



FILED
ALAMEDA COUNTY

MAR 13 2008

CLERK OF THE SUPERIOR COURT
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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF ALAMEDA**
17

18 RON LEE, NAOMI GATZKE, JOSEPH
THOMPSON, JR., MIRIAM THOMPSON,
19 OUR REDEEMER LUTHERAN CHURCH, a
not-for-profit religious corporation, and THE
20 CALIFORNIA-NEVADA-HAWAII
DISTRICT OF THE LUTHERAN CHURCH-
21 MISSOURI SYNOD, a not-for profit religious
corporation,

22 Plaintiffs,

23 vs.

24 SHARON BOWLES, MARY ANN HILL,
25 PORTIA RIDGEWAY, and CELIA MOYER,

26 Defendants.
27
28

Case No. RG07363452

Judge: Hon. Steven A. Brick
Hearing Date: March 20, 2008
Hearing Time: 3:00 p.m.
Reservation No.: R-795577
Courtroom No.: 17

**AMENDED DECLARATION OF
TIMOTHY F. NOELKER IN SUPPORT
OF APPLICATION TO APPEAR AS
COUNSEL PRO HAC VICE**

Filing Date: December 28, 2007
Trial Date: None Set

BY FAX

1 I, Timothy F. Noelker, declare:
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3 1. My name is Timothy F. Noelker. I have personal knowledge of the facts as set forth
4 herein and if called as a witness could and would testify competently as to those facts.

5 2. I currently reside at 2122 South Mason Road St. Louis, Missouri 63131. I am a
6 partner of the law firm of Thompson Coburn LLP, and am regularly employed in St. Louis, Missouri,
7 at One US Bank Plaza, Suite 2600, St. Louis, Missouri 63101. I am not regularly engaged in any
8 business, professional, or other activities in the State of California. I have not engaged in any
9 business, professional, or other activities in the State of California in the past two years.

10 3. I have been admitted to practice before the courts of Missouri (date of admission:
11 1978). I have also been admitted to the following federal courts: the United States Supreme Court
12 (date of admission: 1984); the United States District Court for the Eastern District of Missouri (date
13 of admission: 1980); the United States District Court for the Western District of Missouri (date of
14 admission: 1978); the U.S. Court of Appeals for the Eighth Circuit (date of admission: 1980); the
15 U.S. Court of Federal Claims (1982); and the U.S. Court of Appeals for the Federal Circuit (date of
16 admission: 1982).

17 4. I am a member in good standing of each of the bars of these courts.

18 5. I am not currently suspended or disbarred in any court.

19 6. I have not applied to appear *pro hac vice* in any California actions in the preceding
20 two years.

21 7. The following active members of the State Bar of California are attorneys of record
22 for the plaintiffs in these cases:

23 David Booth Beers (Bar No. 043596)
24 Goodwin Procter LLP
25 901 New York Avenue, N.W.
26 Washington, D.C. 20001
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3 8. For the past several years, I have represented religious organizations and other not-
4 for-profit organizations in a wide variety of matters, including property-related litigation.

5 9. Plaintiffs have requested that I appear in this matter on their behalf. I am familiar
6 with the issues in this case and am prepared to proceed with the litigation of this matter.

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

9 Executed on this 13th day of March, 2008, at St. Louis Missouri.

10 By: Timothy F. Noelker
11 Timothy F. Noelker

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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**

2. My business address is 3 Embarcadero Center, 24th Floor, San Francisco, CA 94111.

3. **I Served Copies Of The Following Documents:**

AMENDED DECLARATION OF TIMOTHY F. NOELKER IN SUPPORT OF APPLICATION TO APPEAR AS COUNSEL PRO HAC VICE

4. I served the documents listed above in item 3 on the following persons at the addresses listed:

(SEE ATTACHED SERVICE LIST)

5. a. **By personal service.** I personally delivered the documents on the date shown below to the persons at the addresses listed above in item 4. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party delivery was made to the party or by leaving the documents at the party's residence between the hours of eight in the morning and six in the evening with some person not less than 18 years of age.

b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 4 and *(specify one):*

(1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid on the date shown below, or

(2) placed the envelope for collection and mailing on the date shown below, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Francisco, California.

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c. **By overnight delivery.** I enclosed the documents on the date shown below in an envelope or package provided by an overnight delivery carrier and addressed to the person at the addresses in item 4. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

d. **By messenger service.** I served the documents on the date shown below by placing them in an envelope or package addressed to the person on the addresses listed in item 4 and providing them to a professional messenger service for service.

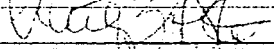
e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents on the date shown below to the fax numbers of the persons listed in item 4. No error was reported by the fax machine that I used. A copy of the fax transmission, which I printed out, is attached.

f. **By e-mail or electronic transmission.** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent on the date shown below to the e-mail addresses of the persons listed in item 4. I did not receive within a reasonable time after the transmission any electronic message or other indication that the transmission was unsuccessful.

6. I served the documents by the means described in item 5 on:

March 13, 2008

I declare under penalty of perjury that this document is signed in San Francisco, California under the laws of the State of California that the foregoing is true and correct.

3/13/08	Dorothy W. Stewart	
DATE	(TYPE OR PRINT NAME)	(SIGNATURE OF DECLARANT)

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SERVICE LIST

Ron Lee, et al v Sharon Bowles, et al.
Alameda Superior No. RG07-363452

Audra Thompson, Esq. Duane Morris LLP 633 West Fifth Street Los Angeles, CA 90071-2065 Phone: 213.689.7423 Fax: 213.689.7401 athompson@duanemorris.com Attorney for Defendants	State Bar of California 180 Howard Street San Francisco, CA 94105
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