

(SPACE BELOW FOR FILING STAMP ONLY)

ELY, KADISON & QUINN

LAWYERS
ELEVENTH FLOOR
550 SOUTH FLOWER STREET
LOS ANGELES, CALIFORNIA 90017
MADISON 6-1314

Plaintiff

ATTORNEYS FOR

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

GENERAL BAKING COMPANY, a
New York corporation,

Plaintiff,

vs.

ANNETTE BECKER, WOODROW COLEMAN,
GERALD FARBER, JAY FRANK, MARI
GOLDMAN, F. DANIEL GRAY, ROBERT
HALL, BRUCE HARTFORD, RICHARD
THOMSON, SHELIA TOMLINSON,
NON-VIOLENT ACTION COMMITTEE,
JOHN DOES I THROUGH L, JANE
DOES I THROUGH L,

Defendants.

No. 840711

DECLARATION OF
ROBERT HUDECEK

ROBERT HUDECEK declares:

I am vice president of the Van de Kamp's Holland Dutch
Bakers Division of plaintiff and am responsible for the overall
operations of the coffee shops of plaintiff.

On July 2, 1964, having been advised that defendants
herein intended to conduct a demonstration at plaintiff's coffee
shop located at 5665 Wilshire Boulevard, Los Angeles, California
(the "Wilshire coffee shop" herein), I arrived at said coffee shop
at approximately 3:30 p.m. and remained there until approximately
8:30 p.m.. While at said coffee shop, I closely observed the
actions of defendants ANNETTE BECKER, GERALD FARBER, JAY FRANK,
MARI GOLDMAN, BRUCE HARTFORD and RICHARD THOMSON, and other

1 defendants herein, and observed the location and conduct of each of
2 them in said coffee shop on said date not less often than every
3 ten minutes. I have examined the separate dining checks for said
4 defendants, none of which dining checks reflects the purchase of
5 more than a token amount of food and/or beverages, namely, a cup of
6 coffee or a coca-cola, in one or two instances accompanied by the
7 order of a pastry.

8 Defendants Gerald Farber ("Farber" herein), Jay Frank
9 ("Frank" herein), Mari Goldman ("Goldman" herein) and Richard
10 Thomson ("Thomson" herein) each were seated at tables in said coffee
11 shop at approximately 4:15 p.m. to 4:30 p.m. on July 2, 1964 and
12 remained in the coffee shop until departing together between 8:15 p.m.
13 to 8:30 p.m. on that date. Defendant Bruce Hartford ("Hartford"
14 herein) arrived at said coffee shop on July 2, 1964 and was seated
15 at approximately 5:30 p.m.. Defendant Annette Becker ("Becker"
16 herein) arrived at said coffee shop on the same date and was seated
17 at approximately 6:30 p.m.. Defendants Hartford and Becker departed
18 with the other named defendants at between 8:15 p.m. and 8:30 p.m..

19 On July 11, 1964, having again been advised that a demon-
20 stration by defendants herein was planned for said day, I arrived
21 at plaintiff's coffee shop located at 6261 Laurel Canyon Boulevard,
22 North Hollywood, California at approximately 2:30 p.m. and remained
23 there until approximately 7:45 p.m.. The first of said named defend-
24 ants arrived at the coffee shop premises at approximately 3:52 p.m.
25 on said date and commenced a picketing demonstration on the side-
26 walks adjacent to the restaurant, following which the defendants
27 described below entered said coffee shop and remained therein as
28 more particularly described hereinbelow. While at said coffee shop
29 on said date, I maintained a constant and close observation of said
30 defendants seated in the restaurant, observing each of said defend-
31 ants not less often than every five minutes during the period
32 described herein. The following records the events that transpired

1 on July 11, 1964 in said coffee shop with respect to each of said
2 defendants and accurately reflects notes made by me at or about the
3 time of the occurrence of each of such events:

4 1. Defendant Becker. Defendant Becker was seated at
5 approximately 6:17 p.m. after having spent a substantial portion
6 of the preceding two and one quarter hours standing or milling about
7 the waiting room of the coffee shop or "table-hopping" within the
8 table area within said coffee shop, the remainder of time spent by
9 her entering or leaving the restaurant premises or standing or
10 marching in the picketing demonstration on the sidewalks adjacent
11 to said coffee shop. When defendant Becker first entered the
12 restaurant between 4:30 p.m. and 5:30 p.m., I, at the suggestion
13 of plaintiff's attorney, Russel I. Kully, directed the manager to
14 seat defendant Becker at the earliest possible moment. The manager
15 of said coffee shop subsequently advised me that he had offered
16 defendant Becker a seating location of her choice on several
17 occasions, but that she had declined to accept any such offer.
18 Defendant Becker finally was seated and was promptly served a roll
19 and coffee resulting in a charge of 26¢. At approximately 6:45 p.m.,
20 I asked defendant Becker if she desired to order anything further
21 and, if not, then to vacate her seat so that other patrons could be
22 accommodated, many of whom had been patiently awaiting the avail-
23 ability of seating accommodations. At approximately 6:50 p.m., I
24 asked defendant Becker to leave said coffee shop. Defendant Becker
25 declined to accommodate either of my requests and did not leave
26 the coffee shop until approximately 7:35 p.m..

