

SUPERIOR COURT OF CALIFORNIA

COUNTY OF TUOLUMNE

ALAMEDA BOY SCOUTS)

FOUNDATION, et al.,)

Plaintiff,)

vs.)

No. CV49802

ODD FELLOWS SIERRA)

RECREATION ASSOCIATION, INC.)

OF TUOLUMNE COUNTY, et al.)

Defendants.)

_____)

DEPOSITION OF

RICHARD RALPH ANDERSON

APRIL 7, 2004

MODESTO, CALIFORNIA

Reported by: Cheryl M. Bonani, CSR No. 6219

ORIGINAL

I FURTHER CERTIFY THAT SAID WITNESS WAS GIVEN A REASONABLE OPPORTUNITY (30 days) to read, correct & sign said deposition, and the said witness failed to appear before me for such reading, correcting & signing.

Sue K. Kopte



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APPEARANCES :

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FOR PLAINTIFF:

DAMRELL, NELSON, SCHRIMP, PALLIOS, PACHER & SILVA

BY: GEORGE P. RODARAKIS, ESQ.

1601 I STREET, FIFTH FLOOR

MODESTO, CALIFORNIA 95354

FOR DEFENDANTS:

BY: ROGER A. BROWN, ESQ.

38 NORTH WASHINGTON STREET

P.O. BOX 475

SONORA, CALIFORNIA 95370

Also Present: JOHN W. PEARL

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1 BE IT REMEMBERED THAT PURSUANT TO NOTICE AND ON
2 WEDNESDAY, APRIL 7, 2004 AT THE HOUR OF 10:00 A.M. AT
3 1601 I STREET, FIFTH FLOOR, MODESTO, CALIFORNIA,
4 PERSONALLY APPEARED BEFORE ME, CHERYL M. BONANI, A
5 CERTIFIED SHORTHAND REPORTER FOR THE STATE OF
6 CALIFORNIA,

7
8 RICHARD RALPH ANDERSON,
9 a witness herein, who, being first duly sworn, was
10 thereupon examined and testified as hereinafter set
11 forth:

12
13 EXAMINATION

14 BY MR. BROWN:

15 Q. State your full name, please.

16 A. Richard Ralph Anderson.

17 Q. Okay. Mr. Anderson, you're appearing here
18 today pursuant to our notice of taking the deposition of
19 the person most qualified to respond to certain
20 questions that we attached in that deposition notice,
21 are you not?

22 A. I am.

23 Q. Mr. Anderson, have you ever had your deposition
24 taken before?

25 A. No.

1 Q. All right. Let me go over some of the ground
2 rules so that you have some idea of what we're going to
3 be doing here today.

4 As you know, I represent the Odd Fellows Sierra
5 Recreation Association, Inc. I represented them at the
6 outset of this case. I left the case. I have just come
7 back into it recently, so I am their attorney of record
8 for purposes of this and throughout, from here on out.

9 We're taking your deposition, which means that
10 we're going to take your sworn testimony. You know you
11 have just been sworn to tell the truth under penalty of
12 perjury. That oath has the same force and effect and
13 your testimony has the same force and effect as if you
14 were testifying at trial, so it's very, very important
15 that you listen carefully to the questions that I ask.

16 If you don't understand a question, if you need
17 clarification, if there's anything at all that you
18 simply don't understand, stop us. Ask us. We'll
19 clarify as best we can. But if you answer a question,
20 we have to assume that you understood it as it was
21 phrased.

22 Is that fair enough?

23 A. Yes.

24 Q. Okay. Because we have a court reporter taking
25 down every word that is said and because she only has

1 two hands, she can only take one of us at a time. So
2 it's important that you let me finish my question even
3 if you think you know what it is that I'm going to be
4 asking, and I'll try and give you the same deference
5 with respect to your answers so that we don't talk over
6 one another, and that will make it a lot easier on the
7 court reporter. Okay?

8 A. I understand.

9 Q. The court reporter is going to type up a
10 transcript of what is said here today. It will be
11 produced in a little booklet. It will be bound. You'll
12 have an opportunity to review that before it is finally
13 certified, and you'll have an opportunity to review it
14 and to make sure that it reflects what you actually said
15 and what you intended to say so that if you have any
16 problems with what shows up in that transcript, you'll
17 have a period of time within which to make changes.

18 Do you understand that?

19 A. Yes.

20 Q. If you make any such changes, however, I need
21 to caution you that at trial the parties, the attorneys
22 have the opportunity to comment about your changes, and
23 usually those comments aren't favorable. They usually
24 reflect poorly on your credibility. So, again, it's
25 important that you try and give your very best answer,

1 the most accurate answer out here today without having
2 to make changes later on.

3 Do you understand that?

4 A. I understand.

5 Q. Is there any reason why you cannot give your
6 very best testimony today?

7 A. No.

8 Q. Are you taking any medications of any kind?

9 A. Yes.

10 Q. And are any of these medications -- would they
11 have any effect on your memory?

12 A. I do not believe so.

13 Q. All right. Would they have any effect on your
14 ability to articulate what you recall?

15 A. No.

16 Q. Did you get a good night's sleep?

17 A. Yes.

18 Q. All right. This is a very informal proceeding
19 even though it's in a very magnificent conference room,
20 and so if you ever need a chance to take a break, if you
21 want to go to the bathroom or you want a drink of water
22 or you just want to take a break, you can do that just
23 about anytime you want. Just let us know, and we're
24 happy to accommodate you. We don't want you to be
25 uncomfortable. We do want to get your very best

1 recollection on the record here today, however.

2 Okay. Do you have any questions of me before
3 we commence?

4 A. No.

5 Q. All right. Tell us, if you would briefly, what
6 your educational background is.

7 A. High school.

8 Q. All right. Where did you go to high school?

9 A. Central Square, New York.

10 Q. Central Square, is that the name of the high
11 school or the town?

12 A. Town and the name of the high school.

13 Q. What year did you graduate?

14 A. I did not.

15 Q. Okay. Are you related to someone whose name we
16 saw in some of the older documents named Ivar Anderson?

17 A. No.

18 Q. Now, your position with the Alameda Boy Scouts
19 Foundation is what?

20 A. President.

21 Q. How long have you been president?

22 A. Five years.

23 Q. How long have you been a member?

24 A. Ten years.

25 Q. What is the mission, if you will, of the

1 Alameda Boy Scouts Foundation? What is it organized to
2 do?

3 A. Support the Alameda Council of the Boy Scouts
4 of America.

5 Q. Now, forgive me. I never was a Boy Scout. I
6 don't know how they're organized. The Alameda Council
7 of Boy Scouts, does that include Cub Scouts as well?

8 A. Yes.

9 Q. And does it include Girl Scouts?

10 A. No.

11 Q. All right.

12 A. It does include girls, but not Girl Scouts.

13 Q. That's a change of recent vintage, isn't it?

14 A. I'm not sure how many years ago.

15 Q. So there are girl Boy Scouts?

16 A. There are girl Explorers and Adventurers.

17 Q. I see. Okay. So when you say that your
18 mission is to support the Alameda Council of Boy Scouts,
19 what does that entail?

20 A. Finances.

21 Q. So you're the financing arm of these various
22 troops and whatever?

23 A. No, the Council. Not the troops, the Council.

24 Q. Help me, if you would, understand the hierarchy
25 and how it's broken down, how we get from the Foundation

1 to the troops. How is that organized?

2 A. Through the Alameda Council, Boy Scouts of
3 America has troops underneath it that the kids are
4 involved in.

5 Q. Is there another entity between the Council and
6 the troops?

7 A. No.

8 Q. How many members are there of the Alameda --
9 well, of the Alameda Boy Scouts Foundation? How many
10 members are there of that group?

11 A. Five.

12 Q. Who are they?

13 A. Jim Stonehouse, Wil Garfinkle, Dan Hall and Jim
14 -- I can't think of his last name.

15 Q. And you?

16 A. And myself.

17 Q. All right. Now, Mr. Pearl is here today, John
18 Pearl. What is his position with the Boy Scouts?

19 A. He's the executive director of the Boy Scouts
20 of America, Alameda Council.

21 Q. All right.

22 A. Otherwise known as the scout executive of the
23 Alameda Council.

24 Q. And is that a full-time position for him?

25 A. Yes.

1 Q. So is he a full-time staff person for the
2 Council?

3 A. Yes.

4 Q. The five members that you mentioned, are those
5 people paid members?

6 A. No.

7 Q. So it's a volunteer position?

8 A. Yes.

9 Q. Now, are you employed?

10 A. No. I'm retired.

11 Q. What are you retired from?

12 A. Manufacturing business.

13 Q. What did you do in the manufacturing business?

14 A. I was the owner.

15 Q. All right. What did you manufacture?

16 A. Jobbing machine shop.

17 Q. Okay. How long did you do that?

18 A. Thirty-five years.

19 Q. In your professional life as a machine shop
20 owner, did you ever get sued?

21 A. No.

22 Q. Good for you.

23 Did you ever have occasion to sue anybody?

24 A. Yes.

25 Q. Do you remember how long ago that was?

1 A. No.

2 Q. Once or more than once?

3 A. Once.

4 Q. Now, you have been a member of the Foundation
5 for approximately ten years, president for five. Did
6 you hold any scouting positions prior to that?

7 A. Yes.

8 Q. What were they?

9 A. Scoutmaster.

10 Q. That would be of a troop?

11 A. Of a troop, yes.

12 Q. Okay. Anything else?

13 A. Executive board member of Alameda Council.

14 Q. Were you president of the Foundation when it
15 purchased Camp Cedarbrook?

16 A. Yes.

17 Q. What was the process by which the decision was
18 made for the Foundation to purchase Camp Cedarbrook?

19 A. We did not purchase it.

20 Q. How did you acquire it?

21 A. It was given to us.

22 Q. Who gave it to you?

23 A. The Trustees of Camp Cedarbrook.

24 Q. Did they tell you why they were giving it to
25 you?

1 A. No.

2 Q. Did you ever learn why they gave it to you?

3 A. They disbanded and gave away all of their
4 assets.

5 Q. All right. Now, prior to the gift of Camp
6 Cedarbrook, the Foundation -- Alameda Boy Scouts had
7 used Camp Cedarbrook, had they not?

8 A. Yes.

9 Q. Do you know when the Alameda Boy Scouts first
10 began using Camp Cedarbrook as a camp?

11 A. I believe in 1972.

12 Q. And were you involved in Alameda County
13 scouting in 1972?

14 A. Alameda Council scouting.

15 Q. All right.

16 A. In 1972, yes.

17 Q. Now, 1972 is a long time ago. Is there
18 something which helps you recall that that was the year
19 when the Alameda Council began using Camp Cedarbrook?

20 A. I know it was the first year that we used it as
21 a camp.

22 Q. Because you were there?

23 A. Because I was there.

24 Q. Now, one of the foundation questions I forgot
25 to ask you is, what did you do to prepare for this

1 deposition?

2 A. I don't understand the question.

3 Q. Did you read anything to help jog your memory
4 so that you could give good answers today?

5 A. No.

6 Q. Did you talk to anybody other than your lawyer
7 to help refresh your recollection about events or dates
8 or facts?

9 A. No.

10 Q. Okay. We received some documents from your
11 lawyers, which are -- between lawyers we call them
12 written discovery. They're Answers to Interrogatories,
13 Responses to Requests for Admissions, productions of
14 documents and so forth, and there's someone named
15 Richard Anderson who verified and signed all of those.
16 Are you Richard Anderson who signed those?

17 A. I believe I am, yes.

18 Q. When you signed these verifications, was it
19 because you were just the president or was it because
20 you gave material answers that were provided in these
21 documents?

22 A. I'm not sure what you're asking right now.

23 Q. I'm wondering whether the information that was
24 provided came from you or whether you simply signed the
25 verifications as the president of the organization

1 without having provided the specific facts that are
2 incorporated.

3 A. I may have provided some of those facts. I
4 don't know of which you speak.

5 Q. And with respect to information that did not
6 come from you from your personal knowledge, did you
7 inquire of other people to assemble that information, or
8 is that something your lawyers did?

9 A. The lawyers did that.

10 Q. Okay. Did you ask anybody at the Alameda Boy
11 Scouts Foundation to provide you with facts to provide
12 to the lawyers for these answers?

13 A. No.

14 Q. The documents that were produced -- and I have
15 a copy of them here -- they were also produced on a
16 response -- or with a response that had your
17 verification. Did you assemble these documents or did
18 somebody else?

19 A. Someone else.

20 Q. And who was that?

21 A. I believe the attorneys.

22 Q. Do you know where they got them?

23 A. No.

24 Q. Did you do anything to find documents that were
25 called for in our Request for Production of Documents?

1 Did you personally do anything to find them?

2 A. Not that I recall.

3 Q. Who at the Alameda Boy Scouts Foundation is
4 most knowledgeable about the documents that relate to
5 the Foundation's claim that it has an easement across
6 Odd Fellows' property?

7 A. I believe I am.

8 Q. Okay. Where and how are those documents
9 maintained by the Foundation?

10 A. At the Council office.

11 Q. And where is that office?

12 A. 1714 Everett Street, Alameda.

13 Q. Perhaps inaccurately I have been assuming for a
14 long time that the Alameda Boy Scouts Foundation is
15 related to Alameda County. I know there's an Alameda
16 city. Does it relate to scouting in the City of Alameda
17 or the County of Alameda or both?

18 A. The City of Alameda only.

19 Q. Okay. That helps me. Thank you.

20 How many scouts are currently on the rolls of
21 the Alameda Council?

22 A. I don't know the exact number.

23 Q. Can you give me an estimate?

24 A. 2,400.

25 Q. Have you personally seen any of the deeds in

1 the chain of title leading up to the Foundation's
2 acquisition of Camp Cedarbrook property?

