, pleadings, records on file herein, and upon such further oral and documentary evidence as may be presented at the hearing on the Motion.

BURKE, WILLIAMS & SORENSEN, LLP
RONALD F. FRANK

By
Ronald F. Frank
Attorneys for Defendant City of Burbank

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

By this Motion, Defendant CITY OF BURBANK ("City") seeks leave of court to augment its expert witness list and its expert declaration to add Jim Voge, a Commander of San Luis Obispo Sheriff's Office in its Professional Standards Unit and former commanding officer of the LAPD's Internal Affair Group and its Force Investigation Division. The City first contacted Cmdr. Voge about his availability to render expert opinions in this case subsequent to the expert witness disclosure and supplemental expert disclosure dates. The City participated in the original expert witness disclosure process by designating an economist / damages expert on October 17, 2011. Plaintiff designated an economist, and also designated a police practices and Internal Affairs expert named Dr. Paul Kim. Through the mistake, inadvertence, or excusable neglect of trial counsel, the City did not determine to designate an independent expert on internal affairs issues until after the Court's Voluntary Settlement Conference a few weeks ago.

In mid-November the Court granted a motion to continue the trial, which is now set for March 5, 2012. As a result, the parties agreed to postpone expert witness discovery until late January of 2012. Because the parties do not foresee taking any expert depositions until mid to late January of 2012, and because plaintiff's counsel was given notice of the City's intent to add Cmdr. Voge as an expert as of November 30, 2011, there is ample time for plaintiff to prepare for the expert testimony of the proposed defense counterpart expert to plaintiff's liability issues expert, Paul Kim. The City first raised this issue with the Court by *ex parte* application on December 7, 2011, and the Court found a lack of good cause for *ex parte* relief, i.e., there was adequate time in the Court's view to bring this Motion on regular notice.

Based on the foregoing, the Court should grant the City leave to augment its expert witness list and declaration to allow Cmdr. Voge to testify to opinions regarding the processes and procedures of internal affairs investigations in general and Mr. Gardiner's Investigation #34 as to plaintiff Bill Taylor in particular, and responses to other opinions that plaintiff's corresponding expert may give that relate to the Gardiner Investigation, Porto's investigation, or other matters.

II. COUNSEL MET AND CONFERRED PRIOR TO FILING THIS MOTION

On November 30, 2011, counsel for the City met and conferred with plaintiff's counsel Greg Smith on the subject of the City's interest in augmenting its expert witness designation in this case. [Declaration of Ronald F. Frank ("Frank Decl.") attached hereto, ¶ 7.] On that date, Mr. Frank advised Mr. Smith of Jim Voge's name, his highest rank while at the Los Angeles Police Department, and of the general subject areas of his expected expert testimony. [Frank Decl. ¶ 7.] Mr. Frank requested that plaintiff agree to permit the augmentation, given the postponements of the trial and of the expert witness depositions in this case. [Id.] Mr. Smith would not stipulate to the augmentation. [Id.] Mr. Frank then advised Mr. Smith that he would prepare an *ex parte* application and schedule the *ex parte* hearing for a date convenient to Mr. Smith's schedule. [Id.] On Friday, December 2, 2011, Mr. Frank gave Mr. Smith notice that an *ex parte* Application would be made to allow the City to augment its expert designation on Wednesday, December 7. [Id.] On Monday, December 5, the City served plaintiff's counsel with its Augmented expert designation and declaration (attached as Exhibit A to the Frank Decl.) adding Cmdr. Voge and providing Cmdr. Voge's professional resume and rate schedule. At the *ex parte* hearing on December 7, the Court denied the Application, but without prejudice to refilling the same as a motion on regular notice. This Motion shortly followed.

III. FACTUAL BACKGROUND

A. Case Background

Plaintiff William Taylor ("plaintiff") was a Captain with the Burbank Police Department ("BPD"). For nearly two years (August 1, 2007 to May 4, 2009) plaintiff was the Captain assigned to serve in the capacity of a Deputy Chief (which is an assignment, rather than a ranked position in the BPD). At the time Taylor filed suit in September of 2009, an independent Internal Affairs ("IA") investigation -- conducted by retired San Luis Obispo Chief of Police James Gardiner (hence referred to as "the Gardiner IA") -- was under way. By March of 2010, the Gardiner IA was completed. Gardiner IA #34 concerned allegations that, among other things, Taylor had interfered with a previous IA investigation of an alleged assault by an officer of a Porto's Bakery robbery investigation suspect. Taylor himself was not accused of assault.

Taylor claims he was demoted in May of 2009 and fired in June of 2010 in retaliation for reporting misconduct by fellow officers, including alleged sexual harassment, alleged discrimination against minority officers, and other alleged misconduct. The City contends that it had good cause for terminating Taylor based on Gardiner IA #34, and that the new chief of police had no reason or basis for retaliating against Taylor (who was out on administrative leave at the time the new chief was hired). The City contends Taylor was not demoted, but simply reassigned in the wake of a series of issues that had arisen, including the re-opening of a previously completed investigation of allegations that some of Taylor's fellow officers had used excessive force in the Porto's robbery criminal investigation.

B. Procedural Background

This case is currently set for trial on March 5, 2012. Originally assigned to Judge John Shepard Wiley, this matter had been set for trial to commence on December 6, 2011 at the time for the exchange of expert witness information in October of 2011. Both plaintiff and the City participated in the expert witness exchange. [Frank Decl. ¶ 4.] The City designated a single retained expert, an economist to testify as to damages issues. [Id.] Plaintiff designated two retained experts – an economist and a retired police officer -- and two non-retained doctors. [Id.] Plaintiff's designation is attached as Exhibit D to the Frank Decl. The plaintiff's police officer expert was listed as intending to offer opinions as to 13 categories, which concern police practices, internal affairs, and both the Gardiner IA and the previous internal affairs investigation of alleged excessive force used in the Porto's Bakery robbery investigation. [Id.] Each side noticed depositions of each other's designees for the middle of November 2011. [Id.]

Before any expert witness was deposed, Judge Wiley was re-assigned to the complex litigation panel and the parties learned that Judge Segal would be assigned to take over Judge Wiley's docket. [Frank Decl. ¶ 5.] However, Judge Segal's reassignment was not effective until November 10. One of the defense trial counsel had a scheduling conflict with the December 6 trial date. [Id.] The City had to delay bringing its *ex parte* application to continue the trial until November 15, 2011 because of conflicts with the schedule of plaintiff's counsel and because of the intervening Veteran's Day holiday. [Id.] At the hearing on the application to continue the

trial, the application was granted and a March 5, 2012 trial date was selected. [Id.]

In addition, Judge Segal had advised counsel of his interest in conducting a voluntary settlement conference. The VSC was held on November 16, 2011, but did not result in an amicable resolution of the case. [Frank Decl. ¶ 5.] In light of the delayed trial date and the VSC, the parties agreed to postpone the then-pending expert depositions for several months, until January 31, 2012. [Id.; see Exhibit E, the fax of November 17, 2011 confirming the same.]

C. Circumstances Surrounding Commander Voge's Retention

In the context of the postponed trial and expert discovery dates, the City considered whether it should retain an independent expert witness to address the 13 categories of testimony that Dr. Kim was to opine about, according to plaintiff's expert witness declaration. [Frank Decl. ¶ 6.] The City's counsel believed that, given the months of delay resulting from the trial continuance and the previously agreed postponement of all expert depositions, any potential prejudice that might result from what would have otherwise have been a last-minute request to add an expert would be minimized. [Id.] While Gardiner is expected to testify about some of the issues on which plaintiff's expert Dr. Kim is expected to opine (and the City designated him as a non-retained expert), after the unsuccessful VSC the City determined to locate and retain an internal affairs expert with no percipient involvement in the Gardiner IA. [Id.] Accordingly, the City contacted San Luis Obispo Sherriff's Office Commander Jim Voge and he has agreed to be that independent expert. [Id.] The City now requests leave to augment its expert designation and declaration to add Cmdr. Voge to counter the expected testimony of plaintiff's designee. The City served its Augmented Designation and Declaration on December 5, 2011, 90 days before trial, providing plaintiff with Cmdr. Voge's professional resume and of the expected areas of his opinion testimony. [Id. ¶ 2.]

IV. AUTHORITY

Section 2034.610(a) of the California Code of Civil Procedure provides that, on motion of any party who has engaged in a timely exchange of expert witness information, the Court may grant leave to (1) augment that party's expert witness list and declaration by adding the name and address of any expert witness whom that party has subsequently retained, and/or (2) amend that

party's expert witness declaration with respect to the general substance of the testimony that an expert previously designated is expected to give.

In determining whether to grant the motion, Section 2034.620 provides that the Court "shall" grant leave to augment or amend an expert witness list or declaration if the following conditions are satisfied:

- The Court has taken into account the extent to which the opposing party has relied on the list of expert witnesses;
- The opposing party will not be prejudiced in maintaining that party's action or defense on the merits;
- The moving party either (1) would not in the exercise of reasonable diligence have determined to call that expert witness or have decided to offer the different or additional testimony of that expert witness, or (2) failed to determine to call that expert witness, or to offer the different or additional testimony of that expert witness as a result of mistake, inadvertence, surprise, or excusable neglect; and
- The moving party (1) has sought leave to augment or amend promptly after deciding to call the expert witness or to offer the different or additional testimony, and (2) has promptly thereafter served a copy of the proposed expert witness information concerning the expert or the testimony described in section 2034.260 on all other parties who have appeared in the action.
- Leave to amend may be conditioned on postponing the trial, permitting the opposing party to designate additional experts, and other terms as may be just.

All of these statutory conditions to granting an augmentation motion are satisfied here.

