

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

Cofy
FILED-Central District
SUPERIOR COURT
SAN BERNARDINO COUNTY

JUL 15 2003

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

10
11
12
13
14
15
16
17
18
19
20
21

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

Plaintiff,

v.

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

Defendant.

CASE NO.: CIVSS 803920
DECLARATION OF ED PINEDO IN SUPPORT
OF PLAINTIFFS' OPPOSITION TO SPECIAL
MOTION TO STRIKE COMPLAINT PURSUANT
TO CCP §425.16

22 I, Ed Pinedo, declare as follows:

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

27 2. I have been employed by BENCHMARK for several years and am currently the Head of
28

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

7 Attorneys for Plaintiffs
8 BENCHMARK YOUNG ADULT SCHOOL, INC.
9 AND JAYNE LONGNECKER

10
11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN BERNARDINO, CENTRAL CIVIL DISTRICT

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

17 Plaintiff,

18 v.

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

21 Defendant.

CASE NO.: CIVSS 803920

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

22 I, Ed Pinedo, declare as follows:

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

27 2. I have been employed by BENCHMARK for several years and am currently the Head of
28

1 Operations for BENCHMARK. As Head of Operations I am responsible for various assignments at the
2 School. My job duties occasionally include accompanying students who have court appearances on
3 pending criminal matters.

4 3. In or about Thanksgiving 2007, BENCHMARK was assisting a student named MAUSER
5 Sefami Mauser (“MAUSER”) with a pending criminal matter in San Bernardino County. Specifically,
6 MAUSER’s parents had requested that BENCHMARK assist MAUSER in complying with the
7 requirements of the court and Probation Department on the pending criminal matter.

8 4. At this time, MAUSER was attending school at I.A.T. Automotive School (“SCHOOL”).
9 MAUSER was also living independently at a location that BENCHMARK had arranged for him. I was
10 personally involved with MAUSER’s situation, including driving him to and from SCHOOL every day
11 and accompanying him to his court appearances..

12 5. On or about November 2, 2007, I went to court with MAUSER for an appearance on the
13 pending criminal matter. At that court appearance, for which I was present the entire time, certain
14 probation conditions were imposed on MAUSER pending a disposition of his case. Those conditions
15 included that he could not change his residence without permission from the Probation Department and
16 that he could not leave California.

17 6. Between November 2 and Thanksgiving I continued to drive MAUSER to and from his
18 schooling.

19 7. After being away from BENCHMARK for the Thanksgiving holiday, I returned on
20 Monday, November 26, 2007. I was informed by BENCHMARK staff that MAUSER had over the
21 weekend changed his residence at the urging of Michael Crawford (“CRAWFORD”). I was aware of
22 CRAWFORD and that he was a former BENCHMARK student because I was working at
23 BENCHMARK during the period in which CRAWFORD was a student here. I was also told that
24 CRAWFORD was demanding that BENCHMARK return MAUSER’s passport to him. I was also
25 informed that over the weekend CRAWFORD had contacted MAUSER’s mother in Mexico by
26 telephone.

27 8. I was concerned for MAUSER because I was aware of the probation conditions that the
28 court had imposed earlier that month. By changing his residence MAUSER might be in violation of his

1 probation. The fact that CRAWFORD was demanding MAUSER's passport also suggested that
2 MAUSER might further violate his probation by leaving California.

3 9. I wanted to determine whether I should comply with CRAWFORD's demand that
4 BENCHMARK return MAUSER's passport, so I contact Redlands Police Department. I explained the
5 situation to them. The office with whom I spoke specifically advised me that the passport should not
6 be returned.

7 10. Around this time, I received a telephone call directly from MAUSER. MAUSER was in
8 an agitated state. He explained that he was at the SCHOOL already and that CRAWFORD was with
9 him. He said that he did not want CRAWFORD around him, but that CRAWFORD would not leave
10 and would not leave him alone. He asked me to help him deal with CRAWFORD and convince
11 CRAWFORD to leave him alone.

12 11. I agreed to drive over to the SCHOOL. When I arrived at the SCHOOL, CRAWFORD
13 was in fact at the SCHOOL standing in the driveway. I recognized CRAWFORD from his prior
14 attendance at BENCHMARK.

15 12. I approached CRAWFORD and informed him that BENCHMARK was assigned by
16 MAUSER's family to help MAUSER meet his probation requirements as dictated by the Court.

17 13. CRAWFORD did not engage me in any conversation. He acknowledged me and then
18 finally exited the area and left MAUSER alone.

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

21 Executed on ^{July 2}~~June~~, 2008 in Redlands, California.

22 
23 _____
ED PINEDO