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8 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SACRAMENTO**

10 **DEBORAH A. DOTY, et al.,**
11 *Plaintiffs,*
12 v.
13 **MARK J. BIXBY, et al.,**
14 *Defendants,*

Case No. 01AS07640

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16 **DECLARATION OF**
17 **ROBERT G. ROSSON**

18 1. My name is ^{BOB} ~~Robert~~ G. Rosson. I do business under the name of ^{BOB OR} ~~Robert~~ G. Rosson
19 General Contractor. I have had the misfortune to do business with MJB/Bixby
20 Construction, Inc. ("Bixby Inc.") and its owner, Mark J. Bixby.

21 2. I employed Bixby Inc. as a subcontractor to perform ^{DEMOLITION} ~~FOUNDATION~~ work on a
22 project for which I was the General Contractor. I later learned that Bixby Inc. was not
23 properly licensed to perform the work.
24

- 2 3. Bixby Inc. did not complete the work in a timely manner or satisfactorily. The quality
3 of the work performed by Bixby Inc. was shoddy and substandard. I received reports
4 that employees of Bixby Inc. had used drugs on the premises.
- 5 4. I was required to repair and reconstruct much of Bixby Inc.'s work at substantial
6 costs to myself. I terminated Bixby Inc., which I had a right to do under a nonbinding
7 agreement.
- 8 5. Nevertheless, despite completely lacking grounds for a claim, Bixby Inc. sued me for
9 lost profits.
- 10 6. Mr. Bixby made numerous false and misleading statements in the course of the
11 litigation.
- 12 7. Bixby Inc.'s attorney withdrew from the action, filing a Declaration and a
13 Memorandum, copies of which are attached hereto as Appendix A. In that
14 documentation, Bixby Inc.'s attorney stated that Mr. Bixby had made threats against
15 his own attorney.
- 16 8. Specifically, the Declaration of Bixby Inc.'s attorney states that:
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18 a dispute has arisen between attorney and client in relation to prosecution of the case, resulting in
19 inappropriate threats from client to attorney.
- 20 9. In addition, the Memorandum of Bixby Inc.'s attorney states that there was:
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22 a substantial dispute between attorney and client as to how to prosecute this action, which has
23 resulted in threats on behalf of client against attorney, making the relationship untenable.
- 24 10. I refused to settle Bixby Inc.'s claim.

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11. In the end, on the day before trial, Bixby Inc., withdrew its claim and its suit.

DECLARATION

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

Dated: 5/22/0, 2002.


Robert G. Rosson
Bob