The Court has "considerable discretion" to allow a party to introduce expert testimony, even where that party's failure to comply with Section 2034's list exchange requirements was "unreasonable." (Weil & Brown, California Practice Guide, Civil Procedure Before Trial, § 8:1731 (Rev. 2011) (*citing* Code. Civ. Proc. § 2034.300)). Here, the City did comply with Section 2034 and has acted reasonably and promptly.

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A. The Present Motion Is Timely And Relief Was Promptly Sought

A motion to augment under Section 2034.610 should be made at a sufficient time in advance of the time limit for the completion of discovery to permit the deposition of any expert to whom the motion relates to be taken within that time limit. Here, trial is not presently set to commence until March 5, 2012, which is three months away as of the date this Motion is being filed. Typically, expert witness information has not even been demanded so long before the trial date. (*See* Code Civ. Proc. § 2034.230 (exchange typically done 50 days before trial)). Thus, there is sufficient time to allow for Plaintiff to take the deposition of Cmdr. Voge well in advance of the trial date. There will still be 60 days before trial as of the date this Motion will be heard on regular notice.

Trial counsel for the City first spoke to Cmdr. Voge on November 30, 2011 about this case and a possible expert witness role for him. [Id.] Later that same day, i.e., promptly after contacting Cmdr. Voge as a potential expert witness and confirming his availability and capacity to testify, the City informed Plaintiff of its decision to have Cmdr. Voge offer expert testimony on matters involving the internal affairs issues that plaintiff's designated expert Paul Kim has been disclosed to opine about. [Id. ¶ 7.] The City disclosed Cmdr. Voge's identity and answered background questions about him when the City met and conferred with plaintiff's counsel on the question of whether plaintiff would agree to allow the City to augment its expert designation without the need for a motion. [Id.] The City's Augmented Designation and Expert Witness Declaration are attached to the Frank Decl. as Exhibit A. Cmdr. Voge's CV and rate schedule are attached to that Augmented Designation and Declaration as Exhibit B.

B. The City Would Not In The Exercise Of Reasonable Diligence Have Determined To Call Cmdr. Voge, And Failed to Designate Him Previously As a Result of Mistake or Excusable Neglect

The City was not aware, at the time it submitted its expert witness list, that Plaintiff had planned to elicit the expert testimony of Paul Kim or any other expert on the subject of internal affairs matters. Typically in police discipline cases, percipient witness testimony regarding the conduct and process of internal affairs investigations is sufficient. While counsel may argue as to whether certain things should or should not have been done, and such is the fodder for cross-

examination of the investigating officers and in this case Mr. Gardiner, expert witnesses are generally reserved for medical and damages issues in such cases. Thus the City would not, in the exercise of reasonable diligence, have originally designated a police practices or internal affairs expert in this case.

It was as a result of mistake, inadvertence, and excusable neglect of trial counsel that the City did not earlier identify and designate an independent expert on the internal affairs issues apparently to be addressed by plaintiff's designee Dr. Kim. [Frank Decl. ¶ 6.] Trial counsel was focused on the preparation of percipient witnesses for a flurry of depositions that were scheduled and did take place between mid-October and the non-expert discovery cut-off date, including the completion of the last three session of the deposition of plaintiff, and the depositions of Mr. Gardiner, former Burbank Chief of Police Tim Stehr, City Manager Mike Flad, and former Councilwoman Marsha Ramos.

Then in the first half of November, 2011, the trial date was postponed and counsel agreed to postpone the completion of expert witness discovery in this case until January 31, 2012. [Frank Decl. ¶ 6.] Trial counsel focused on and prepared for the Court's requested Voluntary Settlement Conference and thereafter a meeting with the City's new City Attorney and with City Council in closed session. [Id]. At that point, trial counsel reconsidered the use of merely percipient witness testimony or the possible non-retained expert testimony of Mr. Gardiner concerning internal affairs issues. [Id. ¶ 7.] After a brief period of research and investigation of potential candidates, the City's trial counsel spoke to Cmdr. Voge and determined that he would be retained. [Id.] Immediately thereafter the City notified plaintiff's counsel of its desire to add Cmdr. Voge to the City's expert designation, and when plaintiff refused to stipulate to the augmentation the City gave notice of and presented an *ex parte* augmentation Application. [Id. ¶ 8.] At the *ex parte* hearing on December 7, 2011, the Court determined that there was adequate time before trial for the augmentation motion to be heard on regular notice, not on an *ex parte* basis, and the Application was denied without prejudice to the City filing a noticed motion for the same. [Id. ¶ 9.] Accordingly, the City reserved a hearing date for regular notice, and prepared the instant Motion.

C. Granting The Requested Relief Will Not Result In Unfair Prejudice

Augmenting the expert witness designation and declaration as requested by this Motion will not unfairly prejudice Plaintiff's ability to support his claims in this action. Prejudice, in such circumstances, may only be said to exist where a party due to its reliance on the previous list of experts, is not prepared and cannot be prepared in time for trial. A party is not "prejudiced" simply because the new expert will give testimony adverse to the party. (*Dickison v. Howen* (1990) 220 Cal.App. 3d 1471, 1479.) The parties each have designated expert witnesses, none of whom have been deposed and none of whom will be deposed for nearly two months as of the time this Motion is being filed. As the parties anticipate conducting expert depositions in mid to late January or later in 2012, there will be no unfair prejudice to Plaintiff in allowing Cmdr. Voge to give the proffered testimony. Moreover, plaintiff's counsel will have significantly more time to prepare to depose Cmdr. Voge than in the typical case where experts are not identified until 50 days before trial; here Cmdr. Voge has been identified (and a copy of his professional resume provided to plaintiff's counsel) **90 days** before trial.

D. The City Promptly Sought Leave To Augment And Promptly Served Its Augmented Expert Designation

As contemplated by Section 2034.610, the City has sought leave to augment promptly after deciding to call the expert witness, and served a copy of the additional expert witness information concerning the expert and the testimony described in section 2034.260 on plaintiff's counsel in advance of this Motion. [Frank Decl. ¶¶ 2, 8.] The City has thus exercised alacrity and diligence after determining its need to augment the expert designation. It was plaintiff who opposed the *ex parte* application rather than stipulating to the augmentation, which effectively delayed the Court's consideration of the merits of this Motion by a month.

E. Parties Have Met And Conferred

Code of Civil Procedure § 2034.610(c) requires that a motion to augment be accompanied by a declaration stating facts showing a reasonable and good faith attempt at an informal resolution of each issue presented by the motion. . As discussed above, on November 30, 2011, the same date that the City's trial counsel first spoke to Cmdr. Voge, the City's counsel telephonically met and conferred with plaintiff's counsel to explain the City's interest in

augmenting its expert list and answering questions about Cmdr. Voge. [Frank Decl. ¶ 8.] The outcome of the meet and confer was plaintiff's refusal to stipulate to the augmentation and an indication that the City's effort to seek leave of court to augment would be opposed. [Id.]

V. CONCLUSION

For all the foregoing reasons, the Court should allow the City to augment its expert designation to allow Jim Voge to offer testimony at trial regarding the matters included in the City's Augmented Expert Witness Designation and Declaration, which is attached as Exhibit A to the Frank Decl. for this Motion.

BURKE, WILLIAMS & SORENSEN, LLP
RONALD F. FRANK

By
Ronald F. Frank
Attorneys for Defendant City of Burbank

DECLARATION OF RONALD F. FRANK

I, RONALD F. FRANK declare and state:

1. I am an attorney at law duly licensed to practice before all of the Courts of the State of California and am a partner with Burke, Williams & Sorensen, LLP, counsel for defendant CITY OF BURBANK ("City"). As one of the City's trial counsel for this matter, I have personal knowledge of the facts contained herein and if called as a witness I could and would testify competently to those fact under oath. This Declaration is submitted in support of the City's Motion for Leave to Augment Expert Witness Designation and Declaration.

2. Attached hereto as Exhibit A is a true and correct copy of Defendant's Augmented Expert Witness Designation and Declaration, which was served on Plaintiff WILLIAM TAYLOR by fax and regular mail on December 5, 2011. Cmdr. Voge's professional resume and rate schedule are attached to Exhibit A as Exhibit B thereto. (There also are Exhibits A and C to the Augmented Expert Declaration, which are not pertinent to this Motion.)

3. Attached hereto as Exhibit D is a true and correct copy of Plaintiff William Taylor's Exchange of Expert Witness Information, which was received by my office in October of 2011.

4. Both plaintiff and the City participated in the expert witness exchange. The City designated a single retained expert, an economist to testify as to damages issues. Plaintiff designated two retained experts – an economist and a retired LAPD police officer -- and two non-retained doctors as well. The plaintiff's police officer expert, Dr. Paul Kim, was listed as intending to offer opinions as to 13 categories, which concern police practices, internal affairs, and both the Gardiner Internal Affairs investigation and the previous internal affairs investigation of alleged excessive force used in the Porto's Bakery robbery investigation. While I was out of town, my partner Rob Tyson prepared a Supplemental Designation identifying Mr. Gardiner as a non-retained expert whose opinions on police practices issues might be elicited at trial. Each side noticed depositions of each other's retained experts, and the City noticed depositions of the plaintiff's non-retained experts, for the middle of November 2011. But those depositions were postponed as discussed below, and no expert depositions have yet been taken in this case.

