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9 HOMETOWN PUBLISHING LLC and
PATRICIA HEDLUND

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OCT - 2 2006

SUPERIOR COURT
METROPOLITAN DIVISION

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF KERN
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14 DAVID LEE SEIDNER,
15 Plaintiff,

16 vs.

17 HOMETOWN PUBLISHING LLC, dba The
18 Mountain Enterprise and dba The Mountain
Pioneer, PATRICIA HEDLUND, aka Patric
19 Hedlund, JACK THROCKMORTON, and
DOES 1-100, inclusive,

20 Defendants.
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Case No. S-1500-CV 258273

**DECLARATION OF PATRICIA HEDLUND
WITH EXHIBITS A-P**

Date: October 26, 2006
Time: 8:30
Judge: Hon. Sidney P. Chapin
Dept.: 4

Defendants Hometown Publishing LLC's and
Patricia Hedlund's Special Motion to Strike
Plaintiff's Complaint; Declaration of Jack
Throckmorton with Exhibits Q-W; And
Appendix of Non-California Authorities filed
concurrently]

Action Filed: May 26, 2006

1 privacy, surveillance and ethics in the emerging online networked world of cyberspace. The series
2 was funded by awards from the National Academy of Sciences, IBM, Apple Computer, the
3 Electronic Frontier Foundation and a *Who's Who* in new technology. The video series is used by
4 universities and government bodies across the United States, Europe, and Asia.

5 5. For the past two years I have served as the Managing Editor for *The Mountain*
6 *Enterprise* and *The Mountain Pioneer*. *The Mountain Enterprise*, founded in 1966, and *The*
7 *Mountain Pioneer*, founded in 1990, are privately owned, independent newspapers that report about
8 the small, isolated mountain communities near the intersection of the borders of Kern, Los Angeles
9 and Ventura Counties and surrounded by the Los Padres National Forest. Our readers live in the
10 communities of Lebec, Neenach, Gorman, Frazier Park, Lake of the Woods, Pinon Pines,
11 Lockwood Valley, Cuddy Valley, Cuyama Valley and Pine Mountain Club, commonly referred to
12 as the Mountain Communities. *The Mountain Enterprise* is published weekly and *The Mountain*
13 *Pioneer* is published monthly, serving a population base of about 12,000 with estimated readership
14 of 8,000. The newspapers are mailed to subscribers and sold to the general public through various
15 shops and sidewalk distribution boxes.

16 6. Because this mountain region has no locally produced radio or television coverage,
17 the local newspapers provide the principal forum for local dialogue and debate. Local residents
18 often place advertisements or send letters to the editor to express their views about local issues,
19 particularly local political races. The newspapers report about local political races, school board
20 actions, family and social events, local economic development, government, environmental,
21 cultural, sports and public safety issues, along with other issues of interest to local readers.

22 7. As Managing Editor of the newspapers, I gather news and photographs, write news
23 articles, write occasional Editor's Notes and commentary, edit articles written by contributing
24 writers, and edit letters to the editor. I also review letters to the editor before they are published to
25 ensure that they do not contain false and defamatory material.

26 8. The newspapers frequently report about Pine Mountain Club, a private residential
27 community founded about 1975 on approximately 3,270 acres with approximately 4,000 full time
28 and 2,000 weekend residents, about 2,300 homes and 60 businesses. The community is governed

1 by the Pine Mountain Club Property Owners Association, Inc., a non-profit homeowners
2 association with a nine-member, volunteer Board of Directors elected by the association members.
3 I reside in Pine Mountain and I am a member of the Pine Mountain Club Property Owners
4 Association. Property owners pay an annual property assessment to the Association so it can
5 construct and maintain the community's roads, public safety staff (essentially private security
6 guards), garbage transfer station, golf course, swimming pool, equestrian facility, clubhouse, café,
7 lounge, green belts, and other jointly owned facilities. All plans for new or remodeled homes –
8 including the paint color for exteriors -- must be approved by the Association's Environmental
9 Control Committee.

10 9. A true and correct copy of the Pine Mountain Club's Covenants, Conditions, and
11 Restrictions, including the rules regarding the Environmental Control Committee, are attached as
12 Exhibit A. I obtained these from the Pine Mountain Club's website,
13 <http://www.pinemountainclub.net/association/>.