27 2. Defendant Farber. Defendant Farber was seated in
28 said coffee shop at approximately 4:05 p.m. and remained there
29 seated until leaving said coffee shop at approximately 7:35 p.m..
30 While in said coffee shop, defendant Farber ordered for himself and
31 an unidentified female companion three cups of coffee and two donuts.
32 At approximately 4:50 p.m., 5:00 p.m., and 6:00 p.m., I asked

1 defendant Farber whether he desired to order anything further and
2 stated that if he did not, then we would appreciate if he would
3 surrender his seat for other patrons. At approximately 6:45 p.m.,
4 I asked defendant Farber to leave said coffee shop, but defendant
5 Farber did not leave the restaurant until approximately fifty
6 minutes later.

7 3. Defendant Frank. Defendant Frank was seated in said
8 coffee shop at approximately 4:06 p.m. and remained in the coffee
9 shop until departing at approximately 7:35 p.m.. I advised defend-
10 ant Frank at approximately 4:43 p.m., 5:00 p.m. and 6:00 p.m. that
11 unless he wished something further from the kitchen, I would
12 appreciate if he would leave the restaurant, and at approximately
13 6:50 p.m., I requested that defendant Frank surrender his seat and
14 leave the restaurant. While in the restaurant, defendant Frank
15 consumed food and beverages aggregating a charge of 40¢.

16 4. Defendant Hartford. Defendant Hartford was seated
17 in the coffee shop at approximately 4:50 p.m. on July 11, 1964,
18 after having marched with placard for some time on the sidewalks
19 adjacent to said coffee shop. Defendant Hartford remained at his
20 table until leaving at approximately 7:35 p.m., and while in the
21 restaurant, defendant Hartford ordered food and beverages resulting
22 in a bill of 44¢. At approximately 5:20 p.m. and 6:00 p.m., I
23 requested that defendant Hartford surrender his table unless he
24 desired to order further food or beverages, and at 6:50 p.m., I
25 requested that defendant Hartford leave the restaurant. As stated
26 above, defendant Hartford did not leave the restaurant until approxi-
27 mately fifty minutes after last being requested to leave.

28 5. Defendant Shelia Tomlinson. Defendant Shelia Tomlin-
29 son ("Tomlinson" herein) was seated in said coffee shop at approxi-
30 mately 4:15 p.m. and at 4:30 p.m. was served one glass of juice,
31 defendant Tomlinson's sole order during her approximate 3 hours and
32 15 minutes in said coffee shop. At approximately 5:00 p.m., 5:20 p.m.

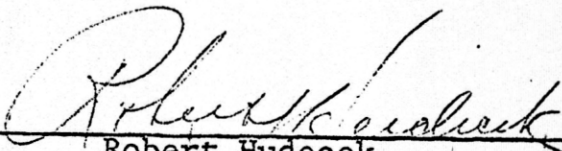
1 6:00 p.m. and 6:45 p.m., I requested defendant Tomlinson to
2 surrender her table so that others might be seated, and at approxi-
3 mately 6:55 p.m., I requested defendant Tomlinson to leave the
4 restaurant. Defendant Tomlinson refused to leave the restaurant
5 until approximately 7:35 p.m..

6 The Valley coffee shop of plaintiff is a relatively small
7 coffee shop, containing approximately 28 tables or booths, plus
8 several counters. Defendants herein occupied not less than one-
9 third of said tables or booths during the three very busy restaurant
10 hours between 4:30 p.m. and 7:30 p.m.. During such period, it is
11 my belief, and upon such belief I declare, that there were at all
12 times other patrons of plaintiff awaiting to be seated, often in
13 excess of one dozen such patrons. Due to the events described
14 hereinabove, many of such patrons were required to wait many minutes
15 before being seated.

16 Annexed hereto, marked Exhibit "A", and incorporated here-
17 in by reference is a schedule setting forth total sales receipts
18 at the Wilshire coffee shop of plaintiff situated at 5665 Wilshire
19 Boulevard, Los Angeles, California, for the Thursdays and Saturdays
20 within the period commencing April 23, 1964 and extending to and
21 including July 4, 1964, on a portion of which days in said period
22 the demonstrations by defendants herein occurred. Annexed hereto,
23 marked Exhibit "B", and incorporated herein by reference is a
24 schedule setting forth total sales receipts at the Valley coffee shop
25 of plaintiff situated at 6261 Laurel Canyon Boulevard, North Hollywood
26 California, for the Saturdays and Sundays within the period commenc-
27 ing March 14, 1964 and extending to July 12, 1964, on a portion of
28 which days in said period the demonstrations by defendants herein
29 occurred. Both of said exhibits evidence the substantial loss of
30 revenues suffered by plaintiff as a result of said demonstrations.

