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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
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11 CARL JONES, an individual,
 12 Plaintiff,
 13 vs.
 14 UNIVERSAL NETWORK TELEVISION, LLC,
 a limited liability company; TYLER PATTON,
 15 an individual; MIKE CASEY, an individual; and
 DOES 1 through 100, inclusive,
 16 Defendants.
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Case No. BC441981

[Assigned for all purposes to
 The Honorable Richard Fruin, Dept. 15]

**DECLARATION OF HENRY SHIELDS,
 JR. IN SUPPORT OF DEFENDANT
 UNIVERSAL NETWORK TELEVISION,
 LLC'S EX PARTE APPLICATION FOR
 PROTECTIVE ORDER AND IN
 OPPOSITION TO PLAINTIFF'S EX
 PARTE APPLICATION**

Date: July 19, 2011
 Time: 8:30 a.m.
 Place: Dept. 15

Action Filed: July 20, 2010
 Trial: September 26, 2011

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1 objected:

2 Q. Okay. Have you spoken with Mr. Nicholson since his deposition?

3 A. Not since his deposition.

4 Q. Okay. You were present for his deposition?

5 A. Yes

6 *Q. Okay. Was there any of his testimony, that you can recall, that you heard, where you
7 believe he was stating a falsehood? Something that you can recall now where he said -- for
8 example, he said, "Tyler is left-handed," and you know that you are a right-handed person.
9 You can say: "I remember him saying I'm left handed. That's not true."

10 So without giving you a bunch of illustrations, my question is: Do you remember anything
11 Mr. Nicholson said where -- you remember it today, and you can say, "I know that that
12 particular fact he said is a falsehood"?

13 MR. SHIELDS: This is a question that calls for a narrative, calls for a conclusion. I
14 instruct you not to answer that question.

15 MR. BLOCH: That's not a proper instruction, sir. There is no call for a narrative.

16 MR. SHIELDS: I instructed him not to answer the question, and he's going to follow my
17 instructions.

18 After the colloquy regarding the foregoing question, Mr. Bloch asked the following question which
19 drew another objection from me:

20 *Q. BY MR. BLOCH: Is it correct, sir, that Mr. Nicholson testified accurately and
21 truthfully concerning his interactions with you, during his deposition, as you can recall
22 today?

23 MR. SHIELDS: This witness is not going to critique the testimony of Mr. Nicholson. Any
24 questions that you ask about the critique of Mr. Nicholson's deposition are privileged, are --
25 well, you can --

26 MR. BLOCH: You are a joke, sir.

27 MR. SHIELDS: Okay. You can say that if you want to.

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1 From this question, Mr. Bloch's conduct degenerated as can be seen from the transcript until it
2 ended.

3 MR. SHIELDS: The witness is not going to answer the question, and you can move on or
4 you can stop.

5 MR. BLOCH: You know, Mr. Shields, we are having a mediation, in preparation for which
6 we are taking a deposition. But you want to start instructing your witness not to answer?

7 We are not going to get very far in this process.

8 MR. SHIELDS: He's not --

9 (Two or more voices speaking at once.)

10 (Reporter's request to speak one at a time.)

11 MR. BLOCH: Maybe you can read Colonial Insurance --

12 MR. SHIELDS: I gave him an instruction --

13 (Two or more voices speaking at once.)

14 (Reporter's request to speak one at a time.)

15 MR. BLOCH: Maybe you want to read Colonial Insurance because you don't know a
16 God-damned thing about the rules of evidence.

17 MR. SHIELDS: Okay. Then that's fine.

18 You can raise anything you want to with the judge. You have that right. You have that
19 absolute right. I have the absolute right to tell my witness that he's not going to answer any
20 of the questions. He's going to follow my instructions. And I gave them, I'm not going to
21 change them. You can move on or not.

22 *Q. BY MR. BLOCH: Mr. Nicholson testified that you used the word "faggot" over the
23 walkie-talkie, and that he was offended and told you so.

24 Was that truthful?

25 MR. SHIELDS: How is he supposed to know? How is he supposed to know what is
26 truthful about his testimony? And as long as -- as long as that is the case, then you have no
27 proper foundation for him (sic), and it would only be calling for speculation. And he's not
28 going to answer any of those questions.

