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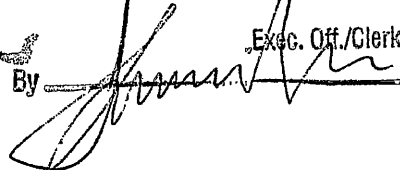
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Attorney for Plaintiffs
Center For Biological Diversity, Inc.;
Peter Galvin

FILED
ALAMEDA COUNTY

FEB 07 2005

By  Exec. Off./Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

CENTER FOR BIOLOGICAL DIVERSITY, INC.;
PETER GALVIN,

Plaintiffs,

v.

FPL GROUP, INC.;
FPL ENERGY, LLC;
ESI BAY AREA GP, INC.;
ESI BAY AREA, INC.;
GREP BAY AREA HOLDINGS, LLC;
GREEN RIDGE POWER LLC;
ALTAMONT POWER LLC;
ENXCO, INC.;
SEA WEST WINDPOWER, INC.;
PACIFIC WINDS, INC.;
WINDWORKS, INC.;
ALTAMONT WINDS, INC.,

Defendants.

Case No. RG 04 183113

DECLARATION OF DANIEL SIGLER

In Opposition To Demurrer Of All Defendants

COMPLEX CASE

Date: February 10, 2005
Time: 9:00 a.m.
Dept.: 22
Judge: The Hon. Ronald M. Sabraw

1 I, Daniel Sigler, declare as follows:

2 1. I am a member in good standing of the State Bar of California but I am not a
3 party to this action or the attorney for a party to this action. I have personal knowledge of
4 the facts set forth below, except as may otherwise be noted, and if called as a witness I
5 could and would testify competently to them.

6 2. I am a citizen and a registered voter of the State of California. I voted in the
7 November 2, 2004 California general election and cast a vote regarding the ballot measure
8 designated as Proposition 64.

9 3. Proposition 64 was drafted and submitted by "Californians Against
10 Shakedown Lawsuits." Exhibit A is a press release issued by Californians Against
11 Shakedown Lawsuits when it first submitted Proposition 64 to the Attorney General for
12 review (available at http://www.stopshakedownlawsuits.com/pdf/release_102203.pdf).
13 Exhibit B is another press release from Californians Against Shakedown Lawsuits
14 announcing its submission of signatures to the Secretary of State to qualify Proposition 64
15 for placement on the November 2004 ballot (available at
16 http://www.stopshakedownlawsuits.com/newsroom_release_041204.html).

17 4. During the 2004 election campaign, Californians Against Shakedown
18 Lawsuits maintained a website at www.stopshakedownlawsuits.com to inform voters about
19 Proposition 64 and to advocate for its enactment.

20 5. On both the home page and the "Contact Us" page of Californians Against
21 Shakedown Lawsuits' website www.stopshakedownlawsuits.com, there is an e-mail link to
22 Californians Against Shakedown Lawsuits at the e-mail address
23 info@stopshakedownlawsuits.com. A true and correct copy of the "Contact Us" page of
24 Californians Against Shakedown Lawsuits' website is attached as Exhibit C (available at
25 <http://www.stopshakedownlawsuits.com/contact.html>).

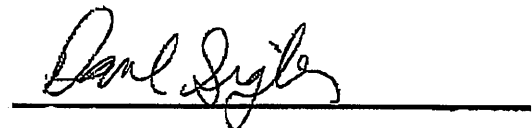
26 6. On September 24, 2004, using the info@stopshakedownlawsuits.com e-mail
27 address, I sent an e-mail to Californians Against Shakedown Lawsuits in which I asked:
28 "If passed, will the law be applied retroactively?"

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7. Californians Against Shakedown Lawsuits responded on September 24, 2004, to my e-mail asking whether Proposition 64 would be retroactive as follows: "No, it will not. But it will keep small businesses from being victims of shakedown lawsuits in the future. Thank you for your question." A true and correct copy of my e-mail and of the response of Californians Against Shakedown Lawsuits is attached as Exhibit D.