5. In late October or early November of 2011, my co-counsel Linda Miller Savitt advised me that she had a scheduling conflict with the then December 6, 2011 trial date set by Judge Mooney but could be available the following week for the trial in this case. Before Ms. Savitt's office was able to schedule an *ex parte* application to continue the trial, and before any expert witness was deposed, I learned that Judge Wiley was re-assigned to the complex litigation panel and that Judge Segal would be assigned to take over Judge Wiley's docket. However, Judge Segal's reassignment was not effective until November 10. I discussed these scheduling matters with Ms. Savitt. She or her partner advised me that they could not bring an *ex parte* application to continue the trial until November 15, 2011 because of conflicts with the schedule of plaintiff's counsel and because of the intervening Veteran's Day holiday. On November 15, 2011, the Court granted the City's application to continue the trial and a March 5, 2012 trial date was selected. The Voluntary Settlement Conference ("VSC") was held on November 16, 2011, but did not result in an amicable resolution of the case. In light of the delayed trial date and the VSC, the parties agreed to postpone the then-pending expert deposition activity for several months, until late January of 2012. Attached to this Declaration as Exhibit E is a true and correct copy of my confirmatory fax of November 17, 2011 to Greg Smith reflecting our agreement to continue the completion date for expert depositions to January 31, 2012.

6. It was as a result of my mistake, inadvertence, and excusable neglect that the City did not earlier identify and designate an independent expert on the internal affairs issues apparently to be addressed by plaintiff's designee Dr. Kim. In the weeks following the expert disclosures, I was focused on the preparation of percipient witnesses for a flurry of depositions that were scheduled and did take place between mid-October and the non-expert discovery cut-off date. These depositions included the completion of the last three sessions of the deposition of plaintiff, and the depositions of Mr. Gardiner, former Burbank Chief of Police Tim Stehr, City Manager Mike Flad, and former Councilwoman Marsha Ramos. In the first half of November, 2011, the trial date was postponed (as a result of the City's *ex parte* application for same). Then I was busy preparing for and focused on the VSC and thereafter a meeting with the City's new City Attorney and with City Council in closed session. I mistakenly failed to address the

possible addition of an independent internal affairs expert to the defense designation until the second half of November 2011. That mistake, inadvertence, or neglect is excusable because of my focus on the other pressing issues in the case in the second half of October, because of the imminent application for the postponement of the trial as of early November, and because of the initiation of settlement discussion between myself and Mr. Smith in early November.

7. Following the postponement of the trial and expert discovery dates, and after the VSC, I considered whether the City should retain an independent expert witness to address the 13 categories of testimony that Dr. Kim was to opine about, according to plaintiff's expert witness declaration. Given the trial postponement until March 5, 2012, I believed that the months of delay before the new trial date would minimize any potential prejudice that might result from what would have otherwise have been a last-minute request to add an expert if the trial date remained in early December. Accordingly, I set out to contact an independent expert on internal affairs issues and other subjects listed in plaintiff's designation and expert declaration. While Mr. Gardiner is expected to testify about some of those issues (and the City supplementally designated him as a non-retained expert), after discussion with my client I determined to locate and retain a witness with no percipient involvement in the Gardiner Internal Affairs investigation. Accordingly, on November 30, 2011 I spoke to Jim Voge and he has agreed to be that independent expert.

8. Also on November 30, 2011, I telephonically met and conferred with plaintiff's counsel Greg Smith on the subject of the City's interest in augmenting its expert witness designation in this case. On that date, I advised Mr. Smith of Jim Voge's name, his Commander rank as of his retirement from the Los Angeles Police Department, and of the general subject areas of his expected expert testimony. I requested that plaintiff agree to permit the augmentation, given the postponement of the trial and of the expert witness depositions in this case. However, Mr. Smith advised that plaintiff would not stipulate to the augmentation. I then advised Mr. Smith that the City would prepare an *ex parte* application and schedule the *ex parte* hearing for a date convenient to Mr. Smith's schedule. On Friday, December 2, 2011, I gave Mr. Smith notice that the *ex parte* Application would be made on Wednesday, December 7, 2011, a

date Mr. Smith advised me he would be available. Mr. Smith advised me that plaintiff would appear and would oppose the *ex parte* Application. A true and correct copy of my confirmatory fax regarding the *ex parte* notification is attached to this Declaration as Exhibit F.

9. On Wednesday, December 7, 2011, I appeared for the *ex parte* Application for leave to allow the City to augment its expert designation and declaration. The Court denied the Application, without prejudice to a motion filed on regular notice, as the Court found insufficient grounds for *ex parte* relief. This was likely due to the length of time remaining before the parties' agreed expert discovery completion date and the March 5 trial date. Also on December 7, I had my assistant check with the Department 50 clerk for available times to schedule a noticed motion for leave to augment experts. She reported back that January 9, 2012 was an available date, and I asked her to reserve that date for the hearing on this Motion.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 7, 2011, at Los Angeles, California.

RONALD F. FRANK

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On December 8, 2011, I served a copy of the within document(s):

NOTICE OF HEARING AND MOTION OF DEFENDANT CITY OF BURBANK FOR LEAVE TO AUGMENT EXPERT WITNESS LIST AND DECLARATION; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF RONALD F. FRANK IN SUPPORT THEREOF

☐ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

☐ by placing the document(s) listed above in a sealed OVERNITE EXPRESS envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to an OVERNITE EXPRESS agent for delivery.

☐ by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid 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.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 8, 2011, at Los Angeles, California.

Theresa Nevarez

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

WILLIAM TAYLOR, Plaintiff, v. CITY OF BURBANK and DOES 1 Through 100, Inclusive, Defendants.	Case No. BC 422252 Assigned to: Hon. John L. Segal **CITY OF BURBANK'S AUGMENTED EXPERT WITNESS DESIGNATION; DECLARATION OF RONALD F. FRANK** Action Filed: Sept. 22, 2009 Trial Date: March 5, 2012

TO PLAINTIFF AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE THAT Defendant City of Burbank hereby submits its augmented expert witness designation and declaration for the trial in this action. The City lists

and identifies the following retained experts who are expected to give opinion testimony as set forth in the attached Declaration of Ronald F. Frank:

1. David J. Weiner
   Vavoulis, Weiner & McNulty, LLC
   445 S. Figueroa Street, Suite 3700
   Los Angeles, CA 90071

2. Jim Voge
   3200 Bradford Circle
   Cambria, CA 93428.

Defendant City of Burbank also designates and lists the following non-retained expert who is a percipient witness but who may also give expert opinion testimony as well:

James M. Gardiner
James Gardiner Associates
320 Twin Ridge Dr.
San Luis Obispo, CA 93405

The experts listed herein will be made available for oral deposition pursuant to California Code of Civil Procedure §2034.260, as provided in the attached Declaration of Ronald F. Frank. Burbank reserves the right to elicit opinion testimony from any expert designated by plaintiff, including both plaintiff's retained and non-retained experts.

Burke, Williams & Sorensen, LLP
Ronald F. Frank
Robert J. Tyson

By: Ronald F. Frank
Ronald F. Frank
Attorneys for Defendant City of Burbank,

DECLARATION OF RONALD F. FRANK

I, Ronald F. Frank, hereby declare as follows:

1. I am a partner of the law firm of Burke, Williams & Sorensen, LLP, attorneys of record for Defendant City of Burbank ("Burbank") in the above-entitled action, and I am duly licensed and admitted to practice law in the State of California. As such, I am familiar with the files, discovery and pleadings in this action. I am over eighteen years of age and I know all of the following facts to be true of my own personal knowledge, except as to those facts which I am informed and believe to be true, and as to those facts, I believe them to be true. If called as a witness, I could and would competently testify to each of the facts set forth in this Declaration.

2. Burbank has previously designated David J. Weiner as an expert witness in this action. I am informed and believe that Mr. Weiner is a Senior Economist and a principal with the firm Vavoulis, Weiner & McNulty. I am further informed and believe that Mr. Weiner received his B.A. degree in Business Administration in 1983 from University of California, Berkeley, and his M.B.A. in 1988 from The Wharton School, University of Pennsylvania.

3. Mr. Weiner is expected to testify regarding the opinions and reports of Plaintiff's economic and damages expert(s), including Plaintiff's claimed past loss of earnings, future claimed loss of earnings and employee benefits and the present value thereof, past medical and medical-related expenses and the present value thereof, and related matters. Mr. Weiner is also expected to testify about his opinions concerning Plaintiff's alleged damages and whether Plaintiff has been successful in mitigating those damages.

4. Mr. Weiner has agreed to testify at trial in this matter and he will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinions and their bases, that Mr. Weiner is expected to give at trial. Burbank will make Mr. Weiner available for deposition upon reasonable notice, and after the deposition of Plaintiff's designated expert Karen Smith, M.B.A., as Mr. Weiner is expected to critique the opinions of Ms. Smith, and Plaintiff has the burden of proof.

5. David Weiner's fees for deposition and court testimony are $350 per hour. Mr. Weiner's Curriculum Vitae and Fee Schedule are attached as Exhibit A.

6. Burbank is seeking leave of court to augment its expert designation by adding Jim Voge as an expert witness for the defense. I am informed and believe that Mr. Voge is a career law enforcement officer who currently works part time for the San Luis Obispo Sheriff's Office in its Professional Standards Unit where he oversees personnel complaint investigations and investigations of deputy-involved shootings. According to his professional resume, Mr. Voge received his Master's degree in Criminal Justice from California State University, Los Angeles in 1999, his Bachelor's degree in Public Administration from California State University, Dominguez Hills in 1981, and his Associate's degree in Police Science from Santa Monica Community College in 1972.

7. According to his professional resume, Mr. Voge has extensive background and experience in internal affairs investigations and their procedures, including responsibility as the commanding officer of the Los Angeles Police Department's Internal Affair Group and its Force Investigation Division. Mr. Voge is expected to testify to opinions regarding criminal and administrative investigations of sworn officers who are alleged to have committed misconduct, including specifically Gardiner Investigation #34 of the Plaintiff in the Burbank Police Department IA under master no. 04-16-09-1, and related matters. Mr. Voge is also expected to give opinions responding to those of Dr. Kim as to the 13 subjects listed in Plaintiff's expert declaration, and the circumstances warranting the use of outside investigators or outside law firms to assist in handling peace officer personnel investigations.

