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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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2 1227 Sevier Street
3 Menlo Park, CA 94025-1509
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5 Jonathan D. Cobb, Sr.
6 828 Weeks Street
7 Palo Alto, CA 94303
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11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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18 JONATHAN D. COBB, SR., and
19 WALTER ARLEN ST. CLAIR,

20 Plaintiffs,

21 v.

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23 ERNEST BREDE, LUIS CONTRERAS,
24 PAUL KOEHLER, LARRY LAVERDURE,
25 DONALD SHOWERS, AARON LUCAS,
26 STEVE MISTERFELD, ALAN SHUSTER,
27 RICHARD ASHE and DOE SDG:SSX,

28 Defendants.

) Case No.: 3:10-CV-03907-MEJ

) **JUDGE: Honorable Maria-Elena James**

) **Declaration for Meet and Confer**
) held on June 24th, 2011 and
) regarding Motion to Quash
) and Discovery issues

1 I, Jonathan D. Cobb Sr., declare, I have met with the parties in accordance with Civil Rules and
2 Procedures.

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4 **We have met and conferred in good faith in an effort to try and resolve all issues surrounding**
5 **Discovery.**

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7 While Mr. Anthony Smith seemed bent on telling the Plaintiffs what we had done wrong up to this
8 point procedurally, we assured him we wanted to comply with his requests in an effort to move the case
9 along in an expedient manner. As such both parties seemed to agree the necessity of the bank records
10 was paramount for both sides, being the Plaintiffs and the Defendants. Mr. Smith, feels the bank
11 records will help to establish a defense for his clients and for the Plaintiffs to provide proof for claims
12 against the Defendants. Mr. Anthony Smith suggested that we should acquire the records together as
13 the banks in question, seemingly due to recognized liability issues they are now aware of, are not
14 inclined to cooperate. Mr. Smith seemed to feel that if we both came together with regard to obtaining
15 the records and approached the banks with written authorizations from all parties, this will force the
16 banks to comply. While we listened to his suggestion, we admittedly were uncomfortable with this
17 idea, mainly due to the alleged allegations of embezzlement made by Defendants Brede and Don
18 Showers. As such we are not inclined at this time to take Mr. Smith's offer of jointly obtaining the
19 documents, however, we made clear we would provide copies of any documents we received from the
20 use of subpoenas with him. We did explain to Mr. Smith that many of the documents would have to be
21 obtained through subpoenas to satisfy his request for information an issue the Plaintiffs hope to resolve
22 on the impending court date of June 30th, 2011. Due to the fact that Mr. Anthony Smith acknowledges
23 the necessity and validity of the bank records, this would render his motion to quash the subpoena for
24 Chase Bank, N.A. a moot point. The argument the Plaintiffs are making is if the Defendants were truly
25 the authorized officers of the corporation they would not have needed to use the identity and credentials
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1 of Jason E. Cobb whom the Defendants claimed was no longer a corporate officer, they would in point
2 of fact used their own credentials to establish the Chase Bank account. Although the Plaintiffs had no
3 opportunity to discuss the documents that we were going to obtain in Discovery with Mr. Smith at that
4 time the Plaintiffs did so in follow up emails that were subsequently sent Mr. Smith. In this email the
5 Plaintiffs provided a list of items that they will be seeking using the power of subpoena. Both parties
6 seemingly appear to have resolved any issues with regard to the Special Interrogatories, although Mr.
7 Smith states he does not feel the Plaintiffs are compliant with regard to actual requested documents. If
8 the court allows and in a continued effort to comply with Mr. Smith's request the Plaintiffs are more
9 then willing to work with Mr. Smith with regard to the documents until he is thoroughly satisfied but
10 Plaintiffs stated that Mr. Smith was already in possession of the documents Plaintiffs held at that time..
11 Mr. Anthony Smith also made it clear he wanted a verification form for the interrogatories but he did
12 not state if he wanted it delivered to his office, mailed or emailed. The Plaintiffs plan on sending it via
13 U.S. Postal Mail, unless he specifies otherwise. Mr. Smith also spoke of a type of confidentiality he
14 wanted but we ascertained that any document that is filed with the court is a public document and as
15 such there would be little confidentiality afforded. His concerns seem to be surrounding the internet as
16 court documents have wound up on various sites. This is nothing the Plaintiffs have any control over.
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I declare under penalty of perjury under the laws of the State of California the the foregoing is true and correct.

Signed at E. PALO ALTO, CA. on 6-28-11

Jonathan D. Cobb

JONATHAN D. COBB