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6 Facsimile: (626) 577-7079

7 Attorneys for All Plaintiffs

8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

12
13 Robert M. Nelson, William Bruce
Banerdt, Julia Bell, Josette Bellan,
14 Dennis V. Byrnes, George Carlisle, Kent
Robert Crossin, Larry R. D'Addario,
15 Riley M. Duren, Peter R. Eisenhardt,
Susan D.J. Foster, Matthew P.
Golombek, Varoujan Gorjian, Zareh
16 Gorjian, Robert J. Haw, James Kulleck,
Sharon L. Laubach, Christian A.
17 Lindensmith, Amanda Mainzer, Scott
Maxwell, Timothy P. McElrath, Susan
18 Paradise, Konstantin Penanen, Celeste
M. Satter, Peter M.B. Shames, Amy
19 Snyder Hale, William John Walker and
Paul R. Weissman,

20 Plaintiffs,

21 v.
22

23 National Aeronautics and Space
Administration, an Agency of the United
24 States; Michael Griffin, Director of
NASA, in his official capacity only;
25 Department of Commerce; Carlos M.
Gutierrez, Secretary of Commerce, in his
26 official capacity only; California Institute
of Technology; and Does 1-100,
27

28 Defendants.

Case No. CV-07-05669 ODW(VBKx)

[Assigned to the Honorable Otis D.
Wright II - Courtroom 11]

**DECLARATION OF VIRGINIA
KEENY IN SUPPORT OF MOTION
FOR CLASS CERTIFICATION**

Complaint Filed: August 30, 2007

Date: January 7, 2008
Time: 1:30 p.m.
Dept: 11

1 I, Virginia Keeny, hereby declare:

2 1. I am an attorney duly licensed to practice before all of the courts of this state, a
3 member of the law firm of Hadsell & Stormer, Inc. and one of the counsel of record for
4 the plaintiffs in this action. I offer this declaration in support of plaintiffs' motion for
5 class certification. The following information is based upon my personal knowledge
6 and/or my personal review of files maintained by my office relating to this case. If called
7 upon as a witness, I would and could testify to the truth and accuracy of the following
8 information:

9 2. On November 5, 2007, I telephoned Mr. Pilmer, counsel for Caltech, to
10 meet and confer with respect to whether defendants would agree to stipulate to
11 certification of an injunctive relief class in this case. Mr. Pilmer informed me that
12 defendants would not stipulate to such a class and that plaintiffs would have to bring a
13 formal motion for class certification. Previously I had spoken with Vesper Mei, counsel
14 for the federal defendants, about whether the federal defendants would oppose a motion
15 for class certification. Ms. Mei informed me in correspondence dated November 5,
16 2007, that the federal government would also oppose such a motion.

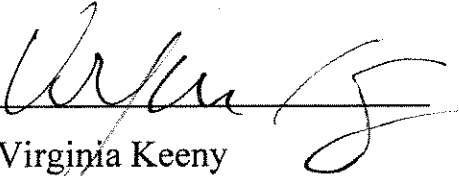
17 3. Over the course of my career with Hadsell & Stormer, Mr. Stormer and I have
18 handled numerous class action or potential class action matters, including suits
19 challenging the City of Long Beach's utility practices, Donaldson v. City of Long Beach,
20 BC251505; a suit challenging Verizon's fraudulent billing practices with respect to
21 rental phones, Cundiff, et al. v. Verizon, et al., BC 237806; a case challenging the
22 conditions in the Orange County jails on behalf of a class of pre-trial detainees and a sub
23 class of disabled inmates, Pierce v. Orange County, Case No: SACV 01-981 GLT
24 (MLGx); and an action challenging Washington Mutual's practices of failing to record
25 reconveyances in a timely manner, as required by law, Grafman v. Washington Mutual,
26 Case No. Consolidated Case Nos. BC 218 991 and BC 240935. Mr. Stormer and I have
27 been approved as lead or joint class counsel in numerous cases, including but not limited
28 to Alvarez v. Fox Transport, et al., BC 284345 (wage and hour class action on behalf of

1 class of intra-state drivers); Pinney v. Great Western Bank, United States District Court,
2 CV-95-2110 IH (class action on behalf of class of bank customers who allege they were
3 fraudulently sold risky mutual funds); and Sandoval v. Interim Services, et al, Case No.
4 BC 236 636 (wage and hour class action on behalf of hourly wage workers at county
5 jails).

