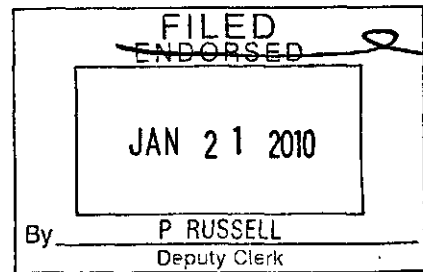


1 GLENN HAGELE
8543 Everglade Dr
2 Sacramento CA 95826
Phone: (916) 381-2442
3 Email: glenn.hagele@usaeyes.org

4 GLENN HAGELE, *in pro per*



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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SACRAMENTO

10
11 GLENN HAGELE,

12 Plaintiff,

13 vs.

14 BRENT HANSON, *et al*

15 Defendant
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Case No.: 06-AS00839

**DECLARATION OF GLENN HAGELE
IN SUPPORT OF PLAINTIFF'S
MOTION TO TAKE DEPOSITION OF
DEFENDANT BRENT HANSON
BEYOND GEOGRAPHIC LIMITS AND
SANCTIONS**

Hearing Date: February 18, 2010
Hearing Time: 2:00pm

Department Number: 53

Judge: Honorable Loren McMaster

Action First Filed: March 2, 2006

20
21 I, Glenn Hagele declare, I am the Plaintiff in this action and unless otherwise indicated I have
22 personal knowledge of each fact stated in this declaration.

- 23 1. Through discovery it has been disclosed that Defendant Hanson's counsel is being provided
24 by virtue of Defendant Hanson's umbrella insurance policy. Upon information and belief,
25 travel costs to attend a deposition ordered by the Court would be indemnified by Defendant
26 Hanson's insurance company.
- 27 2. Due directly to the acts of Defendant Hanson, the nonprofit patient advocacy that has been
28 my employer for nearly ten years is unable to pay me a salary. I have not been paid since.

1 March 2008. Also because of the acts of Defendant Hanson, my ability to find work in the
2 industry in which I have expertise has been critically limited. On 21 January 2010 I was
3 determined *in forma pauperis* by this Court. It would be extremely difficult, if not
4 impossible, for me to incur the costs of travel and lodging in addition to the cost for a
5 deposition of Defendant Hanson, thus if the instant motion is denied I may not be able to
6 depose this Defendant.

- 7 3. In form interrogatories I requested Defendant Hanson provide his residence address.
8 Defendant refused to provide his address and my counsel did not move for an order to
9 compel Mr. Hanson respond to this interrogatory.
- 10 4. In a hearing of this Court, Defendant Hanson's counsel stated that Mr. Hanson resided "near
11 Seattle". Hanson has used Seattle area post office and letter drop boxes as his address.
- 12 5. In a 3 March 2009 letter to Defendant's counsel I requested Defendant Hanson's current
13 residence address or address for the purpose of service of an application for an Order to
14 Show Cause (attached as Exhibit 01). I received no response to this request.
- 15 6. In an off-the-record conversation during a break during my first deposition and in the
16 presence of my counsel David P. Foos, I queried James R. Donahue, attorney of record for
17 Defendant Brent Hanson, why, in light of the obvious convenience to the involved parties,
18 Mr. Hanson does not travel from wherever it is he resides to Sacramento for his deposition.
19 Mr. Donahue's response was that it was Mr. Hanson's right to not travel to Sacramento and
20 that he insisted upon exercising that right.
- 21 7. On 13 January 2009, shortly after I substituted counsel to representation *in pro per*, I wrote
22 Defendant Hanson's counsel regarding the taking of Mr. Hanson's deposition (attached as
23 Exhibit 02). In that letter I suggested that, for the matter of convenience, Mr. Hanson travel
24 to Sacramento; the parties stipulate to two consecutive days of deposition; and I requested a
25 list of the days which Mr. Hanson and counsel would be available in April or May of 2009.
- 26 8. In a 15 January 2009 letter (attached as Exhibit 03, with relevant passages highlighted), Mr.
27 Donahue's substantive response to my deposition requests was that Mr. Hanson would not
28 travel to Sacramento. No dates of availability were offered and I received no response to my

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request for a stipulation of two consecutive days of deposition.

