

1 David Merritt and Salma Merritt  
2 660 Pinnacles Terrace  
3 Sunnyvale, CA 94085  
4 Tel: 408.469.5584  
5 [dymerritt@hotmail.com](mailto:dymerritt@hotmail.com)

6  
7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **COUNTY OF SANTA CLARA**

9 SALMA MERRITT et al.,

10 Plaintiffs,

11 vs.

12 ANGELO MOZILO, et al.,

13 Defendants.

Case No.: 109CV159993

**DECLARATION OF PORTER EUGENE  
JOHNSON IN SUPPORT OF PLAINTIFFS'  
MOTION FOR PROTECTIVE ORDER  
TERMINATING OR LIMITING SCOPE AND  
MANNER OF DEPOSITIONS OF SALMA  
AND DAVID MERRITT**

Date: August 17, 2012

Time: 9:00 AM

Dept.: 21

Hon. James Stoelker

Action filed: December 23, 2009

Trial date: Not Set

14  
15  
16  
17 I, Porter Eugene Johnson, declare and state as follows:

18 1. On July 14, 2012, I was contacted by a colleague, who is a reporter for several  
19 Blogs who are reporting on the mortgage industry's fraud against homeowners, asked me to speak  
20 with David Merritt since he is out of state and I live much closer.

21 2. On July 14, 2012, I spoke with Mr Merritt who informed me that the deposition of  
22 his wife was taking place on July 16, 2012 and he invited me to attend.

23 3. My colleague commissioned me to attend the deposition and report back any  
24 relevant information to him.

25 4. I had never met nor spoken to either Mr or Mrs Merritt previously nor ever knew  
26 about their case against Countrywide Home Loans or others.

27 5. On July 16, 2012, I traveled to 2880 Zanker road, San Jose, CA 95134 at the Regus  
28 Office center to attend the deposition of Salma Merritt.

1           6.       My objective was to be an Objective Observer in order to learn whether there was  
2 anything newsworthy for my colleague and if so report such information to him to distribute at his  
3 discretion.

4           7.       At approximately 1pm Mr and Mrs Merritt arrived along with, who I later learned  
5 was Mr Merritt's father and sister.

6           8.       After introductions, I observed Mr Merritt lead his family into the conference  
7 room and as soon as his sister, father and I entered the room the gentlemen, who was later  
8 identified as James Goldberg, stood up aggressively and began to yell, at what appeared to be the  
9 top of his voice, "What the fuck! Who the hell are these people?"

10          9.       As Mr Merritt introduced us all Mr Goldberg retorted, "Oh no! Hell no! Every one  
11 of you have to get out!—and what's that [pointing at Mr Merritt setting up video camera] you're  
12 not doing any damn videotaping here, not on your life!"

13          10.      Mr Merritt stated with both hands gesturing: "Look Jim, calm down first of all.  
14 You do not have to get bent out of shape. Salma is here to start the deposition so let's just start."

15          11.      "Hell no! Hell no! I am not accepting any of this at all!" and pointing violently at  
16 the video recorder he yelled. "Just get that damn thing out of here! My video is the only one that  
17 will be allowed and no other."

18          12.      I observed Mr Merritt ignoring Mr Goldberg's statements as he continued to set up  
19 his camera to face where Mrs Merritt was sitting, and this seemed to have infuriated Mr Goldberg  
20 due to his coming rapidly stepping from his chair, pushing Mr Merritt aside with his right hand  
21 and coming within 6 inches of the Sister's face yelling: "Get the hell out of here! You don't  
22 belong her!" And tried to push her, however, she pushed back and declared: "What is wrong with  
23 you? Do you realize that you're speaking to a lady?"

24          13.      Mr Goldberg shot back, "I don't care who you are, I'm telling you to get out!"

25          14.      Mr Goldberg then side stepped the Sister and began manhandling the father and the  
26 Sister yelled out. "You leave my father alone! Stop assaulting him!"

27          15.      Mr Merritt took his attention off of video camera and launched forth from his side  
28 of the table and grabbed Mr Goldberg by the shoulders and pinned him to the conference desk, as  
he stated. "Salma, leave out of her."

1           16.     Mr Merritt was saying, “Jim, calm yourself down man. You’re losing it! This is  
2 totally unprofessional and uncalled for.”

3           17.     After 20 or so seconds Mr Goldberg calmed down and began to say, “You cannot  
4 lay your hands on me.” Repeatedly.

5           18.     Mr Merritt repeatedly replied, “As long as you do not put your hands on anyone I  
6 won’t.”

7           19.     This all occurred within 1 to 2 minutes and was stunning as an observer, as I have  
8 never witness such an unprovoked outburst before in my 70 plus years.

9           20.     I have been called by Governor Arnold Schwarzenegger and other public officials  
10 around the state to speak on certain public policy and other public issues, have interacted with  
11 others in the court system, but I have never witnessed behavior such as this.

12           21.     From my observation, I must state that Mr Goldberg reaction was as if neither I nor  
13 anyone else had a right to be there.

14           22.     Mr Merritt repeatedly told Mr Goldberg that he invited myself along with his  
15 family members and that some unspecified law authorized for him and his wife to have support at  
16 the deposition.

17           23.     Mr Goldberg then stated that some California code “3982” prohibited the Merritts  
18 from bringing anyone into the deposition.

19           24.     Mr Merritt retorted “Jim, you’re citing a number that is not even in the deposition  
20 code section of 2025, so you have to come better than that.”

21           25.     Mr Merritt then told Mr Goldberg that Salma is here to have the deposition taken so  
22 let’s start.

23           26.     Mr Goldberg replied that he will not start until everyone left the offices and the  
24 video camera of Mr Merritt’s was removed.

25           27.     Mr Merritt got up and stated, “When you’re ready to start we’ll be out here, but if  
26 more than an hour we are going to consider this as you not wishing to conduct deposition and  
27 we’ll leave. The clock is running.”

28           28.     Mr Goldberg yelled out, “Then I’ll get the freaky judge on the line and straighten  
this shit out.”

1           29. All along I saw Mr Goldberg's videographer and court reporter setting on their side  
2 of the table looking as surprised and amazed as I was and they remained as quiet as I was.

3           30. We all went out of the conference room to the waiting area and a few minutes later  
4 Mr Goldberg came out demanding in a very disrespectful manner my credentials and when I asked  
5 for his first as a way of exchange, he stormed off, but later returned with his card and I gave him  
6 one of mine.

7           31. I then learned that a meeting was set with the Court and I came as well.

8           32. I heard Mr Goldberg tell Judge Stoelker a set of facts which was not representative  
9 of what I witnessed.

10          33. Specifically, neither Mr Merritt, his wife, sister, dad or myself did or stated  
11 anything upon entering the room and we had all been orientated by Mr Merritt previously to not  
12 say a single word or make any sounds after introductions.

13          34. No one there presented any danger or harassment to Mr Goldberg

14          35. The entire time I saw Mr Goldberg as the sole aggressor who appeared to have  
15 assaulted the sister and father both physically and verbally.

16          36. Mr Goldberg never gave the going forward of questioning a chance.

17          37. I saw hatred come from Mr Goldberg towards us all which was completely  
18 unprovoked and quite discomfoting.

19          38. I can state that if called upon to do so, that I will be able to competently testify to  
20 these things.

21 I, Porter Eugene Johnson declare under the penalties of perjury  
22 That the foregoing is true and correct under California State  
23 Laws on this 25 day Of July 2012.

24 County of Madera California

\_\_\_\_\_  
Porter Eugene Johnson  
42688 Deep Forest Drive  
Coarsegold, Ca 93614

25  
26  
27  
28