14 10. A true and correct copy of the Pine Mountain Club Property Owners Association,
15 Inc.'s Association Rules is attached as Exhibit B. I obtained these Rules from the Pine Mountain
16 Club's website, <http://www.pinemountainclub.net/association/>.

17 11. On June 18, 2005, the Pine Mountain Club Property Owners Association Board of
18 Directors held an election for five open Board seats. The political campaign for the Board election
19 began in April and lasted until final voting and announcement of results on June 18. Eleven
20 candidates campaigned for the five open seats. The Board holds elections every year, but because
21 of an unusual sequence of events, five Board seats were open for election, allowing voters to
22 choose a new majority for the board in the 2005 election.

23 12. The 2005 Board election attracted more letters to the editor than any other issue in
24 the 40-year history of *The Mountain Enterprise*, with the exception of the 2006 controversy over
25 the teaching of "Intelligent Design" in our local high school, based on my review of our archives.
26 The election involved the most advertising inches on a single topic in the history of *The Mountain*
27 *Enterprise*. I have reviewed our records, which show that 36 paid political advertisements were
28 published in our newspapers about the election. Many of these were full-page advertisements. We

1 also published numerous articles and Editor's Notes about the election. A copy of many of the
2 articles, Editor's Notes, letters to the editor, and advertisements relating to the 2005 Board election
3 campaign that were published by *The Mountain Pioneer* and *The Mountain Enterprise* before the
4 election are attached as Exhibit C.

5 13. In the May 2005 edition of *The Mountain Pioneer*, the newspaper published a
6 voter's guide for the June PMCPOA Board election. "Your PMC Election Guide: Meet the
7 Candidates!" featured the photographs and names of all 11 candidates on the cover. A true and
8 correct copy of the election-related pages in the May 2005 edition of *The Mountain Pioneer* related
9 to the election is attached as Exhibit D.

10 14. As Managing Editor, on behalf of the newspaper, I appointed a Forum Advisory
11 Board of three Association members – Collette Cole, Ron Quintana and plaintiff David Lee
12 Seidner. This Forum Advisory Board was selected to represent all sides in the election. Mr.
13 Quintana was selected due to his role as campaign advisor to one slate of candidates. Mr. Seidner
14 was selected due to his role as campaign advisor to the opposing slate of candidates. Mrs. Cole was
15 selected as a representative of unaffiliated families. They worked with me to compose 10 questions
16 representative of concerns expressed in 72 questions submitted to the newspaper by voters. The
17 newspaper devoted the entire May edition to the 11 candidates' responses to these 10 questions.
18 The newspaper published photographs of the Forum Advisory Board – including Mr. Seidner – in
19 the Guide and expressed gratitude for their participation.

20 15. The campaign generated a great deal of public interest and debate both within the
21 Pine Mountain community and throughout other Mountain Communities. Based on my interviews,
22 letters to the editor and news reporting, I believe that the election took on a broader significance
23 because it crystallized the struggle between what could be described in generalizations as
24 "traditional" Pine Mountain Club residents (who prize affordable living in the forest setting and
25 who maintain a community culture with tight-knit rural values) versus "investor" Pine Mountain
26 Club residents (including those, such as Mr. Seidner who owns multiple investment properties, who
27 sought increased assessments on all property owners to add luxury facilities and to erect a "gated
28 community" exclusiveness to attract wealthier residents and raise property values). This debate is

1 reflected in part in the letter to the editor, "Plain Truth & Property Assessments" published in May
2 13, 2005 edition of *The Mountain Enterprise*. A true and correct copy is attached as Exhibit E.

3 16. The push to make Pine Mountain Club more exclusive had alienated the surrounding
4 Mountain Communities which are, by necessity, cohesive and interdependent, especially when the
5 communities join forces to fight forest fires, secure emergency medical services, endure extreme
6 snow conditions and work together for mutual education, public health and safety goals. I
7 discussed this issue in my May 13, 2005, "Opinion" column, in *The Mountain Enterprise*, "No Man
8 is an Island." A true and correct copy is attached as Exhibit F.

9 17. The Board election and schism within Pine Mountain Club attracted interest both
10 inside and outside the Pine Mountain Club boundaries. We received many letters to the editor
11 about the Pine Mountain Club Board election from residents of the surrounding mountain
12 communities. In volume, the letters received by the newspapers from all sectors of the mountain
13 communities weighed heavily toward the "traditional" point of view.

