

1 CAROLYN KUBOTA (S.B. #113660)
ckubota@omm.com
2 APALLA U. CHOPRA (S.B. #163207)
achopra@omm.com
3 O'MELVENY & MYERS LLP
400 South Hope Street
4 Los Angeles, CA 90071-2899
Telephone: (213) 430-6000
5 Facsimile: (213) 430-6407

FILED
Superior Court of California
County of Los Angeles

DEC 30 2014

Sherri R. Carter, Executive Officer/Clerk
By Mary D. Clark Deputy
Mary D. Clark

6 Attorneys for Defendant
CALIFORNIA INSTITUTE OF TECHNOLOGY
7

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES**

11
12 SANDRA TROIAN, Ph.D.,
13 Plaintiff,
14 v.
15 CALIFORNIA INSTITUTE OF
TECHNOLOGY,
16 Defendant.

Case No. BS152258

DECLARATION OF GRACE FISHER-ADAMS IN SUPPORT OF DEFENDANT CALIFORNIA INSTITUTE OF TECHNOLOGY'S MOTION TO BIFURCATE MANDAMUS PROCEEDINGS AND STAY PLAINTIFF'S LEGAL CAUSES OF ACTION PENDING RESOLUTION OF MANDAMUS REVIEW

Complaint Filed: November 13, 2014
Trial Date: None Set

Date: May 14, 2015
Time: 1:30 p.m.
Dept: 82
Judge: Hon. Luis A. Lavin

12/31/2014

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF GRACE FISHER-ADAMS

I, Grace Fisher-Adams, declare and state as follows:

1. The facts set forth below are known to me personally. If I were called as a witness in this matter, I could and would testify competently to each fact so set forth.

2. I am presently employed by the California Institute of Technology (Caltech) as Director, Office of Research Compliance. I have been in this position since approximately 2011.

3. During Caltech's investigation into authorship issues regarding the 2012 American Physical Society abstract submitted by Dr. Sandra Troian, I provided administrative support to the Investigation Committee. In my capacity providing administrative support, I maintained records associated with the administrative process.

4. On or around April 18, 2014, Ed Stolper sent an e-mail to Dr. Troian with the subject "decision on your appeal," which was maintained as a record associated with the administrative process. A true and correct copy of the April 18, 2014 e-mail from Ed Stolper to Dr. Troian is attached hereto as Exhibit A.

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

Executed this 25th day of December, 2014, at Los Angeles County, California.



Grace Fisher-Adams

12/31/2014

12/31/2014

Sent from hand held device

Begin forwarded message:

From: Ed Stolper <ems@gps.caltech.edu>
Date: April 18, 2014 at 11:25:56 PM PDT
To: Sandra M Troian <stroian@caltech.edu>
Subject: decision on your appeal
Reply-To: <ems@caltech.edu>

Dear Sandra,

I am writing to convey to you my decision regarding your appeal. Based on our recent meeting and my review of the matter, I have concluded that the committee's findings were neither capricious nor arbitrary and that appropriate procedures were followed by the committee. I agree with the committee that your use of your cat's name, M. Pucci, on the abstract submitted to the American Physical Society (APS) in November, 2012 was an improper circumvention of APS rules and was conduct unbecoming a Caltech faculty member. In addition, I agree with the committee that your former postdoc, Dr. Niavarani, should have been seriously considered for at least an acknowledgment in the APS presentations given by you in November 2012 and March 2013.

I have also reviewed Vice Provost Hunt's recommendations for administrative action. Because the only submissions by you to APS were abstracts, I do not believe it is necessary for you to submit a correction. However, I again remind you that your action in listing a cat as first author on a scientific publication – even an abstract -- is unjustifiable, reflects poorly both on you and Caltech (which you represent when you present the results of your work at a meeting or in a publication), and is inconsistent with the high standards of behavior expected of any member of the Caltech community, but particularly of a Caltech faculty member because of our responsibilities as role models and ambassadors for the Institute. In addition, you should carefully consider giving credit in the form of coauthorship and/or an acknowledgment in any future publications (including abstracts) related to your former postdoc's work; I urge you to consult with your peers or your division chair in making that determination.

