

EXHIBIT A

1 David Prescott – Bar # 44092  
2 Edwin Grauke – Colorado Bar # 030701  
3 VERITAS JUSTICE and BIOETHICS INSTITUTE  
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6 (714)649-0661

7 Attorneys for Plaintiffs

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN FRANCISCO

10 LAURENCE TAIN, D.C.; DONALD NIELSEN, D.C.; )  
11 ROBERT BITTERS, D.C.; STEPHANIE ) NO: CGC-03-419378  
12 WATTENBERG, D.C.; and LORI PRESCOTT, D.C. )

13 Plaintiffs/Petitioners, )

14 v. )

15 STATE BOARD OF CHIROPRACTIC EXAMINERS; )  
16 CALIFORNIA ACUPUNCTURE BOARD; THE )  
17 COUNCIL ON CHIROPRACTIC EDUCATION, INC.; )  
18 and DOES 1 to 20 )

19 Defendants/Respondents. )

DECLARATION OF DAVID  
PRESCOTT IN SUPPORT  
OF PLAINTIFFS' REQUEST  
FOR JUDICIAL NOTICE

Date: January 28, 2004  
Time: 2:00 p.m.  
Dept: 502

20  
21 I, DAVID PRESCOTT, declare:

22 1. I am an attorney licensed to practice law in California and I represent each of the  
23 plaintiffs in this action.

24 2. I am the executive director of Veritas Justice and Bioethics Institute.

25 3. On December 2, 2003 I personally inspected the record on appeal in the case of  
26 People v. Fowler. That record was produced by the clerk of the Los Angeles County Superior  
27 Court in response to my request for the appellate record in the case of *People v. Fowler* (1938)  
28 32 Cal.Ap.2d (Supp.) 737. I purchased a certified copy of the "ENGROSSED STATEMENT

1 ON APPEAL” from that appellate record and a true and correct copy thereof is attached as  
2 Exhibit B to the “Request for Judicial Notice in Support of Plaintiffs’ Opposition to Motions  
3 for Summary Judgment/Adjudication of Defendants State Board of Chiropractic Examiners &  
4 California Acupuncture Board”. (Plaintiffs’ Request for Judicial Notice).

5 4. On July 31, 2000 I personally inspected the trial record in the case *Crees, et al. v.*  
6 *California State Board of Medical Examiners, et al.* That record was produced by the clerk of  
7 the Los Angeles County Superior Court in response to my request for the trial court record in  
8 the case referred to on appeal as of *Crees v. Board of Medical Examiners* (1963) 213  
9 Cal.App.2d 195. I purchased a certified copy of the “PRE-TRIAL CONFERENCE ORDER  
10 and JOINT PRE-TRIAL STATEMENT” from that trial record and a true and correct copy  
11 thereof is attached as Exhibit C to the Plaintiffs’ Request for Judicial Notice.  
12

13 5. On January 8, 2004 I personally inspected the official website of the California  
14 administrative agency referred to as the Medical Board of California. I there located a portion  
15 of that website dealing with the education and training requirements and scope of practice for  
16 persons “performing technical supportive services” known as medical assistants. I personally  
17 copied a full and complete copy of that portion of the site referring to that subject and a true  
18 and correct copy thereof is attached as Exhibit D to the Plaintiffs’ Request for Judicial Notice.  
19 The document I may be accessed at: [http://www.medbd.ca.gov/Medical\\_assFAQ.htm](http://www.medbd.ca.gov/Medical_assFAQ.htm). In my  
20 opinion this document is a public record as defined in Government Code section 6252 and  
21 otherwise.  
22

23 6. Attached as Exhibit E to the Plaintiffs’ Request for Judicial Notice is a true and  
24 correct “Westlaw” copy of Title 16, California Code of Regulations, Section 1399.436 relating  
25 to the prescribed minimum education and training required for the California acupuncture  
26 license.  
27

28 7. Attached as Exhibit F to the Plaintiffs’ Request for Judicial Notice is a true and

1 correct copy of ballot measure 16 on the November 7, 1992 ballot; the 1922 Chiropractic Act.  
2 The copy has been slightly enlarged to assist in its legibility.

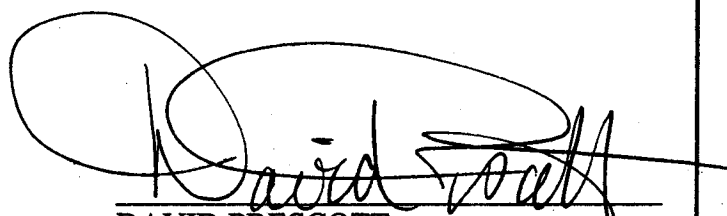
3 8. Attached as Exhibit G to the Plaintiffs' Request for Judicial Notice is a true and  
4 correct copy of the 1954 version of the State Board of Chiropractic Examiners scope of  
5 practice rule, Rule 302; Title 16, Register 54, No. 10 – 5-8-54. This document was personally  
6 copied by me and known to me to be what it is represented to be.  
7

8 9. Attached as Exhibit H to the Plaintiffs' Request for Judicial Notice are true and  
9 correct copies of the following: the 1913 Medical Practice Act as amended to 1922; the 1907  
10 Medical Practice Act (with a 1909 amendment); the 1901 Osteopathic Act; and the 1876  
11 Medical Practice Act. Each of these documents was personally copied by me and known to  
12 me to be what it is represented to be.  
13

14 10. Attached as Exhibit I & J to the Plaintiffs' Request for Judicial Notice are true and  
15 correct copies of documents previously submitted to this court in opposition to the general  
16 demurrers previously filed herein by the SBCE and the CAB.

17 I declare under penalty of perjury under the laws to the State of California that the  
18 foregoing is true and correct.

19 Executed this 10<sup>th</sup> Day of January, 2004 at Lake Forrest, California.  
20

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22  
23   
24 DAVID PRESCOTT  
25 Declarant  
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