3 A. Yes.

4 Q. And how far back have you seen deeds in that
5 chain of title? To what year do you think is the
6 earliest year?

7 A. I'm not sure.

8 Q. Do you remember which owner was the earliest
9 owner shown on a deed that you've inspected in your
10 chain of title?

11 A. Trustees of Camp Cedarbrook.

12 Q. So just one deed, the one from them to the
13 Alameda Boy Scouts Foundation. That's the only one
14 you've seen?

15 A. Yes.

16 Q. Have you ever seen a deed in the chain of title
17 leading to your Foundation's ownership of this property
18 which gave it an easement across any of Odd Fellows'
19 property?

20 A. No.

21 Q. Has anyone told you -- other than your
22 attorney, has anyone told you there is such a deed, a
23 deed which conveys, along with whatever real property is
24 involved, an easement across Odd Fellows' property as
25 well?

1 A. No.

2 Q. All right. Have you done anything to study or
3 examine the history of the various scouting
4 organizations' ownership of Camp Cedarbrook through the
5 years?

6 A. I have read a history about it, yes.

7 Q. And from your reading, when is it that you
8 believe that any scouting organization first acquired
9 any ownership interest in what is now Camp Cedarbrook?

10 A. In the late '30s or early '40s.

11 Q. What do you recall about that acquisition from
12 your reading or studying?

13 A. Contra Costa County Council of Boy Scouts of
14 America purchased the property.

15 Q. What document or documents were you referring
16 to when you said you've read about the history?

17 A. I believe it's in those statements.

18 Q. Okay. Let me see if I can find it. Do you
19 know a gentleman by the name of James A. Hudkins,
20 H-u-d-k-i-n-s?

21 A. No.

22 Q. Did you read a 1994 writing purportedly by him
23 which is titled "An Analysis of the History of Camp
24 Cedarbrook, Long Barn, California from a Real Estate
25 Perspective"? Do you remember seeing that?

1 A. I might have seen it, but I'm not sure.

2 Q. Let me pull this out. This is a document --
3 before we mark it, I want to indicate for the record
4 that it was produced to us with the document production
5 from your organization through your lawyers, and it
6 bears document numbers -- it says Scouts-081 through
7 Scouts-086. Have a look at that, if you would, and tell
8 me if that's what you're referring to.

9 A. (The witness complies.) I believe I have read
10 this.

11 Q. All right. Is this document the only written
12 source from which you acquired your information about
13 the history of the ownership of Camp Cedarbrook, or are
14 there other documents as well?

15 A. Not that I recall.

16 Q. No other documents that you recall. Okay.
17 Do you know who James A. Hudkins is?

18 A. No.

19 Q. All right. Never met the man?

20 A. No.

21 Q. Do you know why he may have prepared this
22 document?

23 A. No.

24 Q. Have you done anything to confirm whether any
25 of his observations are correct?

1 A. No.

2 MR. BROWN: Can you mark this, please. Let's
3 mark these with numbers. We'll call this Number 1.

4 (Defendants' Exhibit 1 was marked for
5 identification.)

6 MR. BROWN: Q. Mr. Anderson, have a look at
7 what we've marked as Exhibit 1 for identification. It's
8 an individual grant deed granting some property to the
9 Alameda Boy Scouts Foundation. The grantor is the Camp
10 Cedarbrook, Inc., and the deed is signed by Alvin Kidder
11 and Anne B. Diament.

12 Is this the deed that you were referring to
13 earlier as the only one you have seen in the chain of
14 title?

15 A. Yes.

16 Q. All right. Alvin Kidder, does he have any
17 position of authority with the Alameda Boy Scouts?

18 A. He's deceased.

19 Q. Deceased. Okay. Do you remember how long ago
20 he died?

21 A. No.

22 Q. Anne B. Diament. Anne is spelled A-n-n-e,
23 middle initial B, Diament, D-i-a-m-e-n-t.

24 She is the former mayor of the City of Alameda,
25 is she not?

1 A. Yes.

2 Q. Has she ever had a position of authority with
3 the Alameda Boy Scouts?

4 A. Yes.

5 Q. What was that position?

6 A. Executive board member.

7 Q. And was that in the Council or the Foundation?

8 A. Council.

9 Q. I've heard this and forgive me again. I'm not
10 that familiar with scouting, but I have heard that
11 people -- leaders at Camp Cedarbrook and perhaps
12 elsewhere in scouting have certain nicknames that they
13 adopt which are like Indian names. Is that correct or
14 incorrect?

15 A. That's correct.

16 Q. And do you have one of those names?

17 A. No.

18 Q. How come you didn't get one? Just lucky?

19 A. I don't know.

20 Q. Do you know somebody who has the nickname at
21 Camp Cedarbrook or in scouting of Bald Eagle?

22 A. Yes.

23 Q. Who is that?

24 A. He was an old-time assistant scoutmaster.

25 Q. What's his real name?

1 A. Don Roza.

2 Q. D-o-n R-o-s-a?

3 A. R-o-z-a.

4 Q. Okay. Is he still alive?

5 A. Yes.

6 Q. Where does he live?

7 A. Alameda.

8 Q. Do you know his address?

9 A. 540 Haight Avenue.

10 Q. Eighth?

11 A. Haight, H-a-i-g-h-t.

12 Q. In Alameda?

13 A. Yes.

14 Q. I have to ask you. How do you know his exact

15 address?

16 A. Because I was just at his house about two weeks

17 ago. He didn't know me, but I was there.

18 Q. He was an old-time assistant what?

19 A. Scoutmaster.

20 Q. And did he have any kind of a position up at

21 Camp Cedarbrook?

22 A. He was a volunteer ranger one year, I think.

23 Q. Do you remember how long ago that was?

24 A. No.

25 Q. Was it more than 20 years ago?

1 A. I don't remember.

2 Q. That's the only Indian name I'm going to ask
3 you about.

4 Okay. With respect to the real property issues
5 that have arisen over time with Camp Cedarbrook, how are
6 decisions made by the Foundation about such issues? And
7 specifically what I'm going to be referring to is the
8 disputes that have arisen over access and easement.
9 What is the process by which the Foundation makes its
10 decisions with regard to those kinds of issues?

11 MR. RODARAKIS: I'm going to add an objection
12 just as to vagueness, but you can answer if you
13 understand it.

14 MR. BROWN: Q. I admit it's broad. I'm going
15 to narrow it down, but I'm just trying to get a sense of
16 the process by which you folks arrive at decisions. I
17 mean in some organizations the president makes the
18 decisions, and everybody goes along with it. Others do
19 it by democratic vote. Others do it in other ways. I'm
20 just trying to figure out how you folks do it.

21 A. Would you rephrase -- restate that question?

22 Q. I'm trying to find out the process by which the
23 Foundation makes decisions concerning real estate issues
24 that arise at Camp Cedarbrook.

25 MR. RODARAKIS: Again, I'm going to add an

1 objection as to vagueness. Maybe we could narrow the
2 type of real estate decision so it's not so broad.

3 MR. BROWN: Q. All right. Let's talk about
4 easement issues, access issues. What's the process by
5 which the Foundation makes its decisions on those
6 issues?

7 A. Since the Foundation has owned the property,
8 we've not had any problems until October of 1901 -- or
9 2001.

10 Q. Okay. Was the Foundation involved in any of
11 the disputes that arose about access prior to the
12 Foundation's acquisition of the property?

13 A. No.

14 Q. At some point in the past -- I'm told it's in
15 the mid-'30s -- whoever owned Camp Cedarbrook at that
16 time asked the County of Tuolumne to close off the
17 county road which runs through the camp. Are you
18 familiar with that occasion, the incident itself?

19 A. Yes.

20 Q. Did you have anything to do with any of the
21 decision-making process which led to that request?

22 A. No.

23 Q. Do you know who made the decision to ask the
24 county to close off that county road?

25 A. No.

1 Q. Do you know why the request was made?

2 A. Yes.

3 Q. Why was that?

4 A. To try to ensure the safety of the scouts while
5 they were in camp. I believe that was just to close the
6 road down while camp was in session.

7 Q. You're aware that the County has now abandoned
8 that road for all purposes, are you not?

9 A. No.

10 Q. Do you have a belief that the County has
11 maintained that road for any purpose?

12 A. I can't answer that.

13 Q. The road we're talking about, the county road,
14 is referred to in many of the documents we've seen as
15 Long Barn and Sugarpine Road. Is that the same road
16 you're referring to?

17 A. I believe so, yes.

18 Q. All right. It generally runs in a course which
19 is parallel to Sugar Pine Creek?

20 A. Yes.

21 Q. Now, in 1972 when the Boy Scouts first began
22 using Camp Cedarbrook for camping purposes, how did they
23 get there?

24 A. From 108 -- from Highway 108 they took Wheeler
25 Road to Jordan Way and drove to camp.

1 Q. In 1972, was the swimming pool still there?
2 Had it been built by then?

3 A. I believe it was in process.

4 Q. Were there any other buildings on Camp
5 Cedarbrook property in 1972 that you recall?

6 A. Yes.

7 Q. What were they?

8 A. The dining hall.

9 Q. And tell me which side of the creek. Are they
10 on the north side or the south side of the creek?

11 A. I believe it's the east side.

12 Q. Well, the uphill or --

13 A. The uphill side.

14 Q. Whatever that is. Toward Highway 108.

15 A. No. The opposite side of the creek.

16 Q. So you're talking about away from Highway 108,
17 back toward the Forest Service property?

18 A. Right.

19 Q. There's a dining hall on that side of the
20 creek?

21 A. There was a Quonset hut.

22 Q. The pool was being built?

23 A. The pool was on the opposite side of the creek.

24 Q. The pool was on the other side. Okay. What
25 other buildings were on the property?

1 A. There was the warehouse.

2 Q. Which side of the creek was it on?

3 A. That would be on the west side of the creek.

4 Q. Same side as the --

5 A. The Highway 108 side.

6 Q. That's a good way to refer to it.

7 Okay. Any other buildings that you can recall

8 at that time?

9 A. No.

10 Q. Do you know when the dining hall had been

11 constructed?

12 A. No.

13 Q. The Quonset hut, do you know when it was built?

14 A. No.

15 Q. Have you personally ever traveled to Camp

16 Cedarbrook via Highway 108 on something called Bettini-

17 Apple Road and Long Barn-Sugarpine Road?

18 A. Yes.

19 Q. When is the last time you did that?

20 A. Three years ago.

21 Q. Summer or winter?

22 A. Summer.

23 Q. All right. This three years ago --

24 A. I want to clarify something.

25 Q. Please do.

1 A. That road does not access the camp properties
2 where the buildings are.

3 Q. What does it access?

4 A. Long Barn-Sugarpine Road. It accesses Jordan
5 Way.

6 Q. It accesses some portion of Camp Cedarbrook,
7 does it not?

8 A. Some of the property, yes, but not where the
9 buildings are and so forth.

10 Q. The Long Barn-Sugarpine Road runs right through
11 the middle of Camp Cedarbrook property, does it not?

12 A. Correct.

13 Q. Now, on the side of Long Barn-Sugarpine Road,
14 either the Foundation or one of its predecessors in
15 title actually built a parking lot, did they not?

16 A. Yes.

17 Q. And that was for the purpose of parking
18 vehicles so that people wouldn't block the roadway; is
19 that right?

20 A. I can't answer that.

21 Q. How many parking lots along Long Barn-Sugarpine
22 Road are there now, that is, on Camp Cedarbrook
23 property?

24 A. One.

25 Q. Just one. There is a footbridge in close

1 proximity to that parking lot, is there not?

2 A. Yes.

3 Q. That footbridge crosses the creek and accesses
4 Camp Cedarbrook property where you indicated the Quonset
5 hut and the dining hall are located; right?

6 A. Correct.

7 Q. All right. Who built the footbridge?

8 A. I don't know.

9 Q. Any idea how long ago?

10 A. No.

11 Q. Now, Camp Cedarbrook has been in what I would
12 loosely call scouting hands or scouting ownership going
13 back to the 1930s, has it not, either Boy Scouts, Girl
14 Scouts or some affiliated organization?

15 A. I believe that's true, yes.

16 Q. Do you know when any scouting organization
17 began using Camp Cedarbrook as a camping place?

18 A. No, I do not know that.

19 Q. But in any event, Boy Scouts, to your
20 knowledge, began using it as a camp in 1972 when you
21 first went there?

22 A. Alameda Council Boy Scouts, yes.

23 Q. Were there other Boy Scouts that used it before
24 that as a camp?

25 A. Contra Costa County, but I'm not sure when.

1 They owned the camp. I assume that they used it.

2 Q. Have you seen any photographs dating back to
3 the 1930s or '40s which depict either Camp Cedarbrook or
4 Odd Fellows' property?

5 A. No.

6 Q. Has anybody told you whether any such
7 photographs exist?

8 A. No.

9 MR. RODARAKIS: Counsel, I would like to add an
10 objection to that last question to the extent that the
11 term depicting the property is vague and overbroad, but
12 just for the record.

13 MR. BROWN: Q. Okay. Do you know or have you
14 heard whether any maps exist which purport to show any
15 of the roads, driveways or paths that existed on what is
16 now Odd Fellows' property as early as the 1930s?

17 A. I don't know of any.

18 Q. Have you heard whether there are any?

19 A. No.

20 Q. Have you spoken to any person who claims to
21 know where any roads, paths or driveways across what is
22 now Odd Fellows' property existed in the 1930s?

23 A. No.

24 Q. Has anyone told you whether there is any such
25 person who claims such knowledge?

1 A. No.

2 Q. You said in 1972 when you first went to the
3 Camp Cedarbrook property, you went via Highway 108, down
4 Wheeler Road to Jordan Way. Did you then drive across
5 the creek, or did you park on the Highway 108 side?
6 Which did you do?