8. Mr. Voge has agreed to testify at trial in this matter and he will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinions and their bases, that Mr. Voge is expected to give at trial. Burbank will make Mr. Voge available for deposition upon reasonable notice, and after the deposition of Plaintiff's designated expert Paul Kim, as Mr. Voge is expected to critique the opinions of Dr. Kim, and Plaintiff has the burden of proof.

9. Mr. Voge's fees for deposition and court testimony are $250 per hour with a $500 minimum. Mr. Voge's Professional Resume and Fee Schedule are attached as Exhibit B.

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10. To my knowledge, Mr. Voge has not yet prepared any discoverable reports or writings within the contemplation of California Code of Civil Procedure § 2034.270, however, he may prepare writings or exhibits before he testifies.

11. Defendant has previously identified James M. Gardiner as a percipient witness, and also designated him as a non-retained expert witness in this action. Mr. Gardiner is the principal of James Gardiner Associates, a firm which provides consulting on executive management and personnel investigation to a significant number of cities in California and beyond. Mr. Gardiner has over 30 years of law enforcement experience, including 15 years as the Chief of Police for the City of San Luis Obispo and, prior to that, 17 years as a sworn officer up to the rank of Captain at the Newport Beach Police Department. Mr. Gardiner has a bachelor's degree in criminology in 1972 from California State University, Long Beach, and a master's degree in management in 1981 from the University of Redlands.

12. Mr. Gardiner is expected to testify at trial, and if asked he may offer expert opinions concerning the practices of the Burbank Police Department that were the subject of his investigation and to testify regarding the opinions and reports (if any) of Plaintiff's police practices expert regarding the same.

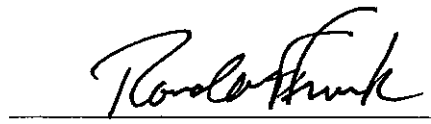
13. Mr. Gardiner has agreed to testify at trial in this matter and he will be sufficiently familiar with the pending action to submit to a meaningful oral deposition concerning the specific testimony, including any opinion and its basis, that Mr. Gardiner is expected to give at trial. Defendants will make Mr. Gardiner available for further deposition upon reasonable notice, and after the deposition of Plaintiff's designated expert(s) on the subject of police practices, as Mr. Gardiner is expected to respond to certain expected opinions of Plaintiff's expert(s), if any, and Plaintiff has the burden of proof.

14. Mr. Gardiner's fees for deposition and court testimony are $140 per hour. Mr. Gardiner's Curriculum Vitae and a fact sheet for James Gardiner Associates are attached as Exhibit C.

15. To my knowledge, Mr. Gardiner has not prepared any discoverable expert reports or writings within the contemplation of California Code of Civil Procedure § 2034.270.

However, Mr. Gardiner's investigation files have been turned over following the Court's granting of plaintiff's *Pitchess* motion seeking the same, and he may prepare other writings or exhibits before he testifies.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on December 5, 2011 at Los Angeles, California.



Ronald F. Frank

VAVOULIS, WEINER & MCNULTY, LLC

Economic Analysis and Forensic Accounting

Reply To: Los Angeles Office
445 South Figueroa Street, Suite 3700
Los Angeles, CA 90071-1641
Phone: (213) 817-6600
Fax: (213) 817-6633
E-mail: info@vwmeconomics.com

Fresno Office
516 West Shaw Avenue, Suite 200
Fresno, CA 93704-2515
Phone: (559) 221-2627
Fax: (559) 221-2628

Professional Resume
David J. Weiner, M.B.A., AM
Senior Economist

EMPLOYMENT SUMMARY

2009-Present	**Vavoulis, Weiner, & McNulty, LLC** **Los Angeles, California** Economist and Principal
2004-2009	**Vavoulis & Weiner, LLC** **Los Angeles, California** Economist and Principal
1997 – 2004	**West Coast Economics, LLC** **Los Angeles, California** Economist and President – Economic analysis, forensic accounting and business valuation.
1984 - 1986 1990 - 1997	**Brinton Economics, Inc.** **Los Angeles, California** Senior Economist - Involved in research and analysis in support of litigation matters.
1988 - 1990	**Deloitte & Touche (Formerly Touche Ross)** **Los Angeles, California** Management Consulting Division Senior Consultant - Responsible for identifying problems and developing creative solutions within appropriate engagement context. Emphasized Retail and Capital Markets services.
1987	**J. Walter Thompson** **New York, New York** Account Manager

EDUCATION

The Wharton School, University of Pennsylvania,
Philadelphia, Pennsylvania
M.B.A., 1988
Marketing and Entrepreneurial Management

University of California, Berkeley,
Berkeley, California
B.S., With Honors, in Business Administration, 1983
Phi Beta Kappa, Beta Gamma Sigma
Economic Analysis and Policy and Marketing

PROFESSIONAL SOCIETIES

American Academy of Economic & Financial Experts
American Society of Appraisers (Accredited Member)
National Association for Business Economics
National Association of Forensic Economics
Institute of Business Appraisers, Inc.
Western Economic Association

VAVOULIS, WEINER & MCNULTY, LLC

Economic Analysis and Forensic Accounting

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Fax: (559) 221-2628

Vavoulis, Weiner, & McNulty, LLC

Case Analysis Fee:	*$350 per hour*
Deposition Testimony Fee:	*$350 per hour*
Court Testimony Fee:	*$350 per hour*
Non-Refundable Designation Fee:	*$1,000*

(To be paid in advance and credited towards total amount billed to case.)

Tax Identification Number: 20-0627168

JAMES F. VOGE
3200 Bradford Circle, Cambria, CA 93428
jimvoge@gmail.com h-805-203-5066 c-805-801-8245

RE'SUME'FOR JAMES F. VOGE

PROFESSIONAL EXPERIENCE

- Thirty-five years of police experience with 18 years at the upper management level.
- Extensive experience in all facets of police work including patrol operations, narcotic enforcement, comprehensive follow-up investigations, and internal affairs.
- Approachable leader who possesses outstanding communication skills and is able to achieve solidarity and respect from divergent groups.

SUMMARY OF QUALIFICATIONS

SAN LUIS OBISPO COUNTY SHERIFF'S OFFICE
2011 – Present

Sheriff Commander **Professional Standards Unit**

I am responsible for the creation and implementation of the new complaint policies and procedures for the Sheriff's Department. I am tasked with creating the new complaint form along with instructing personnel regarding personnel complaint investigations. I am responsible for the oversight of all personnel complaint and deputy-involved shooting investigations.

2007 – 2011

Instructor **Harvey, Ward and Associates**
Dallas, Texas

I teach a 12-hour course titled "Officer-Involved Shootings and Use of Lethal Force by Police Officers." The course covers the response, investigation, presentation, and adjudication of these important incidents. I have taught this course throughout the United States.

JAMES F. VOGE
3200 Bradford Circle, Cambria, CA 93428
jimvoge@gmail.com h-805-203-5066 c-805-801-8245

LOS ANGELES POLICE DEPARTMENT
1972 to 2007

2006 – 2007 **Internal Affairs Group**

Police Commander
Commanding Officer

Responsible for the criminal and administrative investigations of all Department employees regarding allegations of misconduct. I ensured that all investigations seek the truth of the matter and that discipline is applied in an impartial and just manner. I was responsible for the review and evaluation of all Department discipline that exceeded 6000 investigations per year. I had line commandover 278 sworn and civilian personnel.

2004 - 2006 **Force Investigation Division**

Police Captain III
Commanding Officer

Responsible for the criminal and administrative investigations of all Department employees' use of lethal force. Duties included liaison with the Police Commission's Inspector General, the Los Angeles District Attorney's Office, the Los Angeles Police Protective League (Police Union), and the Office of the Chief of Police. I had line command over 62 sworn and civilian personnel.

Notable Accomplishments

- Created a division tasked with investigating the criminal and administrative actions associated with all employees' use of lethal force. This division has become a national model for investigative effectiveness as noted by the Police Executive Research Forum.
- Developed an investigative protocol to protect the integrity of the criminal and administrative investigations associated with an employee's use of lethal force.
- Developed a unique presentation program to reenact the lethal force incident by the use of computer software within 72 hours of the event.
- Responsible for highly sensitive and publicized investigations including the Mexican Embassy shooting, the Devin Brown case, and the Suzy Pena death.

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2003- 2004 **Internal Affairs – Special Operations Division**

Police Captain II
Commanding Officer

Responsible for undercover integrity sting- audits, random and specific, of department personnel. Also responsible for surveillance of department personnel suspected of criminal activity. I had line command over 46 sworn and civilian personnel.

2003 **Internal Affairs – Chief Investigator**

Police Captain II
Commanding Officer

Responsible for criminal and administrative internal investigations of department personnel assigned to South, West, and Valley Bureaus. In addition, I was responsible for all investigations involving family violence. I had line command over 125 investigators.

Notable Accomplishments

- Eliminated a massive investigative backlog within 11 weeks by changing personnel assignments, added emphasis on backlog reduction, and personal involvement.
- Directed highly sensitive and publicized investigations including the arrest of a police captain for possession and sales of counterfeit DVD's; a police sergeant involved with dissemination of confidential information to a well known private investigator, and an undercover investigation and subsequent arrest of a department employee for sexual battery.

