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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

12 SABRENA TURNER-ODOM,
13 Plaintiff,
14 v.

15 LOS ANGELES COMMUNITY COLLEGE
16 DISTRICT; LOS ANGELES COMMUNITY
17 COLLEGE SOUTH WEST COLLEGE;
18 HOWARD IRVIN; DENISE NOLDON and
19 DOES 1 through 100, Inclusive,
20 Defendants.

CASE NO.: BC724401

Assigned to Hon. Robert S. Draper in Dept 78

**DECLARATION OF MARYANN P.
GALLAGHER, ESQ. WITH COMPENDIUM
OF EXHIBITS IN OPPOSITION TO
DEFENDANTS' MOTION TO DISQUALIFY
JUDGE FOR CAUSE AND TO VOID RULINGS
ON POST-TRIAL MOTIONS**

Action Filed: October 04, 2018
Trial Date: October 03, 2022

1 11. Attached hereto as Exhibit "1" is a true and correct copy of the Declaration of Jamie Wright
2 Esq.

3 12. Attached hereto as Exhibit "2" is a true and correct copy of the Declaration of Viridiana
4 Aceves, Esq.

5 13. Attached hereto as Exhibit "3" is a true and correct copy of the photographs of all the
6 attorneys and the parties in this case. The photograph shows how diverse the parties and the
7 attorneys in this case are. Both of the parties are African American. The all-female team who tried
8 this case for three weeks before Judge Draper was a diverse group of women. Ms. Brown was not
9 part of the trial in any manner or present at all during any day of the trial. Ms. Molina was not in
10 person during the trial, she was on video for one portion of the initial trial day but never appeared in
11 court.

12 14. On the first day of trial, I requested permission from Judge Draper under Local Rule 3.93 to
13 allow Ms. Aceves and Ms. Wright to allow them to split the duties with me to handle parts of the
14 trial such as *voir dire* where I would share some of my time so they could get experience. Judge
15 Draper was very supportive of this idea of teaching attorneys during trial and allowing women of
16 color to obtain trail experience during trial.

17 15. The jury in this case was very diverse, it consisted of men and women, of Asian and Latina
18 descent.

19 16. The case was tried over three weeks. I was in court every day with Judge Draper and the rest
20 of our team. During the three-week trial, Judge Draper never said anything to me or any of the
21 female attorneys on my team that was inappropriate. He was very polite and respectful to them.

22 17. Dr Sabrena Odom is an African American woman. She was on the stand for over a day. She
23 was in court every day. During the three-weeks of trial, Judge Draper never said anything offensive
24 or inappropriate to her or in her presence.

25 18. I observed the way that Judge Draper treated the witnesses in this case. There were many
26 African American women that were witnesses. The court treated each witness with dignity and
27 respect.

28

1 19. I observed the way that Judge Draper treated Doctor Irvin, a male African American, when
2 he was on the stand, Judge Draper treated Dr. Irvin with dignity and respect. Judge Draper treated
3 plaintiff Dr. Sabrena Odom with dignity and respect when she was on the stand.

4 **DEFENDANTS ARE UNHAPPY WITH THE UNANIMOUS VERDICT AND HAVE**
5 **REFUSED TO ACKNOWLEDGE THAT ANY EMOTIONAL DISTRESS DAMAGES**
6 **SHOULD HAVE BEEN AWARDED. THEY ARE SIMPLY SEEKING A SECOND**
7 **CHANCE TO RETRY THIS CASE. SINCE THEY WERE UNSUCCESSFUL ON THE**
8 **POST TRIAL MOTIONS, THEY ARE NOW SEEKING A SECOND CHANCE AT THOSE.**

9 20. The Defendants have a myopic view of the case partly because current counsel Ms. Brown
10 was never at the trial and never observed a witness testify in this case and never met the Plaintiff.
11 Defendants have always been of the view that emotional distress damages have no value. That is
12 what caused this case to go to trial. However, even after a unanimous jury of diverse citizens gave
13 them their value on the emotional distress damages, Defendant still refused to accept it.

