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11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF SACRAMENTO

13 DEBORAH A. DOTY, *et al.*,

14 *Plaintiffs,*

15 v.

16 MARK J. BIXBY, *et al.*,

17 *Defendants,*

18 Case No. 01AS07640

19 DECLARATION OF
20 PAUL CANNON

- 21 1. My name is Paul Cannon. I am the [owner] of Bud's Plumbing Service.
- 22 2. My company has been in the plumbing business for 21 years. I have personally
23 been in the plumbing business as a plumbing specialist for 24 years, and in the
24 process, have worked on or supervised at least 20,000 plumbing jobs.
- 25 3. At the request of Robert W. Doty, one of the Plaintiffs in the Litigation, we inspected
26 the attic of the house at 3510 Buena Vista Drive ("Plaintiff's Home") for water leaks
27 in the attic. We did not find water leaks in the plumbing. Our findings are set forth in

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a billing statement we sent to Mr. Doty dated July 13, 2000, attached hereto as Appendix A.

4. In the Spring of 2001, we received a threatening telephone call from some one purporting to be Mark Bixby. He claimed we had slandered him in our statement to Mr. Doty, although our billing statement does not mention him or his companies by name. The caller threatened to institute suit against us unless we retracted our statements in the billing statement.

5. The threats caused us significant concerns and discomfort. Nevertheless, instead of retracting our statements, which we could not do honestly, we reaffirmed the statements, pointing out that we made the statements as plumbers. Our letter dated May 15, 2001, so stating is attached hereto as Appendix B.

6. I have reviewed page 46 from Mr. Bixby's Deposition on January 9, 2002 (the "Bixby Deposition"). That page is attached to this Declaration as Appendix C.

7. That page from the Bixby Deposition contains the following quoted language:

A. I have a document from Bud the Plumber—I'm not sure what his name is—a document from a contractor who worked on Doty's house.

* * *

Q. Okay. What document do you have from Bud the Plumber?

A. Telling me he has no idea where any water occurrence came from.

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Q. Is it an invoice or a letter?

A. It's a letter.

Appendix C, page 46, lines 6-9 and 16-19.

8. That quoted statements are incorrect. We did not state that we had no idea where any water occurrence came from. Instead, as stated in our billing statement, we could see the water dripping through sheets of tar paper in the attic. Further, as stated in our letter in Appendix B, the information was obtained by our inspection of the home, and as plumbers, this is our opinion of what the problem was.

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DECLARATION

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Dated: 5/10/02, 2002.

Paul Cannon
Paul Cannon