1999 - 2003 **Narcotics Division**

Police Captain II
Commanding Officer
Major Violators Section

Responsible for investigations of major traffickers, suppliers, and distributors of narcotics and dangerous drugs throughout the City of Los Angeles. Duties included

coordinating with Federal and State task forces such as the High Intensity Drug Trafficking Area Task Force and the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force. I was also responsible for drug and narcotics interdiction at the Los Angeles International Airport and the United States Post Office. I had line command over 136 sworn and civilian personnel.

Police Captain II
Commanding Officer
Field Enforcement Section

Responsible for investigations involving the sales, use, and distribution of narcotics and dangerous drugs at the street level throughout the City of Los Angeles. This assignment included the oversight of undercover buy programs and providing services to identified repressible crime locations. I had line command over 203 sworn and civilian personnel.

Notable Accomplishments

- Increased enforcement action while decreasing the amount of personnel complaints.
- Coordinated major narcotics investigations and seizures through the use of wire intercepts.
- Effectively managed citywide narcotics enforcement efforts despite diminishing personnel resources.

1998 – 1999 Continuing Education Division

Police Captain II
Commanding Officer

Responsible for the development, implementation, coordination, and delivery of in-service training for the 13,000 employees of the Los Angeles Police Department.
I was responsible for ensuring the Department's compliance with regulatory and statutory training standards and mandates. Liaison with regulatory agencies and maintain oversight of the administration of Department training funds.

I had line responsibility over 114 sworn and civilian personnel, as well as functional supervision responsibility for 77 training coordinators. Continuing Education Division maintains four different training facilities throughout the City of Los Angeles.

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Notable Accomplishments

- Reorganized the Division emphasizing accountability through the chain of command.
- Redesigned Department schools to ensure realistic training.
- Implemented remodeling of the Police Academy.

1997 – 1998 Hollenbeck Community Police Station

Police Captain I
Commanding Officer
Operations Support Division

Responsible for coordinating all detective, gang suppression, and vice services within the Area. My staff included 105 sworn and civilian personnel.

Police Captain I
Commanding Officer
Patrol Division

Responsible for all patrol and gang suppression operations on the eastside of Los Angeles. I had line command over 256 sworn and civilian personnel.

Notable Accomplishments

- Developed and implemented a unique domestic abuse response team comprised of community members.
- Implemented the Hollenbeck Community Action Network that provided the community with a safe and confidential method of reporting suspicious and criminal activity.
- Directed an intense campaign against violent gang-related crimes by forming an efficient and effective gang detail.

1994 – 1997 Newton Community Police Station

Lieutenant II
Detective Commanding Officer

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Responsible for all follow-up investigations in Newton Area. I had line command over 54 sworn and civilian personnel.

Notable Accomplishments

- Creation and implementation of the Community Action Network.
- Developed supervisors that reflected the cultural diversity of the community.
- Directed several high profile cases that included an attempt murder and rape of a kindergarten student at an elementary school; the murder of a mother and kidnapping of her nine-year-old daughter; and, the kidnapping of a one-year-old baby from the DPSS office.

1991– 1994 Commission Investigation Division

Lieutenant II
Commanding Officer

Responsible for the regulatory control of all entities required to possess Police Commission permits. I had line command responsibility for 45 sworn and civilian personnel.

Notable Accomplishments

- Creation of a business-friendly permit application process to prevent the unethical practices of "facilitators" who prey on new arrivals in this country.
- Directed public service campaigns regarding unethical police solicitors and bandit tow trucks.

1991	**Central Division**, Administrative Lieutenant
1990	**Newton Division**, Lieutenant Watch Commander
1990	**Hollywood Division**, Vice Sergeant
1985	**Internal Affairs Division**, Complaint Investigator, Surveillance Squad Leader
1982	**Southeast Division**, Patrol Sergeant, Complaint Sergeant, Assistant Watch Commander
1981	**Newton Division**, Patrol Sergeant
1978	**77th Street Division**, Training Officer, Gang Enforcement Officer, and Vice Investigator
1975	**Southwest Division**, Training Officer, Gang Enforcement Officer

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1973 **Venice Division,** Patrol Officer
1972 Los Angeles **Police Academy**

1974 – 1975 **ASPEN POLICE DEPARTMENT, Colorado**

Patrol Officer

After serving 16 months with the Los Angeles Police Department I accepted a position with the Aspen Police Department where I served as a patrol officer for one year. I then returned to Los Angeles and was reinstated in 1975.

EDUCATION

1999 Master of Science – Criminal Justice
California State University, Los Angeles

1998 Los Angeles Police Department
Command Development School

1995 Federal Bureau of Investigation
National Academy, Class 181

1981 Bachelor of Science – Public Administration
California State University, Dominguez Hills

1972 Associate of Arts Degree – Police Science
Santa Monica Community College

PROFESSIONAL ORGANIZATIONS

International Association of Chiefs of Police
Los Angeles Police / Fire Retirement Association
FBI National Academy Associates
Peace Officers Association of Los Angeles County

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P.O.S.T. CERTIFICATIONS

P.O.S.T. Certificates: Basic, Intermediate, Advanced, Supervisory and Management.

TEACHING EXPERIENCE

Los Angeles Police Department – Command Development School
"Employee Deaths – Commanding Officer Responsibilities"
1998 to 2007.

Los Angeles Police Department – Operation Support Division Commanding Officer School "Commanding Officer Responsibilities" 1998 to 1999.

Los Angeles Police Department – Sergeants School
"Effective Oral Communication" 1998 to 2004.

International Association of Chiefs of Police
"Managing an Officer-Involved Shooting" – Miami Conference 2005

Los Angeles Police Department – Supervisors School
"Managing an Officer-Involved Shooting" 2005 to Present.

Los Angeles Police Department – Watch Commanders School
"Managing an Officer-Involved Shooting" 2005 to 2007.

Instruction at the 2006 Missouri Homicide Association

Instruction at the 2007 Toronto Internal Affairs Conference

In addition, I have taught a 12-hour course titled "Officer-Involved Shootings and Lethal Use of Force by Police Officers" for Harvey, Ward, and Associates in the following cities: Detroit, MI, St. Louis, MO, Highlands Ranch, CO, Dane County, WI, Bay City, MI, Florence, AL, Dearborn, MI, Little Rock, TN, Charlotte, MI, and Middletown, CT.

San Luis Obispo County Sheriff's Office - CA POST certified 8 hour class titled "Officer-Involved Shootings and Lethal Use of Force by Police Officers"

Public Agency Training Council Class Adjudication of Use of Force and Establishing and Internal Affairs Unit

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REFERENCES: Furnished upon request.

From the desk of
James F. Voge
3200 Bradford Circle
Cambria, CA 93428
(805) 203-5066
(805) 801-8245
jimvoge@gmail.com

November 29, 2011

Ronald F. Frank, Partner
BURKE, WILLIAMS & SORENSEN, LLP
444 South Flower Street
Suite 2400
Los Angeles, CA

Dear Mr. Frank,

Thank you for your consideration in hiring me as an expert witness. I have a vast amount of experience in internal discipline. During eight of my 35 years of law enforcement, I have been assigned to Internal Affairs / Professional Standards as an investigator, and a commanding officer, both at the captain and commander rank. When I retired from the Los Angeles Police Department in August of 2007, I was the commanding officer of Internal Affairs Group. I have also spent a considerable amount of time in the adjudication of discipline as the employee's commanding officer or sitting on a Board of Rights. I have currently created the Professional Standards Unit of the San Luis Obispo County Sheriff's Office and am employed as a Sheriff's Commander of that unit.

Fee:

- $225 per hour research, analysis, and deposition / trial preparation
- $250 per hour deposition or trial (minimum $500)
- No retainer, no hourly travel fee except reasonable expenses associated with the travel
- If you send documents electronically, reasonable photocopying fee

If you have any questions, please contact me at (805)203-5066 (h), (805) 801-8245 (c), or at the above email address.

Sincerely,

Jim Voge

JAMES M. GARDINER

320 Twin Ridge Dr.
San Luis Obispo, CA 93405
805.550.6406
jgachief@charter.net

SUMMARY

Progressive, innovative leader with 29 years experience in executive, managerial, and supervisory leadership.
Demonstrated ability to build effective organizations and work groups.
Proven consensus builder with strength in developing collaborative partnerships.
Effective planning and organizational skills.
Possess effective presentation, verbal and written communication skills.
An experienced team player, bringing enthusiasm and energy into group efforts.
A community leader with demonstrated ability to work with elected officials, business leaders, and community groups.

EXPERIENCE

JAMES GARDINER ASSOCIATES 2002 - present

Principal/Owner of consulting and investigations business. Work has included investigations in both the public and private sector. Consulting work has included organizational audits and executive recruitment.

Clients have included the cities of Grover Beach, Fresno, El Cajon, Modesto, Manhattan Beach, Hermosa Beach, Carmel by the Sea, Santa Monica, Davis, Brentwood, Costa Mesa, Bishop, Eugene OR., San Luis Ambulance Service, private sector business, and local attorneys.

CITY OF SAN LUIS OBISPO 1987 – 2002
San Luis Obispo, California

Chief of Police

Chief Executive for 90 full-time and 25 part-time/volunteer employees.