- 9. In a 19 January 2010 letter to Defendant's counsel I again requested Defendant Hanson reconsider his position on not travelling to Sacramento for his deposition and agree to a deposition concurrent with a hearing in the Sacramento court at which he must personally appear (attached as Exhibit 04).
- 10. As of the filing of this declaration, I have not received a response from Defendant Hanson's counsel regarding my 19 January 2010 letter seeking cooperation in deposing Mr. Hanson in Sacramento.
- 11. I have incurred the expense of the \$40.00 filing fee for the instant motion plus the cost of \$45.00 for personal service on counsel for Defendant Brent Hanson and \$45.00 for personal service on counsel for Defendant Dean Kantis, for a total of expense of \$130.00.
- 12. On 21 January 2010 the Court determined I am *in forma pauperis*. The filing fee of \$40.00 for the instant motion has been deferred by the clerk of the Court.

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

DATED: January 21, 2010



GLENN HAGELE
in pro per

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SHORT TITLE. HAGELE v HANSON	CASE NUMBER 06-AS00839
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**DECLARATION OF GLENN HAGELE
IN SUPPORT OF
PLAINTIFF'S NOTICE OF MOTION AND
MOTION TO TAKE DEPOSITION OF DEFENDANT BRENT HANSON
BEYOND GEOGRAPHIC LIMITS AND SANCTIONS**

Exhibit 01

Glenn Hagele

8543 Everglade
Sacramento CA 95826

Mobile: 916/203-2442
Fax: 916/650-1241

Wednesday, March 11, 2009

James R. Donahue
Rebecca Weinstein-Hamilton
Caulfield, Davies & Donahue, LLP
Post Office Box 277010
Sacramento, CA 95827-7010

Attorneys for Hanson
Hagele v Hanson 06AS00839

re: Physical location of defendant for purpose of personal service.

Mr. Donahue,

Please provide the current residence or other physical location of defendant Brent Hanson where he may be personally served an Order to Show Cause in this action.

If you have any concerns or questions regarding the subject matter of this correspondence or if the stated understanding of any relevant fact is inconsistent with your understanding of the fact, notify me immediately. Otherwise I will assume you concur with all statements of fact as presented.

Thank you in advance for your prompt attention to this matter.



Glenn Hagele

:GFH

CERTIFICATE OF SERVICE

Re: Hagele v Hanson, et al
California Superior Court, Sacramento County, Case No. 06AS00839

I am a citizen of the United States, over 18 years of age, reside in the County of Sacramento, and am not a party to the within action. My address is 8543 Everglade Dr. Sacramento CA, 95826.

On **Wednesday, March 11, 2009**, I served the **Physical location of defendant for purpose of personal service** on the following parties in said action

DEFENDANT'S ATTORNEY

James Donahue
Rebecca Weinstein-Hamilton
Caulfield, Davies & Donahue, LLP
Telephone: (916) 817-2900

For Personal Service
1 Natomas Street
Folsom, CA 95630

For Service by Mail
Post Office Box 277010
Sacramento, CA 95827-7010

For Service by Fax
(916) 817-2644

For Service by Email
jdonahue@cddlaw.com

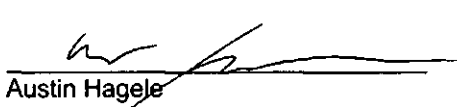
Mail I enclosed a true copy of the above-described document(s) in a sealed envelope addressed to the party. Such envelope with postage fully prepaid thereon was placed in the United States mail at Sacramento, California.

→ **Email & Mail** I personally observed email distribution of the above-described document(s) by email to the party. On this same date, I caused a true copy of the above-described document(s) to be enclosed in a sealed envelope addressed to the party. Such envelope with postage fully prepaid thereon was placed in the United States mail at Sacramento, California.

Facsimile & Mail I personally observed facsimile distribution of the above-described document(s). On this same date, I caused a true copy of the above-described document(s) to be enclosed in a sealed envelope addressed to the party. Such envelope with postage fully prepaid thereon was placed in the United States mail at Sacramento, California.

Personal Service I delivered by hand to addressee at the address above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed on the date above, at Sacramento, California.