7 A. I drove across the creek.

8 Q. Did anybody tell you whether it was okay to
9 drive across that creek?

10 A. No.

11 Q. Did you ask anybody?

12 A. No.

13 Q. Now, Camp Cedarbrook is -- there's a main part
14 of the property which is approximately 21 acres, and
15 then there's another part of the property which is four
16 or five acres. Isn't that right?

17 A. That's correct.

18 Q. This other part of the property is not
19 contiguous to or adjacent to the main Camp Cedarbrook
20 property, is it?

21 A. That's correct.

22 Q. How do you get from one to the other?

23 A. County road.

24 Q. Is this the same Long Barn-Sugarpine Road we're
25 talking about?

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A. Yes.

Q. Okay.

A. And Jordan Way.

Q. You can get there from Jordan Way?

A. You go off from the main part of the camp,
Jordan Way to the county road and then go down the
county road.

Q. This other smaller piece of property, does the
Foundation consider that to be part of the Camp
Cedarbrook?

A. Yes.

Q. Is it commonly known as Dogwood?

A. Yes.

Q. Is that the same property which in the long-
distant past was referred to as Ice Pond? Do you know
that?

A. I don't know that.

Q. Do you know when anybody in your chain of title
to the main Camp Cedarbrook property first acquired this
Dogwood property?

A. It's always gone together, as far as I know.

Q. Has anybody told you that the Dogwood property
was originally comprised of three separate parcels
purchased by somebody in scouting in 1953?

A. No.

1 Q. That's news to you?

2 A. No, I never knew it.

3 Q. Do you know whether the Dogwood property was
4 ever owned by E. O. Sylvester, who was the common -- the
5 owner of the property that is now Odd Fellows and Camp
6 Cedarbrook main property back in the '20s? Do you know
7 if he ever owned the Dogwood property?

8 A. I do not know.

9 Q. In one of the responses to a form
10 interrogatory, there was a First American Title
11 Insurance policy that was identified with policy limits
12 of \$100,000. Are you familiar with that policy?

13 A. No.

14 Q. Do you know who purchased that policy?

15 For the record, this is in response to Form
16 Interrogatory 4.1.

17 MR. RODARAKIS: Do you understand the question
18 that he's asking?

19 THE WITNESS: No, I'm not really sure I
20 understand it.

21 MR. BROWN: Q. You know what a title insurance
22 policy is; right?

23 A. Yes.

24 Q. When the Boy Scouts -- Alameda Boy Scouts
25 Foundation acquired by Exhibit 1, the individual grant

1 deed, the Camp Cedarbrook property, did the Boy Scouts
2 Foundation also purchase a title insurance policy?

3 A. They must have, yes.

4 Q. All right. You believe they did?

5 A. I believe they did.

6 Q. And do you believe that they purchased that
7 policy from First American Title?

8 A. I believe so, yes.

9 Q. Do you know how the \$100,000 policy limit was
10 arrived at?

11 A. No, I do not know.

12 Q. Now, I understand that for some purpose within
13 the last few years -- I think it's three years ago --
14 the Foundation purchased an appraisal. They got an
15 appraiser named Mike Wright to do an appraisal of the
16 Camp Cedarbrook property, and they acquired a report
17 giving his opinion of its fair market value. Do you
18 recall that having happened?

19 A. Yes.

20 Q. What was the purpose for which the appraisal
21 was obtained?

22 A. To find out the value of the gift.

23 Q. And why did that matter to the Foundation?

24 A. I believe for insurance purposes.

25 Q. All right. Would that be for title insurance

1 or liability insurance or some other kind of insurance
2 purposes?

3 MR. RODARAKIS: If you know. Don't guess.

4 THE WITNESS: I don't know.

5 MR. BROWN: Q. Do you know whether the
6 Foundation has made any claim against the title
7 insurance carrier because of the easement dispute which
8 has led to this lawsuit?

9 A. I do not know.

10 Q. So if they have, you don't know it?

11 A. Uh-huh, right.

12 Q. One of the things I forgot to say is, you have
13 to answer "yes," "no" or with words. I can't take nods
14 or grunts or things like that because she doesn't know
15 how to write those down.

16 In the 30-plus years that you've been familiar
17 with Camp Cedarbrook, has anybody associated with the
18 Foundation or its predecessors in title done anything to
19 remove snow from the Bettini-Apple, Long Barn-Sugarpine
20 Road access to the camp?

21 A. No.

22 Q. Do you know whether the Foundation or any of
23 its predecessors in title have ever owned a snowplow?

24 A. No.

25 Q. In the wintertime, I understand that the

1 Alameda Scouts have from time to time had a winter
2 camping excursion for scouts; is that correct?

3 A. That's correct.

4 Q. Over how long a period of time has that
5 occurred at Camp Cedarbrook?

6 A. I don't know the exact number of years.

7 Q. Do you remember approximately when you first
8 became aware of any such winter camping occasion at Camp
9 Cedarbrook?

10 A. In the '70s.

11 Q. All right. And were these -- what do you folks
12 call those winter camps?

13 A. Just what you called them, winter camps.

14 Q. Winter camps. All right. Did the Foundation
15 keep records of the revenues, if any, generated from
16 these winter camps over the years?

17 A. No.

18 Q. As we speak today, are there any records, any
19 written records in existence which purport to show
20 revenues from winter camping at Camp Cedarbrook for any
21 period of time?

22 A. Not by the Foundation.

23 Q. Who would keep those records?

24 A. The Council.

25 Q. The Council. Do you know whether any such

1 records exist with the Council?

2 A. I believe they do.

3 Q. Have you seen them?

4 A. Yes.

5 Q. Did the Foundation actually run any winter
6 camps at Camp Cedarbrook since it acquired title in
7 2000?

8 A. No.

9 Q. So any winter camps that were done under Boy
10 Scouts' auspices were done by the Alameda Boy Scouts
11 Council?

12 A. Correct.

13 Q. Now, the Alameda Boy Scouts Council is a
14 completely separate entity from the Foundation?

15 A. Correct.

16 Q. Are they both public benefit nonprofit
17 corporations?

18 A. Yes.

19 Q. And they don't commingle their moneys?

20 A. No.

21 Q. It's your testimony that the Foundation has
22 never run winter camps.

23 A. Yes, correct.

24 Q. So if the Foundation never ran winter camps,
25 the Foundation didn't lose any revenue from their

1 cancellations, did they?

2 A. Correct.

3 Q. To your knowledge, has Camp Cedarbrook ever
4 been completely landlocked with no access in the history
5 of scouting ownership of that property?

6 A. Yes.

7 Q. All right. When was that and why was it
8 landlocked?

9 A. It's continuous.

10 Q. What do you mean?

11 A. We have no access other than Jordan Way.
12 That's our address.

13 Q. Three years ago you accessed the property via
14 Bettini-Apple Road and Long Barn-Sugarpine Road, did you
15 not?

16 A. Not all of the property.

17 Q. I understand, but some of the property.

18 A. Some of the property.

19 Q. You could get to Camp Cedarbrook property by a
20 way other than Wheeler Road and Jordan Way; right?

21 A. Technically speaking, yes.

22 Q. All right.

23 A. But I want to qualify that.

24 Q. Sure. Go ahead.

25 A. You can't get to where the buildings are.

1 Q. Has the Foundation done anything to investigate
2 whether it is feasible to build a vehicular bridge just
3 as there is a pedestrian bridge that crosses the creek
4 from Long Barn-Sugarpine Road to the portion of the
5 property where the buildings are?

6 A. No.

7 Q. Is there a reason why?

8 A. I can't answer that.

9 Q. It's just something that's never occurred to
10 the Foundation?

11 A. Correct.

12 MR. RODARAKIS: Counsel, could I recommend a
13 five-minute break when you get to a spot there that
14 you --

15 MR. BROWN: That's fine. We can break at any
16 time. I've very malleable.

17 MR. RODARAKIS: Why don't we take a five-
18 minute break.

19 MR. BROWN: All right. Let's do it.

20 (Recess taken.)

21 MR. BROWN: Q. Mr. Anderson, I want to remind
22 you that you're still under oath, and that doesn't
23 change when we take these little breaks.

24 A. I understand.

25 Q. In 1972 when you first had access or you first

1 went to the Camp Cedarbrook property, you told me what
2 buildings were there at the time, and especially on the
3 portion of the property across the creek from the
4 Highway 108 side, you said there was a dining hall and a
5 Quonset hut. Since 1972, have additional buildings been
6 placed on that side of the creek?

7 A. Yes.

8 Q. What additional buildings?

9 A. The winter camp facilities.

10 Q. What does that mean? What is a winter camp
11 facility?

12 A. Where kids sleep in the wintertime.

13 Q. Like a dormitory?

14 A. Like a dormitory building.

15 Q. All right.

16 A. And a caretaker's apartment is in that same
17 building.

18 Q. Okay.

19 A. There's a rest room and a washroom combined.

20 Q. Anything else?

21 A. Tent platforms for staff.

22 Q. A tent platform?

23 A. Yeah, numerous. I'm not sure how many.

24 Q. Is that just like a wooden floor?

25 A. A wooden platform to put tents on.

1 Q. But any permanent structures other than the
2 ones you've mentioned?

3 A. No.

4 Q. All right. In 1972 and through the '70s, what
5 was the Quonset hut used for?

6 A. First aid lodge.

7 Q. First aid?

8 A. First aid lodge.

9 Q. Anything else?

10 A. Not that I'm aware of.

11 Q. Any idea approximately how big this Quonset hut
12 is? I've seen Quonset huts that would hold airplanes.

13 A. It's probably 15 by 30 maybe.

14 Q. Okay.

15 A. I'm guessing.

16 Q. Right. I understand. The dining hall, I
17 understand that was used for dining, so about how big
18 was it or how many diners would it accommodate?

19 A. Approximately a hundred scouts.

20 Q. Was it a single-story structure or more than
21 one?

22 A. Two-story.

23 Q. Are all of those buildings still there?

24 A. Yes.

25 Q. As of 2001, were they all still in use for the

1 purposes you've indicated?

2 A. Yes.

3 Q. The winter camp dormitory structure, when was
4 it built?

5 A. The late '80s.

6 Q. Does 1989 ring a bell?

7 A. Yes.

8 Q. And that was during the ownership of the Camp
9 Cedarbrook trust?

10 A. Trustees.

11 Q. Trustees?

12 A. Uh-huh, yes.

13 Q. Did the Alameda Boy Scouts Foundation help the
14 Camp Cedarbrook Trustees with any of the costs of
15 building these buildings?

16 A. Yes.

17 Q. And do you recall or can you estimate what
18 portion whether as a percentage or dollars was the
19 Foundation's contribution?

20 A. I believe the Foundation paid one hundred
21 percent for the new building.

22 Q. Since the Foundation did not own the real
23 estate, why did the Foundation decide to contribute one
24 hundred percent of the cost of building this permanent
25 structure?

1 MR. RODARAKIS: Within your knowledge.

2 THE WITNESS: Because of the long-term lease
3 that the Boy Scouts had from the Girl Scouts -- or from
4 the Trustees. I'm sorry.

5 MR. BROWN: Q. Okay. Now, what were the
6 provisions of this long-term lease?

7 A. Exactly off the top of my head, I can't answer
8 that.

9 Q. Well, give me your best recollection of it.

10 A. A 25-year lease with a 25-year option.

11 Q. And the lessee was who? The Foundation or the
12 Council or somebody else?

13 A. The Council.

14 Q. And you said it was the Foundation that
15 actually paid for the cost of building the structure?

16 A. (Witness nods head.)

17 Q. You have to answer out loud.

18 A. (Indicating.)

19 Q. You have to answer out loud.

20 A. What was -- repeat the question.

21 Q. But it was the Foundation, not the Council that
22 paid the cost of building this structure?

23 A. That's correct.

24 Q. And is that because the Foundation was sort of
25 the financial backer of the Council?

1 A. Money was given to the Foundation to build that
2 building.

3 Q. That was earmarked for that purpose?

4 A. Yes.

5 Q. Was that from a single source or multiple
6 sources?

7 A. Multiple.

8 Q. So at the time that the Trustees gave the real
9 property to the Foundation, at that time the Council,
10 Alameda Boy Scouts Council, was the lessee of a 25-year
11 lease with a 25-year option, as best you recall?

12 A. That's correct.

13 Q. And did the Foundation then upon its
14 acquisition of ownership become the landlord, the
15 lessor?

16 A. That's correct.

17 Q. So the lease stayed in effect?

18 A. That's correct.

19 Q. Were there payments, rental payments required
20 under the lease?

21 A. Yes.

22 Q. What was the rent?

23 A. \$200 a year.

24 Q. There is a metal gate on Long Barn-Sugarpine
25 Road which prevents passage on Long Barn-Sugarpine Road

1 between the Odd Fellows' property and Camp Cedarbrook,
2 is there not?

3 A. I would like you to clarify what is Long
4 Barn-Sugarpine Road. Is that Wheeler Road?

5 Q. Well, I don't know about -- the county road.
6 Let's call it the county road.

7 A. Between 108 and Camp Cedarbrook?

8 Q. No. What I'm talking about is down in the
9 vicinity of the creek --

10 A. Okay.

11 Q. -- where the road goes from Odd Fellows'
12 property onto the Highway 108 side of Camp Cedarbrook
13 property, isn't there a metal gate there?