CITY OF NEWPORT BEACH 1970 - 1987
Newport Beach, California

Captain	1981 – 1987
Lieutenant	1978 – 1981
Sergeant	1973 – 1978
Officer	1970 – 1973

EDUCATION AND TRAINING

M.A. in Management, University of Redlands - 1981
B.S. in Criminology, California State University Long Beach – 1972
Law Enforcement Command College, Commission on P.O.S.T. – 1987
FBI National Academy, Virginia - 1982

PROFESSIONAL LEADERSHIP POSITIONS

President, California Peace Officers Association – 1998
Chairman, SLO County Criminal Justice Administrators' Association - 1991
Chairman, SLO County Narcotics Task Force – 1997-1998
Board member, California Police Chiefs' Association

COMMUNITY LEADERSHIP POSITIONS

Prado Day Center Major Campaign Chair 2004-2005
United Way, Campaign Chair 2002-03. Board member 1996-2002
Law Enforcement Torch Run for Special Olympics, Director 1988 to 2003
Cal Poly Ambassadors for Higher Education – Charter member
Sierra Vista Medical Center, Governing Board 2002 to 2008
Charitable Auctioneer for over 15 non-profit organizations

RECOGNITIONS

2002 Citizens of the Year (with spouse), SLO Chamber of Commerce
2001 Inducted into International Law Enforcement Torch Run Hall of Fame
2000 Special Olympics Hero, Special Olympics International Award
1997 California All-Star Dad, California Department of Social Services
1995 Community Service Award, California Parks & Recreation Society
1993 Micki Rainey Memorial Award, California Peace Officers Association
1993 Community Person of the Year, Congregation Beth David
1993 State Adult Volunteer of the Year, California Special Olympics
1993 Humanitarian of the Year, United Way of SLO County

James Gardiner Associates

EXECUTIVE MANAGEMENT AND PERSONNEL INVESTIGATIONS

F A C T S H E E T

BSIS P.I. Lic No 23846
320 Twin Ridge
San Luis Obispo, CA 93405

P: 805.550.6406
F: 805.541.6880

jgachief@charter.net
www.jamesgardinerassociates.com

James Gardiner is the owner/principal of James Gardiner Associates (JGA), a consulting firm with proven credentials in both executive management and personnel investigations. A licensed private investigator, James Gardiner has devoted more than 34 years to law enforcement, including over 14 years as the police chief for a progressive California city.

JGA offers discreet and expert service for businesses and public organizations. Professional services include site visits, personal interviews, interpersonal and professional assessments, and credit and background checks.

James Gardiner is a skilled senior executive who understands the demands and challenges of day-to-day operations. His extensive network of law enforcement contacts, partnered with outstanding management skills, makes his firm ideally suited to assist with sensitive personnel and operations issues.

Experience and Qualifications

- 34 years service with the Los Angeles, Newport Beach and San Luis Obispo police departments
- Managed 90 full-time and 25 part-time employees as Police Chief for San Luis Obispo
- Clients include the California cities of Anaheim, Arroyo Grande, Atascadero, Bishop, Brentwood, Burbank, Carmel, Costa Mesa, Davis, El Cajon, Fairfield, Fowler, Fresno, Galt, Glendale, Grover Beach, Half Moon Bay, Hermosa Beach, La Mesa, Manhattan Beach, Modesto, Oakland, Redlands, Santa Monica, Truckee, Union City, and Visalia. Out of state clients include and Apache Junction, AZ, Casa Grande, AZ, Eugene, OR, and Hillsboro, OR. Governmental agencies include the Los Angeles Housing Authority, Santa Monica College, County of Santa Barbara, Oceano Community Services District, and the California Commission on Peace Officers Standards and Training.

Education and Training

- Master's degree in management, University of Redlands – 1981
- Bachelor's degree in criminology, CSU Long Beach – 1972
- Law Enforcement Command College, Commission on P.O.S.T – 1987
- FBI National Academy, Virginia – 1982

Professional Leadership Experience

- President, California Peace Officers Association – 1998
- Chairman, SLO County Criminal Justice Administrators Association – 1991
- Chairman, SLO County Narcotics Task Force – 1997-98
- Board member, California Police Chiefs Association
- Course coordinator and Instructor, CPCA "Role of the Chief" 1995 to present

PROOF OF SERVICE

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 444 South Flower Street, Suite 2400, Los Angeles, California 90071-2953. On December 5, 2011, I served a copy of the within document(s): **CITY OF BURBANK'S SUPPLEMENTAL EXPERT WITNESS DESIGNATION; DECLARATION OF ROBERT J. TYSON**

- [x] by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- [x] by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- [ ] by placing the document(s) listed above in a sealed _____ envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for delivery.
- [ ] by electronically sending a pdf copy of the document(s) listed above to the E-mail address(es) set forth below on this date before 5:00 p.m.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid 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.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 5, 2011, at Los Angeles, California.

Theresa Nevarez

SERVICE LIST
Taylor v. City of Burbank, et al.
LASC Case No. BC422252

Gregory W. Smith, Esq.
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9100 Wilshire Boulevard, Suite 345E
Beverly Hills, CA 90212
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Santa Monica, CA 90404
Telephone: (310) 394-6447
Facsimile: (310) 656-7701
E-mail: samorai@surfcity.net

Linda Miller Savitt, Esq.
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EXHIBIT D

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Attorneys for Plaintiff
WILLIAM TAYLOR

UNLIMITED JURISDICTION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

WILLIAM TAYLOR, Plaintiff, vs. CITY OF BURBANK and DOES 1 through 100, inclusive, Defendants.	**CASE NO. BC 422 252** **[Assigned to the Hon. John Shepard Wiley, Jr., Judge, Dept. "50"]** **PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES** **Action Filed: September 22, 2009** **FSC: November 23, 2011** **Trial: December 6, 2011**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff, WILLIAM TAYLOR, pursuant to Code of Civil Procedure section 2034.210, et seq., hereby submits his list of expert witnesses whom he expects will be called to testify at the time of trial in this matter.

A. TREATING AND EXAMINING PHYSICIANS NOT RETAINED BY THIS PLAINTIFF: Plaintiff anticipates calling his treating and examining physicians or other

medical care providers. Said individuals are not experts as described in section 2034.210(b), but will be asked expert questions in addition to questions concerning their percipient medical observations of the care, treatment, causation of injury, and/or examination they provided or observed regarding Plaintiff, including but not limited to, his or her own compliance with the standard of practice in rendering that care. Relative to the health care providers included under this category, said expert opinions are expected to include, but are not limited to, the following subjects: diagnosis, prognosis, disability, causation, findings on examination, treatment, tests, need for future treatment, medical billings, propriety of medical services, propriety of medical charges, injuries, damages, and any and all related matters.

1. Sean Leoni, M.D., 16661 Ventura Boulevard, Suite 604, Encino, California telephone no. (818) 788-8213.

2. Dr. Stanley Majcher, M.D. 1028 East Walnut Creek Parkway, Suite C, West Covina, California 91790, telephone no. 626-919-5888.

B. EXPERTS RETAINED BY THIS PLAINTIFF: Plaintiff's designation of the following experts is based upon allegations or contentions made known to them by Plaintiff or other Defendants. Should new allegations be made, Plaintiff reserves the right to designate and call at the time of trial of this matter, such further experts as Plaintiff deems advisable or appropriate.

1. Karen Smith, M.B.A.; Ms. Smith is an economist. Ms. Smith maintains her place of business at 2777 Lombardy Road, San Marino, California 91108, Tel. (626) 796-4040. Please refer to the declaration of Gregory W. Smith and the attached Curriculum Vitae for further particulars concerning this witness.

2. Dr. Paul M. Kim; Dr. Kim is a retired law enforcement officer. Dr. Kim is a

former police officer. Therefore, his address is confidential, but he may be contacted through Plaintiff's counsel. Please refer to the declaration of Gregory W. Smith and the attached Curriculum Vitae for further particulars concerning this witness.

Dated: October 17, 2011

LAW OFFICES OF GREGORY W. SMITH

By: _____

GREGORY W. SMITH
Attorneys for Plaintiff
WILLIAM TAYLOR

“DECLARATION”

DECLARATION OF GREGORY W. SMITH

I, Gregory W. Smith, declare as follows:

1. I am an attorney of law duly licensed to practice law in the State of California and I am one of the attorneys of record for Plaintiff William Taylor herein.

2. This declaration is made of my own knowledge and if called to testify concerning the contents of this declaration, I could and would so testify.

3. Ms. Karen Smith, M.B.A. is an economist. Ms. Smith has been retained and has agreed to testify on behalf of the Plaintiff and will be prepared to render expert opinions and provide expert testimony on economic matters placed in issue within the ambit of her expertise.

4. Ms. Smith is expected to express expert opinions concerning, but not limited to, the following subjects: precise calculation and determination of Plaintiff's loss of income claims and benefits, and regarding Plaintiff's loss of earning capacity.

5. In addition, Ms. Smith will provide expert testimony concerning any and all opinions expressed by any other economist designated by other parties to this lawsuit. Ms. Smith is expected to provide rebuttal testimony to any opinions of the experts of Defendants with which she does not agree. Ms. Smith's rate for deposition is $400.00 per hour. Her fees for trial are in the amount of $400.00 per hour.

7. Ms. Smith has previously testified as an expert witness. Attached hereto and designated as Exhibit "1" is a true and correct copy of Karen Smith's Curriculum Vitae.

8. Mr. Paul Kim is a retired Commander of the Los Angeles Police Department and has extensive knowledge in the area of internal affairs investigations regarding law enforcement. Mr. Kim has been retained and has agreed to testify on behalf of the Plaintiff and will be prepared to render expert opinions and provide expert testimony on

matters concerning the original Porto's IA investigations conducted by the Burbank Police Department, the subsequent investigation conducted by Mr. Gardiner, and the termination of William Taylor.

