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15 *JEM Farms LP, et al.; and Mary's Gone Crackers, Inc., et al.*

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

17 **IN AND FOR THE COUNTY OF SACRAMENTO**

18 Coordinated Proceeding  
19 Special Title (Rule 3.550)

20 **OROVILLE DAM CASES**

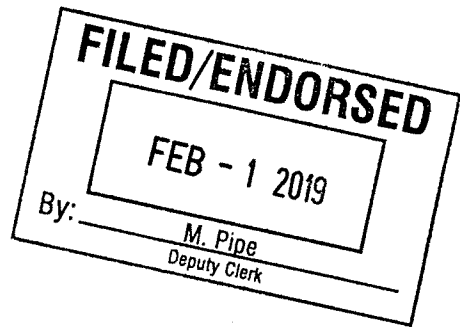
JCCP NO. 4974

Assigned to: James E. McFetridge, Dept. 30

**DECLARATION OF MICHAEL HOPKINS  
IN SUPPORT OF PLAINTIFFS'  
OPPOSITION TO DEFENDANT'S  
MOTION TO STRIKE**

Date: February 15, 2019  
Time: 10:00 a.m.

21  
22  
23  
24  
25  
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27  
28  
**DECLARATION OF MICHAEL HOPKINS**



BY FAX

BY FAX

1 I, Michael Hopkins, hereby declare as follows:

2 1. I have personal knowledge of the matters set forth below and, if called as a witness,  
3 I could and would testify competently to the statements herein.

4 2. I am a native of Oroville, California and a veteran of the U.S. Navy.

5 3. In 2006, I was hired by the California Department of Water Resources (“DWR”)  
6 and began a three-year journeyman apprenticeship in the Oroville Field Division (“OFD”) of  
7 DWR. At DWR I worked as a utility craft worker in the civil maintenance department until I  
8 resigned in 2016.

9 4. Around 2008, I expected to stay in Oroville following my apprenticeship, but  
10 instead I was transferred to DWR’s San Luis Field Division for about one year before returning to  
11 DWR’s Oroville Field Division in or around late 2010 or early 2011. A DWR superintendent,  
12 Terry Stutz, offered to allow me to stay in Oroville on the condition that I sign a prepared  
13 statement alleging that another DWR employee, Chris Thomas, who was the only African-  
14 American DWR employee that I knew of at that time, had physically threatened me. I refused to  
15 sign the statement because it was untrue, and I was transferred to DWR’s San Luis Field Division  
16 as a result. It seemed to me like DWR was trying to get rid of Thomas, presumably because he  
17 had filed a lawsuit against DWR.

18 5. Rather than agreeing to lie for DWR, I instead contacted Thomas’s attorney to offer  
19 support for his lawsuit against DWR. The racism that Chris Thomas experienced while working at  
20 DWR was pervasive and created a distraction from work. It also created division and a lack of  
21 trust among DWR employees. I wanted to see an end to the harassment.

22 6. My DWR supervisor Chuck Saiz told me that he would help me to get transferred  
23 back to Oroville if I agreed to do what he says, and say what I am told to say. I reluctantly agreed  
24 to Saiz’s demands, and soon after I was transferred back to OFD.

25 7. During the majority of my time at Oroville, I worked under DWR supervisor Chuck  
26 Saiz, who was part of the “good old boys club,” which I refer to as the mentality that existed at  
27 DWR. If you weren’t part of the lying, cheating, stealing “good old boys club” you were on the  
28 outside and subject to mistreatment and undesirable assignments at DWR. If you were willing to

**DECLARATION OF MICHAEL HOPKINS**

1 turn a blind eye to theft, laziness, mistreatment, and ignorance of general safety and maintenance  
2 procedures, you were pretty much left alone and favored by the DWR supervisors.

3 8. Another DWR employee who I worked with on the civil maintenance crew, a  
4 woman named Lisa Melton, was constantly harassed by her male supervisors and co-workers. She  
5 brought a lawsuit against DWR and their employees, including Superintendent John Moe and  
6 supervisors Chuck Saiz and Gregg Ahlers, for sexual harassment.

7 9. On February 11, 2016, I was deposed in that case. A true and correct copy of  
8 relevant excerpts of my deposition transcript are attached hereto as **Exhibit A**.