14 21. The testimony at trial in part regarding Dr. Turner Odom, was that Dr. Turner Odom, who
15 had dreamed of becoming a teacher at Southwest College in Los Angeles since she was a child and
16 who lived just a few blocks from the college, worked hard to achieve her dream. She attended
17 Southwest College as a student and worked in their student work program during college. She was a
18 single mother attending college. She worked to obtain her degree, then her Master's in Education.
19 She worked hard and long hours to obtain tenure. She devoted her life to Southwest College and in
20 her first fifteen years she grew to become a treasured member of the staff. She created programs to
21 help previously incarcerated students learn life skills such as talking on the phone in a professional
22 manner, excel spread sheet, creating resumes, practicing job interviews. She took over the Student
23 Success Center which provided tutoring for all students from 8 am to 8 pm and tutored thousands of
24 students helping them be successful in their attempts to achieve a degree. She was always on campus
25 at sporting events, graduation, plays. She was affectionally known as "The General" because she
26 was firm but fair. She loved her school, and her students loved her. Everything changed when
27 Defendant Howard Irvin became Vice President of Student Services. He set his sights on Dr. Odom
28 asking her out, making comments about her body, she refused his advances, he would become more

1 aggressive. He would touch his genitals when she was in his office for meetings. He continued to
2 try and get her to sleep with him telling her how much he wanted her. She refused his advances. As
3 Vice President of Student Services, he had control over the finances at the college. He wielded
4 power over who would get funding, he could "Delay" requesting funding and then it would be
5 denied. (See Plaintiff's Opposition to Defendant's Motion for Judgment Notwithstanding the
6 Verdict and Trial Testimony filed concurrently therewith. The trial testimony is not attached to this
7 motion, and it is voluminous but is cited in the Opposition).

8 22. Dr. Odom's dream turned into a nightmare. Someone slid an article under her door with the
9 words "Watch Out" on a stickie. The article was about Irvin and his prior history as an LAPD officer
10 and allegations of assaulting a female police officer and stalking her. Ms. Odom turned this
11 complaint into Human Resources as part of her complaint, informing them that she was afraid for
12 her safety and her students' safety. The investigative report which was Defendant's Exhibit "225"
13 recounted the information about Irvin's past that HR has received as part of the investigation.
14 LACCD still failed to take any action to protect Dr. Odom. Further there was testimony from a
15 young student who testified about Vice President Irvin and her boss Mr. Barron grooming her and
16 other young student workers, calling them into the office, insisting that they wear short dresses and
17 high heels, asking them questions about their sex life, inviting them to a party at Irvin's house. Ms.
18 Gonzalez had filed a lawsuit against LACCD Irvin and Barron THREE MONTHS before plaintiff
19 complained. (See Plaintiff's Opposition to the Motion for New Trial).

20 23. Attached hereto as Exhibit "7" is a true and correct copy of the Opposition to Motion for
21 New Trial.

22 24. Attached hereto as Exhibit "8" is a true and correct copy of the Opposition to the Motion for
23 Judgment Notwithstanding the Verdict. The Exhibits to the motions included the entire trial
24 transcript that is too voluminous to attach.

25 25. We had agreed that the last day to have the motions heard was on 2/20/2023 so we stipulated
26 to have the motions heard on 2/15/2023.

27 26. Attached hereto as Exhibit "9" is a true and correct copy of the stipulation.

28 27. This is a trial that should instill pride in all involved, counsel, the court, the jury. A very

1 diverse team of women attorneys presented a case to a very diverse jury who listened to the evidence
2 for three weeks of the trial and came to a unanimous decision on liability and awarded the plaintiff
3 the value that they determined would fully compensate her for the sexual harassment, the loss of
4 her dream, the betrayal of the school that she loved and devoted her life to for 20 years.