14 18. Our newspapers also reported on the financial issues raised in the campaign, such as
15 the 2004-2005 Board's decision to increase the annual property owner assessment to \$1,079
16 coupled with the Board's increased expenditures, including a nearly \$1-million, five-year contract
17 for a new General Manager/COO whose expertise was in managing cruise ship spas, a pattern of
18 costly litigation rather than mediation to settle disputes and a proposal to build a spa and a "four
19 star" gourmet restaurant. These issues also were cited in a large number of letters to the editor,
20 including the letter, "Cruise Line with Leaks?" published in May 27, 2005 edition of *The Mountain*
21 *Enterprise*. A true and correct copy is attached as Exhibit G.

22 19. During the 2005 Board election campaign, Mr. Seidner referred to himself (to me
23 and others in my presence) as a campaign advisor for the slate of candidates known as "The Plain
24 Speakers." Mr. Seidner's slate of candidates opposed a rival slate of candidates that included co-
25 defendant Jack Throckmorton. I observed that Mr. Seidner campaigned actively for his candidates
26 and his viewpoints. He purchased four full pages, 234 column inches, of paid political
27 advertisements for publication in our newspapers during the campaign. Our records show that he
28

1 was the third largest purchaser of ad space during an election with 11 candidates. He signed his
2 personal name to the ads and wrote some as personal letters from himself to the readers.

3 20. In April, May, and June 2005, I personally attended the Pioneer Forum Advisory
4 Board, PMCPOA Board meetings and the Pine Mountain Town Hall meetings. Mr. Seidner spoke
5 at public meetings and in group “coffees” held in homes about campaign issues and candidates. His
6 name and his viewpoints about the Board election were publicly discussed by other Association
7 members during these meetings and throughout the broader mountain community.

8 21. In the May 6, 2005 edition of *The Mountain Enterprise*, the newspaper published a
9 two-page advertisement headlined “B-e-w-a-r-e” and paid for by the group supporting Mr.
10 Seidner’s candidates, for whom Mr. Seidner was a campaign advisor. The language of this
11 advertisement caused outcry among our readers, who voiced concern that Mr. Seidner’s candidates
12 had established a negative ad hominem tone for the campaign by calling their opponents “Flimflam
13 Candidates.” A true and correct copy of the advertisement is attached as Exhibit H.

14 22. In the May 20, 2005 edition of *The Mountain Enterprise*, the newspaper published a
15 full-page advertisement headlined “PMC VOTERS NEED TO KNOW.” Mr. Seidner submitted
16 and paid for the advertisement on behalf of The Plain Speakers slate. A true and correct copy of
17 the advertisement is attached as Exhibit I.

18 23. In the June 2005 edition of *The Mountain Pioneer*, the newspaper published two
19 full-page advertisements titled “Political Déjà Vu and The Free Lunch Myth.” Mr. Seidner
20 submitted and paid for the ad in support of The Plain Speakers slate. He signed these pages as his
21 personal letter to the readers. A true and correct copy of the advertisements is attached as Exhibit J.

22 24. Based on my review of Mr. Seidner’s Complaint and our newspapers, I believe that
23 the following four publications are the ones that Mr. Seidner has challenged in paragraphs 8-11 in
24 his Complaint:

25 (1) Publication #1. Full-page political advertisement, “David Lee Seidner –
26 Take the Accounting Challenge!” This was published in the May 27, 2005 edition of *The Mountain*
27 *Enterprise* and the June 2005 edition of *The Mountain Pioneer*. Mr. Throckmorton submitted and
28 paid for the advertisement. I believe that this is the advertisement referenced in paragraph 8 of Mr.

1 Seidner's Complaint. A true and correct copy of this advertisement is attached as Exhibit K. A
2 true and correct copy of the May 23, 2005 letter by certified public accountant Gary A. Porter that
3 was reproduced in the advertisement is attached as Exhibit L.

4 (2) Publication #2. Editor's Note, "The Plain Truth." This note was published
5 in the May 27, 2005 edition of *The Mountain Enterprise* and the June 2005 edition of *The*
6 *Mountain Pioneer*. I wrote this Editor's Note. The portion of the note about Mr. Seidner is based
7 on my telephone interview with Mr. Porter and review of his May 23, 2005 letter. I believe that
8 this is the Editor's Note that is referenced in paragraph 9 of the Complaint. A true and correct copy
9 of "The Plain Truth" Editor's Note is attached as Exhibit M.

