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 FILED-Central District  
SUPERIOR COURT  
SAN BERNARDINO COUNTY

JUL 15 2008

5 Attorneys for Plaintiffs  
BENCHMARK YOUNG ADULT SCHOOL, INC.  
6 AND JAYNE LONGNECKER

By *Stephanie Chandler*  
Deputy

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF SAN BERNARDINO, CENTRAL CIVIL DISTRICT

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12 BENCHMARK YOUNG ADULT SCHOOL, )  
INC., a California corporation; and JAYNE )  
13 LONGNECKER, an individual, )

CASE NO.: CIVSS 803920

DECLARATION OF DEBORAH SMITH IN  
SUPPORT OF PLAINTIFFS' OPPOSITION TO  
SPECIAL MOTION TO STRIKE COMPLAINT  
PURSUANT TO CCP §425.16

14 Plaintiff,

15  
16 v.

17 MICHAEL CRAWFORD, an individual; and )  
18 DOES 1 through 50, inclusive, )

19 Defendant.  
20  
21

22 I, Deborah Smith, declare as follows:

23 1. I am an employee of Plaintiff, Benchmark Young Adult School ("BENCHMARK"). I  
24 make this declaration in support of Plaintiffs' Opposition To Special Motion To Strike Complaint  
25 Pursuant To CCP §425.16. I have personal knowledge of, and if called as a witness to testify could and  
26 would testify to, the following facts:

27 ///

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1           **THE STALKING INCIDENT**

2           2. On November 22, 2007, Thanksgiving evening, all of the BENCHMARK students and  
3 staff had dinner at the BENCHMARK Educational Center. BENCHMARK also maintains a residential  
4 property on State Street (“RESIDENTIAL PROPERTY”) where BENCHMARK students typically  
5 reside. BENCHMARK rarely leaves the RESIDENTIAL PROPERTY unattended and after dinner I  
6 drove there to check on it.

7           3. When I arrived at the RESIDENTIAL PROPERTY I had to pass by it so I could turn the  
8 van around and park in front. I pulled into a driveway down the street to turn around. When I did so,  
9 I noticed that there were two people sitting in a vehicle parked in a driveway near the RESIDENTIAL  
10 PROPERTY. I did not see the vehicle until I pulled in because there were bushes blocking the view of  
11 the vehicle.

12           4. I backed out of the driveway and pulled forward to park in the front of the RESIDENTIAL  
13 PROPERTY. I did not get out of the van. I sat there for a few minutes and checked the front of the  
14 RESIDENTIAL PROPERTY. I then pulled into the driveway so I could view the rear of the  
15 RESIDENTIAL PROPERTY. After viewing that area and confirming that there was no activity I left  
16 the premises.

17           5. As I pulled the van out to go back to the Educational Center I observed the vehicle that  
18 had been parked by the RESIDENTIAL PROPERTY accelerate towards me until it came up right  
19 behind me. Although it was night time and dark outside, the driver of the vehicle kept the vehicle  
20 headlights off.

21           6. I immediately became concerned that I was possibly being followed so I turned down the  
22 first street I came to. The vehicle behind me also turned and maintained a close distance to the van. I  
23 kept driving and the vehicle stayed behind me. There was very little traffic. At some point the driver  
24 of the vehicle turned his headlights on but continued following me at a close distance.

25           7. At this point I became extremely concerned that I was being stalked by two unknown  
26 individuals. I called my co-worker Steve Ornelas (“MR. ORNELAS”) and told him what was  
27 happening. He told me he would be there shortly. I then called Jayne Longnecker (“LONGNECKER”)  
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1 and also told her what was happening. LONGNECKER recommended that if I was concerned for my  
2 safety I should call 911. She also stated she thought it might be Michael Crawford (“CRAWFORD”)  
3 who was following me.

4 8. I was aware that CRAWFORD was a disgruntled former student who had indicated he  
5 wanted to destroy BENCHMARK. I became ever more worried because if it was CRAWFORD I did  
6 not know why he would possibly be following me in this manner and did not know what he intended  
7 to do or that he might be intending violence.

8 9. Around this time, the vehicle actually pulled up next to me. I noticed that the passenger  
9 appeared to have a video camera trained on me. After a few seconds, the vehicle then backed off and  
10 continued following me.

11 10. I was trying not to become overly panicked but the event was extremely disturbing. I  
12 called 911 and told them I was driving and that I was being followed by two individuals. I drove back  
13 to the RESIDENTIAL PROPERTY and parked in front. The vehicle behind me parked back in the  
14 driveway down the street. I gave this information to the 911 dispatcher. The dispatcher instructed me  
15 to stay on the line until the police had arrived.

16 11. The police arrived and surrounded the vehicle down the street. A police helicopter also  
17 arrived on the scene. MR. ORNELAS arrived and sat in the van with me. A police officer approached  
18 the van. I told the police I was not sure who the people in the car were but one of them could be  
19 CRAWFORD, who had been a student in our program a long time ago.

20 12. The police officer informed me that in fact it was CRAWFORD who had been following  
21 me. The police spoke with him for a while. Some time later they left. MR. ORNELAS and I both left  
22 and went back to the Educational Center.

23 13. The incident left me extremely shaken and upset. I was physically shaking after the  
24 incident. I was overwhelmed and concerned about my ability to continue working with the  
25 BENCHMARK students.

26 **CRAWFORD’S HARASSMENT OF STUDENTS AND STAFF**

27 14. The following week I did work at the RESIDENTIAL PROPERTY. During that time I  
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1 personally observed CRAWFORD and a companion picket and harass the BENCHMARK students over  
2 a period of several days.

3 15. At the RESIDENTIAL PROPERTY there are very few passers by and most of the people  
4 there are either BENCHMARK staff or students. One of the areas of the RESIDENTIAL PROPERTY  
5 is a main meeting location and this is where I observed CRAWFORD several times. BENCHMARK  
6 students tend to pass by this location for various reason, so there was significant interaction between  
7 CRAWFORD and the students.

8 16. Over the course of several days, I had many conversation with the BENCHMARK students  
9 who were complaining about CRAWFORD'S actions. CRAWFORD was using profanity towards them,  
10 using obscene gestures, and making comments such as "fucking queer".

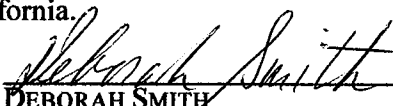
11 17. CRAWFORD had some type of sign or papers that he was waving around and attempting  
12 to pass out. I also observed that CRAWFORD was using a video camera to videotape both students and  
13 staff without anyone's permission, and observed CRAWFORD using an obscene gesture.

14 18. As CRAWFORD continued with the harassment over several days, both the students and  
15 I became increasingly frustrated with CRAWFORD'S actions. I tried to avoid being in the area where  
16 CRAWFORD was present and I modified my work routine in order to do so. I explained to the students  
17 that there was nothing I could do and to avoid CRAWFORD if possible.

18  
19 I declare under penalty of perjury under the laws of the State of California and the United States  
20 of America that the foregoing is true and correct.

21  
22 Executed on June , 2008 in Redlands, California.

23 July 2, 2008 in N. Las Vegas  
24 Nevada

25   
26 \_\_\_\_\_  
27 DEBORAH SMITH  
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