14 A. Yes.

15 Q. And does the Alameda Boy Scouts Foundation have
16 a key to any of the locks on that gate?

17 A. No.

18 Q. Has the Foundation ever had a key to any locks
19 on that gate?

20 A. No.

21 Q. Is that gate on the Foundation's property or
22 Odd Fellows' property?

23 A. Odd Fellows.

24 Q. Did Odd Fellows erect that gate?

25 A. I don't know.

1 Q. Have Odd Fellows ever offered the Scouts or the
2 Foundation access through that gate?

3 A. No.

4 Q. At various times Boy Scouts have asked the Odd
5 Fellows for permission to use -- I don't know whether
6 you call it a pond or lake -- that body of water in the
7 meadow for various scouting purposes, has it not?

8 A. Yes.

9 Q. How did the scouts get to that pond?

10 A. Walked.

11 Q. In the wintertime, the Scouts have asked for
12 permission to use Odd Fellows' property for a toboggan
13 run as well, have they not?

14 A. No.

15 Q. Have the Scouts asked the Odd Fellows for
16 permission to use any of their property for any purpose
17 other than these lake activities?

18 A. Not that I'm aware of.

19 Q. In the area where -- let me do this another
20 way.

21 In discovery, your attorney has provided us
22 some very large maps. Do you recall having looked at
23 those maps before they were produced?

24 A. Yes.

25 MR. BROWN: I want to refer to one, but it's

1 too large to attach for the record, so may I approach?

2 MR. RODARAKIS: Sure.

3 MR. BROWN: Q. Let me lay this out in front of
4 you. And this is designated, for the record, as part of
5 the production as Scouts-002. Let me put this very
6 large map in front of you and come around to your side
7 of the table. Do you know what this map is supposed to
8 depict?

9 A. The property at Camp Cedarbrook.

10 Q. As of what time? Do you know when this map was
11 produced? I did not see a specific date of production
12 on the map.

13 A. It had to have been --

14 MR. RODARAKIS: Don't guess when it was
15 produced. Only if you know.

16 THE WITNESS: I can't guess.

17 MR. BROWN: Q. Do you know why it was
18 produced?

19 A. No.

20 Q. Did you ever have any contact with a William B.
21 Kirkland, civil engineer, from Alameda, California, in
22 connection with the preparation of any map?

23 A. No.

24 Q. Familiarize yourself with it. I understand
25 you've seen it before, and tell me whether you believe

1 that it is a generally accurate depiction of the Camp
2 Cedarbrook real estate and the main camp, the Dogwood
3 portion and the alignment of the roads as they exist
4 today.

5 A. I believe it's correct.

6 Q. Look at the Jordan Way access, which on this
7 map as we're looking at it, it comes in from the upper
8 right quadrant. There is a place where Jordan Way
9 appears to go from one road into two or three roads. It
10 splits off. Do you see that?

11 A. Yes.

12 Q. Now, the part that goes directly across the
13 creek to the edge of the Camp Cedarbrook property, which
14 as we look at this map is the right side of the map, is
15 that dirt or paved?

16 A. Dirt.

17 Q. When was that portion of the road built?

18 A. I have no idea.

19 Q. Was it there in 1972?

20 A. Yes.

21 Q. Now, the portion of -- it's not labeled Jordan
22 Way, but it looks like the left side which goes across
23 the boundary line and then generally parallel with the
24 creek and then exists at the lower left portion of the
25 main block of Camp Cedarbrook, is that what we have been

1 referring to as the county road?

2 A. I believe so.

3 Q. Do you understand this county road to be what
4 has been referred to as Long Barn-Sugarpine Road?

5 A. Yes.

6 Q. The portion of Jordan Way that comes to --
7 across the creek on this map and to the edge of the
8 property just adjacent to some structures on the Camp
9 Cedarbrook property, that road on this map appears to
10 continue on to the right off the edge of the map. Do
11 you see that?

12 A. Yes.

13 Q. Do you know where that road goes?

14 A. Yes.

15 Q. Where does it go?

16 A. It goes back to the county road.

17 Q. Do you mean it goes back to Highway 108?

18 A. No. It goes back to this county road up in
19 this area.

20 Q. The Long Barn-Sugarpine Road?

21 A. It goes around this way and comes out here.

22 Q. All right. And that county road, Long
23 Barn-Sugarpine Road, goes all the way to Long Barn, does
24 it not, up the hill?

25 A. As I know it, it goes to 108.

1 Q. Okay. Now, I'm not talking about Wheeler Road
2 through the controlled access gate on Odd Fellows'
3 property. I'm talking about the extension of Long
4 Barn-Sugarpine Road.

5 A. I do not know that.

6 Q. Have you ever traveled all the way to Long Barn
7 on that road?

8 A. No.

9 Q. When we look at the portion that you've
10 referred to as the Dogwood property, it's sort of a
11 satellite at the lower left of this map. I see that the
12 county road goes in close proximity to that property; is
13 that correct?

14 A. That's correct.

15 Q. And that road is still there to this day?

16 A. Yes.

17 Q. Okay. Is Bettini-Apple Road shown on this map
18 anywhere?

19 A. No.

20 Q. Okay. About the middle of the main block of
21 Camp Cedarbrook on the upper or northerly portion of the
22 county road, there is an area shown as parking. You see
23 that?

24 A. Yes.

25 Q. Is that the parking area you were referring to

1 earlier?

2 A. No.

3 Q. Is there a different parking area that you were
4 referring to? And if so, would you point with your
5 finger where that is?

6 A. (The witness complies.)

7 Q. Okay.

8 A. Right in this area.

9 Q. The parking area that's shown on this map,
10 which is Scouts-002, is that still there?

11 A. No.

12 Q. Is there anything else there now?

13 A. No.

14 Q. Where is the walking bridge, the pedestrian
15 bridge?

16 A. It crosses right here.

17 Q. Okay. So the pedestrian bridge is very close
18 to the boundary between Camp Cedarbrook property and Odd
19 Fellows' property; is that right?

20 A. What is close?

21 Q. Within a hundred feet?

22 A. Yes.

23 Q. Is there a parking area within 50 feet of this
24 pedestrian bridge?

25 A. No.

1 Q. This map also shows various -- they look like
2 access roads. I can't tell whether they're driveways or
3 walking paths or vehicular ways, but which are on the
4 northern side of the creek as this map is oriented but
5 that don't have names, and they appear to branch off of
6 the county road. Do you know what those are?

7 A. No.

8 Q. You don't know whether they are dirt roads,
9 gravel roads, paved roads or pathways?

10 A. They were dirt roads.

11 Q. All right.

12 A. This road is a service road that went to our
13 water tank.

14 Q. All right. There's a "WT" with two blocks at
15 the upper left-hand corner of the Camp Cedarbrook
16 property. Are those also water tanks?

17 A. That is a water tank. I'm sorry. This road is
18 a service road to our water tank.

19 Q. Okay.

20 A. That road I don't believe exists any longer.

21 Q. Do you know what these roads -- or when these
22 roads were built?

23 A. No.

24 Q. The service road to the water tank, is that
25 something that any scouting organization built, to your

1 knowledge?

2 A. I don't know that.

3 Q. Do you know when those water tanks were placed
4 there?

5 A. No, I do not.

6 Q. Okay. You don't know whether these were
7 originally old logging roads or something else?

8 A. I have no idea.

9 Q. I think we're done with this map. Let me take
10 it over here.

11 Has the Foundation commissioned anyone to do a
12 survey diagram or map of the Camp Cedarbrook property
13 during its ownership?

14 A. No.

15 Q. Another map was provided to us. It bears the
16 document numbered Scouts-001. Again, it's a very large
17 map, and if I may, I would like to approach and lay this
18 out in front of you. Are you familiar with this map?

19 A. Yes.

20 Q. Do you know when it was prepared?

21 A. No.

22 Q. Do you know why it was prepared?

23 A. No.

24 Q. How did you come by this map?

25 A. I don't know.

1 Q. This map shows something going across Sugar
2 Pine Creek in the vicinity of the boundary line, Jordan
3 Way, a parking area and some buildings. This that I'm
4 pointing at now, is that the pedestrian bridge or
5 something else?

6 A. That's the pedestrian bridge.

7 Q. All right. There is something else which
8 appears to cross the creek downstream from that and
9 along a line that leads to the swimming pool. Do you
10 know what that is?

11 A. That's a pedestrian bridge.

12 Q. There's two pedestrian bridges?

13 A. Correct.

14 Q. Were you involved in the decision to build and
15 to finance the permanent structures that were built on
16 the south side of the creek in or about 1989?

17 A. Yes.

18 Q. Why were they located where they were?

19 A. It's the best place to put them.

20 Q. Was there any discussion with the County at
21 that time about what access the Scouts had to those
22 structures?

23 A. Not to the best of my knowledge.

24 Q. Do you know whether the County placed any
25 requirements on the builders with respect to access?

1 A. Please repeat that.

2 Q. Do you know whether the County placed any
3 conditions or requirements for access on the builders of
4 these structures?

5 A. No. I -- no.

6 Q. You don't know or you know that there were
7 none?

8 A. There were none.

9 Q. The date on this map is in a box which says
10 "Camp Cedarbrook Existing Conditions," and the date is
11 7-24-85. Do you see that?

12 A. Yes.

13 Q. All right. Does that refresh your recollection
14 about why this map was prepared?

15 A. No.

16 Q. Was there some dispute or litigation about a
17 boundary line between Camp Cedarbrook and the Odd
18 Fellows' property in the mid-'80s?

19 A. I heard rumors of that.

20 Q. You weren't involved in any of that?

21 A. I was not involved.

22 Q. Did you hear from any scouting sources how that
23 dispute was resolved?

24 A. I heard it was resolved, but I don't know
25 exactly what happened.

1 Q. Has the Foundation ever harvested timber from
2 any portion of the Camp Cedarbrook property, whether the
3 main property or the satellite property?

4 A. No.

5 Q. Has the Foundation ever had a timber survey
6 done to determine how much harvestable timber there
7 might be?

8 A. No.

9 Q. Do you know whether any of your predecessors in
10 title have done either of those things?

11 A. Yes.

12 Q. Who did it and when?

13 A. The Trustees, Cedarbrook Trustees did it. They
14 harvested the timber. I'm not sure when.

15 Q. Okay. Can you tell me even which decade it was
16 in?

17 A. No.

18 Q. Can you point on this map, which is -- I think
19 it's 001. Is that the number up there?

20 MR. RODARAKIS: 001, yes.

21 MR. BROWN: Q. Can you tell us on this map
22 where the timber was harvested from?

23 A. No.

24 Q. Do you know how much revenue the Trustees
25 received from that timber harvest?

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A. No.

Q. Do you know what they did with the money?

A. No.

Q. Did they harvest it one season or more than one?

A. I know of one.

Q. But you don't know of any others?

A. No.

Q. Was it more than 20 years ago?

A. I don't know.

Q. I think I'm done with this too.

Has the Foundation decided that it wished to harvest timber for revenue purposes?

A. Yes.

Q. When did that decision -- when was that decision made?

A. Within the last year.

Q. So that was after the Odd Fellows prevented access on Wheeler Road?

A. That's correct.

Q. And prior to that time, the Foundation had no plans to harvest timber?

A. Yes, we had plans to harvest timber.

Q. And what I asked before -- maybe you didn't understand -- is, when were those -- when was that

1 decision made? When were those plans originated?

2 A. When we acquired the property.

3 Q. Has the Foundation received from any source an
4 estimate of how much harvestable timber there is on the
5 Camp Cedarbrook property?

6 A. No.

7 Q. Has the Foundation received from any source any
8 information about whether it would be economically
9 advantageous to harvest any of that timber?

10 A. No.

11 Q. So as we sit here now, neither you nor the
12 Foundation knows how much timber there is which could be
13 profitably harvested?

14 A. That's correct.

15 Q. When the Trustees harvested timber, do you know
16 how the timber crews got access to the area they were
17 harvesting?

18 A. I was not there during the harvest. I do not
19 know.

20 Q. Did anybody tell you whether the timber crews
21 rumbled their trucks through Odd Fellows' property or
22 whether they had some other access?

23 A. That is the only access.

24 Q. Well, except for the Long Barn-Sugarpine Road
25 and Apple-Bettini Road?

1 A. (Witness nods head.)

2 Q. You're nodding up and down. Is that a yes?

3 A. Yes.

4 Q. So at least in terms of technical probability,
5 timber crews could have accessed Camp Cedarbrook
6 property for harvest purposes through Bettini-Apple Road
7 and Long Barn-Sugarpine Road?

8 A. But not all of the property.

9 Q. Understood. Do you know which side of the
10 creek was harvested?

11 A. No.

12 Q. Have you done anything personally to determine
13 whether a permit from any state agency is required to
14 use the creek bed as a roadway?

15 A. Please rephrase that.

16 Q. Have you personally done anything to determine
17 whether any permit from any state agency is required for
18 scouting vehicles to cross that creek through the creek
19 bed?

20 A. No.

21 Q. Have you heard whether anybody on behalf of the
22 Foundation has done so?

23 A. No.

24 Q. It's fair to say, is it not, that as you sit
25 here now, you and the other -- are they called directors

1 of the Foundation? -- directors believe that you have a
2 lawful easement across Odd Fellows' property to access
3 Camp Cedarbrook, including that portion of Camp
4 Cedarbrook which is on the south side of the creek?

5 MR. RODARAKIS: I'm going to object to the
6 extent that that calls for a legal conclusion.

7 MR. BROWN: I'm just asking for his belief.

8 Q. You believe you own such an easement at this
9 time; is that right?

10 A. I don't know.

11 Q. You believe that the Alameda Boy Scouts
12 Foundation has the lawful right to use Wheeler Road-
13 Jordan Way and to cross the creek to access your
14 property on the south side of the creek; isn't that
15 correct?

