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8
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11
12 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

14 **LISSA UVIZL,**

15 Plaintiff,

16 vs.

17 **DONALD J. MYERS,**

18 Respondent.

) Case Nos. **BS116340 /BS116339**

)

) **Hon. Richard E. Rico**

)

) **REBUTTAL DECLARATION OF DONALD**

) **J. MYERS AND EXHIBIT IN SUPPORT OF**

) **DEFENDANT'S REPLY IN SUPPORT OF**

) **C.C.P. §425.16 SPECIAL MOTION TO**

) **STRIKE, ETC.**

)

) (C.C.P. §527.6 and 425.16)

)

) **DATE: Friday, October 24, 2008.**

) **TIME: 8-30 a.m.**

) **DEPT: 76**

)

19
20 **LEWIS MIRANDA,**

21 Plaintiff,

22 vs.

23 **DONALD J. MYERS,**

24 Respondent.

)

) **Filed subsequently to: (1) Defendant's Reply**

) **in Support of Motion; (2) Defendant's**

) **Supplemental Written Objections to**

) **Evidence.**

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DECLARATION OF DONALD J. MYERS

1
2 I, **Donald J. Myers**, declare and state as follows:

3 **1.** I am over the age of 18 years and I am a resident of the State of California, County of
4 Los Angeles. I have personal knowledge of the facts set forth herein, and if called upon as a
5 witness, I believe I could and would testify competently thereto under oath.

6 **2.** This rebuttal declaration is submitted in support of Defendant’s C.C.P. §426.16 (b) (1)
7 Special Motion to Strike (anti-SLAPP) in the consolidated matters of Lewis Miranda v. Donald
8 J. Pope, L.A.S.C. case number BS116339, and Lissa Uvizl v. Donald J. Pope, L.A.S.C. case
9 number BS116340.

10
11 **3.** The purpose of this declaration is to rebut and impeach the statement on page 8 FN 2 of
12 Plaintiff’s Opposition herein where it is stated: “The allegation that Mr. Miranda slammed his
13 hand into Defendant’s video camera is an utter falsehood. There is no such evidence, and it is
14 flatly denied. (Ex. B, Declaration of Lewis Miranda.)”

15
16 **4.** Attached hereto and marked with the letter A is a copy of certain frames from video
17 footage I shot on July 22, 2008 during a picket and protest outside the Church of Scientology
18 management offices at 6331 Hollywood Boulevard, Los Angeles. The frames clearly show the
19 person in the photograph shoving his hand into my camera and face. My attempt to discuss the
20 Maxim magazine Scientology article about Anonymous and Scientology with him had been met
21 with him approaching me and violently trying to grab/shove my camera.

22
23 **5.** After the Plaintiffs filed their proceedings herein, and Mr. Miranda appeared at court with
24 attorney Moxon, I learned that the man in Exhibit A is apparently Lewis Miranda, one of the two
25 plaintiffs herein.

26
27 **6.** On the morning of October 16, 2008 my counsel herein, Graham E. Berry, telephoned me
28 unable to locate a copy of Exhibit A. I was at work and told him I could not provide him with a

1 copy until I returned to my home that evening October 16, 2008. Mr. Berry told me that this
2 would be too late for the deadline for my Reply brief herein but that, in these circumstances, he
3 would file the one page rebuttal photograph the next day on Friday October 17, 2008.

4 7. I repeat my earlier denial that I made any racist remarks to this or any other person. That
5 is not me and there is no evidence of such. As an openly gay man I am very sensitive to anything
6 that suggests discrimination, bigotry or prejudice. I am outraged and hurt at being falsely accused
7 of such in these matters.
8

9 Executed at Los Angeles, California this 17th day of October, 2008.
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12

13 _____
14 Donald J. Myers
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PROOF OF SERVICE

1
2 STATE OF CALIFORNIA)
3) ss.
4 COUNTY OF LOS ANGELES)

5 I reside in the County of Los Angeles, State of California. I am over the age of 18 and I am not a
6 party to the within action.

7
8 **On October 17, 2008** I served the foregoing document described as:

9
10 **By Personal Delivery to** a person in control of the reception area, in an envelope addressed as
11 follows:

12 **REBUTTAL DECLARATION OF DONALD J. MYERS AND EXHIBITS IN SUPPORT**
13 **OF DEFENDANT’S REPLY IN SUPPORT OF C.C.P. §425.16 SPECIAL MOTION TO**
14 **STRIKE, ETC.**

15 **Kendrick L. Moxon, Esq.**
16 **Moxon & Kobrin**
17 **3055 Wilshire Boulevard, Suite 900**
18 **Los Angeles, CA 90010**

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

21 Executed this 17th day of October, 2008, at Los Angeles, California.

22
23 Signed: _____
24 Print Name: Graham E. Berry
25 Address: 3384 McLaughlin Avenue,
26 Los Angeles, CA 90066
27
28