

1 3. On July 19, 2006, counsel for plaintiff Robert Jacobsen faxed the undersigned a draft
2 “joint” case management statement. The draft case management statement consisted of legal
3 argument, contained virtually no proposed scheduling information, and did not follow the format
4 required by the Court’s order requiring the joint case management statement (Docket # 10).

5 4. On July 20, the undersigned requested a copy of the draft case management statement
6 in Word or WordPerfect format from opposing counsel for Robert Jacobsen for redline editing.
7 On the same day, counsel for Robert Jacobsen responded to this request with a one-word email
8 response refusing to provide the document in a form that could be edited by the undersigned.
9 *See Exhibit A.*

10 5. On July 31, 2006, the undersigned provided a copy of his own draft case management
11 statement to counsel for Robert Jacobsen and Kevin Russell in Word format requesting edits
12 from both counsel. On July 31, 2006, counsel for Kevin Russell provided edits. *See Exhibit B.*

13 6. On July 31, 2006, counsel for Robert Jacobsen responded that she “disagrees” with the
14 draft case management statement and will provide her “own section.” *See Exhibit C.*

15 7. On August 1, 2006, the undersigned requested details on the “disagreement” from
16 counsel for Robert Jacobsen and requested alternate dates for proposed litigation activities from
17 counsel for Robert Jacobsen. *See Exhibit C.*

18 8. On August 3, 2006, the undersigned again requested details on the “disagreement”
19 from counsel for Robert Jacobsen

20 9. On August 3, 2006 at 4:00 pm counsel for Robert Jacobsen provided her first specific
21 proposed changes and indicated she would provide further changes on August 4, 2006 after
22 consulting with her client. The proposed changes included legal argument and factual
23 conclusions.

24 10. On August 4, 2006 at 11:00 am, the undersigned responded to the draft in paragraph
25 9, above.

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1 11. On August 4, 2006 at 1:00 pm, counsel for Robert Jacobsen responded to the draft in
2 paragraph 10, above. Again, the proposed changes included legal argument and factual
3 conclusions.

4 12. On August 4, 2006 at 3:00 pm, the undersigned, through my paralegal, responded to
5 the draft in paragraph 11, above, and sent counsel for Robert Jacobsen a final draft.

6 13. On August 4, 2006 at 10:30pm, counsel for Robert Jacobsen stated to the
7 undersigned that she would not agree to defendants' 3:00pm final draft.

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

10 Executed on August 4, 2006 in Portland, Oregon.

11 _____/s/_____
12 R. Scott Jerger