

1 MAYER BROWN LLP  
JOHN NADOLENCO (SBN 181128)  
2 jnadolenco@mayerbrown.com  
CHRISTOPHER MURPHY (SBN 120048)  
3 cmurphy@mayerbrown.com  
350 South Grand Avenue, 25th Floor  
4 Los Angeles, CA 90071-1503  
Telephone: (213) 229-9500  
5 Facsimile: (213) 625-0248

6 NEIL DYMOTT FRANK MCFALL & TREXLER APLC  
MICHAEL I. NEIL  
7 mneil@neildymott.com  
1020 2nd Avenue, Suite 2500  
8 San Diego, CA 92101-4959  
Telephone: (619) 238-1712  
9 Facsimile: (619) 238-1562

10 Attorneys for Plaintiff  
BLACKWATER LODGE AND TRAINING CENTER, INC., dba  
11 BLACKWATER WORLDWIDE

12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA

14 BLACKWATER LODGE AND  
TRAINING CENTER, INC., a  
15 Delaware corporation dba  
BLACKWATER WORLDWIDE;

16 Plaintiff,

17 v.

18 KELLY BROUGHTON, in his  
19 capacity as Director of the  
20 Development Services Department of  
the City of San Diego; AFSANEH  
21 AHMADI, in her capacity as Chief  
Building Official of the City of San  
22 Diego; THE DEVELOPMENT  
SERVICES DEPARTMENT OF THE  
23 CITY OF SAN DIEGO; THE CITY  
OF SAN DIEGO, a municipal entity;  
24 and DOES 1-20, inclusive,

25 Defendants.  
26  
27  
28

Case No. 08 CV 0926 H (Wmc)

**DECLARATION OF WILLIAM J.  
BOHAC IN SUPPORT OF  
PLAINTIFF'S EX PARTE  
APPLICATION FOR A  
TEMPORARY RESTRAINING  
ORDER**

Date: May 30, 2008  
Time: 1:30 p.m.  
Place: Courtroom of the Honorable  
Marilyn L. Huff

1 I, William J. Bohac, declare as follows:

2 1. My name is William Joseph Bohac. I am a General Contractor, licensed to  
3 do business in California. I have worked in construction in San Diego for over thirty  
4 years. During this time, I have pulled hundreds of permits for projects in San Diego. I  
5 know very well the permitting process, the applicable laws, and the staff at Development  
6 Services.

7 2. Since August 2007, my firm, Noble Construction, has been working with  
8 Blackwater and its affiliates on its Otay Mesa facility that is the subject of this lawsuit.  
9 Contractors regularly – perhaps in 90% of the circumstances – apply for permits on  
10 behalf of their clients.

11 3. All of the permits Blackwater needed for this facility were routine  
12 ministerial permits.

13 4. A few months ago, we identified a small portion of the Otay facility as a  
14 “future use area.” The city approved all the plans with this area identified. A “future use  
15 area” never affects the permits for the rest of a facility. It is akin to identifying on plans  
16 for a house that the homeowner plans to add a swimming pool later.

17 5. Yesterday, May 28, I visited the San Diego Development Services office to  
18 submit plans for this future use, to use the area as a ship simulator. I went because even  
19 though a lawsuit is pending, it does not affect me doing my job, which is making sure  
20 that any new features on the property are safe and permitted.

21 6. When I tried to submit plans for the ship simulator, Ziad Doudar (who had  
22 been involved with prior inspections at our facility) informed me I needed to deal with  
23 John Anderson. When I tried to submit plans to John Anderson, he informed me that he  
24 was under orders not to accept any plans for this address or from Blackwater.

25 7. At that point, I met with Mr. Doudar again, and told him Mr. Anderson  
26 would not let me submit the plans. Mr. Doudar then took my plans and told me he was  
27 going to meet with Ms. Afsaneh Ahmadi. When he returned, he informed me that Ms.  
28 Ahmadi and Mr. Kelly Broughton had allowed the submission.

1           8. I then met with Ms. Jaba Vega, and began the submittal process. I also  
2 submitted the standard payment for express review. Ms. Vega informed me that the fans  
3 and electrical features were so minor, that our plans could be approved “over-the-  
4 counter.” I proceeded to the “mechanical” counter, and the mechanical counter official  
5 signed and stamped the plans.

6           9. I next went to the “planning” counter. The gentleman behind the counter  
7 told me that he was also under orders not to accept or approve anything from Blackwater  
8 until speaking to his boss, Chris Larson. He examined the plans, called Mr. Larson, and  
9 then told me that he was not going to accept them. At my request, he provided me Mr.  
10 Larson’s number.

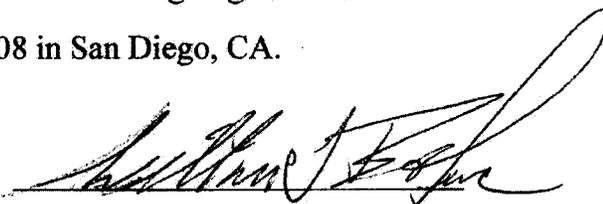
11           10. I next spoke with Mr. Doudar again, and informed him that Mr. Larson  
12 would not accept the plans for review. It was both my understanding and Mr. Doudar’s  
13 that this extraordinary ordeal was highly odd and improper, as all I wished to do was  
14 *submit* plans for the normal city review and approval process.

15           11. After leaving numerous unreturned messages for Mr. Larson, I left a  
16 message for Kelly Broughton. Shortly thereafter, Chris Larson finally returned my call.  
17 He apologized to me, and informed me he was only following orders, but that he would  
18 not accept my plans. Finally, late in the evening, Ms. Ahmadi called and told me the city  
19 had changed its mind and would actually accept my plans.

20           12. In my thirty years working in San Diego, I have never been put through the  
21 type of scrutiny and procedures that have lately characterized the process for this facility.

22 I declare under penalty of perjury that the foregoing is true and correct.

23 Executed this 29<sup>th</sup> day of May 2008 in San Diego, CA.

24  
25 

26 William J. Bohac  
27  
28