5 28. The trial was putting Local Rule 3.93 into action. Defendants are quick to say that Dr. Odom
6 was not fired and did not suffer a loss of earnings. Her suffering was not economic, certainly. Her
7 suffering was the devastation of her dream of forever being a professor at Southwest College and
8 finding joy in going there every day. Since she was tenured, she could not leave and go to another
9 school, she would lose all of the years she put in and start at the beginning. She was trapped in a
10 nightmare where she had to see Irvin every day. Contrary to Defendant's claim, after Dr. Odom
11 complained, Irvin did not stop. He continued in his attempts to start a second Student Success
12 Center so that he could close down Dr. Odom's, he refused to allow her to participate in a National
13 Annual meeting of College Professors called Achieving the Dream which she had done for 5 years,
14 this provided her exposure and opportunity on a National Level. LACCD failed to acknowledge the
15 sexual harassment, they failed to investigate, they failed to take action to prevent further harassment
16 or retaliation, they failed Dr. Turner Odom, and she spent the past 5 years of her life trapped at a
17 college she once loved and dreamed of having to go to work every day with Irvin still there,
18 knowing the LACCD didn't care enough to protect her, afraid of what might happen to her for
19 complaining. She lived in fear at her house, with Irvin's past as an LAPD officer and charges of
20 stalking and violence toward women. With Irvin boasting at trial under questioning by his own
21 counsel that he purchased the gun of the Grim Sleeper, who snuck into women's houses and killed
22 them while he slept. (See Exhibit "7" and "8.")

23 29. Attached hereto as Exhibit "4" is a true and correct copy of the excerpt from the Direct
24 Examination of Irvin.

25 30. Dr. Odom stopped teaching the night class that she herself created, stopped going to
26 basketball games and stopped going to graduation to be onstage with her students because Irvin
27 would be there. She had nightmares. She continued at the time of trial to be afraid of Irvin when
28 she was home. (See Exhibit "7" and "8.")

1 31. The court allowed oral argument for 3 hours on Defendants two post-trial motions. He
2 never refused Defense counsel a chance to argue. It is clear that Defendants are unhappy with the
3 unanimous jury verdict in favor of plaintiff awarding her emotional distress damages after the three-
4 week trial. Hedging their bets to see which way the court would rule, during the 3 hour oral
5 argument on the post trial motions, Defendants made no motion to the court to recuse itself, and
6 never objected to the court deciding the Motions for New Trial or the JNOV. The court did not
7 issue its ruling until the very end of the 3 hour oral argument.

8 32. The Defendants now are second guessing themselves, the evidence they presented, including
9 the above testimony by Irvin on direct examination, the witnesses they presented, they desperately
10 want a chance to redo this trial. They could have resolved this case , but they chose to try their case
11 to a jury. Now they are unhappy with the jury's unanimous verdict. That is what lies at the very
12 heart of this motion.

13 33. I am proud that a diverse jury of Asian and Latina men and women listened to the evidence
14 and valued the plaintiff, Dr Odom's emotional distress without regard to race. I am proud that two
15 young women of color were able to have the opportunity to obtain invaluable trial experience in this
16 case. It is unfortunate that they know that they have to witness another women of color make these
17 accusations.

18 **THE DECLARATION OF MS. BROWN CONTAINS ALLEGATIONS, ASSUMPTIONS,**
19 **INACCURACIES AND ACCUSATIONS AND STATEMENTS THAT ARE NOT WITHIN**
20 **HER OWN PERSONAL KNOWLEDGE**

21 **The following parts of Ms. Brown's declaration are not "of her own personal knowledge" –**
22 **since she was not at the trial, and are objectionable:**

23 **Brown Declaration ¶ 8:** "Before she complained, Dr. Irvin stopped the behavior plaintiff
24 complained of, and she never observed him make any statements or take actions that she believes
25 threatened her physical safety. She had no fears for her job security" (Brown Declaration pg. 3, ¶14.)