16 MR. RODARAKIS: Same objection for that
17 question.

18 THE WITNESS: I don't know if we have a lawful
19 right.

20 MR. BROWN: Q. And that's what the lawsuit is
21 for, to find out; right? Okay.

22 A. Yes.

23 Q. You believe that your legal position in the
24 lawsuit has merit, do you not?

25 A. I do.

1 Q. These are just preliminary to find out what
2 facts, if any, form the basis for your belief that you
3 have the right to cross Odd Fellows' property.

4 MR. RODARAKIS: I'm going to object to the
5 extent that it calls for, again, a legal conclusion and
6 to the extent that it calls for any attorney-client
7 protected information or information protected by
8 attorney work product.

9 MR. BROWN: Q. And I understand those. I
10 don't want to know what your attorney told you. I want
11 to know why you think and your fellow directors think
12 that you have the right to cross Odd Fellows' property.

13 A. We've been doing it for 30 years that I'm aware
14 of.

15 Q. Anything else?

16 A. Not that I can think of.

17 Q. All right. So in your mind -- and I'm not
18 asking you for a legal conclusion, but in your mind, the
19 fact that you have always for at least 30 years used
20 Wheeler Road-Jordan Way to cross Odd Fellows' property
21 to access Camp Cedarbrook suggests that you should
22 always be able to do that in the future; is that right?

23 A. Yes, I believe that.

24 Q. Have you done things on behalf of the
25 Foundation or the Council or the Scouts in general to

1 reach out to the Odd Fellows to show them that the
2 Scouts want to be good neighbors?

3 MR. RODARAKIS: Objection to the extent that
4 it's vague as to being good neighbors.

5 THE WITNESS: Have I personally done things?

6 MR. BROWN: Q. Right.

7 A. No, I have not.

8 Q. Do you know whether anybody on behalf of the
9 Foundation or the Council or the Trustees has reached
10 out to the Odd Fellows to try and be good neighbors?

11 A. What are good neighbors?

12 Q. Well, you're not an unsophisticated man. You
13 have neighbors. You know what it means to be a good
14 neighbor, and you know what it means to be a bad
15 neighbor. I want to know if you've done anything or
16 your associates have done anything to try to reach out
17 to the Odd Fellows to show them that you wanted to be
18 good neighbors.

19 A. Yes, I believe we have.

20 Q. All right. That's just a preamble to try to
21 find out what those things are. How have you reached
22 out to the Odd Fellows to try to be good neighbors?

23 MR. RODARAKIS: Same objection, vagueness and
24 overbroad. You can answer if you understand it.

25 THE WITNESS: I believe we offered to help them

1 with the roads, maintenance.

2 MR. BROWN: Q. Okay.

3 A. We offered to and we did put in a parking area
4 where they could turn their snowplow around. We offered
5 them the use of our water sources, which they accepted.
6 That's all I recall offhand.

7 Q. Okay. In terms of maintaining the roads, what
8 did you do to help them maintain the roads?

9 A. We offered to help them.

10 Q. Offered. Did they reject the offer?

11 A. I don't know exactly the details of the offer,
12 but I know that we hauled in gravel and put it on the
13 roads and things like that.

14 Q. On their road?

15 A. On their road, uh-huh.

16 Q. Did you do that once or more than once?

17 A. Once that I'm aware of.

18 Q. And did the Boy Scouts or the Trustees or the
19 Council get anything in return for graveling the Odd
20 Fellows' road?

21 A. No.

22 Q. All right. The parking area, you said, to turn
23 around the snowplow, where was that? Where was this
24 parking area built?

25 A. Where I showed you on that map where the new

1 parking area is.

2 Q. And is this the new parking area right where
3 the -- or wait a minute. Show me again. Let me get the
4 big map out.

5 MR. RODARAKIS: We're looking at 002.

6 THE WITNESS: It's right up in this area.

7 MR. BROWN: Q. So that's the north or toward
8 the uphill toward 108 portion of the county road?

9 A. Correct.

10 Q. All right. And that is where the snowplow
11 turnaround was permitted?

12 A. Yes.

13 Q. Okay. And did you get anything in return from
14 the Odd Fellows in return for your allowing them to turn
15 around the snowplow in this parking area?

16 A. Not that I'm aware of.

17 Q. You said use of water sources. Are you talking
18 about the water tanks or something else?

19 A. Springs and wells on our property.

20 Q. How, if at all, has Odd Fellows made use of
21 these springs and wells?

22 A. They came down and got water from us when camp
23 was not in session.

24 Q. Are you talking about a bucket at a time, or
25 did they hook up a pipe for permanent use or --

1 A. I don't know. Not permanent, no.

2 Q. This was occasional use?

3 A. During the drought years.

4 Q. They're not still using these water sources, to
5 your knowledge?

6 A. They are not, to my knowledge.

7 Q. Has Odd Fellows reached out to the Foundation,
8 the Council, the Trustees or any scouting organization
9 to do things to be good neighbors toward them?

10 A. Other than let us use the lake, no.

11 Q. Who plows the snow from Wheeler Road-Jordan
12 Way, which in the wintertime allowed scouting winter
13 camps?

14 A. I don't know.

15 Q. The Scouts didn't, did they?

16 A. No.

17 Q. Did either the Foundation or the Trustees or
18 the Council ever contribute money to Odd Fellows for
19 road maintenance or improvement or repair?

20 A. I don't know.

21 Q. Are you aware of any disputes which have arisen
22 prior to the current one, which is this lawsuit, between
23 any scouting organization and the Odd Fellows concerning
24 access to Camp Cedarbrook prior to this current dispute?

25 A. Yes.

1 Q. Tell me what you know about that.

2 A. I don't know much. I was not involved, but I
3 know that there's been continual disputes about us using
4 those roads.

5 Q. And have Odd Fellows ever interrupted and
6 prevented the Boy Scouts from using Wheeler Road-Jordan
7 Way as access to Camp Cedarbrook prior to this occasion
8 in 2002?

9 A. I believe they did, yes.

10 Q. And do you have any personal knowledge of that?

11 A. I was not there when it happened.

12 Q. Do you recall approximately when this occurred?

13 A. No.

14 Q. In the 1990s?

15 A. No.

16 Q. 1980s?

17 A. No. It was prior to that.

18 Q. Prior to the 1970s?

19 A. (Witness nods head.)

20 Q. You're nodding your head up and down.

21 A. Yes, 1970s.

22 Q. All right. How was that resolved?

23 A. I don't know.

24 Q. Do you know if the Boy Scouts simply forced
25 their way through whatever obstruction was there?

1 A. I don't know.

2 Q. Do you know if the Odd Fellows voluntarily
3 removed the obstruction to permit Boy Scouts continued
4 access?

5 A. I don't know.

6 Q. Have you been told by anybody how that dispute
7 was resolved?

8 A. No.

9 Q. Do you know who on behalf of any scouting
10 organization resolved that dispute?

11 A. Possibly Lou Steele.

12 Q. Lou Steele, is he still alive?

13 A. No.

14 Q. What makes you think it was possibly Lou
15 Steele?

16 A. He was the kind of general in command of the
17 camp.

18 Q. Did he have an Indian name?

19 A. No.

20 Q. Did you personally have any discussions with
21 anybody in the Odd Fellows organization about continued
22 access to the south side of the creek at or about the
23 time that the Foundation was deciding to build or to
24 finance the building of these permanent structures on
25 that side of the creek?

1 A. No.

2 Q. Did anybody from 1972 to the present -- excuse
3 me, from 1972 until the road -- you were denied access
4 on the road in October, I think it was, of 2002. So
5 between 1972 and 2002, did anybody at Odd Fellows ever
6 tell you that you had no right, that is, the Scouts had
7 no right to use their roads for access to Camp
8 Cedarbrook?

9 MR. RODARAKIS: Are you asking if they told him
10 personally?

11 MR. BROWN: Yes.

12 THE WITNESS: Yes.

13 MR. BROWN: Q. Who said that?

14 A. Their maintenance man. And I'm not sure what
15 his name was. Dale, I believe.

16 Q. When was that?

17 A. I don't know.

18 Q. What decade?

19 A. I believe it was in the '80s.

20 Q. And what did this maintenance man tell you?

21 A. We had no rights on those roads.

22 Q. Okay.

23 A. We do not belong on them.

24 Q. Was there an occasion, an event that brought
25 you into contact with the maintenance man in connection

1 with road access?

2 A. Yes.

3 Q. What was that occasion or event?

4 A. Rising dust.

5 Q. All right. The rising dust incident.

6 Tell me what the discussion was about between
7 you and this maintenance guy.

8 A. "You're making too much dust."

9 Q. That's what he said?

10 A. "You've got no right to be here. Slow down."

11 Q. Okay.

12 A. "Don't make dust."

13 Q. Okay. Did he deny you access at that time?

14 A. No.

15 Q. He just wanted you to keep the dust down?

16 A. (Witness nods head.)

17 Q. You have to answer out loud.

18 A. Yes.

19 Q. Is that the only time anyone during those 30
20 years between 1972 and 2002 has told you that the Scouts
21 had no right of access across Odd Fellows' property?

22 A. As far as Odd Fellows are concerned, yes.

23 Q. Has anybody told you that the Scouts had no
24 right of access to Bettini-Apple Road?

25 A. No.

1 Q. As you sit here now, do you believe that you
2 have the right to drive Bettini-Apple Road?

3 A. Yes.

4 Q. And as you sit here now, do you believe you
5 have the right to travel what used to be the county
6 road, Long Barn-Sugarpine Road, between your main camp
7 and Dogwood?

8 A. Rephrase that question, please.

9 Q. Do you still believe you have the right to
10 travel the county road between the two portions of your
11 camps?

12 A. Yes.

13 Q. Has there ever been a vehicular bridge or
14 crossing of the creek of any kind other than the one
15 which is shown on these maps as an extension of Jordan
16 Way?

17 A. Not that I'm aware of.

18 Q. Is there any -- what's the right word? -- any
19 engineering reason that you know of that would prevent a
20 vehicular bridge from being constructed entirely upon
21 Camp Cedarbrook property to cross from one side of the
22 creek to the other?

23 A. I'm not an engineer. I will not go there.

24 Q. Okay. You don't know of any physical
25 impediment that would prevent a vehicular bridge from

1 being built across that creek?

2 A. I'm not an engineer. Again, I won't go there.

3 Q. Has anybody told you that there is any such
4 engineering or physical impediment?

5 A. Never been brought up.

6 Q. Okay. I think you've answered the next
7 question in little pieces. I want to kind of put it all
8 together, though, and ask it as one single question.

9 To your knowledge, has anybody on behalf of the
10 Foundation or the Trustees or the Council sought
11 permission from Odd Fellows to use their roads to access
12 Camp Cedarbrook?

13 A. Not than I'm aware of.

14 Q. Now, I understand nobody asked you or -- I mean
15 you didn't ask anybody. Has anybody told you that any
16 such request for permission was ever made?

17 A. Nobody, no.

18 Q. And the other side of the coin is, have you
19 heard whether Odd Fellows granted permission to use its
20 roads to the Foundation, the Trustees or the Council at
21 any time in the past?

22 A. No.

23 Q. So if it happened, nobody ever told you?

24 A. Correct.

25 Q. You've testified that you believe and your

1 fellow Foundation members believe that you have the
2 right to cross Odd Fellows' property to reach Camp
3 Cedarbrook. When do you believe that right first arose?

4 A. The first time I went over the road.

5 Q. 1972?

6 A. 1972.

7 Q. Do you have the belief that that right existed
8 at any time prior to 1972?

9 MR. RODARAKIS: Again, I'm going to object to
10 that. It calls for a -- to the extent that it calls for
11 a legal conclusion, but you can answer.

12 MR. BROWN: Q. I'm not asking that. I'm just
13 asking, do you believe that right existed before 1972?

14 A. I don't know. I never went over that road.

15 Q. Has anybody at the Foundation told you that
16 they believe that either the Foundation or any of its
17 predecessors in title had the right to access Camp
18 Cedarbrook across Odd Fellows' roads prior to 1972?

19 A. I have never asked that question. The answer
20 is no.

21 Q. Okay. Do you have an opinion as to the present
22 fair market value of Camp Cedarbrook?

23 A. No.

24 Q. Have the members of the Foundation, these five
25 people, discussed among themselves what they

1 collectively think the property is worth?

2 A. No.

3 Q. When is the first time that the Foundation
4 members discussed selling the property?

5 A. I don't think we've ever discussed selling the
6 property.

7 Q. So the appraisal that was done by Mr. Wright a
8 few years ago was not for the purpose of determining
9 what the property might bring in a sale?

10 A. That's correct.

11 Q. I have read news reports, and I recognize
12 that's not evidence, but I've read news reports
13 suggesting that scouting organizations across the
14 country are disposing of real property assets for one
15 reason or another. Are you aware of those news reports?

16 A. Yes.

17 Q. Is there, to your knowledge, some national
18 scouting trend toward disposing of real property assets?

19 A. Not that I'm aware of.

20 Q. Have you and your fellow -- and I'm sorry.
21 Directors? Is that what you are?

22 A. Yes.

23 Q. -- directors of the Foundation discussed
24 whether it will be more economical or financially
25 beneficial for the Foundation to own the property or

1 rent camping facilities instead?

2 A. We've never discussed it.

3 Q. Do you know whether the Foundation has ever
4 rented any portion of Camp Cedarbrook to a non-scouting
5 organization?

6 A. We have not.

7 Q. Do you know whether the Trustees ever did so?

8 A. I do not know that.

9 Q. Between the year 2000 and October of 2002,
10 during that two-year period, was the Foundation's
11 ownership and operation of Camp Cedarbrook profitable?

