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*Copy* FILED-Central District  
SUPERIOR COURT  
SAN BERNARDINO COUNTY  
JUL 15 2008

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

By *Stephanie Chandler*  
Deputy

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

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

CASE NO.: CIVSS 803920

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

14 Plaintiff,

15 v.

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

18 Defendant.  
19  
20

21 I, James McCully, declare as follows:

22 1. I am a parent of a child who attends Benchmark Young Adult School ("Benchmark"). I  
23 make this declaration in support of Plaintiffs' Opposition To Special Motion To Strike Complaint  
24 Pursuant To CCP §425.16. I have personal knowledge of, and if called as a witness to testify could and  
25 would testify to, the following facts:

26 2. Our son is a resident student at Benchmark. During this past Thanksgiving weekend, my  
27 wife, Francine, and I visited him at the Benchmark facilities in Redlands, California. As detailed below,  
28 during that visit we were confronted by a young man who we now know to be Michael Crawford

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1 (“Crawford”).

2 3. While we were at the Benchmark offices on our arrival, we first noticed a young man who  
3 was thin, with off-blond hair, slightly taller than average, and had a nervous and pre-occupied manner  
4 We did not have any contact with him on that occasion. When we were leaving the offices later we saw  
5 the local police interviewing him and his companion.

6 4. Approximately a day or two later, we were dropping our son off at the Benchmark State  
7 Street facility when we observed the same car and the same two individuals, including Crawford  
8 loitering around the car.

9 5. As we were preparing to depart after our visit with our son, I noticed from the door of my  
10 son’s apartment a car parked by the curb with a young man pacing next to it. Crawford made eye  
11 contact with me and stopped his pacing. He then leaned over to the driver of the car and spoke with  
12 him. As we left the facility and began walking toward our car, Crawford immediately began  
13 approaching my wife and I, walking directly toward us. He intercepted us before we got to our car,  
14 interrupting our path toward our car.

15 6. As Crawford closed the distance between us to approximately 10 - 15 feet, he said “Do  
16 you have a student at Benchmark?” I said “Yes”. Crawford then began making a series of specific  
17 factual comments attacking Benchmark, including “Do you know the abuse that occurs here?”, and,  
18 “Do you want your child in an environment where there is abuse and they lie?”

19 7. After my wife made a comment to Crawford noting that she had seen him the day before,  
20 Crawford continued making derogatory statements regarding Benchmark, saying words to the effect that  
21 Benchmark was untrustworthy and that it was a “dangerous” place for our son.

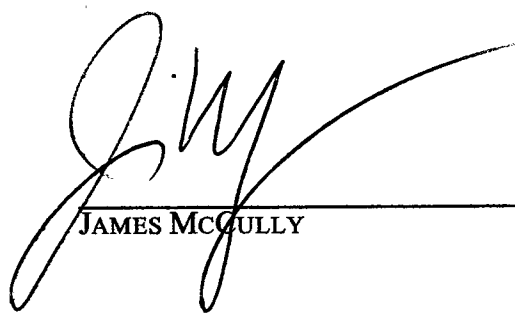
22 8. I interrupted Crawford and told him that my wife and I believed that Benchmark was a  
23 positive place for our son. Crawford finally walked away. We continued to our car and left the location.

24 9. During the entire time that Crawford was confronting us, I understood him to be making  
25 specific and direct factual claims regarding Benchmark. He did not give any indication that the  
26 statements we was making were based on his personal experience or that they were opinions. To the  
27 contrary, within the context of the situation he was clearly presenting all of his statements as factual  
28 claims about Benchmark and its staff.

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

Executed on June , 2008 in



JAMES MCCULLY