26 This misrepresents the testimony.

27 34. As set forth in the trial testimony of Dr. Odom after she complained in 2017, Irvin continued
28 to make unwanted advances towards her, continued to deny her opportunities such as the

1 Achieving the Dream, a national teachers organization that Dr. Odom had participated in for 5
2 years and which allowed her National Exposure and would have provided her more opportunities.
3 He continued to attempt to open his competing Student Success Center so he could shut down
4 plaintiffs.” She continued up to the date of trial to be afraid to be alone, she thought about buying a
5 gun herself, she stopped going with friends, she stopped playing tennis. This anxiety affected all
6 aspects of her life. (See Exhibit “5” portions of trial testimony of Sabrena Turner Odom) See Also
7 Exhibit “8” and the Opposition to the Motion for Judgment Notwithstanding the Verdict.

8 **Brown Declaration ¶ 15:** “The motion is timely and filed fifteen days after the trial Judge made
9 his offensive comments. This was the earliest reasonable opportunity for Defendants to file their
10 motion.” Brown Declaration pg 3 ¶ 15.

11 This misrepresents the law and the facts.

12 35. The court loses jurisdiction when the judgment becomes final. The Judgment became final in
13 this case on 2/20/2023. (See Stipulation of the Parties regarding hearings on the Post-trial motions
14 attached hereto as Exhibit “9”) Defendants have failed to cite to any case where a Motion to
15 Disqualify was file AFTER the judgment became final. Further, the “earliest reasonable
16 opportunity” for Defendants to object or bring this to anyone’s attention was *during the 3-hour*
17 *hearing, before* the court made its decision.

18 36. Defense counsel chose not to challenge the judge on his impartiality or give him a chance to
19 answer these accusations at the hearing, because the Defense counsel did not know how the Judge
20 was going to rule. If the Judge had denied the Motion for New Trial or Reduced the Damages in
21 this case, Defense counsel would not be filing a Motion to Disqualify asking for another hearing.

22 **Brown Declaration ¶ 16:** “Judge Drapers comments regarding race, Black history, and
23 miscegenation would be inappropriate in any forum. The Judge’s comments were plainly motivated
24 by observations regarding the race of defense counsel, as well as the race of individual parties to
25 this lawsuit.” (Brown Declaration pg. 3, ¶16.)

26 37. This is an erroneous assumption made by Ms. Brown after meeting Judge Draper for the
27 first time. It is countered by the Declarations of Ms. Jamie Wright and Ms. Aceves who were at the
28 trial for 3 weeks, both female attorneys of color, who never witnessed any prejudicial or

1 inappropriate behavior during the entire trial. (See Exhibit "1" and Exhibit "2" hereto).

2 **38. Brown Declaration ¶17:** "Yet instead of discussing the legal issues, almost immediately
3 after I began to argue the motions, Judge Draper repeatedly interrupted me, and interjected irrelevant
4 comments about Black people, Blake history, Black Superbowl players and miscegenation"

5 This misrepresents what happened at the hearing.

6 **39.** At the hearing, Ms. Brown, who was meeting Judge Draper for the first time, immediately
7 began speaking in a hostile and aggressive tone. Her body language and stance were also aggressive
8 from the very beginning.

9 **40.** It was Ms. Brown who was cutting off the court at times during the morning session. She
10 would start looking at her phone while the Judge was talking.

11 **41.** I was quite frankly shocked by her behavior. I felt like she was trying to create a narrative
12 and challenge the court so she could have a record for appeal. I wish I had spoken out at first when
13 she began to become more hostile and I felt her demeanor was inappropriate towards the court, but
14 I have never experienced this before.

15 **42.** When Ms. Brown was finished I tried to focus the argument on the law regarding the two
16 motions and the evidence. She had already been arguing for an hour, so I had about a half hour
17 before lunch.