12 A. The Foundation did not operate the camp. The
13 Council did.

14 Q. Was the ownership of the Camp Cedarbrook
15 property profitable to the Foundation during that two
16 years?

17 A. If you call \$400 profitable.

18 Q. Well, did the Foundation have expenses that
19 exceeded the rent?

20 A. I can't answer that.

21 Q. Does the Foundation have other real estate
22 holdings besides Camp Cedarbrook?

23 A. Yes.

24 Q. Can you estimate how much either in quantity or
25 value?

1 A. One building.

2 Q. Okay. Good estimate.

3 A. Value? No, I can't provide that for you.

4 Q. Is that sort of a headquarters building in
5 Alameda?

6 A. That's the Council office building.

7 Q. Is the Camp Cedarbrook property then the only
8 asset that -- the only real property asset that the
9 Foundation holds other than its headquarters building?

10 A. That's correct.

11 Q. Camp Cedarbrook was not acquired by the
12 Foundation to make a profit for the Foundation, was it?

13 A. That's correct.

14 Q. It's part of the charitable activities of the
15 Foundation to provide a camping location for Scouts?

16 A. That's correct.

17 Q. So Camp Cedarbrook has never been operated by
18 the Foundation as a profit-making enterprise?

19 A. That's correct.

20 Q. And it was never operated by the Trustees as a
21 profit-making enterprise, was it?

22 A. That's correct.

23 Q. And, in fact --

24 A. That I know of.

25 Q. Right. And, in fact, both entities are

1 nonprofit organizations, aren't they?

2 A. That's correct.

3 Q. Have you seen Mike Wright's appraisal report?

4 I think it's from 2001, 2000.

5 A. Yes.

6 Q. Did it appraise the Dogwood property as well as
7 the main camp property?

8 A. I believe it did, yes.

9 Q. Do you know what is meant in appraisal parlance
10 as highest and best use?

11 A. No.

12 Q. Do you recall from reading that report whether
13 Mr. Wright based his opinion of value on any particular
14 use of the property?

15 A. I do not recall.

16 Q. Do you recall whether he indicated his
17 appraisal was based on timber harvest value?

18 A. I did not see that in the report.

19 Q. Did Mr. Wright base his opinion in any fashion
20 upon the development potential of the property, that is,
21 its potential to support, for example, a subdivision?

22 A. I did not see that in any of his report.

23 Q. Okay. Do you know whether Mr. Wright appraised
24 the permanent structures as separate increments of value
25 as distinct from the real estate generally? Is it

1 broken down into structures and land?

2 A. I do not recall that.

3 Q. Has anyone ever approached the Foundation to
4 inquire about purchasing Camp Cedarbrook?

5 A. No.

6 Q. Do you know if anyone other than the Foundation
7 ever approached the Trustees inquiring about purchasing
8 that property?

9 A. I do not know.

10 Q. Is the property for sale now?

11 A. No.

12 Q. Has anybody on behalf of the Foundation
13 discussed with any real estate professional whether to
14 list it for sale?

15 A. No.

16 Q. Does the Foundation have long-term plans for
17 Camp Cedarbrook?

18 A. As a Boy Scout camp.

19 Q. So the answer is yes, it does?

20 A. Yes, it does.

21 Q. And how long does the Foundation hope to hold
22 on to that property?

23 A. Forever.

24 Q. Okay. Do you know somebody named Randy
25 Tolbert?

1 A. Yes.

2 Q. Who is Randy Tolbert?

3 A. I believe he was the last caretaker that I was
4 associated with. He was a caretaker for the Odd
5 Fellows.

6 Q. And did he ever have any position with the
7 Scouts?

8 A. No.

9 Q. And by Scouts, I'm using that term broadly.
10 That's the Trustees, the Foundation or the Council.

11 A. Not that I'm aware of.

12 Q. And since Mr. Tolbert was the caretaker for the
13 Odd Fellows, how did you come to know him?

14 A. Just an acquaintance while I was there.

15 Q. You would just see him and talk to him as he
16 came back and forth?

17 A. Uh-huh, yes.

18 Q. Camp Cedarbrook, you indicated, had an address
19 -- has an address on Jordan Way. Is that address 24949
20 Jordan Way?

21 A. I'm not sure what that address is.

22 Q. Did Camp Cedarbrook once have an address at
23 24675 Long Barn-Sugarpine Road?

24 A. I don't know that.

25 Q. Did Camp Cedarbrook once have an address that

1 was on Long Barn-Sugarpine Road?

2 A. I don't know that.

3 Q. If the address was changed from Long
4 Barn-Sugarpine Road to Jordan Way, do you have any
5 knowledge or hearsay of why that change occurred?

6 A. No, I do not.

7 Q. Now, there are some damages claims that have
8 been made by the Foundation against Odd Fellows in
9 connection with this lawsuit, and I'd like to just cover
10 a couple of those things with you if I might.

11 I understand that at some point there was water
12 damage to one of the permanent structures on the south
13 side of the creek. That is the side other -- opposite
14 the 108 side and that during the summer of 2002 --
15 spring and summer, the Foundation was negotiating for
16 some repairs and insurance claims. Am I generally
17 accurate about that?

18 A. Yes.

19 Q. And there's no claim that any of the damage to
20 the structures -- the water damage or mold damage,
21 there's no claim that was caused by Odd Fellows, is
22 there?

23 A. No.

24 Q. I understand there is some claim, however, with
25 respect to the loss of some insurance proceeds because

1 Odd Fellows denied the Boy Scouts access to Wheeler
2 Road-Jordan Way after October of 2002; is that correct?

3 A. That's correct.

4 Q. Now, in 2002 -- well, let me do it this way.
5 Mr. Stonehouse, who is a member of your board, is also
6 an attorney, is he not?

7 A. That's correct.

8 Q. All right. When Mr. Stonehouse and I were
9 exchanging pleasantries in letters in 2002, was he
10 acting as your attorney or as a member of your board?

11 A. Member of our board.

12 Q. Okay. When I sent letters to Mr. Stonehouse
13 asking for information so that the Odd Fellows could
14 determine whether to extend access to the Boy Scouts in
15 2002, were those letters shared with all the members of
16 the board?

17 A. Yes.

18 Q. And so who made the decisions about how to
19 respond to those inquiries? Was it the board as a body?

20 A. Yes.

21 Q. All Right. Did the Foundation board review
22 Mr. Stonehouse's letters before they went out?

23 A. Yes.

24 Q. Okay.

25 A. I believe so.

1 Q. So that the Foundation board considered
2 Mr. Stonehouse's responses to be the official response
3 of the Foundation itself?

4 A. I believe so, yes.

5 Q. Rather than individually identify these, what I
6 want to do is to first hand these documents to you. I'm
7 going to ask you -- it is a series of letters, an
8 exchange of letters. I'm going to ask you if you have
9 seen them and whether they appear to you to be genuine
10 even though they're copies, and then if you do, we will
11 mark them collectively as a single exhibit. I'm sorry.
12 There's two more.

13 A. (Reviewing documents.)

14 Q. Have you reviewed those letters?

15 A. Yes, I have.

16 Q. Do those appear to be genuine to you?

17 A. I believe so, yes.

18 Q. And you saw each of these letters at or about
19 the time of the date of those letters either by receipt
20 or before they went out?

21 A. I believe so, yes.

22 Q. All right. If you'd take the first -- let's
23 mark these as Exhibit 2 collectively.

24 MR. RODARAKIS: Counsel, you might want to make
25 sure they're organized in the way that you want them.

1 He may have shuffled them.

2 MR. BROWN: I'll do it chronologically. Okay.
3 There's a couple more. Let's go off the record for a
4 minute.

5 (Discussion held off the record.)

6 MR. BROWN: We'll attach these with a paper
7 clip for now and secure them later, but this will be
8 Exhibit 2.

9 (Defendants' Exhibit 2 was marked for
10 identification.)

11 MR. BROWN: Q. Mr. Anderson, if you would look
12 at Exhibit 2, this stack of letters, and turn to the
13 first in time which is at the bottom, there is a
14 February 28, 2002 letter from me to John Pearl. Do you
15 see that letter?

16 A. Uh-huh.

17 Q. Is this the first written communication that
18 you're aware of between anybody on behalf of Odd Fellows
19 and the Scouts which threatened to deny access to the
20 Scouts along Wheeler Road-Jordan Way?

21 A. Yes.

22 Q. The next letter appears to be a response to
23 that written by John Pearl on Alameda Council, Boy
24 Scouts of America stationery dated June 25, 2002. Do
25 you see that?

1 A. Uh-huh.

2 Q. You have to say "yes" or "no."

3 A. Yes.

4 Q. All right. Is this the first written response
5 that anybody on behalf of the Foundation made to my
6 February 28, 2002 letter?

7 A. I believe so, yes.

8 Q. Do you know why it took from the end of
9 February until the end of June to frame a response?

10 A. No, I do not.

11 Q. Had the Foundation been discussing this issue
12 between February -- we'll say the first of March and
13 June 25th?

14 A. I do not recall.

15 Q. Do you recall whether the Foundation had any
16 discussion of this access issue during the period
17 between March 1st and June 25th of 2002?

18 A. I'm sure we did, but I don't recall it.

19 Q. Okay. All right. The next letter in this
20 stack, if yours is the same as mine, is July 22, 2002 on
21 my stationery; is that correct?

22 A. Yes.

23 Q. Did you see this letter when it came in?

24 A. Yes.

25 Q. This again is a letter directed to John Pearl,

1 Scout Executive of Alameda Council Boy Scouts.

2 A. Yes.

3 Q. And did the Foundation directors meet to
4 discuss the contents of that letter?

5 A. Not exclusively to discuss the contents of this
6 letter.

7 Q. Did this letter come up during any meetings
8 that the directors had?

9 A. I do not recall.

10 Q. Do you recall discussing with the directors of
11 the Foundation the Odd Fellows' offer to allow the
12 Scouts access for as long -- access over Odd Fellows'
13 property for as long as the Scouts owned the property?
14 Do you remember an offer like that being made?

15 A. Yes.

16 Q. Did the Foundation directors decide that that
17 offer was unacceptable?

18 A. Yes.

19 Q. Why?

20 A. Because if we ever wanted to sell the property,
21 we wanted to make sure there were rights to go on those
22 roads.

23 Q. The Foundation wants to keep that camp in
24 scouting forever?

25 A. That's correct.

1 Q. Why would it matter so long as they always had
2 access then?

3 MR. RODARAKIS: Calls for speculation. You may
4 answer it if you'd like or if you know.

5 MR. BROWN: Q. You actually have to answer.
6 He's given an objection for the record.

7 MR. RODARAKIS: I'll rephrase. You may answer
8 if you have an answer.

9 MR. BROWN: Q. So if you're going to keep it
10 forever and you would get guaranteed access from the Odd
11 Fellows, why do you need anything more than that?

12 A. Forever is a long time.

13 Q. It is.

14 A. And it could change.

15 Q. And it's still your testimony that the Scouts
16 had no plans to sell the property?

17 A. That's correct.

18 Q. And hadn't discussed selling it?

19 A. That's correct.

20 Q. And wanted to keep it forever?

21 A. That's correct.

22 Q. But wasn't satisfied with a license for access
23 across Odd Fellows' property while they owned it?

24 A. We never were offered a license.

25 Q. All right. Look at the next letter, which is a

1 September 17th letter on my stationery written to James
2 Stonehouse. Do you have a September 17th letter?

3 MR. RODARAKIS: Yes.

4 MR. BROWN: Q. All right. Is this a letter
5 that you've seen?

6 A. Yes, I have.

7 Q. Turn to the second page, please.

8 A. (The witness complies.)

9 Q. The first sentence at the top says, and I'm
10 reading: "In my July 22, 2002 letter, I clearly stated
11 that Odd Fellows is still willing to try to accommodate
12 your needs but wants to formalize a relationship in
13 writing by the execution of a written license
14 agreement."

15 You see that?

16 A. Yes.

17 Q. Does that refresh your recollection about
18 whether there was ever an offer of a license?

19 A. We never saw anything beyond this.

20 Q. Did the Foundation directors consider whether
21 to accept the offer of a license providing access?

22 A. Please rephrase your question.

23 Q. Did the directors ever discuss whether to
24 accept the Odd Fellows' offer of a license providing
25 access?

1 A. Yes.

2 Q. And what did they -- what was the consensus?

3 A. They didn't want a license. They already had
4 rights.

5 Q. Okay.

6 MR. RODARAKIS: Counsel, if we could take a
7 break whenever you find -- when you find a spot here.

8 MR. BROWN: Let me just see if I need to follow
9 up on that.

10 MR. RODARAKIS: Sure.

11 MR BROWN: If I may, I would just like to
12 finish with these letters because I've only got a couple
13 more questions on them.

14 Q. The next letter is September 27. That is the
15 next one for me.

16 MR. RODARAKIS: Let's put this one back.

17 MR. BROWN: Q. September 27, 2002, and it's on
18 my stationery, sent by fax to James A. Stonehouse. Do
19 you see that?

20 A. Yes.

21 Q. As of the end of September 2002, the Foundation
22 was trying to coordinate access for its contractors to
23 finish the repairs on their building across the creek;
24 right?

25 A. That's correct.

1 Q. The contractor who was doing that work had been
2 retained at least a year prior to that, hadn't he?

3 A. No.

4 Q. When was that contractor hired?

5 A. I want to say in July, I think, of that year.

6 Q. When was the -- back up. Access issues had
7 been -- as evidenced by these letters, had been --
8 what's the right word? -- heating up, I guess, during
9 the entire period from the end of February until
10 September of 2002; right?

11 A. (Witness nods head.)

12 Q. You have to answer out loud.

13 A. Yes.

14 Q. Did the Foundation think there was any urgency
15 in getting that building repaired on the other side of
16 the creek?