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

Executed on January 28, 2005



Daniel Sigler



Co-Chairs:

John H. Sullivan, President Civil Justice Association of California
Allan Zaremborg, President, California Chamber of Commerce
Peter K. Welch, President, California Motor Car Dealers Association
David Houston, Chairman, Coalition for the Reform of Frivolous Lawsuits

For Immediate Release
October 22, 2003

Contact: Christy Wilson
916-448-0449
916-705-8661

Coalition Files 17200 Reform Initiative
Legislative failure to close shakedown prompts filing

SACRAMENTO – Today the Coalition Against Shakedown Lawsuits will file an initiative with the Attorney General's office to close the loophole that allows unscrupulous personal injury lawyers to file shakedown lawsuits under the state unfair competition law. Coalition members include the Civil Justice Association of California, California Chamber of Commerce, California Motor Car Dealers Association, and small businesses across the state.

"Our dealers are fed up with these abusive, predatory legal practices," said Peter K. Welch, president of the California Motor Car Dealers Association and co-chair of Californians Against Shakedown Lawsuits. "This initiative provides common sense reforms that will close the shakedown loophole."

The initiative, to appear on the November 2004 statewide ballot, will amend the state unfair competition law, Business and Professions Code Sec. 17200 so that private lawyers can no longer file suits without clients and without evidence of harm or financial loss. Also, private lawyers will no longer be able to use 17200 to file "representative actions" on behalf of the general public; instead they will be required to use the class action process that affords court supervision and protections for plaintiffs and defendants. District attorneys will continue to be able to use 17200 to protect the general public and business from business practice violations—in fact the initiative will dedicate more funding to this work.

"Year after year the Legislature has been unable to enact even modest legislation to close the 17200 loophole. Time and again, the Legislature has put personal injury lawyers ahead of businesses, jobs and the economy," said John H. Sullivan, President of the Civil Justice Association of California, "Voters have a dim view of these lawyers' money-driven agenda."

"California's economy and businesses cannot withstand the additional costs being brought against them by unscrupulous attorneys who exploit current law," said Allan Zaremborg, President, California Chamber of Commerce. "This initiative will level the

playing field by bringing California law in line with other states, while still protecting consumers against unfair business practices.”

Business owners from across the state have banded together to fight these frivolous lawsuits by supporting the reform initiative. Owners of auto repair shops, landscaping businesses, and representatives of the Latino Business Community have joined in the call for enacting reform on the November 2004 ballot.

"Trial lawyers across the state have been targeting hard working immigrants who are trying to achieve the American Dream," said Araceli Gonzalez, Director of the National Latina Business Women Association, "It's about time the law protect consumers and businesses and not the trial lawyers' bank accounts."

Petitions will be available from our web site www.stopshakedownlawsuits.com.

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Home

Español



Close the
Loophole
that allows
Shakedown
Lawsuits

Press Releases



Read the Initiative

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Newsroom

How You Can Help

Supporters

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FOR IMMEDIATE RELEASE

April 12, 2004

Coalition Submits Signatures to Place "Stop Shakedown Lawsuits" Initiative on November 2004 Ballot

Voters will be asked to approve common sense reform to stop shakedown lawsuits while protecting consumers

SACRAMENTO - Californians to Stop Shakedown Lawsuits today announced it is submitting over 650,000 signatures to county election officials to qualify the Unfair Competition Law reform initiative for the November 2004 general election ballot. The initiative will close a loophole in California law (California Business and Professions Code 17200) that lets personal injury lawyers shakedown California businesses. The measure would prohibit private lawyers from filing frivolous lawsuits and demanding attorneys' fees from businesses even though no one has been injured, damaged, or misled, and no consumer or other business has asked a lawyer to file the lawsuit.