6 4. My co-counsel in this case, Dan Stormer, is recognized as one of the foremost
7 class action attorneys in California. Over the course of his career, he has represented a
8 wide range of clients in the civil rights area and estimates that he has been co-counsel on
9 at least 40 civil rights class actions. These class actions have involved a wide range of
10 public interest issues including, but not limited to ERISA, 42 U.S.C. § 1983, Title VII of
11 the Civil Rights Act of 1964, Unfair Business and Practices under California Business &
12 Professions Code § 17200, Immigrants Rights, Employment Law, Consumer Rights,
13 Welfare Rights and Voting Rights.

14 5. Mr. Stormer had served as lead counsel or co-counsel in a number of class
15 actions with published opinions including; McLaughlin v. County of Riverside, 500 U.S.
16 44 (1991) (class representing inmates of Riverside and San Bernardino County jail,
17 including oral argument before the U.S. Supreme Court); Del Monte v. Wilson, 1 Cal.4th
18 1009 (1992) (a class representing disabled veterans); Leeds v. Watson, 630 F.2d 674 (9th
19 Cir. 1980) (class consisted of county jail inmates); Benson v. County of Orange, 788
20 F.Supp 1123 (C.D.Cal. 1992) (class represented all Orange County jail inmates); Lopez
21 v. Heckler, 572 F.supp. 26 (C.D. Cal. 1983) (class included Social Security beneficiaries
22 estimated at approximately 72,000 individuals residing in the Ninth Circuit whose
23 benefits were terminated based on a finding that they were not adequately impaired);
24 Killen v. Patrick of California, Inc., CA 001091 (shareholder derivative action on behalf
25 of class of several hundred); Pinney v. Great Western Bank, CV-95-2110-IH (RNBx)
26 (class of approximately 50,000 to 70,000 bank customers certified in class alleging fraud
27 in the sale of mutual funds); and Paige v. California Highway Patrol, Case No. CV 94-
28 0083 CBM (Ctx) (class action brought on behalf of minority police officers of CHP).

1 I declare under penalty of perjury under the laws of the United States of America
2 that the foregoing is true and correct. Executed this 14th day of December 2007 in
3 Pasadena, California.

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5 Virginia Keeny
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9 keenydeclaration.wpd
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1 **PROOF OF SERVICE**

2 I am employed in the county of Los Angeles, State of California. I am over
3 the age of 18 and not a party to the within action; my business address is 128 N. Fair
4 Oaks Avenue, #204, Pasadena, California 91103.

5 On December 14, 2007, I served the foregoing document(s) described as:
6 **DECLARATION OF VIRGINIA KEENY IN SUPPORT OF MOTION FOR**
7 **CLASS CERTIFICATION** on all interested parties in this action by a true copy thereof
8 enclosed in a sealed box addressed as follows:

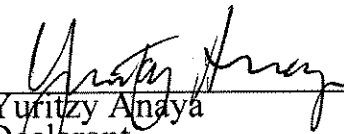
9 Vesper Mei, Esq. 10 Wendy Ertmer, Esq. 11 Mark Stern, Esq. 12 Federal Programs Branch 13 U.S. Department of Justice, Civil Division 14 20 Massachusetts Avenue, N.W. 15 Washington, DC 20530 Telephone: (202) 514-4686 Facsimile: (202) 616-8470	Attorneys for Defendants National Aeronautics and Space Administration, an Agency of the United States; Michael Griffin, Director of NASA, in his official capacity only; Department of Commerce; Carlos M. Gutierrez, Secretary of Commerce, in his official capacity only
16 Mark Holscher, Esq. 17 Alexander Pilmer, Esq. 18 Mark T. Cramer 19 KIRKLAND & ELLIS, LLP 20 777 S. Figueroa, #3700 21 Los Angeles, California 90071 22 Telephone: (213) 680-8400 23 Facsimile: (213) 680-8500	Attorneys for Defendant CALIFORNIA INSTITUTE OF TECHNOLOGY

24 **XX BY E-MAIL:** I caused the foregoing document(s) to be emailed to Vesper Mei,
25 Wendy Ertmer, Mark Stern, Mark Holscher, Alexander Pilmer, Mark T. Cramer to
26 email addresses: vesper.mei@usdoj.gov, wendy.ertmer@usdoj.gov,
27 mark.stern@usdoj.gov, mholscher@kirkland.com, apilmer@kirkland.com,
28 mcramer@kirkland.com

29 **XX BY MAIL**
30 **XX** I deposited such envelope in the mail at Pasadena, California. The
31 envelope was mailed with postage thereon fully prepaid.

32 Executed on December 14, 2007, at Pasadena, California.

33 **XX (Federal)** I declare that I am employed in the office of a member of the bar of
34 the State of California at whose direction the service was made.

35 
36 Yuritzy Anaya
37 Declarant
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