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7 Guajome Park Academy

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 GUAJOME PARK ACADEMY, INC., a
12 California corporation,
13 Plaintiff,
14 v.
15 BEAU DUPERRY, an individual, and DAVID
MCCULLOCH, an individual
16 Defendants.
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CASE NO. CV 06-0658 H RBB
DECLARATION OF PATRICIA QUAN IN
SUPPORT OF MOTION TO AMEND
COMPLAINT AND FILE FIRST
AMENDED COMPLAINT

18 DAVID MCCULLOCH, an individual,
19 Counterclaimant,
20 v.
21 BEAU DUPERRY, an individual
22 Counter-Defendant
23

24

25 I, Patricia Quan, declare as follows:

26 1. I am a parent of a student who attended Guajome Park Academy,
27 (“GPA”), the plaintiff in this case, from Fall 2000 - Summer 2006. I make this declaration
28 in support of GPA’s motion to amend its complaint and file a first amended complaint. I

1 have personal knowledge of the facts stated in this declaration and if called as a witness
2 could and would competently testify thereto.

3 2. In or about late May, 2005 I first learned of the web site
4 guajomeunderground.org, (the "GU Site") from a GPA teacher who telephoned me and
5 asked me to review the site in the hope that I would get involved with the issues presented
6 on the GU Site. When I visited the site in late May I read a number of allegations about
7 GPA employee hiring and firing practices and alleged violations of the GPA charter. As
8 the parent of a student who was attending GPA at this time I was very disturbed by the
9 allegations and began to investigate them. As part of my investigation, on or about July 7,
10 2005, I met with Penny Harrison and GPA's Chief Business Officer, Carla Skaggs to
11 discuss some of the GU Site allegations, specifically the allegations that GPA had fired
12 Beverly Kanawi, former Public Relations manager for GPA, had improperly fired a GPA
13 teacher named Lisa James, and had violated the school charter because Ms. Harrison was
14 allegedly not authorized to terminate these employees. I also discussed with Ms. Harrison
15 and Ms. Skaggs an allegation on the GU Site that the GPA board contained more vested
16 members than was permitted under the GPA charter. A vested board member is one whose
17 child is employed by GPA.

18 3. Ms. Harrison and Ms. Skaggs explained to me that Ms. Kanawi was not
19 fired as she was a contract employee whose contract expired in June 2005 and was not
20 renewed. They also explained that Ms. James was employed on a temporary contract for
21 the 2004-05 school year and that contract was not continued and that the number of GPA
22 vested board members did not exceed the number permitted by the charter. After this
23 meeting Ms. Skaggs gave me a copy of the GPA charter to review. Based on my review of
24 the charter, the information provided to me by Ms. Harrison and Ms. Skaggs, and my own
25 additional research I concluded that the above allegations on the GU Site were untrue and I
26 was concerned about the effect these false allegations were having on GPA students,
27 parents, and teachers.

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1 4. Based on these concerns, I continued to visit the GU Site and posted
2 messages urging individuals on the site who were making allegations to come forward with
3 evidence to prove their allegations. While reviewing the GU Site I read posts from some
4 members mentioning a restricted forum on the GU Site (the “Restricted Forum”). I
5 understood from the posts mentioning the Restricted Forum that membership in that forum
6 had to be approved by the GU Site administrator Lisa James, who posted under the name
7 “admin” on the GU Site. I knew that Ms. James posted under that name based on a private
8 message I sent to “admin” asking her identity. “Admin” replied that she was Ms. James.
9 GU site had link to apply for membership in the Restricted Forum. In or about mid June,
10 2005, I selected this link and asked to be approved for membership in the Restricted
11 Forum. I wanted to be a member in order to find out what was being said in that portion of
12 the GU Site. My membership was approved the same day.

13 5. The GU Site had a “chat meeting” function whereby members of the site
14 could post messages in real-time that could only be viewed by other members who were
15 logged into the chat meeting. On or about July 18, 2005 I was invited to participate in a
16 chat meeting. During this chat meeting an individual using the name “X-bod” posted a
17 statement that he “knows enough to go in and mess with GPA’s computer system,” that he
18 had been in the system, has knowledge to get in the systems, and that he didn’t think
19 anyone knew that. In prior private message communications with X-bod he provided me
20 with his cell phone number in order to further discuss allegations that were being made on
21 the GU Site.

22 6. Also during this July 18, 2005 chat meeting an individual posting under the
23 name “Ace Merrill”, posted a comment that he had proof of an alleged improper grade
24 change for a GPA student. I asked Ace Merrill, via a private message, if he had proof of
25 the grade in writing. He replied that he did. I then asked him if he had the proof why had
26 he not come forward with it publicly? He replied that “the proof had not been legally
27 obtained.”

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