9. Mr. Kim is expected to express expert opinions concerning, but not limited to, the following subjects: (1) All aspects of the internal affairs investigation conducted in Porto's 1 & 2; (2) the proper procedures and techniques for conducting an internal affairs investigations; (3) the proper way to ensure a fair and reasonable investigation in an internal affairs investigation; (4) investigative techniques used to investigate witnesses and/or subjects of an internal affairs investigation; (5) the proper use of photo lineups in internal affairs investigative procedures such as the one used in Porto's 1; (6) the proper use of witness versus focus interviews in an internal affairs investigation such as the one used in Porto's 1; (7) the purpose of Skelly procedures; (8) any improprieties in the Skelly procedure used by the City of Burbank in the termination of Bill Taylor; (9) improprieties in the investigation conducted by Gardiner during Porto's 2; (10) Department and IA oversight in the Porto's 1 and 2 investigations; (11) the consequences of offering immunity to a witness in an internal affairs investigation; (12) the difference between an unfounded versus a sustained complaint; and (13) whether Gardiner conducted an appropriate IA investigation concerning Plaintiff's termination.

10. Attached hereto and designated as Exhibit "2" is a true and correct copy of Mr. Paul Kim's Curriculum Vitae.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 17th day of October, 2011.

GREGORY W. SMITH

EXHIBIT "1"

ADAMSSMITH ECONOMICS

2777 LOMBARDY ROAD
SAN MARINO, CALIFORNIA 91108-1518

MIKE ADAMS, PH.D.
KAREN SMITH, M.B.A.

626.796.4040

Facsimile: 626.356.1777

RESUME OF KAREN SMITH

EDUCATION

Masters of Business Administration
Concentration in Finance and Business Economics
University of Southern California
December 1989

Bachelor of Arts in Management Science and Applied Mathematics
Minor in History
University of California, San Diego
August 1984

CONSULTING EXPERIENCE

Economic consultant to the U.S. Justice Department, State of California, State of Hawaii, City of Los Angeles, County of Los Angeles and the City of Santa Monica. Research and testimony on behalf of defendants and plaintiffs in cases of real estate, business litigation, personal injury, wrongful termination, wrongful death and family law.
1985 to Present.

Qualified as an expert witness in California Superior Court, State of Hawaii and United States Federal Court.

Assistant Vice President and Senior Economist, IBAR Settlement Company, Inc. Involved with management decisions and the supervision of four economists.
1985 to 1990.

CURRENT EMPLOYMENT

Economist, AdamsSmith Economics

ASSOCIATIONS

American Economic Association
National Association of Business Economists
National Association of Forensic Economics
Beta Gamma Sigma

EXHIBIT "2"

DR. PAUL KIM

SUMMARY

- Police Practices Expert Witness and Consultant.

- B.S. with Honors in Public Management, Pepperdine University
- Masters in Public Administration, Pepperdine University
- Doctorate in Public Administration, University of La Verne

- Advanced Management Certificate: the highest certification of police executives based on levels of education and qualified work experience by State of California Police Officer Standardization and Training (POST).

- Former Commanding Officer, Los Angeles Police Department, Training Group: Operated recruit academies and in-service training schools.

- Retired at the highest civil service rank (a general staff rank with one star) with a proven track record of advancement and accomplishments with the Los Angeles Police Department and a graduate of FBINA, 172nd Class: Experience as an Internal Board of Rights Hearing Officer and a permanent member of the Department Use of Force Review Board
- Nine years of experience as a Commanding Officer
- Nine years of Police Supervisory Experience

- Former Commissioner, Los Angeles County Criminal Justice Procedures Commission

- Former President, Board of Transportation Commissioners, City of Los Angeles.

- Former Chairperson of the Justice for Murdered Children – a group for parents for unsolved murders involving younger victims

- Initiated the "Stop the Violence" movement, which became a community mobilization tool.

- Initiated the "Good Deed" Lead: employee recognizing other employees for extra service and small acts of kindness

- Recipient of Quality of Service Management Achievement Award, LAPD

- Former Board member, Parker Foundation, LAPD
- Recipient of the Martin Luther King Parade Committee's Unity Leadership Award
- Former Chair, Los Angeles Area Chamber of Commerce, International Trade & Investment Committee
- Member, Community Advisory Board, Hollywood Presbyterian Hospital
- Former Board Member, Coro Leadership Foundation of Southern California
- Mayoral Transition Team member, 2005, City of Los Angeles
- Former Columnist for Radio Korea, the largest Korean language radio station outside Korea, and news columnist for TVK-24, Asian-American cable T.V. network
- Recipient of the Republic of Korea Presidential Dong Baek Medal for the public service
- Adjunct Associate Professor, Los Angeles City College
- *Director at Large, 1st Marine Division Association: Honorably Discharged Captain,* U.S. Marine Corps

EXPERIENCE

- **(2005 – Present) Police Procedures Consultant/ Expert Witness**
- **(2005 - 2008)**
  President, City of Los Angeles, Board of Transportation Commissioners and Consultant
- **(2003 – 2005)**
  Commanding Officer, Training Group, Los Angeles Police Department (LAPD)
  - Provided oversight and leadership to department-wide training.
  - Managed three police academies, in-service training and interactive distance learning programs.
  - Responsible for training components contained in the Federal Consent Decree, the most significant police reform package including adjudication of officer-involved shooting cases and automated problem employee early warning program.

- Managed administrative, technical, and legal mandates of various government regulations for police and civilian employee training.

- Implemented police training audit systems to ensure consistency.

- **(2002 – 2003)**
Acting Commanding Officer, Operations-West Bureau

- Served as Acting Commanding Officer of Operations-West Bureau, leading six police divisions; Hollywood, Pacific, LAX (Airport), Wilshire, West Los Angeles, and West Traffic.

- Provide proactive oversight for six police divisions providing police service for over a million people.

- Reviewed and approved internal disciplinary investigations including use of force cases.

- Initiated police service access seminars and citizen police academies to include previously disfranchised communities to harvest and mobilize their talents.

- Initiated employee recognition program, "Good Deed Memo," to encourage acts of extra effort and sensitivity by employers.

- Implemented the Department's first Consent Decree Coordinator Program.

- **Captain III (2000 – 2002)**
Area Commanding Officer, Harbor Community Police Station

Plan, develop, and implement strategies for effective leadership and continuous improvement in the following areas:

- **Community Safety**

  - Area Commanding Officer of a Harbor Area during the 9-11 incident and responsible for initiating a federal and local anti-terrorism task force.

  - Reviewed and approved internal disciplinary cases including use of force cases.

  - Initiated Fear Reduction Team to focus on community safety perception issues.

  - Initiated the first Regional Emergency Response Plan for the Port Community.

- Initiated a "gang" table where detectives focused on all crimes involving gang members and implemented an integrated problem-solving tactics.

- Established "Stop the Violence" Block public rallies, public street community fair events, at the site of murders and hate crimes to reach people who normally do not participate in police-sponsored events.

- Created Anti-Tagger Detail to gather gang intelligence and to reduce fear in the community.

- Initiated Harbor City and Wilmington Gang Injunction process to deter gang influence.

▶ **Community Mobilization**

- Initiated for Community-Police Advisory Board (C-PAB) work teams on youth, traffic, crime and quality of life issues; created the only Spanish-speaking C-PAB work team in the City.

- Instituted new website to communicate with the public.

- Introduced Community Action Network (CAN) brochures.

- Initiated "Storm the Bridge" fundraiser for the station youth programs to promote gang intervention.

- Selected as the 2001 Wilmington Community Parade Grand Marshall for the recognition in Spanish-speaking neighborhoods.

- Selected for the Peace Builder's Award, by Toberman Settlement House, Inc. in recognition for working with gangs and their family members to stop retaliatory shootings.

- Initiated the regular communication sessions for surviving family members of unsolved homicide victims.

▶ **Employee Training/Morale/Productivity**

- Established Vertical Staff meetings, personally communicating with officers and civilian employees at all levels.

- Established "Workplace Harmony Committee" to promote acceptance of differences in people.

- Implemented a "Command Thank You" note program to improve employee productivity.

- Established Local Chapter of 10851 Club to recognize officers for grand theft auto arrests and 12020 Club to recognize officers for gun arrests.

- **Captain II (1998 – 2000)**
  Commanding Officer of West Traffic Division (WTD)

Planned, developed, and implemented strategies for the effective internal management and continuous improvements in the following areas:

- **Community Safety**

  - Established Bureau-wide Traffic Enforcement Task Force, with all four patrol divisions within the Bureau, to better serve the public and to increase traffic safety.

- **Community Mobilization**

  - Developed the first C-PAB for a Traffic Division and sponsored a Bureau-wide traffic problem-solving summit.

  - Increased bilingual positions from 15 in 1998, to 38 in 1999 to provide more services in the Spanish, Korean, Armenian and Japanese languages.

- **Personnel Training/Morale**

  - Created Good Deed Lead, civilian and sworn employee's formal recognition by other employees for building good will within the community as a positive reinforcement tool to empower employees.

  - Developed the "Audio Mentoring" tape program to capture retired employees' professional advice as a mentoring tool for supervisors and officers.

  - Selected the Department's first female Motor Sergeant.

  - Published a Divisional Newsletter for traffic officers.

  - Removed Motors from the "Queue" to focus their efforts on proactive traffic enforcement strategies and to increase accountability.

  - Implemented a structured employee orientation program.

- Established Area Traffic Coordinator Council to secure cooperation among patrol divisions.

▶ **Other Major Accomplishments**

- Systemized the process of accepting, investigating, and categorizing community traffic complaints and feedback procedures.
- Initiated an application for funding a computerized traffic data analysis system with the State of California Office of Traffic Safety.
- Planned and implemented a rapid expansion program to increase WTD staffing level.
- Increased Reserve Officer Corps from nine to thirty-six; conducted four weekly traffic task force operations each month (never done before), significantly increasing its effectiveness; initiated a newsletter for Reserves to increase recruitment and retention.

□ ***Police Captain I (1997 – 1998)***
Commanding Officer of West Los Angeles Operations Support Division

Planned, developed, and implemented the activities of supervisors, officers, and civilians to better serve public needs.