Austin Hagele

1 SHORT TITLE

CASE NUMBER

2 HAGELE v HANSON

06-AS00839

3
4
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6
7 **DECLARATION OF GLENN HAGELE**
8 **IN SUPPORT OF**
9 **PLAINTIFF'S NOTICE OF MOTION AND**
10 **MOTION TO TAKE DEPOSITION OF DEFENDANT BRENT HANSON**
11 **BEYOND GEOGRAPHIC LIMITS AND SANCTIONS**
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18 **Exhibit 02**
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Glenn Hagele

8543 Everglade
Sacramento CA 95826

Mobile: 916/203-2442
Fax: 916/650-1241

Tuesday, January 13, 2009

James R. Donahue
Caulfield, Davies & Donahue, LLP
Post Office Box 277010
Sacramento, CA 95827-7010

Attorney for Hanson
Hagele v Hanson 06AS00839

re: Scheduling Deposition of Defendant Hanson

Mr. Donahue,

Quite some time ago you were served with a subpoena to depose Mr. Hanson. Due to scheduling conflicts it was rescheduled, then delayed, and then delayed again. We are going to need to get this important part of discovery completed.

It is my understanding that Mr. Hanson previously declined traveling to Sacramento for his deposition. This seems dreadfully inconvenient for both you and me. Please discuss with your client the wisdom of traveling to Sacramento. I am willing to share the travel and lodging costs.

The complexity of the issues makes it unlikely that a single day of deposition is going to be adequate. As in your deposition of me, more than one day will be required. I'd like for us to stipulate to initially two consecutive days for deposition. I will endeavor to complete all questions in that period of time. This type of schedule would also be more convenient for whoever is traveling.

I am, of course, knowledgeable of my case, but since taking over pro per I find that there are many unresolved issues, plus a significant amount of additional discovery, amendment to the complaint, and motions to resolve. It seems unlikely that I would be prepared to depose Mr. Hanson before late April or early May of this year. Please review your schedule with your client's and provide three dates during this period that would be mutually convenient.

Please notify me within 30 days of receipt of this letter of your proposed dates, if we can stipulate to two consecutive days for deposition, and if Mr. Hanson is willing to travel to Sacramento for his deposition.

If you have any concerns or questions regarding the subject matter of this correspondence or if the stated understanding of any relevant fact is inconsistent with your understanding

of the fact, notify me immediately. Otherwise I will assume you concur with all statements of fact as presented.

Thank you in advance for your prompt attention to this matter.

A handwritten signature in cursive script, appearing to read "Glenn Hagele".

Glenn Hagele

:GFH

CERTIFICATE OF SERVICE

Re: Hagele v Hanson, et al
California Superior Court, Sacramento County, Case No. 06AS00839

I am a citizen of the United States, over 18 years of age, reside in the County of Sacramento, and am not a party to the within action. My address is 8543 Everglade Dr. Sacramento CA, 95826.

On **January 13, 2009**, I served the **Scheduling Deposition of Defendant Hanson** on the following parties in said action

DEFENDANT'S ATTORNEY

James Donahue
Rebecca Weinstein-Hamilton
Caulfield, Davies & Donahue, LLP
Telephone: (916) 817-2900

For Personal Service
1 Natomas Street
Folsom, CA 95630

For Service by Mail
Post Office Box 277010
Sacramento, CA 95827-7010

For Service by Fax
(916) 817-2644

For Service by Email
jdonahue@cddlaw.com

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed on the date above, at Sacramento, California.


Austin Hagele

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06-AS00839

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18 **Exhibit 03**
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LAW OFFICES
OF
CAULFIELD, DAVIES & DONAHUE, LLP

RICHARD HYLAND CAULFIELD *
ROBERT EDMUND DAVIES
JAMES R. DONAHUE *
BRIAN C. HAYDON

POST OFFICE BOX 277010
SACRAMENTO, CALIFORNIA 95827-7010
TELEPHONE (916) 817-2900
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FOLSOM
1 NATOMA STREET
FOLSOM, CALIFORNIA 95630

MICHAEL E. MYERS *
REBECCA WEINSTEIN-HAMILTON
MARY A. STEWART
TODD A. SCHAFFER
MATTHEW D. ENGBRETSON

E-mail jdonahue@cddlav.com

* Members - American Board of Trial Advocates

RECEIVED

January 15, 2009

SENT VIA FACSIMILE (916) 650-1241 & U.S. MAIL

Glenn Hagele
8543 Everglade
Sacramento, CA 95826

Re: Hagele v. Hanson

Dear Mr. Hagele:

I am in receipt of your numerous recent letters and e-mails regarding various aspects of this case. This will constitute my response to your letters dated "October 01, 2008" (which was received by my office on January 9, 2009), January 7, 2009, January 9, 2009 (letter 1); January 9, 2009 (letter 2); January 10, 2009; January 12, 2009; and January 13, 2009.