1 MR. BLOCH: It's not calling for speculation to ask --
2 (Two or more voices speaking at once.)
3 MR. SHIELDS: I told you he wasn't going to answer any of those questions.
4 MR. BLOCH: You know what, Shields? I'm done.
5 MR. SHIELDS: Okay.
6 MR. BLOCH: We're done.
7 MR. SHIELDS: We're done.
8 MR. BLOCH: We'll cancel the mediation.
9 MR. SHIELDS: We're not canceling the mediation.
10 MR. BLOCH: **Fuck this.** We are off the record. Good-bye.
11 MR. SHIELDS: Let's go.
12 MR. BLOCH: I can't ask this guy about other witnesses' testimony? I can't say: "This
13 guy testified to this. Is that true?" You are going to instruct him not to answer? **The hell**
14 **with that.**
15 MR. SHIELDS: I am --
16 (Two or more voices speaking at once.)
17 MR. BLOCH: **The hell with that.** I'm going to go ex parte.
18 MR. SHIELDS: Go ahead.
19 (Two or more voices speaking at once.)
20 MR. SHIELDS: You can do anything you want to.
21 MR. BLOCH: Good-bye, Shields.
22 MR. SHIELDS: Good-bye.
23 MR. BLOCH: We are off the record. We are done.
24 MR. SHIELDS: I'll see you.
25 MR. BLOCH: I'll give you ex parte notice for Tuesday, and -- I'll figure out the ex parte
26 notice and I'll -- we're done. We're off the record.
27 THE VIDEOGRAPHER: We are going off the record. The time is 12:07 P.M.
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1 (Emphasis added.) A true and correct copy of the relevant transcript excerpts are attached hereto as
2 Exhibit A.

3 6. Once the reporter closed the transcript, Mr. Bloch then began to scream at me: "get
4 the fuck out of my office"! I began to collect my clients and move toward the door of the
5 conference room when Mr. Bloch charged toward me from the other side of the conference room
6 and started to physically push me out of the door. I put up my hands as Mr. Casey intervened to
7 separate Mr. Bloch from me. Although Mr. Bloch had come around the conference room table to
8 physically push me from the conference room, he began to yell at me "you put your hands on my
9 neck you motherfucker!" He also yelled that NBC lies and other epithets at me and the other
10 Universal parties and attendees. Some people from Mr. Bloch's office who had not been in the
11 conference room called the Beverly Hills Police Department.

12 7. I understand that Mr. Bloch gave a statement to the police officer who interviewed
13 him claiming that I had attacked him. If Mr. Bloch made such a statement to the police officer, it
14 was entirely false. Mr. Bloch was the aggressor and I never had the inclination, or the physical
15 strength, to attack Mr. Bloch. I did not attack Mr. Bloch (the attack clearly came from Mr. Bloch
16 toward me), nor did I ever direct any threats or any crude and foul language toward Mr. Bloch as
17 he repeatedly did to me and others affiliated with the Universal side of the case. Throughout this
18 process Mr. Bloch appeared mad and agitated . Mr. Bloch continued his verbal attacks and
19 comments against those affiliated with the Universal side until we all had entered the elevator and
20 had left the floor on which Mr. Bloch's offices are located.

21 8. I am currently undergoing chemotherapy treatments and declined paramedic
22 treatment. After the incident, I indicated that I would consult with my oncologist whose offices
23 were across the street from Mr. Bloch's offices.

24 9. Because of my treatment schedule (which I cannot modify), I will be unable to
25 attend the *ex parte* hearing tomorrow morning. I had planned to attend, and would have attended
26 the hearing on the *ex parte* application had the hearing taken place last Friday or today. The only

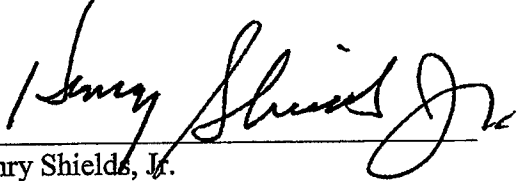
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1 reason that I will not be present at the hearing on Tuesday, is that this day is the principal treatment
2 day for me and I cannot modify the schedule.

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

5 Executed this 18th day of July, 2011, at Los Angeles, California.

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9 Henry Shields, Jr.

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