17 A. For our use at winter camp.

18 Q. The access issue didn't really concern you with
19 respect to when these repairs should be made?

20 A. No.

21 Q. Did the Foundation directors think that the Odd
22 Fellows were bluffing about denying them continued
23 access if they wouldn't sign a license? Did they think
24 that Odd Fellows would not carry through with their
25 statement that they would deny access after a certain

1 date?

2 A. I had no idea what they were going to do.

3 Q. Okay. Why weren't the repairs finished prior
4 to October of 2002?

5 A. The contractor couldn't start the job until
6 September.

7 Q. Why weren't the repairs finished in September?

8 A. Because it took longer than that.

9 Q. Why couldn't the contractor achieve access to
10 the property along Bettini-Apple Road and Long Barn-
11 Sugarpine Road?

12 A. Couldn't get across the creek.

13 Q. He could walk across, couldn't he?

14 A. Yes.

15 Q. He could carry his tools across, couldn't he?

16 A. No.

17 Q. Why not?

18 A. Too big.

19 Q. What tools did he need?

20 A. Whatever a contractor needs: saws and hammers
21 and whatever.

22 Q. My office asked the Foundation to provide
23 information about what vehicles and what kind of work
24 was being done. Do you recall that?

25 A. Yes.

1 Q. And the Foundation refused to give that
2 information, didn't they?

3 A. Yes.

4 Q. Why?

5 A. We didn't have any idea what vehicles were
6 being used.

7 MR. BROWN: Okay. This is a good time for a
8 break.

9 (Recess taken.)

10 MR. BROWN: Q. We're in the home stretch now.

11 Mr. Anderson, we have heard that some sort of
12 suspected toxic or hazardous materials have been stored
13 in metal drums over the years someplace on the Camp
14 Cedarbrook property. Have you ever heard that other
15 than from people I'm associated with?

16 A. I have never heard that.

17 Q. Let me probe this a little bit so we can sort
18 of test some of the things we've heard. We've also
19 heard that in the 1960s or '70s there were Seabees -- I
20 don't know how you spell that. I'm sure you know about
21 Seabees. Seabees from Alameda would come up from time
22 to time to the Camp Cedarbrook property with trucks and
23 flatbeds. Any knowledge of that?

24 A. Yes.

25 Q. In what capacity did they come up with trucks

1 or flatbeds?

2 A. As work parties to work on camp, to do projects
3 in camp.

4 Q. Okay.

5 A. They built the parking lot.

6 Q. Seabees are an organ of the U.S. government,
7 Department of the Navy; right?

8 A. Correct.

9 Q. These are not Scouts.

10 A. No.

11 Q. And so they were volunteering their time and
12 labor and equipment to help you build stuff on Camp
13 Cedarbrook?

14 A. Correct.

15 Q. Did they ever bring any drums with them?

16 A. I never saw them there.

17 Q. Who supervised the work they did?

18 A. Lou Steele.

19 Q. Deceased?

20 A. Deceased.

21 Q. Anybody else?

22 A. No, not that I'm aware of.

23 Q. Is there anybody still around and accessible to
24 the Foundation who would have knowledge of the
25 activities of the Seabees when they were up on the

1 property whenever that was?

2 A. Not that I'm aware of.

3 Q. Was there other naval personnel from Alameda
4 who came with trucks and equipment to Camp Cedarbrook in
5 the '60s or '70s?

6 A. I can't answer that. I don't know.

7 Q. Has anybody ever told you whether the Seabees
8 or anybody else serviced their equipment on-site at Camp
9 Cedarbrook?

10 A. No one has ever told me anything what the
11 Seabees did.

12 Q. Has anybody told you whether any heavy
13 equipment was cleaned with solvents while it was located
14 at Camp Cedarbrook?

15 A. Not -- no one has ever told me.

16 Q. To your knowledge, has anybody done any kind of
17 a survey of the ground with a metal detector at Camp
18 Cedarbrook to determine whether there's metal objects
19 beneath the surface?

20 A. Not that I'm aware of.

21 Q. Has there ever been any kind of an
22 environmental assessment done of the Camp Cedarbrook
23 property?

24 A. Not that I'm aware of.

25 Q. Do you know whether any governmental agency has

1 done any water sampling in Sugar Pine Creek as it passes
2 through Camp Cedarbrook?

3 A. Not that I'm aware of.

4 Q. We have heard -- I don't have any evidence of
5 it at this point, but we're looking for it. We have
6 heard that there were water tests done of Sugar Pine
7 Creek both above, at and perhaps below the Boy Scouts'
8 property at some point in the past. Any knowledge of
9 that at all?

10 A. No.

11 Q. Any hearsay about it?

12 A. No.

13 Q. Has anybody ever told you that any water sample
14 ever done from Sugar Pine Creek as it crosses Camp
15 Cedarbrook had a bad result?

16 A. I'm not aware of any tests.

17 Q. Okay. Can you think of any reason why Randy
18 Tolbert would have reason to lie about activities at
19 Camp Cedarbrook?

20 A. I have no reason to believe he would lie.

21 Q. Is there any reason you can think of why
22 Mr. Tolbert should not be believed if he says things
23 about toxics on Camp Cedarbrook?

24 A. I don't know how he would know they're there,
25 if they're there or if they've ever been there.

1 Q. You know of no motive that Mr. Tolbert would
2 have to lie about toxics on Camp Cedarbrook; is that
3 right?

4 A. That's right.

5 Q. And your relations with Mr. Tolbert were always
6 cordial?

7 A. Uh-huh.

8 Q. That's a yes?

9 A. That's a yes.

10 Q. With respect to damages we were talking about
11 before, we covered the insurance loss. And according to
12 the answers to your interrogatories, that was around
13 \$9,000; is that right?

14 A. That's correct.

15 Q. Any other losses that you attribute to Odd
16 Fellows in connection with insurance claims, or is that
17 the only one?

18 MR. RODARAKIS: If you know.

19 THE WITNESS: I don't know that.

20 MR. BROWN: Q. There in the complaint that the
21 Foundation filed against us, there is something at the
22 bottom called a prayer, where there's a request for
23 damages. The general prayer asks for an amount at or
24 above \$400,000, some portion of which was indicated to
25 be for loss in the value of the property.

1 Can you tell us whether the property has
2 declined in value, so far as you know, in connection
3 with the Odd Fellows' denial of access through their
4 gate?

5 A. We've not had it appraised.

6 Q. If the Foundation is awarded a permanent
7 easement by the court in a final judgment, do you
8 believe there would be any loss in the value of the Camp
9 Cedarbrook property?

10 A. Rephrase that, please.

11 Q. If the court awards the Foundation a permanent
12 easement over Odd Fellows' property for access to Camp
13 Cedarbrook, is there any reason why there would be a
14 loss in value for the property?

15 A. I don't believe so.

16 Q. So it's only if Camp Cedarbrook has no easement
17 that you believe there would be a decline in the value
18 of the property?

19 A. That's correct.

20 Q. Okay. In 1972, you first acquired -- you first
21 accessed the Camp Cedarbrook property by going along
22 Wheeler Road to Jordan Way. At any time after that, was
23 the alignment of any of those roads changed?

24 A. Not that I recall.

25 Q. Do you remember an old Wheeler Road and a new

1 Wheeler Road?

2 A. No.

3 Q. When's the last time you drove Wheeler Road?

4 A. October or September of 2001.

5 Q. Do you remember seeing some roadway that
6 appeared to have been abandoned in the vicinity of the
7 Wheeler Road access?

8 A. No.

9 Q. Has anybody told you that Wheeler Road was
10 realigned at any time since 1972?

11 A. Not that I'm aware of.

12 Q. Did anybody at Odd Fellows give you permission
13 to travel the new Wheeler Road?

14 A. No.

15 Q. You know at least by reputation who Mr. E. O.
16 Sylvester is, do you not?

17 A. No, I do not. I have no idea who he is.

18 Q. How about Daisy Moyer? Ever heard of her?

19 A. No.

20 Q. In the Responses to Special Interrogatories,
21 Set Number 1 that you verified, there is a narration, if
22 you will, about 72 years of ownership of Camp
23 Cedarbrook. It goes on for a long paragraph. Do you
24 know who came up with that verbiage?

25 A. No, I do not.

1 Q. I can read it for you if you want or show it to
2 you.

3 A. I believe I have seen it. No, I don't know.

4 Q. And I understand that Answers to
5 Interrogatories are sometimes a group effort. Let me
6 just read portions of it and see what it is that you may
7 know about these things item by item.

8 The first -- I'm reading from page 3 of the
9 answers, line 21. It says, "For over 72 years, Camp
10 Cedarbrook has been owned and operated continuously and
11 without interruption as a recreational youth scout
12 camp --"

13 Now, that's not something you have personal
14 knowledge of; right?

15 A. Only past records.

16 Q. All right. So is this something which you
17 provided for this answer, what I just read?

18 A. No.

19 Q. Do you know where that came from?

20 A. No.

21 Q. All right. It goes on to say in the same
22 sentence, "-- with successor in interest owners being
23 the Contra Costa Council of Boy Scouts of America from
24 March 1930 to June 1948 -- "

25 Do you have personal knowledge of that?

1 A. Not other than what I've read.

2 Q. And what you have read is this real estate
3 history by James A. Hudkins dated 1994?

4 A. Yes.

5 Q. Okay. You didn't write that because you hadn't
6 seen any deeds going back to 1930 or 1948?

7 A. That's correct.

8 Q. It goes on to say "-- with grant to the Alameda
9 Girl Scouts of America, which held the property from
10 June 1948 through October 1972."

11 Is that information that you got from the same
12 source?

13 A. That's correct.

14 Q. At the last line -- that's line 28 on page 3
15 and running onto the next page, I'm going to quote
16 another portion.

17 It says, "The servient (Odd Fellows' property)
18 and dominant tenement (Boy Scouts' property) were in
19 common ownership during the ownership of E. O.
20 Sylvester."

21 This is where I got the name E. O. Sylvester.
22 Do you know where you came up with that on these
23 answers?

24 A. Probably that same statement.

25 Q. And then it goes on, "And subsequently in or

1 about 1930, the property was split, and Odd Fellows
2 subsequently acquired its interest and the Boy Scouts as
3 successors in interest acquired its interest in its
4 respective property."

5 Do you have any information other than this
6 1994 writing by Mr. Hudkins to confirm this?

7 A. No.

8 Q. In fact, do you have any information whatever
9 about how Mr. E. O. Sylvester may have used any portion
10 of the property which ultimately was conveyed to the Odd
11 Fellows?

12 A. I have no knowledge.

13 Q. Have you seen anything in writing other than
14 this Hudkins report from 1994 which purports to say how
15 Mr. E. O. Sylvester may have used the -- what is now the
16 Odd Fellows' property?

17 A. I have no knowledge.

18 Q. Have you heard from anybody on behalf of the
19 Foundation, other than your lawyer, any information to
20 suggest how Mr. E. O. Sylvester may have used that
21 property?

22 A. No.

23 Q. Has anybody told you whether any document
24 exists which would show how Mr. Sylvester used his
25 property before he conveyed it ultimately to Odd Fellows

1 and through them --

2 A. No.

3 Q. -- to the Boy Scouts?

4 Have you seen anything or heard anything to
5 suggest whether Mr. E. O. Sylvester intended to convey
6 to anybody an easement in anything?

7 A. No.

8 Q. Who is Mr. Richard Welch?

9 A. I believe he's a neighbor, owns property down
10 the road from us.

11 Q. In the Long Barn-Sugarpine area?

12 A. (Witness nods head.)

13 Q. That's a yes?

14 A. Yes.

15 Q. William Godfrey, who is that?

16 A. The ex-mayor of Alameda.

17 Q. Dr. Barrett Parker?

18 A. He was a director.

19 Q. Of the Foundation?

20 A. Of the Foundation.

21 Q. Mr. and Mrs. Thomas Seebrook?

22 A. I don't know them.

23 Q. Robert Ballou, who is that?

24 A. A past scout executive for the Alameda Council.

25 Q. Is that the same position that John Pearl has

1 now?

2 A. Yes.

3 MR. BROWN: Let me mark this as Number 3, I
4 think it is.

5 (Defendants' Exhibit 3 was marked for
6 identification.)

7 MR. BROWN: Q. Look at Exhibit 3, if you
8 would, sir.

9 A. (The witness complies.)

10 Q. That appears to be an April 18, 1990 letter to
11 the Board of Directors, Odd Fellows Association in Long
12 Barn, and there's a signature at the bottom. Is that Al
13 Kidder?

14 A. Yes.

15 Q. Are you familiar with his signature?

16 A. Yes, I believe so.

17 Q. And this is a document that was produced by
18 your attorneys as Scouts-078. There's some handwritten
19 material, and just below the signature of Al Kidder it
20 says, "Dick, this is the message I put on the copy I
21 sent" -- I can't make out that next word.

22 A. "DeCelle."

23 Q. Are you the Dick he was addressing that comment
24 to?

25 A. I don't know.

1 Q. Is this a letter that you've seen before?

2 A. Yes, I've seen this.

3 Q. This letter suggests that there was some
4 dispute over continued access across Odd Fellows'
5 property in April of 1990, does it not?

6 A. Yes.

7 Q. All right. What do you know, if anything,
8 about any dispute over access that arose in 1990?

9 A. I'm not familiar with it because I was not on
10 the board at that time.

11 Q. But you were active and were going to Camp
12 Cedarbrook from time to time?

13 A. That's correct.

14 Q. Did anybody tell you about any such dispute?

15 A. No, other than it was a continual dispute. I
16 never knew of anything other than that.

17 Q. There is a -- the third paragraph says: "We
18 are also investigating the feasibility of a bridge over
19 the creek along with an environmental impact study. We
20 have our parking problems taken care of and will not
21 have cars parked along the road any longer."