Clearly, the letter dated October 01, 2008, is misdated. If not, it would have been highly inappropriate for you to send me a letter well prior to your attorney's withdrawal from this action. Further, as indicated, the letter was not received in my office until January 9, 2009.

At the outset, I want to stress to you that I do not intend to respond to every letter you mail and fax to me in the future. Apparently, you have a lot of time on your hands. I, on the other hand, do not. Your recent barrage of correspondence and e-mails purport to make demands upon me to act and respond. Please be advised that I will not bow to your "demands" in this regard. However, I will respond in an appropriate fashion to proper discovery and pleadings directed to my client.

With respect to the issues raised in your letter dated October 01, 2008, regarding "Supplement Response to Plaintiff's Requests for Admissions Set Two," please be advised that I have reviewed my client's responses to the Requests for Admissions. I believe the responses are appropriate. I expressed this to your former counsel, and he agreed to drop his motion to compel. The motion to compel was scheduled back in April 2008, more than eight months ago. Even if

Brent Hanson
Re: Hagele v Hanson, et al
January 15, 2009
Page 2

you are dissatisfied with some of the responses to Requests for Admissions, the time in which to bring a motion to compel has long passed. Accordingly, I will not be providing any further responses to Request for Admissions 603, 604, 605, 606, 607, 608, 609, 610, and 614.

Based on your letter, it appears that your former counsel failed to properly serve pages 56-59 of the Request for Admissions, which included Request Nos. 320, 321, 322, 323, 324, and 325. If you wish to serve those requests in a proper manner, I will provide appropriate responses.

With respect to your letter dated January 7, 2009, regarding "Protective Order Compliance," please be advised that I am not aware of any breach of the alleged protective order. As you know, the protective order to which you refer relates solely to the deposition testimony of plaintiff, Glenn Hagele, and defendant, Brent Hanson. I am not aware of any violations of this protective order. If you have information to the contrary, please advise, and I will follow up accordingly.

With regard to your letter dated January 9, 2009, relating to "Stipulation to Motion to Amend Complaint," please be advised that I am not in a position to stipulate to any proposed amendment of the Complaint. As I previously indicated, I cannot stipulate to an amended Complaint unless I first see the proposed amendment to the Complaint. You have forwarded various Doe amendments adding additional parties as Doe defendants. However, you have not forwarded any proposed amendment to the Complaint itself. Therefore, I decline to stipulate to any amendment of the pleading.

With respect to your letter dated January 10, 2009, regarding "Purchase/Possession by Defendant of Plaintiff's Privileged Communications," I truly do not know what you are referring to. If you wish to serve an appropriate discovery request relating to that subject matter, I will investigate and submit appropriate responses.

With respect to your letter dated January 12, 2009, regarding "Request 15 and 20, Copies of Websites," please be advised that I will not be providing any further response to those requests for productions. I have reviewed my file, and we have fully complied with our obligations concerning those matters. We produced thousands of pages in this regard. Further, in the event you are dissatisfied with our response, the time in which to bring a motion to compel has long passed.

With regard to your letter dated January 13, 2009, regarding the "Scheduling Deposition of Defendant Hanson," please be advised that Mr. Hanson is not agreeable to travelling to Sacramento for his deposition. If you wish to take his deposition, you will need to do so within a

Brent Hanson
Re. Hagele v Hanson, et al
January 15, 2009
Page 3

reasonable distance from his residence in Washington. Furthermore, since you are in the process of adding four additional defendants to this action, I will not agree to produce Mr. Hanson for a deposition until such time as those parties have been served, and have entered the action. Each of those individuals would be entitled to attend Mr. Hanson's deposition and ask questions. Accordingly, I do not intend to expose him to multiple depositions by multiple parties. I will, however, be more than willing to schedule his deposition once all parties have appeared in the action.

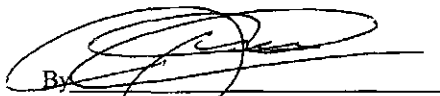
Finally, I note that in each of your letters you include the concluding paragraph as follows:

"If you have any concerns or questions regarding the subject matter of this correspondence or if the stated understanding of any relevant fact is inconsistent with your understanding of the fact, notify me immediately. Otherwise, I will assume you concur with all statements of fact as presented."