9 10. I am not someone who stands by silently witnessing the mistreatment of others, and  
10 I was punished by my DWR supervisors and co-workers because of it. For instance, I was  
11 physically threatened outside of the work place and told to keep my mouth shut. I was genuinely  
12 concerned for my safety, as well as the safety of other DWR employees who were not a part of the  
13 “good old boys club.”

14 11. At one point, DWR supervisor Chuck Saiz applied for a superintendent position at  
15 DWR but was denied the promotion following an investigation of his theft of state-owned  
16 property, including asphalt and tools intended to be used at the Oroville Dam, which Saiz used to  
17 pave his own driveway. Several employees were questioned about the theft, including myself, but  
18 I refused to lie for Saiz, who instructed me to cover for him, and instead I told the truth when  
19 interviewed by DWR.

20 12. There is a warehouse in Oroville off of Highway 70 known as “LP 30” (site of the  
21 former Louisiana Pacific Lumber Mill) where DWR employees store state-owned property  
22 (equipment, tools, and materials) off-site, which is then taken by DWR employees to be sold or for  
23 personal use. Photos of the LP 30 warehouse, located at Highway 70 Industrial Park, 4801 Feather  
24 River Blvd, Bldg. 30 A&B, in Oroville are attached hereto as **Exhibit B**.

25 13. DWR employees who steal state property for personal use and/or profit know that  
26 the state will re-purchase those supplies for their intended use, which ultimately increases the costs  
27 to the state.

1           14.     From about 2011 onward, I worked out of DWR's headquarters located at 460 Glen  
2 Drive, off of Oro Dam Boulevard. Each morning, about 12-23 DWR civil maintenance workers,  
3 including myself, would meet between 7-8 a.m. to receive work assignments. The civil  
4 maintenance crew would typically be split into 2-3 smaller crews, and the individuals assigned to  
5 each crew varied.

6           15.     In or around 2011 and 2013 I worked on repairs to the Oroville Dam spillway,  
7 although the repairs done around 2011 were less extensive than those performed in 2013.

8           16.     In 2013, I was assigned to a spillway repair crew within the civil maintenance  
9 department. Several areas on the surface of the spillway had begun to crack, with some cracks at  
10 the corners of the spillway slabs being as wide as 8 feet. The spillway slabs should have been  
11 several feet thick, but in some areas they were reduced to only 3-6 *inches* thick. During my time  
12 on the spillway repair crew, I did not witness DWR drill for samples or perform any sonar testing  
13 to ensure safety.

14          17.     Supervisor Chuck Saiz passed the 2013 spillway repairs off to a new DWR  
15 supervisor, Gregg Ahlers, despite his lack of experience. It was obvious that Ahlers did not know  
16 what he was doing. It seemed as if Ahlers was making things up as we went along. He really  
17 didn't seem to have any substantive knowledge about dam safety.

18          18.     The spillway repair crew that I was on was instructed to drag a 20-foot chain across  
19 the entire length of the spillway. We pulled a chain off of one of the work trucks, and with one  
20 man holding either side of the chain we dragged it along the surface of the spillway. We were  
21 instructed to mark any hollow-sounding areas with spray paint, indicating where repairs should be  
22 made. Some of the 20x20 foot slabs sounded entirely hollow – like there was nothing beneath  
23 them at all. I think that some of those hollow slabs may still exist at the top of the spillway, above  
24 the area that collapsed in February 2017 that has since been repaired.

25          19.     Supervisor Ahlers instructed the spillway repair crew to chip-out rough areas on the  
26 surface of the spillway with air hammers, where we would then place small, round 8-12" long steel  
27 rods with some kind of adhesive, and then fill the void with Quikrete. When the crew questioned  
28

1 the effectiveness of the work we were doing, Ahlers instructed us to “*make it look pretty*” and get  
2 back to work.

3 20. The most astonishing thing I remember from the 2013 spillway repairs was that  
4 another civil maintenance worker, Belinda who was **legally deaf**, was assigned to drive her truck  
5 up and down the spillway to listen for hollow sounds as other members of the crew performed the  
6 “chain drag testing.” When the deaf employee told Ahlers “this isn’t going to work”, Ahlers told  
7 her to get back to work.