"We are confident the initiative to stop shakedown lawsuits will be certified for the November ballot and Californian's will enthusiastically vote yes on this proposition to stop unscrupulous lawyers from getting rich at the expense of California consumers, taxpayers and families," said John H. Sullivan, president of the Civil Justice Association of California and co-chair of Californians to Stop Shakedown Lawsuits. "This measure is a balanced approach that will stop frivolous shakedown lawsuits while protecting the rights of individuals to file suit if they are harmed. It will also protect the ability of the Attorney General, District Attorneys and other public officials to strictly enforce California's environmental and consumer protection laws."

The initiative would require an attorney who files a lawsuit to have an actual client who has been harmed and allow only public officials (the Attorney General, district attorneys, etc.) to file lawsuits on behalf of the "general public."

Hundreds of large and small businesses in California are being targeted by private lawyers using a shakedown process that would be impossible under federal law or the laws of any other state. In some cases, "settle or I will sue" attorneys have sent letters to small businesses agreeing not to file a 17200 suit if the company pays a "reasonable attorney's fee for bringing

the matter to [their] attention." So-called reasonable fees for small businesses to settle these frivolous claims have been upwards of \$10,000.

Legislative attempts to stop the law's abuse have for years been blocked by the personal injury lobby, whose members hold seminars on using "17200" to build a new law practice and extract higher settlements.

"More than 650,000 Californians signed petitions so that they could vote to put an end to the trial lawyers' exploitation of small business and abuse of consumer law," said David Houston, small business owner, co-chair of the Coalition for the Reform of Frivolous Lawsuits and co-chair of Californians to Stop Shakedown Lawsuits.

"California is the only state in the U.S. that allows private attorneys to shakedown companies for fees when no one has been injured and no one has asked that a lawsuit be filed," commented Allan Zaremberg, President and CEO of the California Chamber of Commerce and co-chair of Californians to Stop Shakedown Lawsuits. "Passage of this initiative is not only necessary to protect consumers and businesses, it is an essential component in California's economic recovery."

Californians to Stop Shakedown Lawsuits includes the Civil Justice Association of California, California Chamber of Commerce, California Motor Car Dealers Association, Coalition for the Reform of Frivolous Lawsuits and hundreds of small and large businesses, chambers of commerce and state and local elected officials from across the state. More information on the initiative and the campaign please visit <http://www.stopshakedownlawsuits.com> or call (916) 677-5591.

Contact:

Christy Wilson
916-677-5591



VOTE YES ON PROPOSITION 64

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Californians to Stop Shakedown Lawsuits 3001 Douglas Blvd., Suite 225, Roseville, CA 95661
Phone: 916-677-5595 Email: info@stopshakedownlawsuits.com.

Home

Español



Close the Loophole that allows Shakedown Lawsuits



Contact Us

- Read the Initiative
- Get the Facts
- Newsroom
- How You Can Help
- Supporters
- Contact Us

Californians To Stop Shakedown Lawsuits

ADDRESS:
3001 Douglas Blvd., Suite 225
Roseville, CA 95661

PHONE: 916-677-5595

FAX: 916-677-5596

EMAIL: info@stopshakedownlawsuits.com

"We've spent \$3000 on attorneys and research, and for what? Because of a false accusation that we operated without a license?"

--Bob Cook, Manager,
Kelly's Auto Shop
Orange County
Register



VOTE YES ON PROPOSITION 64

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Californians to Stop Shakedown Lawsuits 3001 Douglas Blvd., Suite 225, Roseville, CA 95661
Phone: 916-677-5595 Email: info@stopshakedownlawsuits.com.

Dan Sigler

From: info@stopshakedownlawsuits.com
Sent: Friday, September 24, 2004 2:09 PM
To: Dan Sigler
Subject: Re: question

No, it will not. But it will keep small businesses from being victims of shakedown lawsuits in the future. Thank you for your question.

>
> From: "Dan Sigler" <dsigler@wfbm.com>
> Date: 2004/09/24 Fri PM 12:08:08 EDT
> To: <info@stopshakedownlawsuits.com>
> Subject: question

>
> If passed, will the law be applied retroactively?
> Thank you,
> Dan Sigler

>
> *****
> *****

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