31 Dated this 15th day of July, 1964 at Los Angeles,
32 California.

1 I declare under the penalty of perjury that the fore-
2 going is true and correct.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32


Robert Hudecek



Ven de Kamp's

HOLLAND DUTCH BAKERS

2930 FLETCHER DRIVE, LOS ANGELES, CALIFORNIA 90065

(AREA 213) 255-0171

COMPARISON OF SALES AT WILSHIRE COFFEE SHOP

5:00 to 9:00 P.M.

| <u>Day and Date</u> | <u>Amount</u> | <u>Comment</u> |
|----------------------------------|---------------|---|
| Thursday, 4-23 | \$1559.61 | |
| " 4-30 | ~1725.23 | |
| " 5-7 | 1582.08 | |
| " 5-14 | 1569.77 | |
| " 5-21 | 1508.18 | |
| " 5-28 | 1580.60 | |
| " 6-4 | 1632.48 | |
| " 6-11 | ~1494.69 | |
| " 6-18 | 1419.81 | <i>sup</i> Demonstration 5:00 - 9:30 p.m. |
| " 6-25 | ~1512.82 | |
| " 7-2 | 1398.12 | <i>sup</i> Demonstration 4:30 - 8:30 p.m. |
| | | |
| may Saturday, ^{up} 4-25 | 1657.33 | |
| " 5-2 | 1527.73 | |
| " 5-9 | 1542.35 | |
| " 5-16 | 1472.10 | Demonstration <i>Pickets</i> |
| " 5-23 | 1228.65 | Demonstration |
| " 5-30 | 1236.20 | Memorial Day, Stores Closed. |
| " 6-6 | 1272.82 | Demonstration <i>sup</i> |
| sun " 6-13 | 1197.29 | Demonstration <i>sup</i> |
| " 6-20 | 1332.04 | |
| " 6-27 | 1486.55 | |
| july " 7-4 | 1184.11 | July 4th, Stores Closed |

EXHIBIT "A"

EXHIBIT "A"



Van de Kam's

HOLLAND DUTCH BAKERS

2930 FLETCHER DRIVE, LOS ANGELES, CALIFORNIA 90065

(AREA 213) 255-0171

COMPARISON OF SALES
VALLEY PLAZA COFFEE SHOP

| <u>Saturdays:</u> | 2:00 p.m. - 5:00 p.m. | 5:00 p.m. - 9:00 p.m. | <u>Comment</u> |
|-------------------|--------------------------|--------------------------|---|
| March 14 | \$ 405.56 | \$ 711.73 | |
| " 21 | 280.66 | 477.86 | Sit in Demonstration Jewish Passover |
| " 28 | 262.11 | 576.42 | |
| April 4 | 343.69 | 615.05 | |
| " 11 | 324.79 | 642.66 | |
| " 18 | 333.28 | 552.35 | |
| " 25 | 311.20 | 605.05 | |
| May 2 | 352.22 | 668.74 | |
| " 9 | 288.08 | 632.31 | |
| " 16 | 346.24 | 650.54 | |
| " 23 | 287.88 | 608.22 | |
| " 30 | 206.04 | 519.99 | Memorial Day Holiday |
| June 6 | 405.10 | 644.24 | |
| " 13 | 345.60 | 645.15 | |
| " 20 | 413.73 | 660.31 | |
| " 27 | 250.54 | 651.01 | |
| July 4 | 195.45 | 436.48 | July 4th Holiday |
| " 11 | 294.55 | 569.00 | Sip In Demonstration 4 7:30 |
| <u>Sundays:</u> | | | |
| March 15 | 347.80 | 544.74 | |
| " 22 | 271.57 | 342.01 | Picket Line - Rain Easter Sunday Sit In Demonstration 5:30-6:00 p.m. |
| " 29 | 348.82 | 558.94 | |
| April 5 | 397.72 | 518.70 | |
| " 12 | 351.81 | 652.80 | |
| " 19 | 352.36 | 491.49 | |
| " 26 | 378.33 | 609.67 | |
| May 3 | 346.13 | 567.31 | |
| " 10 | 413.89 | 637.63 | Mother's Day |
| " 17 | 249.55 | 560.67 | |
| " 24 | 291.72 | 630.72 | |
| " 31 | 233.39 | 622.40 | |
| June 7 | 274.15 | 627.76 | |
| " 14 | 290.71 | 644.78 | |
| " 21 | 316.97 | 558.33 | |
| " 28 | 271.31 | 553.11 | |
| July 5 | 318.96 | 652.47 | |
| " 12 | 225.41 | 692.59 | |

EXHIBIT "B"

EXHIBIT "B"