22 You see that?

23 A. Uh-huh.

24 Q. Has anybody told you anything about any
25 investigation of the feasibility of a bridge across the

1 creek?

2 A. No.

3 Q. When's the first time you saw this letter?

4 A. When it was sent to you with this package.

5 MR. BROWN: Let me just take a moment and cover
6 everything I need to cover. I think we're about done.

7 Let's go off the record for a minute.

8 (Recess taken.)

9 MR. BROWN: Q. The portion of Jordan Way which
10 is sometimes called Jordan Way West, I think -- I'm not
11 sure -- but the dirt portion that goes up to the edge of
12 the creek, do you know when that was built?

13 A. No.

14 Q. Has anybody ever told you when it was built?

15 A. No.

16 Q. Has anybody told you whether it was built with
17 permission of the Odd Fellows?

18 A. No.

19 Q. Has anybody told you whether it was -- anybody
20 in your chain of title or Odd Fellows who actually built
21 that piece of road?

22 A. I'm sure we didn't build it.

23 Q. Because it was on Odd Fellows' property; right?

24 A. It was on Odd Fellows' property.

25 Q. Is there any purpose for that road other than

1 to access the creek crossing to the Scouts' Camp
2 Cedarbrook property to the other side of the creek?
3 Does it go anywhere else?

4 A. Yes. It continues around to Jordan Way East.

5 Q. What I'm talking about --

6 A. It makes a loop.

7 Q. Yeah. Let me show you. We may be confusing
8 one another. I'm looking at Scouts-002, the map. I'm
9 talking about the portion of this map which is actually
10 labeled "Jordan Way" and which goes to the creek. Oh, I
11 see what you're saying. It crosses the creek and then
12 continues on someplace else?

13 A. Right. It goes back onto Odd Fellows'
14 property. It goes back up here and comes over to the
15 old highway.

16 Q. Old county road. Okay. Do you know when
17 anybody associated with Alameda scouting first began
18 crossing the creek off of Jordan Way?

19 A. No. Prior to '72.

20 Q. So at the time you first went up there, they
21 were crossing it there?

22 A. Yes.

23 Q. Does the Foundation believe that it has the
24 right to use the Odd Fellows' roadways to access the
25 Dogwood portion of Camp Cedarbrook?

1 A. Yes.

2 Q. And is the Foundation's claim to that use of
3 the easement any different? Is it based on anything
4 different than its general claim for access to the main
5 part of Camp Cedarbrook?

6 A. No.

7 Q. What is the Dogwood portion used for?

8 A. Program area.

9 Q. What does that mean?

10 A. Archery range, rifle shooting, nature area.

11 Q. Are there any permanent structures there,
12 buildings?

13 A. Yes.

14 Q. What are they?

15 A. Just a small tool shed.

16 Q. So far as you know, have there ever been any
17 permanent structures on the Dogwood property?

18 A. Yes.

19 Q. What were they?

20 A. It was a cabin.

21 Q. A single cabin?

22 A. A single cabin.

23 Q. And it's no longer there?

24 A. It's no longer there, correct.

25 Q. When was it taken out?

1 A. I don't recall the year. In the '70s.

2 Q. Who owns the property between Dogwood and the
3 main Camp Cedarbrook?

4 A. Welch, Richard Welch and the Forest Service.

5 Q. And you don't -- that is, the Foundation does
6 not need an easement to cross anybody else's property to
7 get from the main Camp Cedarbrook to Dogwood?

8 A. That's correct.

9 Q. In terms of damages, we've talked about your
10 insurance loss of about \$9,000, winter camping revenues,
11 loss in value of the property. We talked about timber
12 sales. Any other damages you can think of that you have
13 suffered because Odd Fellows denied access through their
14 Wheeler Road gate?

15 A. I cannot think of any offhand.

16 Q. Okay. And no other damages were claimed in
17 your discovery documents, so I just wanted to --

18 A. We haven't been there in two and a half years,
19 remember, so we don't know what's going on up there now.

20 Q. You haven't -- nobody has been there for two
21 and a half years?

22 A. Not since the date you shut the gate down.

23 Q. Nobody has even tried to get access through
24 Bettini-Apple Road and Long Barn-Sugarpine Road?

25 A. (Witness shakes head.)

1 Q. That's a yes or a no?

2 A. That's a no.

3 Q. Why has nobody gone up there by Bettini-Apple
4 Road and Long Barn-Sugarpine Road?

5 A. Because it's not passable most of the time.

6 Q. It is in summertime, isn't it?

7 A. I can't say yes or no. I haven't been on the
8 road. It wasn't in very good shape the last time I was
9 there.

10 Q. All right. Well, let me tell you, I was in on
11 that road. I was in a Jeep. We made it just fine.

12 Is it your testimony that so far as you know,
13 nobody on behalf of any scouting entity has been up
14 there since October of 2002?

15 A. As far as the Alameda Council is concerned,
16 yes. I don't know of anyone.

17 Q. There have been no official scouting activities
18 up there since October of 2002?

19 A. That's correct.

20 Q. Any reason why scouts could not drive in with
21 their families, park in the parking area that you showed
22 us on the map and walk with their sleeping bags across
23 the pedestrian bridge to the dormitory?

24 A. I don't think that road is passable as far as
25 families are concerned. Like I say, I haven't been

1 there in two and a half years. I don't know.

2 Q. Okay. When did you last see that road as
3 passable, that is, possible to drive over?

4 A. I drove my four-wheel-drive vehicle over that
5 about three years ago.

6 Q. So it was passable three years ago?

7 A. Yeah. It would have been in September of '02.

8 Q. All right. In October of '02 is when the gate
9 was closed to the Scouts.

10 A. That's right.

11 Q. Okay. Was a decision made by the Foundation to
12 simply close the camp until this lawsuit was resolved?

13 A. We had no access.

14 Q. I'm just asking if the decision was made.

15 A. Not by the Foundation.

16 Q. By the Council?

17 A. By the Council.

18 Q. All right. Did they tell you why?

19 A. No access.

20 Q. Does the Alameda Council use summer camp
21 facilities other than Camp Cedarbrook?

22 A. Now, yes.

23 Q. Where do they camp in the summertime now?

24 A. They're going to Camp Chawnakee.

25 Q. You're going to have to spell that for us.

1 A. It's an Indian camp. Camp Chawnakee,
2 C-h-a-w-n-a-k-e-e. That's a guess.

3 Q. Where is that?

4 A. Down by Fresno.

5 Q. Okay.

6 A. And Camp Marin Sierra.

7 Q. Two words, Marin Sierra?

8 A. Camp Marin Sierra, which is up by -- going
9 towards Reno up on Highway 20.

10 Q. And does the Council rent those camping
11 facilities when they use them?

12 A. No.

13 Q. They get them for free?

14 A. No. The kids have to pay.

15 Q. Okay.

16 A. So if you want to call that renting the
17 facilities, you can call it that.

18 Q. When camping was done at Camp Cedarbrook by the
19 Scouts, the individual scouts or their families paid for
20 that privilege too; right?

21 A. Yes.

22 Q. Okay. So there's really no change for the
23 Council, just a different location?

24 A. Exactly.

25 Q. And do the Alameda Boy Scouts have a winter

1 camp that they use now that they aren't using Camp
2 Cedarbrook?

3 A. No.

4 Q. Okay. That's all the questions I have. I want
5 to give you an opportunity at this time, if you think of
6 anything that you'd like to change, anything that you
7 may have misspoken about, upon reflection if there's
8 anything that you want to add to or take from your
9 testimony, I want to give you a fair opportunity to do
10 that before you leave so that you don't have to make
11 changes on a typewritten record later on. Anything you
12 want to add or change?

13 A. Not that I'm aware of.

14 MR. BROWN: All right. I want to mark as Exhibit 4
15 the document that Mr. Anderson has referred to. It's
16 the August 23, 1994 analysis of the real estate history
17 of Camp Cedarbrook which says it was authored by
18 Mr. James A. Hudkins of Alameda, California. So if you
19 would mark that, I'd appreciate it.

20 (Defendants' Exhibit 4 was marked for
21 identification.)

22 MR. BROWN: Q. Now, Mr. Anderson, as a final
23 bit of housekeeping, I want you to look at Exhibit 4 and
24 confirm that that is the report from which you acquired
25 your information about the history of Camp Cedarbrook.

1 A. I believe that's correct, yes.

2 Q. Okay. Thank you very much. I have nothing
3 further.

4 MR. RODARAKIS: No. That's fine.

5 (Discussion held off the record.)

6 THE REPORTER: Do you want a copy,

7 Mr. Rodarakis?

8 MR. RODARAKIS: Please.

9 (Whereupon the deposition concluded at
10 1:10 p.m.)

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(No stipulation being entered to the contrary,
the witness shall have 30 days after completion
of the transcription of the foregoing deposition
within which to review, correct, and sign the
original of said transcript; and thereafter, the
original transcript will be forwarded by the
court reporter to Mr. Brown's office, to be by
them maintained in a sealed condition pursuant
to Code until further order of Court.)

--o0o--

I hereby declare under penalty of perjury that I
have read the foregoing deposition transcript and
have noted thereon any comments, changes,
corrections or additions I feel are necessary to
accurately reflect my answers to the questions
propounded therein to the best of my knowledge
and belief.

Signed at _____ on _____,
2004.

Richard Ralph Anderson

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF STANISLAUS)

I, CHERYL M. BONANI, a Certified Shorthand Reporter
in and for the State of California, duly commissioned,
and a disinterested person, certify:

That the foregoing deposition was taken before me
pursuant to appropriate sections of the Code of Civil
Procedure of the State of California at the time and
place herein set forth, at which time the witness was
put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing deposition is a true record of
the testimony of the Deponent and all objections made at
the time of the examination.

IN WITNESS WHEREOF, I have subscribed my name on
April 14, 2004.

Cheryl M. Bonani
CHERYL M. BONANI, CSR No. 6219

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF)
4

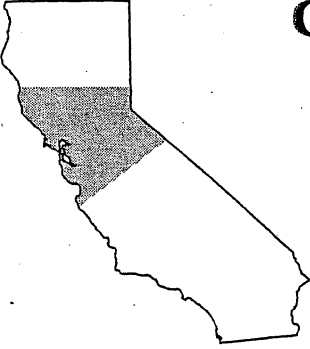
5 On this _____ day of _____, _____, before
6 me, _____, a Notary
7 Public in and for the State of California, duly
8 commissioned and sworn, personally appeared

9
10 RICHARD RALPH ANDERSON

11
12 known to me to be the person whose name is subscribed
13 to the within deposition, and acknowledged that they
14 have read, corrected and executed the same.

15
16 IN WITNESS WHEREOF, I have hereunto set my hand and
17 affixed my seal the day and year first above written.

18
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21 _____
22 NOTARY PUBLIC
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APRIL 16, 2004

RICHARD RALPH ANDERSON
561 FOURTH STREET
OAKLAND, CA 94607

Dear MR. ANDERSON:

RE: ALAMEDA BOY SCOUTS VS. ODD FELLOWS SIERRA RECREATION

You now have an opportunity pursuant to the Civil Code of Procedure to review the transcript of your deposition in the above matter within 30 days and to make any additions or corrections you deem necessary, and to sign the deposition before a Notary Public. Our office interprets the Civil Code of Procedure to provide that should you for any reason not review and sign your deposition within the above time, it will be deemed signed by you as it stands and can be used as though signed and approved by you.

Accordingly, by MAY 21, 2004, our office will forward the original transcript in a sealed condition to the appropriate attorney who will take charge of it until further order of the court.

If you wish to review and correct and sign your deposition, it may be done in a variety of ways, including those check marked below:

XX You may call us 7 days in advance to set up an appointment to review your transcript before a Notary Public in STOCKTON, CA.

XX You may review a copy obtained through your attorney and he can advise this office by letter of any corrections or additions you may wish to make.

XX You may review the enclosed certified copy, **CONSULT YOUR ATTORNEY IF YOU'RE A PARTY**, mark your comments on the enclosed list, sign the LIST and return the list in the enclosed postage-paid addressed envelope.

 You may review the enclosed original transcript, **CONSULT YOUR ATTORNEY IF YOU'RE A PARTY**, draw a line through the words you wish to change, being careful not to make the original words unreadable, and carefully write your comments above the stricken words, sign page under penalty of perjury and return the original to the address indicated on the enclosed stamped addressed envelope. You should not make corrections to anything but your answers. Or you can make your comments on the enclosed list, sign the list and the transcript attach the list to the front of the deposition and mail it in the enclosed envelope.

 Due to the upcoming trial/arbitration date, please respond by mailing your correction list by or faxing us a copy by so we can convey your correct testimony to all counsel in time. If you need to make arrangements other than the above, please contact your attorney.

Sincerely,
Central California Reporters

By: ARIELLA MCLANE
cc. All Counsel
Job# 3842
env.

TO: CENTRAL CALIFORNIA REPORTERS
P.O. Box 367
Sonora, California 95370

RE: ALAMEDA BOY SCOUTS VS. ODD FELLOWS SIERRA RECREATION

Dear Sir:

I have received _____ reviewed _____ the ORIGINAL _____ COPY _____ of the transcript of my deposition.

- () I have read it and signed it under penalty of perjury and am returning it herewith with no corrections to be noted.
- () I have read it and signed it under penalty of perjury and am returning the transcript herewith with my corrections indicated thereon.
- () I have read it and am submitting the corrections listed below, and I further certify under penalty of perjury that Subject to same corrections, said transcript is true and correct, to the best of my knowledge.

SIGNED UNDER PENALTY OF PERJURY _____

DATED: _____

RICHARD RALPH ANDERSON

CORRECTIONS:

PAGE LINE SHOULD READ AS FOLLOWS:

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