10 (3) Publication #3. Editor's Opinion, "Bear Valley Springs Assessments Drop
11 to \$888 for 2005-2006." This was published in the June 10, 2005 edition of *The Mountain*
12 *Enterprise*. I wrote this Editor's Note. The portion of the note about Mr. Seidner is based on my
13 telephone interview with Mr. Porter and review of his May 23, 2005 letter. I believe that this is the
14 Editor's Note referenced in paragraph 10 of the Complaint. A true and correct copy of this Editor's
15 Note is attached as Exhibit N.

16 (4) Publication #4. June 3, 2005 Letter to the Editor, "Golf Buddy Gone Bad."
17 This was published in the June 10, 2005 edition of *The Mountain Enterprise*. This letter was
18 submitted by Mr. Throckmorton. I believe that this is the letter referenced in paragraph 11 of the
19 Complaint. A true and correct copy is attached as Exhibit O.

20 25. I received several emails from Mr. Seidner discussing several letters to the editor
21 and political advertisements related to the 2005 Board election. However, the newspaper did not
22 receive any letters or emails from Mr. Seidner addressed to me or the publisher, Gary Meyer,
23 pointing out any specific errors about Mr. Seidner in the four publications referenced in paragraphs
24 8 through 11 of his Complaint, or requesting a specific correction of any of the four publications
25 listed in his Complaint.

26 26. I considered Mr. Throckmorton to be a credible, responsible source. Mr.
27 Throckmorton has been Chairman, vice-chair, and a member of the Board's Finance and Budget
28 Committee for over 14 years, as well as a past Association Director and Association Treasurer. I

1 have interviewed Mr. Throckmorton numerous times over the past several years, and he has
2 provided accurate information about the Board and other matters.

3 27. I believed Mr. Porter was a credible, reliable source because the PMCPOA Board
4 had hired him to conduct the official audit of its finances in 1998-1999 and he was a certified
5 public accountant.

6 28. As editor, it is not my job to review advertisements, however, the publisher and I
7 discuss questions that arise in specific situations. We agreed that Mr. Throckmorton's
8 advertisement, "David Lee Seidner – Take the Accounting Challenge!" was published within the
9 context of a dialogue being waged publicly in our pages in the context of the political debate. We
10 believed it contained true information, rhetorical questions and Mr. Throckmorton's subjective
11 opinions. I recognized the letter being published to be that from Mr. Porter, CPA. I interviewed
12 the certified public accountant, Mr. Porter, whose May 23, 2005 letter is reproduced in Mr.
13 Throckmorton's advertisement, and Mr. Porter confirmed that he wrote the letter. I believed Mr.
14 Porter to be a credible source because he was hired by the Board to conduct the audit.

15 29. I believed that the portions of my two Editor's Notes – "The Plain Truth" and "Bear
16 Valley Springs Assessments Drop to \$888 for 2005-2006" (Publications #2 and #3) – that discussed
17 Mr. Seidner's May 20, 2005 political advertisement and Mr. Porter's audit were true and contained
18 my subjective opinions. The portion of my Editor's Note about Mr. Seidner was based on my
19 interview with Mr. Porter and my review of Mr. Porter's May 23, 2005 letter to Mr. Throckmorton.

20 30. I reviewed Mr. Throckmorton's June 3, 2005 letter to the editor, "Golf Buddy Gone
21 Bad" before it was published. I believed that the letter contained true information about Mr.
22 Seidner and also Mr. Throckmorton's subjective opinions about Seidner's May 20, 2005 political
23 advertisement and Mr. Porter's audit.

24 31. On June 18, 2005, the Board announced that five new directors were elected by 54
25 percent of the Association membership, the highest turnout in Pine Mountain Club history. The
26 Board reported that Mr. Throckmorton was elected along with the four other members of his slate,
27 and that none of Mr. Seidner's candidates were elected. True and correct copies of the Board's
28

1 | official minutes of its June 18, 2005, meeting and a report about the election results published in the
2 | official Association newsletter, *The Condor*, are attached as Exhibit P.

3 | 32. This declaration was executed on September 29, 2006, at Pine Mountain Club,
4 | California. I declare under penalty of perjury under the laws of the State of California that the
5 | foregoing is true and correct.



Patricia Hedlund

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