18 **43.** We went to lunch and I prepared to continue to argue the law and the evidence, which I did
19 when we returned from lunch. (See Exhibit "B" to Defendant's compendium of evidence pg. 2-15)
20 However, the court gave Ms. Brown the last word and she then again launched in a very aggressive
21 and disrespectful tone raising the issues that she admitted were "irrelevant musings" of the court
22 and seemed like she was more focused on building a record on Appeal in case things did not go
23 Defendants way in the rulings. I again thought I should speak up and say something about her
24 hostile tone and the way she was peppering the Judge with questions but didn't feel it was my place.
25 Judge Draper remained calm and answered her questions.

26 **44.** At no time did Judge Draper treat Ms. Brown with disrespect, to the contrary he was very
27 complimentary of her skills as an attorney and advocate.

28 **45.** He expressed that he was willing to listen to what she had to say. Attorney Brown, however,

1 tried to bring the discussion back to the prior irrelevant comments.

2 **Brown Declaration ¶ 24:** “At this point, I interjected to stop the Judge from talking about race
3 and request that the Judge focus on the motion before him. I said, “Look, I am here. And you
4 obviously see who I am”.

5 46. Ms. Brown didn’t “interject to stop the Judge from talking about race”, she challenged the
6 judge with her words and tone. And as mentioned up above, after the lunch break and after I had
7 tried to focus the argument on the law and the facts, Ms. Brown then started again challenging the
8 Judge.

9 47. The Defense Motion is focused on trying to create a narrative. Ms. Brown assumed from the
10 first time she began to speak that the court was biased against her or was trying to create that
11 narrative. Her voice and her stance were confrontational and challenging. Her tone was angry and
12 confrontational.

13 48. I do recall Ms. Brown challenged the court saying “Look I am here, and you obviously see
14 who I am.” Her statement had nothing to do with the case, or the facts but she was trying to create a
15 narrative for the record.

16 **Brown Declaration ¶27:** “In addition to this fixation on race, the trial Judge engaged in a series
17 of problematic conduct, including comments about women and Defendant’s attorneys (who were
18 both women of color) , that were bewildering, inappropriate and highly unsettling.”

19 49. This is a vague, unsupported statement. Present with me at counsel table during the post trial
20 motions was Viridiana Aceves, who is also a woman of color and a Latina Attorney. She was with
21 the court throughout the 3 weeks of trial, she testified that Judge Draper always treated her with
22 respect. (See Exhibit “2” hereto). Ms. Wright was not present for the post-trial motions.

23 **Brown Declaration ¶27:** “After the lunch break, Maribel Medina, LACCD’s General Counsel,
24 a Latina Attorney, was seated at counsel table waiting for the hearing to begin. For reasons
25 unknown, the trial judge entered the courtroom... and approached Ms. Medina from behind and—
26 without permission or warning-stroked her hair...”

27 50. Both Ms. Aceves and I were at the counsel table. I saw the Judge enter the court room and
28 walk past the defense counsel table. There is very little space there as I walked there when defense

1 counsel was there during trial and had brushed up against defense counsel myself. Neither I nor Ms.
2 Aceves saw Judge Draper touch Ms. Medina's hair or 'stroke her hair.' (See Declaration of Ms.
3 Aceves Exhibit "2.")

4 **Brown Declaration ¶28:** "Then during oral argument, in the afternoon, I looked at my watch,
5 while opposing counsel was speaking—and understandable response gesture given that the hearing
6 had dragged on due to the irrelevant musings of the trial Judge. In response, the Judge asked: "You
7 got a date or something Ms. Brown?"

8 51. Ms. Brown had been acting in a manner that was disrespectful, this was the second time she
9 had "looked at her watch" in a showing that she had better things to do than be in court. She
10 admits the Judges comments were "irrelevant musings".

11 52. I didn't think the Judge's comments were of a sexual nature, he was trying to make light of
12 a situation that Ms. Brown was showing her impatience for and he did not scold her, he tried to
13 make light of the situation.

