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6 Attorneys for David Mendoza

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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF LAKE**

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11 GARY SABALONE, ) Case No. 409878  
12 Person asking for protection, )  
13 vs. )  
14 DAVID MENDOZA, )  
15 Person to be restrained. )  
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DECLARATION OF DEAN ROGERS IN SUPPORT OF OPPOSITION TO REQUEST FOR RESTRAINING ORDER AND IN SUPPORT OF MOTION TO QUASH, DEMURRER, AND MOTION TO DISMISS

DATE: March 24, 2011  
TIME: 8:15 a.m.  
DEPT.: 1

1, Dean Rogers, declare:

1. I am the Water Resources Manager for the Robinson Rancheria Band of Pomo Indians. I am submitting this declaration in support of Police Chief David Mendoza's opposition to the request for a restraining order and in support of his motion to quash, demurrer, and motion to dismiss filed in the above-entitled matter. The information contained in this declaration is based upon my own personal knowledge and, if called as a witness in these proceedings, I could competently testify thereto.

2. November 3, 2010, I was part of a small work group testing a non-operating well situated a few hundred feet behind the Recycling Center on the Robinson Rancheria of Pomo Indian's Reservation, ("Reservation"). The well is located about 30-50 feet from a neighbor's property line.

3. The Water Resource Coordinator for the Tribe, Debbie McCubbin, and I were



1 accompanying our two consultants, Dietrick McGinnis, of McGinnis and Associates, and Phil  
2 Oberlander of Oberlander Consulting. Robinson Rancheria's Tribal police officer John Irwin  
3 was also present.

4 4. Dietrick McGinnis had expressed concern about working on the well adjacent to  
5 this neighbor because the neighbor had been threatening to him in the past. The Tribal Police  
6 had been requested to escort our work group, Officer Irwin, therefore, traveled to the site with  
7 us from the Environmental Center. We proceeded to the well site without going on the  
8 neighbor's property by driving over and walking through an adjacent area where the fence has  
9 been down for years.

10 5. We had been testing the well for about three hours or more and Ms. McCubbin  
11 and I were about to leave, because it was about 4:45pm, when Tribal Police Chief Dave  
12 Mendoza parked about 25 feet from the gate that blocks the driveway of the neighbor's land.  
13 At about this same time the neighbor was driving down from his house up on a hill top. Chief  
14 Mendoza walked in through the gate and had only come up the driveway on his way to the well  
15 site about 30 feet when the neighbor pulled up to him in his pickup truck and stopped. I could  
16 not hear much of what was said, but the neighbor appeared rather angry. Chief Mendoza  
17 appeared to be talking to him in a friendly, calm manner for several minutes. The neighbor  
18 appeared to be in good humor for the last several minutes of the conversation and was laughing  
19 somewhat about what was being said. He then proceeded to drive out his gate entrance and  
20 Chief Mendoza came over to Officer Irwin and the rest of us at the well.

21 6. Ms. McCubbin and I left for our office a few minutes later.

22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct. Executed this 21<sup>st</sup> day of March, 2011, in Nice, California.

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25 Dean Rogers  
26 DEAN ROGERS  
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