

1 J. Douglas Kirk - SBN 125808  
2 KIRK & TOBERTY, LLP  
3 Attorneys at Law  
4 2201 Dupont Drive, Suite 820  
5 Irvine, California 92612  
6 (949) 851-0355 • FAX (949) 851-1250

*C. Kelly*  
FILED-Central District  
SUPERIOR COURT  
SAN BERNARDINO COUNTY

JUL 15 2008

By *Stephanie Chandler*  
Deputy

5 Attorneys for Plaintiffs  
6 BENCHMARK YOUNG ADULT SCHOOL, INC.  
7 AND JAYNE LONGNECKER

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN BERNARDINO, CENTRAL CIVIL DISTRICT

12 BENCHMARK YOUNG ADULT SCHOOL, )  
13 INC., a California corporation; and JAYNE )  
14 LONGNECKER, an individual, )

CASE NO.: CIVSS 803920

DECLARATION OF NANCY CADWALLADER  
IN SUPPORT OF PLAINTIFFS' OPPOSITION  
TO SPECIAL MOTION TO STRIKE  
COMPLAINT PURSUANT TO CCP §425.16

14 Plaintiff,

16 v.

17 MICHAEL CRAWFORD, an individual; and )  
18 DOES 1 through 50, inclusive, )

19 Defendant.  
20  
21

22 I, Nancy Cadwallader, declare as follows:

23 1. I make this declaration in support of Plaintiffs' Opposition To Special Motion To Strike  
24 Complaint Pursuant To CCP §425.16. I have personal knowledge of, and if called as a witness to testify  
25 could and would testify to, the following facts:

26 2. I have been a principal member in Collegiate Advisory Placement Service, LLC ("CAPS")  
27 for twenty six (26) years. CAPS is located in Baton Rouge, Louisiana and works with parents and  
28 students nationwide in providing educational and behavioral opportunities for children.

1 J. Douglas Kirk - SBN 125808  
KIRK & TOBERTY, LLP  
2 Attorneys at Law  
2201 Dupont Drive, Suite 820  
3 Irvine, California 92612  
(949) 851-0355 • FAX (949) 851-1250  
4

5 Attorneys for Plaintiffs  
BENCHMARK YOUNG ADULT SCHOOL, INC.  
6 AND JAYNE LONGNECKER  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN BERNARDINO, CENTRAL CIVIL DISTRICT  
10

11

12 BENCHMARK YOUNG ADULT SCHOOL, )  
INC., a California corporation; and JAYNE )  
13 LONGNECKER, an individual, )

14 Plaintiff, )

15

16 v. )

17

18 MICHAEL CRAWFORD, an individual; and )  
DOES 1 through 50, inclusive, )

19

20 Defendant. )

21

22

I, Nancy Cadwallader, declare as follows:

23

24

25

1. I make this declaration in support of Plaintiffs' Opposition To Special Motion To Strike  
Complaint Pursuant To CCP §425.16. I have personal knowledge of, and if called as a witness to testify  
could and would testify to, the following facts:

26

27

28

2. I have been a principal member in Collegiate Advisory Placement Service, LLC ("CAPS")  
for twenty six (26) years. CAPS is located in Baton Rouge, Louisiana and works with parents and  
students nationwide in providing educational and behavioral opportunities for children.

1           3. I am a Certified Educational Planner (“CEP”). I have been a Professional Member of  
2 Independent Educational Consultants Association (“IECA”), the premier and oldest organization of  
3 private educational consultants, since 1990 and have previously served on the board and national  
4 nominating committee of the IECA.

5           4. I am also a member of the Southern Association of College Admissions Counselors  
6 (“SACAC”). I am an individual affiliate member of the National Association of Therapeutic Schools  
7 and Programs (“NATSAP”) and a member of the Secondary School Admissions Testing Board.

8           5. I am familiar with Benchmark Young Adult School (“BENCHMARK”). I have placed  
9 students at BENCHMARK, as well as many other schools, over the last several years.

10          6. My typical practice when working with parents is to first assess the needs of the students  
11 with regard to educational and behavioral issues. I then work with the parents and students to develop  
12 a short list of schools that might be appropriate. The clients then conduct further evaluation as they see  
13 fit, often including a site visit to the potential schools.

14          7. Several months ago, BENCHMARK was one of the schools on a particular family’s short  
15 list of potential schools. My view was that BENCHMARK would be an appropriate placement for the  
16 child. A short time later, however, the mother notified me that she would not be taking any further  
17 action to consider BENCHMARK for her son. She told me that her decision not to consider  
18 BENCHMARK was based on the fact that she had read derogatory information about BENCHMARK  
19 on an internet website. She explained to me that based on that derogatory information she would not  
20 consider BENCHMARK under any circumstances for her child and commented as to who would want  
21 to go there after they read the claims on the website.

22          8. After the mother refused to consider BENCHMARK based on the information she had read  
23 on the website, to my knowledge she never took any other action to contact or learn more about  
24 BENCHMARK or investigate to determine whether any of the claim she had read were true or false.

25 ///


26 ///

27 ///

28 ///

1 I declare under penalty of perjury under the laws of the State of California and the United States  
2 of America that the foregoing is true and correct.

3 Executed on July 3, 2008 in Baton Rouge, Louisiana.  
4

5   
6 NANCY CADWALLADER

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