▶ Successfully handled a series of major demonstrations associated with the O.J. Simpson trial, UCLA, and the Federal Building by developing a cadre of highly trained supervisors, officers, and civilians.

□ **Police Captain I (1996 – 1997)**
Commanding Officer of Pacific Detectives

▶ Completed the Department's Pilot Study of providing command focus on improving detective performance and service.

□ **Police Captain I (1996 – 1997)**
Commanding Officer of Pacific Patrol Division

▶ Implemented a computerized tracking system for projects and personnel complaint investigations.

- **Police Lieutenant II (1994 – 1996)**
  Internal Affairs Division

  - Appointed as Officer-In-Charge (OIC) of Internal Surveillance Detail (ISD); planned and implemented a series of changes to expand the unit's mission to include special operations such as undercover and integrity sting; proposed and implemented changes to Special Operations Section (SOS) and incorporated more proactive missions to ensure police integrity.

  - Initiated and managed a significant police corruption case involving multi-agency effort: planned and implemented a series of surveillance and undercover strategies to identify, arrest, and convict involved police personnel and other government employees.

- **Police Lieutenant II (1993 – 1994)**
  Adjutant to Bureau Commanding Officer

  - Reviewed use of force and disciplinary cases from six police divisions serving over 1 million residents.

  - Planned and implemented a uniform system for fact sheet investigations.

- **Police Lieutenant I (1991 – 1992)**
  Officer in Charge (OIC) of General Investigations, Wilshire Detectives

  - Supervised divisional investigators

  - Planned and implemented a formation of the Korea Town Crime Investigations Unit (KCIU) to provide better investigative service to a bilingual community.

  - Initiated a major foreign exchange fraud case involving more than over 200 victims and a $12 million loss; supervised a team of investigators who arrested and convicted the suspect of multiple felony counts.

- **Police Lieutenant I (1989 – 1991)**
  Watch Commander, Wilshire and Van Nuys Patrol Divisions
- **Police Sergeant II (1987 – 1989)**
  Newton Area Vice Supervisor

- **Police Sergeant I (1986 – 1987)**
  Special Problems Unit Sergeant, Newton Area

- Proposed and implemented a biweekly buy/bust (narcotics undercover) operation which reduced narcotics activities at age-old chronic problem gang locations.

- Formulated a system to record quality of life problem locations and took concrete actions to reduce community members' and business owners' fear (before community policing was well known).

- **Police Sergeant I (1985 – 1986)**
  Field Supervisor, Newton and Hollywood Patrol Divisions

  - *Provided field supervision of uniformed patrol personnel.*

- **Detective I (1981 – 1985)**
  Narcotics Division

  - Initiated and completed the first Local Agency narcotics asset forfeiture case. Case was presented in CNOA magazine article after the appeals court upheld the conviction in the trial court.

  - Developed intelligence on major violators.

  - Initiated and completed significant "China White Heroin" cases.

- **Senior Lead Officer (SLO) – (1979 – 1981)**
  Asian Task Force

  - Initiated and implemented a proposal to create a bilingual police store front operation at 8th Street and Irolo.

  - Team Leader for Investigators

  - Worked with IRS/CID, FBI and DEA on Asian gangs/organized crime cases.

- **Police Officer, Rampart Uniformed Patrol and Traffic (1978 – 1979)**
  Recruit Officer, Police Academy (1977)

  - Recruit Class Drill Instructor (DI), No. 1 in academics, No. 2 in overall class standing

- **Police Officer, La Habra Police : Uniformed Patrol and Traffic (1976)**

EDUCATION

- University of La Verne
  Doctorate in Public Administration 1997
- Pepperdine University
  Masters in Public Administration 1979
  B.S. with honors in Public Management 1975

- Training (partial list): FBI National Academy 172nd Session, West Point Leadership Program and Leadership-Southern California

MILITARY SERVICE

- Honorably Discharged as Captain, U.S. Marine Corps (1975)

AFFILIATIONS

- Former Chair, Justice for Murdered Children

- Former Board Member, C.O.R.O Leadership Foundation

- LAPD Command Officers Association, Los Angeles County Peace Officers Association, California Peace Officers Association, Municipal Motorcycle Officers Association, Police Executive Research Forum.

- Director at large, USMC 1st Marine Division Association.
- Former Director, William H. Parker Foundation (LAPD).

- Advanced and Management Police Officer Standard and Training (POST) certificate by State of California.
- Police Commission Language Policy Task Force, Charter member, represented the Department with American Civil Liberty Union (ACLU), Mexican American Legal and Defense Fund (MALDF), and Pacific Asian Legal Center.

- Charter President, Law Enforcement Association for Asian Pacific (LEAAP)

- Rotary International – Charter Secretary, Korea Town Chapter, Los Angeles

COMMUNITY PARTICIPATION

- California Community College Board of Governors – former member, appointed by the Governor with State Senate Confirmation; participated in statewide policy making with responsibilities affecting 107 community college campus locations and over one million students; State Chair for Vocational Education including police academies and Student Equity Committees.

- Los Angeles County Commission on Judicial Procedures – Member, working with appointed and elected leaders from the bench, County Public Defender, and District Attorney to formulate policy recommendations to improve efficiency.

- Korea Town Youth and Community Center – Former Member of the Board.

- News Columnist for TV-K 24, cable TV Network.

- Radio Commentator on public safety issues for 93.5 FM and Radio Korea.

AWARDS

- Over 300 medals, certificates, awards and commendations from the Governor, State Assembly members, U. S. Senators, Mayor of Los Angeles, Los Angeles City Council members, Los Angeles County Board of Supervisors, President of Republic of Korea, Seoul Metropolitan Government, Los Angeles County District Attorney, Board of Governors for California Community College System, Lions Club, Rotary Club, and most importantly, community members.

  Dong Baek Presidential Medal for public service, the highest public service medal from the President of Republic of Korea, for building multi ethnic cooperation in Los Angeles.

HOBBY

- Hiking

- Researching military history and strategy

PERSONAL PHILOSOPHY

- I am a strategic thinker who is committed to continuous learning.

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 years of age, and am not a party to the within action; my business address is 9100 Wilshire Boulevard, Suite 345E, Beverly Hills, California 90212.

On the date hereinbelow specified, I served the foregoing document, described as set forth below on the interested parties in this action by placing the original and true copies thereof enclosed in sealed envelopes, at Beverly Hills, addressed as follows:

DATE OF SERVICE : October 17, 2011

DOCUMENT SERVED : **PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES**

PARTIES SERVED : **SEE ATTACHED SERVICE LIST.**

XXX (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Beverly Hills, California. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of 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.

XXX (BY ELECTRONIC MAIL) I caused such document to be electronically mailed to **Christopher Brizzolara, Esq.** at the following e-mail address: samorai@adelphia.net.

XXX (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

__ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

EXECUTED at Beverly Hills, California on October 17, 2011.

Selma I. Francia

SERVICE LIST

WILLIAM TAYLOR v. CITY OF BURBANK
LOS ANGELES COUNTY SUPERIOR COURT CASE NO. BC 422 252

Christopher Brizzolara, Esq.
1528 16th Street
Santa Monica, California 90404
(By Electronic Mail Only)

Ronald F. Frank, Esq.
Robert J. Tyson, Esq.
Burke Williams & Sorenson LLP
444 South Flower Street, Suite 2400
Los Angeles, California 90071-2953
(Original)

Dennis A. Barlow, City Attorney
Carol A. Humiston, Sr. Asst. City Atty.
Office of the City Attorney
City of Burbank
275 East Olive Avenue
Post Office Box 6459
Burbank, California 91510

Linda Miller Savitt, Esq.
Philip L. Reznik, Esq.
Ballard Rosenberg Golper & Savitt LLP
500 North Brand Boulevard, 20th Floor
Glendale, California 91203-9946

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burke
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FACSIMILE MESSAGE

DATE: November 17, 2011 **FILE NO.:** 06147-0015

TO:	**FAX NO.:**	**PHONE NO.:**
Gregory W. Smith, Esq.	(310) 777-7895	(310) 777-7894
CC:		
Christopher Brizzolara, Esq.	(310) 656-7701	(310) 394-6447
Carol A. Humiston, Esq.	(818) 238-5724	(818) 238-5707
Linda Miller Savitt, Esq.	(818) 506-4827	(818) 508-3700

FROM: Ron Frank **PHONE NO.:** 213.236.2840

RE: William Taylor v. City of Burbank

NUMBER OF PAGES WITH COVER PAGE: 2 Original Will Follow by US Mail

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*** MULTI TX/RX REPORT ***
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burke
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FACSIMILE MESSAGE

DATE: December 2, 2011 **FILE NO.:** 06147-0015

TO:	**FAX NO.:**	**PHONE NO.:**
Gregory W. Smith, Esq.	(310) 777-7895	(310) 777-7894
CC:		
Christopher Brizzolara, Esq.	(310) 656-7701	(310) 394-6447
Carol A. Humiston, Esq.	(818) 238-5724	(818) 238-5707
Linda Miller Savitt, Esq.	(818) 506-4827	(818) 508-3700

FROM: Ron Frank **PHONE NO.:** 213.236.2840

RE: William Taylor v. City of Burbank

NUMBER OF PAGES WITH COVER PAGE: 1 Original Will Not Follow by US Mail

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This fax confirms my telephonic notice to Greg Smith this afternoon of the City's intention to bring an *ex parte* application to augment its expert witness designation to add Retired LAPD Cmdr. Jim Voge as a retained defense expert on the police practices and IA issues on which plaintiff has designated Paul Kim. The application will be made at 8:30 a.m. or as soon thereafter as counsel may be heard in Dept. 50 on Wednesday, December 7, 2011. Greg advised me that plaintiff opposes the application.