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6 Attorneys for Defendants  
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT  
7 AND BART DEPUTY POLICE CHIEF DAN HARTWIG

8 UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
10

11 DAVID MORSE,

12 Plaintiff,

13 vs.

14 SAN FRANCISCO BAY AREA RAPID  
15 TRANSIT DISTRICT (BART); and BART  
Deputy Police Chief DAN HARTWIG, sued  
16 in his official and individual capacities,

17 Defendants.  
18

Case No. C12-5289 JSC (DMR)

**DECLARATION OF KEVIN P. ALLEN  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT  
OR, IN THE ALTERNATIVE,  
SUMMARY ADJUDICATION**

**Date: January 27, 2014**

**Time: 9:00 a.m.**

**Courtroom: F, 15th Floor (San Francisco)**

**Judge: Hon. Jacqueline Scott Corley**

**Trial Date: March 31, 2013**

19 I, KEVIN P. ALLEN, declare as follows:

20 1. I have personal knowledge of the following facts, and could and would testify  
21 competently thereto if called upon to do so.

22 2. I am an attorney at law duly licensed to practice before all courts of the State of  
23 California and before the United States District Court for the Northern District of California, and am  
24 employed as an associate with the law firm of Low, Ball & Lynch, attorneys of record herein for  
25 defendants SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART") and BART  
26 DEPUTY POLICE CHIEF DAN HARTWIG.

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1           3.       A true and correct copy of the relevant portions of the deposition transcript of  
2 Daniel Hartwig, taken in the above-captioned action on October 15, 2013, is attached hereto as  
3 Exhibit "A."

4           4.       A true and correct copy of the relevant portions of the deposition transcript of  
5 David Morse, taken in the above-captioned action on October 15, 2013, is attached hereto as  
6 Exhibit "B."

7           5.       A true and correct copy of the relevant portions of the deposition transcript of  
8 Kenton W. Rainey, taken in the above-captioned action on November 6, 2013, is attached  
9 hereto as Exhibit "C."

10          6.       A true and correct copy of the relevant portions of the deposition transcript of  
11 Shane Coduti, taken in the above-captioned action on November 5, 2013, is attached hereto as  
12 Exhibit "D."

13          7.       A true and correct copy of the relevant portions of the deposition transcript of  
14 Benson Fairow, taken in the above-captioned action on October 16, 2013, is attached hereto as  
15 Exhibit "E."

16          8.       A true and correct copy of the relevant portions of the deposition transcript of  
17 Ken Dam, taken in the above-captioned action on October 16, 2013, is attached hereto as  
18 Exhibit "F."

19          9.       A true and correct copy of the relevant portions of the deposition transcript of  
20 Michael D. Hayes, taken in the above-captioned action on October 16, 2013, is attached hereto  
21 as Exhibit "G."

22                 I swear under penalty of perjury under the laws of the United States of America that the  
23 foregoing is true and correct to the best of my own personal knowledge.

24  
25                 Executed this 23rd day of December, 2013, at San Francisco, California.

26  
27   /s/ Kevin P. Allen  
28   \_\_\_\_\_  
   KEVIN P. ALLEN