

1 Robert J. Nelson (SBN 132797)
Richard M. Franco (SBN 170970)
2 Jennie Lee Anderson (SBN 203586)
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
3 Embarcadero Center West, 275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
4 Telephone: (415) 956-1000
Facsimile: (415) 956-1008
5
6 Michael J. Dowd (SBN 135628)
Jonah Goldstein (SBN 193777)
7 Stephen P. Polapink (SBN 177489)
MILBERG WEISS BERSHAD HYNES & LERACH, LLP
8 600 West Broadway, Suite 1800
San Diego, CA 92101
9 Telephone: (619) 231-1058
Facsimile: (619) 231-7423

10 Patrick J. Coughlin (SBN 111070)
11 Ex Kano Sams (SBN 192936)
MILBERG WEISS BERSHAD, *et al.*
12 100 Pine Street, Suite 2600
San Francisco, CA 94111
13 Telephone: (415) 288-4545
14 Facsimile: (415) 288-4534

Manuela Albuquerque (SBN 67464)
Berkeley City Attorney
Matthew J. Orebic (SBN 124491)
Deputy City Attorney
1947 Center Street, 1st Floor
Berkeley, CA 94704
Telephone: (510) 644-6380
Facsimile: (510) 644-8641

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN DIEGO

17 Coordination Proceeding Special Title
(Rule 1550(b))

18 FIREARM CASES

19 Including actions:

20 *People, etc., et al. v. Arcadia Machine & Tool,*
Inc., et al.

21 *People, etc., et al. v. Arcadia Machine & Tool,*
Inc., et al.

22 *People, etc., et al. v. Arcadia Machine & Tool,*
Inc., et al.

JUDICIAL COUNCIL COORDINATION
PROCEEDING NO. 4095

San Francisco Superior Court No. 303753

Los Angeles Superior Court No. BC210894

Los Angeles Superior Court No. BC214794

**DECLARATION OF BERKELEY POLICE
CAPT. BOBBY MILLER IN SUPPORT
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO COMPEL**

DATE: January 26, 2001
TIME: 8:30 a.m.
DEPT: 65
JUDGE: Hon. Vincent P. DiFiglia

1 I, Bobby Miller, declare:

2 1. I am a Captain in the City of Berkeley Police Department and have been employed
3 with the Berkeley Police Department since 1968. I have supervised the Support Service Division
4 of the Department for the last seven years. Part of my duties in this position is to oversee the
5 maintenance of police reports and to act as the custodian of records for the Department. Except
6 as otherwise stated, I have personal knowledge of all the facts stated in this Declaration and I
7 am competent to testify to these facts if called on to do so.

8
9 2. The City of Berkeley Police Department cannot conduct a computerized search of
10 police reports that document incidents in which a firearm was discharged by accident. Instead,
11 the narrowest computerized search that could be run for firearm accident reports is all non-
12 criminal police reports.

13
14 3. To recover police reports regarding firearm accidents, e.g. for 1996-1999, if they exist,
15 the Department would have to manually review all non-criminal police reports for all calls for
16 service during that four-year period. Doing so would require months of staff time for several
17 Department employees as over 120,000 police reports would have to be individually reviewed.
18 The Department does not have the resources to conduct such a search without compromising
19 its ability to deliver baseline services to the community.

20
21
22 I declare under penalty of perjury under the laws of the State of California that
23 the foregoing is true and correct.

24 Date: January 8, 2001

25 
26 BOBBY MILLER
27
28

1 **DECLARATION OF SERVICE**

2 *In re Firearm Case*
3 No. JCCP 4095

4 (*People, et al. v. Arcadia Machine & Tool, Inc., et al.*)
5 San Francisco Superior Court No. 303753
6 Los Angeles Superior Court No. BC210894
7 Los Angeles Superior Court No. BC214794

8 I, Veronica Rivera, declare:

9 1. That I am and was, at all times herein mentioned, a citizen of the United States and
10 a resident of the County of San Diego, over the age of 18 years, and not a party to or interested
11 in the within action; that my business address is 600 West Broadway, Suite 1800, San Diego,
12 California 92101.

13 2. That on January 12, 2001, I served the **DECLARATION OF BERKELEY**
14 **POLICE CAPT. BOBBY MILLER IN SUPPORT OF PLAINTIFFS' OPPOSITION TO**
15 **DEFENDANTS' MOTION TO COMPEL** by JusticeLink Electronic filing on all persons
16 appearing on the Service List.

17 3. That there is a regular communication by mail between the place of mailing and
18 places so addressed.

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this 12
20 day of January, 2001, at San Diego, California.

21 Veronica Rivera
22 VERONICA RIVERA
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