Please be advised that I pay no heed to this standard concluding paragraph that you insert in every letter. Please do not ever assume that I concur with any statements of fact that you present in any letters, e-mails, or pleadings. If I do concur, I will let you know.

Very truly yours,

CAULFIELD, DAVIES & DONAHUE

By 
JAMES R. DONAHUE

JRD/lla

cc Brent Hanson

1 SHORT TITLE:

CASE NUMBER

2 HAGELE v HANSON

06-AS00839

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4
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8 **DECLARATION OF GLENN HAGELE**
9 **IN SUPPORT OF**
10 **PLAINTIFF'S NOTICE OF MOTION AND**
11 **MOTION TO TAKE DEPOSITION OF DEFENDANT BRENT HANSON**
12 **BEYOND GEOGRAPHIC LIMITS AND SANCTIONS**
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18 **Exhibit 04**
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Glenn Hagele

8543 Everglade
Sacramento CA 95826

Mobile: 916/203-2442
Fax: 916/650-1241

Tuesday, January 19, 2010

James R. Donahue
Caulfield, Davies & Donahue, LLP
Post Office Box 277010
Sacramento, CA 95827-7010

Attorneys for Hanson
Hagele v Hanson 06AS00839

re: Schedule and Taking of Hanson Deposition in Sacramento

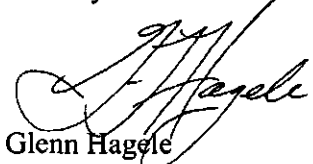
Mr. Donahue,

On 13 January 2009 I wrote you regarding scheduling an oral deposition of your client Brent Hanson. In my letter I noted that it seemed most economical for all if Mr. Hanson were to travel to Sacramento for the deposition. In your reply of 15 January 2009 you stated that Mr. Hanson did not agree to deposition anywhere but within the immediate area of his home. I ask for a reconsideration of that position.

I believe that the efficiency of Mr. Hanson travelling to Sacramento rather than counsel for defendant Kantis, counsel for defendant Hanson, and Plaintiff *in pro per* travelling outside of the area is a persuasive argument. Additionally, I will be re-filing an application for an Order to Show Cause re: Contempt by Brent Hanson. If the application is granted, Mr. Hanson would be required to appear in the Sacramento court. It seems reasonable for us to take the opportunity of Mr. Hanson's presence in Sacramento to schedule his deposition on a concurrent day.

I seek your cooperation in this matter. Let's find a way to depose Mr. Hanson in Sacramento rather than a pilgrimage from Sacramento to wherever it is Mr. Hanson will not admit he lives these days. If you do not agree, I will have no choice but to seek the Court's authorization for Mr. Hanson's deposition here pursuant to Code Civ. Proc., § 2025.260.

Thank you in advance for your prompt attention to this matter.



Glenn Hagele

:GFH

cc: Michael Dobrin, Attorney for Dean Kantis

CERTIFICATE OF SERVICE

Re: Hagele v Hanson, et al
California Superior Court, Sacramento County, Case No. 06AS00839

I am a citizen of the United States, over 18 years of age, reside in the County of Sacramento, and am not a party to the within action. My address is 8543 Everglade Dr. Sacramento CA, 95826.

On **January 20, 2010**, I served the **LETTER: Schedule and Taking of Hanson Deposition in Sacramento** on the following parties in said action

DEFENDANT'S ATTORNEY

James Donahue
Rebecca Weinstein-Hamilton
Caulfield, Davies & Donahue, LLP
Telephone: (916) 817-2900

For Personal Service
1 Natomas Street
Folsom, CA 95630

For Service by Mail
Post Office Box 277010
Sacramento, CA 95827-7010

For Service by Fax
(916) 817-2644

For Service by Email
jdonahue@cddlaw.com

→ **Mail** I enclosed a true copy of the above-described document(s) in a sealed envelope addressed to the party. Such envelope with postage fully prepaid thereon was placed in the United States mail at Sacramento, California.

Email & Mail I personally observed email distribution of the above-described document(s) by email to the party. On this same date, I caused a true copy of the above-described document(s) to be enclosed in a sealed envelope addressed to the party. Such envelope with postage fully prepaid thereon was placed in the United States mail at Sacramento, California.

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Personal Service I delivered by hand to addressee at the address above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed on the date above, at Sacramento, California.


Austin Hagele