8 21. My crew worked on the spillway repairs for about two weeks, and I remember  
9 feeling frustrated, thinking that it would not work to repair the spillway, which I expressed to  
10 supervisor Ahlers. Just as Ahlers instructed us to “make it look pretty”, the spillway repairs were  
11 not taken seriously and seemed to have been done solely for appearance’s sake.

12 22. While working for DWR I was regularly admonished for paying attention to  
13 “unimportant things.” For example, I reported clogged drains that went uncleaned; I was told by  
14 supervisors to “keep mouth shut” in regards to reporting ongoing safety issues, and I watched as  
15 DWR employees spent state funds to purchase overpriced tools and supplies from their friends,  
16 when they could have been purchased cheaper from approved vendors.

17 23. During my ten years working for DWR, I experienced and witnessed mistreatment  
18 of many DWR workers, not solely on the basis of race or gender. The overall attitude towards  
19 working at DWR was to lay low and get the work done. It was a toxic work environment not only  
20 for myself but for many other honest, hardworking employees. I often referred to DWR as the  
21 “Water Mafia” because they operated more like a corrupt mafia than a state department.

22 24. I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct. Executed this 31 day of January 2019 at Oroville,  
24 California.

25  
26   
27 MICHAEL HOPKINS  
28

# **EXHIBIT A**

DUENSING DEPOSITION REPORTERS

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF BUTTE

LISA MELTON,

Plaintiff,

vs.

NO. 162652

CALIFORNIA DEPARTMENT OF WATER RESOURCES; JOHN MOE,  
Superintendent; CHUCK SAIZ, Supervisor; GREG AHLERS,  
Supervisor; CURTIS TRUJILLO, Utility Craft Worker;  
and DOES 1 through 50

Defendants.

**CERTIFIED COPY**

Thursday, February 11, 2016

10:40 a.m.

--o0o--

DEPOSITION OF MICHAEL HOPKINS  
VOLUME I

COMPUTER-ASSISTED TRANSCRIPTION  
by

DUENSING DEPOSITION REPORTERS  
2840 Cohasset Road  
Chico, California 95973  
(530) 345-2488

ROGER A. DUENSING, CSR

LICENSE NO. 2580

DUENSING DEPOSITION REPORTERS

1 Q. And are you aware of the work skills of most of those  
2 people?

3 A. To a certain extent, yes.

4 Q. Are there people -- I'm not asking you to name names at  
5 this point, but for instance, are there some people that  
6 you like working with, some people you don't want to work  
7 with?

8 A. Yes.

9 Q. And was Lisa one of those people you liked working  
10 with?

11 A. Yeah, yes.

12 Q. Why?

13 A. She was hard-working, very hard-working and easy to be  
14 around.

15 Q. And during the course of time that you worked with her,  
16 did you ever become aware that she was treated differently  
17 than other workers, if she was?

18 A. Yes.

19 Q. And tell us what you observed.

20 A. Name-calling, talking ill of somebody by many people  
21 there, talking ill about Lisa; a lot of games.

22 Q. When you say name-calling what names -- are you  
23 referring to names she was called by other employees?

24 A. Yes.

25 Q. And was that by other Utility Craft workers or by



1 supervisors or by both?

2 A. Both.

3 Q. All right. Let's start out with other Utility Craft  
4 workers. What kind of names did they call her?

5 A. Bitch, Goldilocks, cunt, I'm sure there's more I --  
6 one's enough.

7 Q. Were these -- let's concentrate on one at a time now;  
8 the word bitch was used, was it used more than once or are  
9 you just telling us you heard it once?

10 A. More than once.

11 Q. And was it frequent, or did it just pop up once in a  
12 while, or tell me how it came about that you observed or  
13 overheard somebody using the word bitch as it applied to  
14 Lisa.

15 A. It was more frequent in times like this where there's  
16 depositions going on, people being called up front, the  
17 names were flying.

18 Q. Who of the Utility Craft workers used the word bitch  
19 that you can recall?

20 A. Well, most frequently is actually a supervisor, Chuck  
21 Saiz.

22 Q. Did he guard the usage of the word bitch to use it  
23 outside of the presence of Lisa, or did he use it when she  
24 was around or both?