It is my sincere hope that you will learn from this experience, that we will have no further incidents of this nature, and that everyone involved in this episode can move forward collegially and productively.

Sincerely,

Ed

4 2 1 3 1 2 0 1 4

1 **PROOF OF SERVICE**

2 I, Vanessa Hayes, declare:

3 I am a resident of the State of California and over the age of eighteen years,
4 and not a party to the within action; my business address is 610 Newport Center Drive,
5 17th Floor, Newport Beach, California 92660-6429. On December 30, 2014, I served the
6 within document(s):

7 **DECLARATION OF GRACE FISHER-ADAMS IN SUPPORT OF**
8 **DEFENDANT CALIFORNIA INSTITUTE OF TECHNOLOGY'S**
9 **MOTION TO BIFURCATE MANDAMUS PROCEEDINGS AND**
10 **STAY PLAINTIFF'S LEGAL CAUSES OF ACTION PENDING**
11 **RESOLUTION OF MANDAMUS REVIEW**

12 by placing the document(s) listed above in a sealed envelope with postage
13 thereon fully prepaid, in the United States mail at Newport Beach,
14 California, addressed as set forth below. I am readily familiar with the firm's
15 practice of collecting and processing correspondence for mailing. Under
16 that practice it would be deposited with the U.S. Postal Service on that same
17 day with postage thereon fully prepaid in the ordinary course of business. I
18 am aware that on motion of the party served, service is presumed invalid if
19 the postal cancellation date or postage meter date is more than one day after
20 date of deposit for mailing in affidavit.

21 by putting a true and correct copy thereof, together with an unsigned copy of
22 this declaration, in a sealed envelope designated by the carrier, with delivery
23 fees paid or provided for, for delivery the next business day to the person(s)
24 listed below, and placing the envelope for collection today by the overnight
25 courier in accordance with the firm's ordinary business practices. I am
26 readily familiar with this firm's practice for collection and processing of
27 overnight courier correspondence. In the ordinary course of business, such
28 correspondence collected from me would be processed on the same day,
with fees thereon fully prepaid, and deposited that day in a box or other
facility regularly maintained by FedEx, which is an express carrier.

by causing the document(s) to be emailed or electronically transmitted to the
person(s) at the email addresses set forth below, pursuant to a court order or
an agreement of the parties to accept service by email or electronic
transmission. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the
transmission was unsuccessful.

123312014

Caused personal service by requesting that an agent or employee of Nationwide Legal LLC deliver to the office of the recipient named below, either by handing the document(s) to the recipient or by leaving the document(s) with the receptionist or other person apparently in charge of the recipient's office:

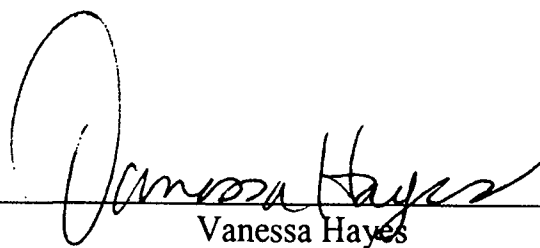
Dan Stormer, Esq.
Cindy Panuco, Esq.
HADSELL STORMER & RENICK LLP
128 N. Fair Oaks Avenue
Pasadena, CA 91103
Telephone: (626) 585-9600
Facsimile: (626) 577-7079

Attorneys for Plaintiff/Petitioner

Lynne Bernabei, Esq.
Karen Tanenbaum, Esq.
BERNABEI & WACHTEL PLLC
1775 T Street, N.W.
Washington, D.C. 20009
Telephone: (202) 745-1942
Facsimile: (202) 745-2627

Attorneys for Plaintiff/Petitioner

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 30, 2014, at Newport Beach, California.


Vanessa Hayes

12/31/2014