14 **Brown Declaration ¶29:** "The last straw occurred in chambers. After summarily denying
15 Defendant's motions.

16 53. This is conjecture and unsupported speculation on Ms. Brown's part The Court allowed
17 Ms. Brown unlimited time to argue and never cut her off or told her to stop The Court did not
18 "summarily deny " the motions, the court allowed 3 hour of oral argument, and allowed Ms. Brown
19 to say whatever she felt she wanted to say. The court answered Ms. Brown's questions, even though
20 an attorney openly questioning the court is not something that I was taught to do.

21 **Brown Declaration ¶29:** " After the argument, the Judge invited all four women into
22 chambers to discuss the case on a human level. Then, once the four women attorneys for the parties
23 arrived in chambers, the Judge proceeded to relay a story about his understanding of sexual
24 dynamics at work, recalling that at his prior law firm many male attorneys slept with female
25 secretaries and that the secretaries were told , "You better be able to f*ck better than you can type."
26 I was shocked by his statements. There is no doubt that all four lawyers heard the inappropriate
27 statement."

28 54. This does not accurately reflect what happened. After the Judge issued his ruling, he stated

1 that he no longer had jurisdiction so he wanted to talk in chambers about the case on a human level
2 and invited all the attorneys into chambers . The Judge started out the conversation in chambers
3 asking LACCD why they are continuing to fight and spend the money when what would really
4 benefit everyone is if they spent the money on creating a stronger Human resources system that
5 actually took action and listened to the professors and students and maybe this could have been
6 avoided. He mentioned something along the lines suggesting LACCD should put together a panel
7 or system to investigate allegations like those in this case. He then made a comment about how, in
8 the old days, other law firms would make comments such as the one that is referenced here by Ms.
9 Brown with the secretaries, but that his law firm O'Melveny and Myers would not use such
10 language. This language is similar to the *evidence* that was presented in this case, that Vice President
11 Irving would tell Ms. Odom that he wanted to "tap that ass" and if she slept with him she could
12 have any job she wanted". He referenced how now that there are better policies and procedures
13 and systems in place things have gotten much better.

14 55. Attached hereto as Exhibit "5" is a true and correct copy of the trial testimony of plaintiff
15 Dr. Odom detailing the sexual harassment by Vice President Irvin. Irvin repeatedly told the plaintiff
16 if she slept with him, that she could have whatever job she wanted.

17 **Brown Declaration ¶31:** "There is also reasonable doubt the Judge could be impartial based on
18 his demonstrated emotional investment in ensuring Plaintiff's victory and protecting "little girls"

19 56. This statement was not offensive or prejudicial. The Judge admitted he was a grandfather.
20 One of the witnesses in the case, Ms. Raquel Gonzalez, testified about how the first day she came to
21 Southwest College, Mr. Barron offered her a job when he walked past her, but didn't tell her what it
22 was. He had her sitting at the desk with him in an office and she didn't have any work to do. He
23 would make her wait in the car until he got there. She was young and naïve and didn't know any
24 better. He hired other young students to be student workers. Once Irvin came as Vice President, he
25 demanded the girls stop wearing jeans and sneakers and dress with dresses and high heeled shoes
26 and make up. Ms. Gonzales had to take a picture of herself everyone morning and Mr. Barron had to
27 approve it and if she did not have enough make up, or her hair was not done up right he would tell
28 her to fix it before she got there. They were all told never to talk to anyone in administration.

1 57. When she was testifying I was struck by how young she was, how naive and trusting she had
2 been of these older authority figures in her life at Southwest College and how they took advantage
3 of that to sexually harass her and other young women student workers. Ms. Gonzalez was young,
4 and she was a girl, there was nothing offensive about that characterization.

