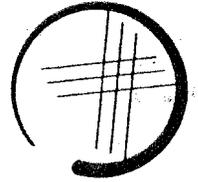


MEMBER SUGGESTION FORM



RIO DEL ORO
RACQUET CLUB

SUBJECT:

See attachment please.

MEMBER NAME:

Robert W. Doty

DATE:

2/19/01

MEMBERSHIP #:

904801-1

DAY PHONE:

483-7378

EVENING PHONE:

FOLLOW UP:

Staff Authority: _____

Date Assigned: _____

Completion Deadline: _____

Remarks: _____

Date Completed: _____

Initials: _____

REPORT

This is a Report regarding actions taken and threats made against me by Mark Bixby. I believe (but am unsure) that Mr. Bixby's home address is 3531 San Ysidro, Sacramento, CA 95864. The address of Mr. Bixby's company, MJB Construction, is 1513 18th Street, Sacramento, CA 95814 [telephone: (916) 448-9797].

By way of background, Mr. Bixby and his company are contractors, who performed roofing work at my home in the past. I have filed a claim against them in court. Mr. Bixby is unhappy about that action, and took certain actions described herein. I am making this Report for the record in case of future occurrences.

Mr. Bixby represents a substantial physical threat to me. I am 58 years old. Mr. Bixby is probably about 25 years or more younger than me. Although I am taller than he is, Mr. Bixby is muscular and has substantial physical bulk. In addition, as I set forth below, he explicitly threatened me, both in a physical sense and emotionally in the form of threats of continuing harassment. The incidents described herein have upset me greatly. I am extremely concerned about definite, clear and present dangers to myself and potentially to my family and property. I am making this Report for the record in case of future occurrences.

On Saturday evening, February 17, 2001, at about 5:15 to 5:45 p.m., in the exercise room of Rio del Oro Racquet Club, 119 Scripps Drive, Sacramento, CA 95825 [telephone: (916) 488-8100], Mr. Bixby committed the following acts toward me:

- Mr. Bixby threatened me with physical harm and future continuing harassment and retaliation.
- When I walked away from him, over an approximate 10 to 15 minute period Mr. Bixby pursued and harassed me by following me from one exercise machine to another, calling me obscene names, cursing repeatedly, and intruding into my personal time, despite my repeated, and deliberately and carefully measured and calm requests that he leave me alone.
- Mr. Bixby threatened me with continuing harassment into the indefinite future at the Club, stating he was "going to be" my "workout partner from now on."
- Mr. Bixby threatened unspecified harm to me in the future.
- Mr. Bixby made it clear that, if I complained about his actions, he would deny his actions and would accuse me of being an aggressor toward him.
- When I went to the front desk, Mr. Bixby came out into the lobby, and denied that anything had occurred.

Something very definitely occurred.

The incident began after I had been in the exercise room about 40 minutes. I had finished using an exercise bike, and walked to the water fountain, when Mr. Bixby approached me. I did not recognize him immediately. He stated, "You are fucking with the wrong person. You do not know who you are dealing with. I will make you very sorry for what you are doing."

I did not hear him clearly, and asked him to repeat what he said. He repeated his statement, finishing by calling me "dick." I began to realize who he is. I told him my name is "Robert." At that point, he said, "No, it's dick. You are an asshole."

I told him I intend to assert my rights. He stated his position, repeatedly calling me "dick." I told him he had called me "dick" 12 or 13 times, and asked him to stop. He stood very close to me. He then told me, "You are in my personal space, dick. If you touch me, I will make you very sorry."

I turned, and walked away calmly to an exercise machine some 40 to 50 feet away. He persisted, calling me "dick." After three or four minutes, he walked up to me at an exercise machine, and repeated his statements. I was sitting down, and did not stand up at any time during the occurrence. I deliberately assumed an open and nonthreatening posture and tone of voice. Mr. Bixby added, "Hey dick, I am going to be your workout buddy from now on."

I asked him to "please leave me alone." He stated, "I have every right to stand here. You are going to be sorry, I will see to that." I said in a calm, but clear, voice, "Please go away and leave me alone." He then stated that he had done nothing, and that instead it was I who was harassing him. I interpreted (and continue to interpret) that statement as another threat to the effect that I could never prove what he was doing and would do, and that he not only would deny everything, but if I sought protection, he would attempt to turn the matter against me.

I was still seated at the machine, and did not stand. Mr. Bixby continued to call me "dick" over and over and to state that he would be my "workout buddy from now on." Again, I asked him calmly and clearly to "please go away, and leave me alone." After making a number of additional similar statements, eventually, he walked away. Several members of the club witnessed the incident.

I went to another machine. He came up to me again. He again called me "dick," and repeated his statements that he is "going to make [me] very sorry." Again, I was seated, and did not stand up. Again, I asked him in a deliberately calm and measured voice to "please go away, and leave me alone." Again, after making several additional statements along the same lines, Mr. Bixby walked away again. Although I am experienced in handling stressful situations, I was shaking, and was concerned that he would return. I was afraid for family members and for my car in the lot. I looked for a staff member, but could not see one.

I went to the front desk and reported the incident orally to the staff person there (a woman). The staff person at the desk gave me a form to complete, which was filed at the

Club with this Report. I asked if there were a staff person in the exercise room. I was told that there was a security guard on the premises. At that point, Mr. Bixby walked out. I identified him to the desk clerk. Mr. Bixby stated that nothing had occurred, smiling and acting friendly.

A second staff person (a man) came out at some point, and heard a portion of the conversation. I went to the exercise room, but did not see the staff person or security guard. I sat down to try to exercise, but was so upset that it was difficult.

I got up again, and went toward the front of the Club to see if security cameras might have captured portions of the incident. On the way, I ran into the security guard, Ronnie McLaurin, making his rounds. Mr. McLaurin was very helpful.

Mr. McLaurin and I went back to the exercise room. Another Club member (a woman) approached us, and told Mr. McLaurin what she had witnessed. She was able to confirm portions of the information in this Report. She said that "the little guy was picking on the big guy." She added that it had "ruined [her] evening."

My understanding is that Mr. McLaurin filed his own report based on my statements and those of the other Club member to him.



Robert W. Doty
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