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Attorney for Plaintiff and Petitioner  
UNITED WALNUT TAXPAYERS

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES– CENTRAL DISTRICT**

UNITED WALNUT TAXPAYERS, a  
California Nonprofit Fictitious Business  
Entity,

Plaintiff and Petitioner,

v.

MT. SAN ANTONIO COMMUNITY  
COLLEGE DISTRICT; WILLIAM  
SCROGGINS, in his official capacity as  
President and CEO of Mt. San Antonio  
Community College, and DOES ONE  
through TEN, inclusive,

Defendants and Respondents,

TILDEN-COIL CONSTRUCTORS, INC.  
and DOES ELEVEN through TWENTY,  
inclusive,

Real Parties in Interest.

**Case No.: BC 576587**

[Action Filed: March 24, 2015]

**DECLARATION OF DENNIS MAJORS  
IN SUPPORT OF EX PARTE  
APPLICATION FOR ISSUANCE OF A  
TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE RE:  
PRELIMINARY INJUNCTION**

Hearing Date: March 30, 2015

Time: 8:30 a.m.

Dept.: 71

I/C Judge: Hon. Suzanne G. Bruguera

I, DENNIS G. MAJORS, declare:

1. I am over the age of eighteen years, I am personally aware of all of the  
information contained herein, and if I was called to testify, I could and would do so as set forth  
herein.

1           2.     I am a supporting and active member of the organized and registered group  
2 UNITED WALNUT TAXPAYERS (“United Walnut”) in the above-captioned action.

3           3.     Over my professional career, I have managed the successful planning, design and  
4 construction of major flood control, water supply, emergency preparedness and regional park  
5 development projects valued in the range of \$4 billion for the U.S. Army Corps of Engineers and the  
6 Metropolitan Water District of Southern California. These efforts have included the planning and  
7 Congressional authorization of the largest flood control system in the western United States along the  
8 Santa Ana River in California; and the planning, design and construction of the Diamond Valley  
9 Lake in western Riverside County.

10          4.     As a result of over twenty years involvement in projects such as the above, and  
11 otherwise, I am familiar with CEQA/NEOA processes, including environmental documentation,  
12 environmental mitigation, property acquisition, historic and pre-historic resources, and  
13 comprehensive public involvement throughout all phases of development.

14          5.     I have reviewed the 2002, 2005, 2008 and 2012 master plans and programmatic  
15 environmental impact reports prepared by defendant Mt. San Antonio College District (Mt. Sac) for  
16 its Facilities Master Plan and master planning updates. The testimony provided herein is based on  
17 review of referenced Mt. Sac documents, my professional expertise and experience, and personal  
18 observations of the subject Project site.

19          6.     On March 24, 2015, I was made aware of United Walnut’s notice of intent and  
20 actual filing of this instant lawsuit against defendants Mt. SAC and Scroggins.

21          7.     On March 27, 2015, three days after United Walnut gave notice of filing suit on  
22 March 24, I personally observed and recorded Defendants moving about the Project site,.

23          8.     I live nearby at 21034 Stoddard Wells Road, Walnut and I have been watching  
24 and observing the Project site on a daily basis based on the fact I live nearby, take daily walks  
25 and drives adjacent thereto, and I am actively involved with the United Walnut’s action to hold  
26 Defendants countable to the laws and legal requirements set forth in the *Verified Complaint*.

1           9.       On March 27, I personally observed and took photographs of the project site, true  
2 and copies of which are attached hereto in Exhibits A, B & C:

3           (a) cut trees and cordoning-off at the Project site with yellow caution tape (Exhibit A);

4           (b) large excavating equipment actively moving around the Project site, scraping old  
5 asphalt, and digging across the Project site in some areas within 10 feet of public sidewalks such  
6 that people could walk directly into the work area (Exhibit B);

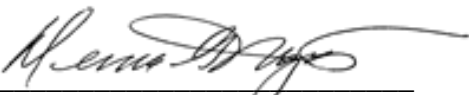
7           (c) vertical excavation cuts in the roadway fill slopes near the northern side of the Project  
8 site without any safety fencing, where I could have slipped or have fallen into Defendants'  
9 construction area and over vertical cuts below (Exhibit C).

10          10.       At the time of the lawsuit's preparation and filing on March 24, 2015, there was  
11 minimal site preparation work underway at the site inside protective fencing, but on March 26  
12 that fencing was removed and the work described above was done on March 27 without any  
13 protective fencing in place along public streets at the Project site.

14          11.       Based on information contained in a 2013 published Mt. Sac's program EIR for  
15 its Facilities Master Plan, the Project contemplates the massive removal of hundreds of  
16 thousands of cubic yards of earth for the subterranean aspect of the parking garage Project and  
17 will require a constant stream of heavy duty dump trucks rumbling through neighborhoods for 8  
18 hours every day possibly extending of a period of approximately 4-months, which I have  
19 estimated based on Mt. SAC's winter 2017 completion announced on banners around campus  
20 and my estimate of at least 100,000 cubic yards dirt excavation. Based on the above, using dump  
21 trucks with 5 cubic yards capacity, Mt. Sac is proceeding with a Project involving 30 trucks per  
22 hour for an estimated 4 months (based on an 8 hour day).

23  
24 I declare under the penalty of perjury under the laws of the State of California  
25 that the foregoing is true and correct.

26 Executed on March 29, 2015 in Los Angeles County.

27 

28 DENNIS G. MAJORS













## Proof of Service

*United Walnut Taxpayers v. Mt. San Antonio Community College District, et al.*  
Los Angeles Superior Court Case No.: BC 576587

I, the undersigned, declare under the penalty of perjury that I am over the age of eighteen years, my place of business is in the County of San Diego, located at 1901 First Avenue, San Diego, CA; and I served the below-named person(s) the following document(s):

**DECLARATION OF DENNIS MAJORS IN SUPPORT OF EX PARTE APPLICATION  
FOR ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND ORDER TO  
SHOW CAUSE RE: PRELIMINARY INJUNCTION**

on March 29, 2015 on the following person(s) in a sealed envelope or package, addressed as follows:

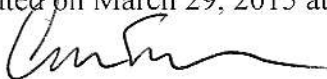
Dr. William Scroggins, President and CEO Mt. San Antonio Community College District 1100 North Grand Avenue Walnut, CA 91789 <a href="mailto:bscroggins@mtsac.edu">bscroggins@mtsac.edu</a>	Stan Barankiewicz, Esq. Jessica E. Ehrlich, Esq. ORBACH, HUFF, SUAREZ, & HENDERSON 1901 Avenue of the Stars, Suite 575 Los Angeles, CA 90067 <a href="mailto:jehrlich@ohshlaw.com">jehrlich@ohshlaw.com</a> <a href="mailto:dbarankiewicz@ohshlaw.com">dbarankiewicz@ohshlaw.com</a>
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in the following manner:

- 1) ☐ By personally delivering copies to one or more of the person(s) served (at the March 30, 2015 hearing).
- 2) ☐ By placing a copy in a separate envelope, with postage fully pre-paid, for each person and address named above and depositing each with an overnight carrier at San Diego, CA.
- 3) ☐ By faxing copies to the above person and printing confirmation of the success of said transmission and retaining a copy of said successful transmission
- 4) ☒ By sending to each person named above via electronic delivery to each of the the above email address(es).

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

Executed on March 29, 2015 at San Diego, California.

  
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Craig Sherman