5 **Brown Declaration ¶36:** “ Judge Draper’s comments made clear that he was motivated not by
6 the individual case-whether Defendants caused injury to Plaintiff and the damages suffered by her-
7 but rather a desire to punish LACCD for not protecting children and teachers. “

8 58. This is objection and conjecture and without any basis. This was not a court trial, a jury of
9 twelve listened to the evidence and reached a unanimous verdict.

10 **Brown Declaration ¶37:** “Judge Draper’s peculiar statements at this hearing made clear why he
11 repeatedly made improper evidentiary rulings at trial and misstated the undisputed facts. For
12 example he repeatedly said that the jury could reasonably make the finding that Dr. Irvin slipped a
13 newspaper article regarding his criminal history from the 90s under Plaintiff’s office door, and that
14 was why he thought it was relevant to the case, even though the undisputed evidence was that
15 someone else put the article there. (Judge Draper denied the Motion *in Limine* to preclude the
16 twenty year old article from being introduced.)”

17 59. Attorney Brown, who was not present at trial, claim regarding this evidence was undisputed
18 is flawed. Plaintiff did not testify who slid the article under the door, therefore, the Court was
19 accurate in stating the jury was free to infer that it was Dr. Irvin. (See Exhibit “5” ODOM testimony
20 pg 130:3-15 hereto).

21 60. The LA TIMES ARTICLE was requested from LACCD from plaintiff during the
22 “investigation” and plaintiff provided it to them as part of her complaints and the investigation.
23 Attached hereto as Exhibit “6” is a true and correct copy of Exhibit “18” which was introduced into
24 evidence and part of the investigation by LACCD.

25 **Brown Declaration ¶38:** “By drawing attention to my race and other racial issues when those
26 were not issue in the matter before the Judge, and the series of sexual and sex related comments
27 towards me demonstrated his bias or prejudice towards me. Considering this was my first time I
28 appeared before him in person, it would be hard to argue that the trial Judge would have made

1 extended musings on my race, whether I was going on a “date’ and his other pronouncements
2 regarding ‘miscegenation’ and race if I had been a different race or gender”

3 61. Attorney Brown looking at her phone with impatience , coupled with her aggressive tone
4 and stance towards the court was uncomfortable for me. Instead of yelling at her for looking at her
5 phone or watch during the oral argument, the Judge tried to make light of the situation , other Judges
6 might have yelled at her for her disrespect to the court and other counsel when they were speaking.
7 I did not believe that this was a sexual comment.

8 62. Ms. Brown completely omits the fact that two women of color, Attorney Jamie Wright and
9 Attorney Viridiana Aceves were trial counsel before this court for three weeks, and during the entire
10 three weeks, the Court did not make any inappropriate comments of a sexual nature and was not
11 biased or prejudiced against these women.

12 **Brown Declaration ¶39:** “Prior to the hearing, the trial Judge stated to other litigants that he
13 was unable to read due to recent eye surgery. As a result, he did not appear to have been able to read
14 Defendant’s motion or the cases cited.”

15 63. I have no idea what Ms. Brown is referring to, this is sheer speculation and conjecture.

16 **Brown Declaration ¶40:** “Furthermore, his highly unprofessional and unusual comments about
17 race, miscegenation and sexual comments to female attorneys, and other comments described above
18 suggest that he may be suffering from some sort of incapacity that makes further involvement in this
19 case inappropriate.”

20 64. Defense counsel’s speculation that the court might be suffering from some sort of
21 impairment is improper.

22 65. An impartial observer would ask, Would Defendants still be bringing this motion asking for
23 a second chance for someone else to hear the post-trial motions and making these statements if
24 Defendants had prevailed and gotten a new trial in this matter or a reduced judgment.

25 I declare under penalty of perjury under the laws in the State of California that the above is true
26 and correct and if called to testify, I could and would so testify.

27 Executed on March 5, 2023, at Los Angeles, California.


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Respectfully submitted.

March 6, 2023

LAW OFFICES OF MARYANN P. GALLAGHER

By: 

MARYANN P. GALLAGHER