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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF NEVADA**
10 **UNLIMITED JURISDICTION**
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12 GINA WILL,
13 Contestant
14 vs.
15 ROB TRIBBLE,
16 Defendant.

Case No. CU0000159

(Assigned to the Honorable Judge S.
Robert Tice-Raskin - Department 6)

**FIRST AMENDED JOINT
STATEMENT OF STIPULATED
FACTS**

Trial Date: October 31, 2022
Time: 9 a.m.
Dept: 6

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21 GREGORY DIAZ, in his official capacity
as Nevada County Registrar of Voters;
22 and ROES 1-25,
23 Real Parties in Interest.
24

1 Auditor-Controller before certification.

2 25. Defendant was copied on this letter but did not respond.

3 26. On or about June 29, 2022, Contestant's counsel sent a letter to Defendant asking
4 him to demonstrate that he meets the statutory qualifications, but he did not respond.

5 27. On or about July 5, 2022, Contestant filed this election contest.

6 28. Contestant noticed Defendant's deposition for July 18, 2022, for the purpose of
7 asking him about his job history in advance of the Court hearing scheduled for July 20, 2022.
8 Defendant did not appear for this deposition.

9 29. In the last five years, Defendant has done two consulting projects: one helping an
10 unnamed company find a buyer for its business (hereinafter referred to as "the Company" and
11 "the Company Project"), and another trying to secure licensing agreements for an unnamed patent
12 holder (hereinafter referred to as "the patent holder" and "the patent project").

13 30. Defendant has not provided the name of the Company or any information about
14 its line of business, or the name of the patent holder or any information about the patent
15 technology, citing non-disclosure agreements.

16 31. Defendant's work on the Company Project lasted approximately 20 months,
17 beginning in February 2018 and ending in October 2019.

18 32. Defendant's work for the company included reviewing the Company's revenues,
19 expenses, assets and payroll in order to negotiate a fair market price with a potential buyer,
20 preparation of EBITDA statements and forecasts, preparation of term sheets, and an advisory role
21 in purchase, acquisition and merger.

22 33. Defendant did not manage marketing, accounting, human resources, or any other
23 functions for the Company.

24 34. Defendant did not manage, supervise, recruit, train, review or hire any employees
25 of the Company.

26 35. Defendant was not responsible for monitoring the budget, payroll, recording of

1 assets, liabilities, revenues and expenses, internal auditing, or any other fiscal matters for the
2 Company.

3 36. Defendant was an independent contractor and did not have any title or position
4 with the Company.

5 37. Defendant did not receive a salary from the company and was not eligible for
6 healthcare or other benefits.

7 38. Defendant's only compensation for his consulting services is a commission on
8 the sale price of the Company.

9 39. Defendant has not yet been paid by the Company for his consulting services.

10 40. Defendant spent a fair amount of time at the beginning of Company Project
11 reviewing the Company's revenue and expenses, conducting due diligence about the fair market
12 value of the company, and researching the market for potential buyers.

13 41. Defendant's work on the Company Project became sporadic after the initial work
14 was done, going days or weeks with no work on the project.

15 42. Defendant's other consulting project during the last five years was helping
16 someone who holds patents on two unnamed technologies try to find someone to sell the product
17 under a licensing agreement (hereinafter referred to as "the Patent Project").

18 43. Defendant, along with some other individuals, has an ownership interest in the
19 patents.

20 44. The Patent Project is not with an established business - it is a group of
21 individuals who own the patents.

22 45. The Patent Project has no office and no employees.

23 46. The Patent Project is not producing or selling a product.

24 47. The Patent Project has no revenues.

25 48. Defendant's work on the Patent Project has entailed attempting to identify
26 someone to license the patents.

27 FIRST AMENDED STATEMENT OF STIPULATED FACTS

1 Audit for Federal expenditures; providing training and on-going assistance to all County and
2 Special District staff on all accounting processes; processing payroll for all County employees
3 including all retiree benefit payrolls; maintaining position control ensuring that employees paid
4 are authorized; ensuring pay warrants are in compliance with memorandums of understanding
5 (MOUs), state and federal laws and regulations; providing training and on-going assistance to all
6 County and Special District staff on time entry and payroll processes; establishing the county
7 property tax rates and calculates the county property tax bills including direct charges,
8 assessments and debt service requirements for locally approved school bonds or other debt,
9 apportioning property tax revenues to the County, Cities/Towns, Schools, and Special Districts
10 throughout the County; conducting audits mandated in various State Code sections, primarily
11 Government Code, including quarterly Treasury Cash audits; reviewing and recommending
12 updates to the government's policies and procedures; and overseeing grant compliance for
13 Federal and State awards.

14 57. The phrase "senior fiscal management position" is not defined in section
15 26945(b) or elsewhere in the law.

16 58. The phrase "dealing with similar fiscal responsibilities" is not defined in section
17 26945(b) or elsewhere in the law.

18 59. Defendant did not monitor budgets for the Company Project or Patent Project.

19 60. Defendant did not audit the procurement of payments for goods and services for
20 the Company Project or Patent Project.

21 61. Defendant did not hire, train, review or fire staff for the Company Project or
22 Patent Project.

23 62. Defendant did not perform internal controls and fraud prevention for the
24 Company Project or Patent Project.

25 63. Defendant did not perform accounting operations for the Company Project or
26 Patent Project.

27 FIRST AMENDED STATEMENT OF STIPULATED FACTS

1 **PROOF OF SERVICE**

2 I am employed in the City and County of San Francisco, State of California. I am over the
3 age of eighteen years and not a party to the within action. My business address is 150 Post Street,
Suite 405, San Francisco, CA 94108.

4 On October 27, 2022, I served true and correct copies of the following documents:

5 **FIRST AMENDED JOINT STATEMENT OF STIPULATED FACTS**

6 on the following parties and/or their counsel in this action:

7 John D. Maxey, Esq. Counsel for Defendant ROB TRIBBLE
JDM Law PC
8 13 Sierra Gate Plaza, Bldg. B
Roseville, CA 95678
9 Tel: (916) 786-7272
Fax: (916) 786-7306
10 Email: john@jdm.law

11 Rob Tribble Defendant (Being Provided with Copies Per His Request)
13639 Mountain House Road
12 Nevada City, CA 95959
Tel: (650) 307-8183
13 Email: RRT@robtribble.com

14 Katharine Elliott, Esq. Counsel for Real Party in Interest GREGORY DIAZ,
950 Maidu Avenue in his official capacity as Nevada County
15 PO Box 599002 Registrar of Voters
Nevada City CA 95959-7902
16 Tel. 530.265.1319
Fax 530.265.9840
17 Email: kit.elliott@nevada.ca.us

18 X (VIA E-MAIL) I emailed the documents to the parties and/or their counsel as listed above.

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

21 Executed on October 27, 2022 at Los Angeles, California.

22 /s/ Bradley W. Hertz
Bradley W. Hertz