25 A. I've never witnessed the name calling to Lisa directly

1 THE WITNESS: They said making things up.

2 Q. Did you ever -- were you ever a witness to any incident  
3 in which you observed Lisa making things up?

4 A. No, no.

5 Q. And you also said that there was a name calling and the  
6 word cunt was used. Was that used in reference to Lisa?

7 A. Yes.

8 Q. And how frequently would that word be used in  
9 conversation about her?

10 A. Again it depended on what was going on in the Field  
11 Division at the time. More common when there were  
12 interviews going on.

13 Q. Who used that word?

14 A. Chuck Saiz, John Moe, Curtis Trujillo, Rich Hurt, Greg  
15 Ahlers, mainly those individuals there.

16 Q. Did you get the -- was it your understanding that the  
17 men you just named who used in your presence the word cunt  
18 in reference to Lisa Melton, didn't like her.

19 MS. McDANIEL: Objection, calls for speculation.

20 THE WITNESS: Yes, of course I felt they didn't  
21 like her.

22 MR. BAUMBACH: Okay. Did they ever express to you  
23 why they would use the word cunt to describe her?

24 THE WITNESS: Because she was apparently making  
25 things up.

1 Q. Okay. So Chuck Saiz is the only one left. Now, during  
2 the course of your working as a journeyman, have you  
3 observed Chuck Saiz to be engaged in conduct that, not  
4 necessarily involving Lisa Melton, but involving his  
5 behavior toward the DWR that you've had concerns about?

6 MS. McDANIEL: Objection, vague.

7 THE WITNESS: Many.

8 MR. BAUMBACH: And give us some examples.

9 THE WITNESS: Theft, abuse of overtime, abuse of  
10 State property, abuse of State time, harassment,  
11 discrimination, abuse of authority.

12 Q. Have you observed Chuck Saiz to be engaged in theft?

13 A. Yes.

14 Q. And tell me what you observed.

15 A. It's on so many different levels --

16 Q. Well --

17 A. Tools, tools that we use on a daily basis that --  
18 tools, theft as in false overtime.

19 Q. How does false overtime work?

20 A. Making up overtime, saying we'll save this job for  
21 weekends.

22 Q. I don't understand. How does it physically work that  
23 Chuck Saiz is able to obtain overtime that shouldn't have  
24 been used; how does it work?

25 A. Authorized by his supervisor to use -- to do a job on

1 A. She's very capable. She's hard-working, yeah, yes,  
2 sir.

3 Q. So as you've described it, both females on the crew --  
4 there are only two now?

5 A. Yes.

6 Q. Are very capable workers?

7 A. Yes.

8 Q. Any phrases you've heard other than that deaf bitch  
9 describing her?

10 A. Not really, just name calling about her hearing.

11 Q. Now I think you said when I asked you about  
12 discrimination that you attributed to Chuck Saiz, I think  
13 you said racial.

14 A. Yes.

15 Q. And who was that directed at?

16 A. An employee who's no longer with the department.

17 Q. And who was that employee?

18 A. Chris Thomas.

19 Q. All right. And Chris Thomas was an African American?

20 A. Yes.

21 Q. And Chuck Saiz directed discrimination against him?

22 A. Yes.

23 Q. What did you here him say about Chris?

24 MS. McDANIEL: Objection, relevance.

25 THE WITNESS: When he referred to Chris, he'd

1 refer to him as -- Chris Thomas as the nigger, the  
2 silverback, that was a common name he called him since I  
3 started the apprenticeship. First I thought he was being  
4 funny, but it was continuous; liar, so many, there's been  
5 so many names over the years, those are the ones that stick  
6 out the most.

7 MR. BAUMBACH: When you say so many names, those  
8 were names used to describe Chris Thomas?

9 THE WITNESS: Yes.

10 Q. And then you said Saiz also engaged in abuse of  
11 authority. What did you mean by that?

12 A. He would let his employees do things, some of the  
13 journeymen under him do things that were illegal,  
14 inappropriate.

15 Q. And give me an example. What you mean by illegal?

16 A. Letting them run errands, some errands being more than  
17 half the day while taking a State truck, personal errands.

18 Q. For Chuck or for themselves?

19 A. For themselves.

20 MS. McDANIEL: Objection, calls for speculation,  
21 lacks foundation.

22 MR. BAUMBACH: Did you personally observe these  
23 people running errands for themselves?

24 THE WITNESS: Yes.

25 Q. Were you ever one of the people that he allowed to run

# **EXHIBIT B**





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