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Attorneys for The People of the State of California, et al.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

Coordination Proceeding Special Title (Rule 1550(b)))	JUDICIAL COUNCIL COORDINATION PROCEEDING NO. 4095
FIREARM CASE)	DECLARATION OF EX KANO S. SAMS II IN SUPPORT OF PLAINTIFFS' OPPOSITION TO FORJAS TAURUS, S.A. AND TAURUS INTERNATIONAL MANUFACTURING INC.'S MOTION TO COMPEL
Including actions:)	
<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>)	
<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>)	San Francisco Superior Court No. 303753
<i>People, et al. v. Arcadia Machine & Tool, Inc., et al.</i>)	Los Angeles Superior Court No. BC210894

Los Angeles Superior Court No. BC214794

1 I, Ex Kano S. Sams II, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the State of California. I am an
3 associate with the law firm of Milberg Weiss Bershad Hynes & Lerach LLP and am counsel for
4 plaintiffs in this action. The facts stated within this declaration are based upon my personal
5 knowledge and I would competently testify to them if called upon as a witness.

6 2. On February 3, 2001, I met Timothy Bumann when we both attended a conference
7 in Los Angeles. Plaintiffs and counsel for Taurus and Forjas Taurus did not arrange to meet before
8 the conference. The topic of conversation during the vast majority of the five-minute discussion was
9 not defendants' discovery to plaintiffs, but defendants' failure to adequately respond to plaintiffs'
10 discovery requests. Mr. Bumann informed me that he drafted a document which he sent to his local
11 counsel in California with instructions to serve responses based upon the document he drafted. Mr.
12 Bumann stated that when he saw what his local counsel had actually served to plaintiffs, he was
13 surprised that the documents were so non-responsive. Mr. Bumann stated that his local counsel
14 failed to follow his instructions in drafting responses to plaintiffs' discovery requests. Mr. Bumann
15 then stated that he would provide supplemental responses to plaintiffs' requests himself – responses
16 which plaintiffs still have not received. Briefly, I indicated that plaintiffs were willing to discuss
17 defendants' deferred discovery and that we should further discuss all these discovery issues.

18 3. On February 6, 2001, Mr. Bumann and I again spoke briefly on the telephone. I
19 informed Mr. Bumann that I would consult with liaison counsel regarding defendants' deferred
20 discovery. Mr. Bumann stated that he had a hearing in another case on February 8, but that he would
21 call me that afternoon. On February 8, I intended to discuss the following issues with Mr. Bumann:
22 (1) the extent to which defendants' discovery is duplicative of the discovery sought by defendants
23 collectively in the "core" discovery; (2) the extent to which plaintiffs' upcoming production of
24 documents would be responsive to defendants' requests; and (3) defendants' complete failure to
25 respond to plaintiffs' discovery requests and Mr. Bumann's failure to provide supplemental responses
26 as we discussed. Mr. Bumann failed to call me on February 8. The following day, plaintiffs received
27 notice that defendants had filed a motion to compel.
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4. Attached as Exhibit 1 is a true and correct copy of a letter dated January 19, 2001 from counsel for plaintiffs to counsel for Taurus and Forjas Taurus.

5. Attached as Exhibit 2 is a true and correct copy of a letter dated January 24, 2001 from counsel for plaintiffs to counsel for Taurus and Forjas Taurus.

6. Attached as Exhibit 3 is a true and correct copy of a letter dated January 24, 2001 from counsel for Taurus and Forjas Taurus to counsel for plaintiffs.

7. Attached as Exhibit 4 is a true and correct copy of a letter dated January 24, 2001 from counsel for plaintiffs to counsel for Taurus and Forjas Taurus.

8. Attached as Exhibit 5 is a true and correct copy of a letter dated January 26, 2001 from counsel for plaintiffs to counsel for Taurus and Forjas Taurus.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 15th day of February, 2001 at San Francisco, California.

Ex Kano S. Sams II
EX KANO S. SAMS II

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