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and THE TRADITIONAL CAT ASSOCIATION, INC.,
a Washington corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

THE TRADITIONAL CAT)
ASSOCIATION, INC., and DIANA L.)
FINERAN,)
)
Plaintiffs,)
)
vs.)
)
LAURA GILBREATH, LEE ZIMMERMAN,)
RANDI BRIGGS, JOHN HEROLD,)
DIANE DUNAWAY and TRADITIONAL)
CAT ASSOCIATION,)
a California nonprofit Mutual)
Benefit corporation,)
)
)
Defendants.)

) **Case No.** GIC 789066
)
) **DECLARATION OF IN SUPPORT OF**
) **OPPOSITION TO MOTION TO STRIKE**
)
)
) **Judge:** John S. Meyer
) **Dept:** 61
) **Date:** September 3, 2002
) **Time:** 11:00 A.M.

I, Diana Fineran declare:

1. In 1987, I formed THE TRADITIONAL SIAMESE BREEDERS AND FANCIERS ASSOCIATION to protect, preserve, perpetuate and promote the Traditional Siamese cat. The association I formed was a non-profit organization which covered its costs by collecting dues from its membership, selling its documents, registering cats, listing breeders and holding cat shows.

2. In 1993, the organization changed its name to THE TRADITIONAL CAT ASSOCIATION, INC. The name change reflected the

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2 expansion of its cause to other breeds of cats in addition to the
3 Siamese Cat. The association continued to collect dues from its
4 members, provide breed names, breed standards and registration for
5 the cats. The association published a newsletter and distributed
6 it to the members of the association. Further, the association
7 advertised in cat hobbyist magazines.

8 3. We have members in most states throughout the country.
9 TCA has developed an excellent reputation in the cat world and is
10 proud of sustaining its membership since 1987.

11 4. TCA's constitution and bylaws, breed standards and
12 registry are voluminous documents which I spent over a thousand
13 hours developing and revising for the organization. These
14 documents represent the foundation of the organization. It cannot
15 operate without them.

16 5. In or about July, 1998, Defendants JOHN HEROLD, LAURA
17 GILBREATH, LEE ZIMMERMAN and RANDY BRIGGS were members of the Board
18 of Directors of plaintiff THE TRADITIONAL CAT ASSOCIATION, which is
19 a Washington corporation. A dispute arose between me and these
20 Defendants which led to Defendants leaving Plaintiffs'
21 organization. These Defendants, along with Defendant DIANE
22 DUNAWAY, who was a member of plaintiff, created their own
23 association with the identical name as Plaintiff THE TRADITIONAL
24 CAT ASSOCIATION. The Defendants' association was incorporated in
25 the State of California as the TRADITIONAL CAT ASSOCIATION.
26 Further, these Defendants have used and continue to use the logo,
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1 the motto, the constitution and bylaws, registry, show rules, breed
2 names, breed standards, domain name, home page, list server and
3 related documents that were being used, and are being used, by the
4 Washington corporation.

5 6. In other words, they cloned the Washington corporation,
6 and worse yet, have held themself out to the public as the original
7 TCA. Lodged with the court as Exhibit 1 is a copy of an
8 advertising page in CATS USA from a 2001 issue. The advertisement
9 in the lower right hand corner was placed by the defendants. It
10 states "Traditional Cat Association Inc. of California since 1987".
11 It asks potential members to send \$15 to defendant RANDI BRIGGS.
12 This was a clear attempt by defendants to capitalize on the
13 organization that I founded and have developed since 1987.
14 Defendants did not form their organization until sometime after
15 July, 1998.

16 7. Exhibit 2 is a page from defendants' website which I
17 printed on July 8, 2003. It is entitled "Results of the 15th Annual
18 Household Pet Review". By claiming that the Pet Review is their
19 "15th Annual" they are trying to capitalize on TCA's longevity and
20 reputation. Since they have only been an organization since 1998,
21 claiming a "15th Annual Household Pet Review" is confusing to the
22 public and would lead a member of the public to assume that
23 defendants' organization is the original TCA.

24 8. Another example of the defendants' cloning of TCA is
25 Exhibits 3 and 4. Exhibit 3 is TCA's Certificate of Registration
26 which was signed by defendant LAURA GILBREATH on February 15, 1997

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1 while she was the Head Registrar of TCA. Exhibit 4 is an identical
2 Certificate of Registration which appears to be issued by TCA, but
3 was in fact issued by defendant LAURA GILBREATH on January 13, 2001
4 as Head Registrar defendants' recently formed organization. There
5 is nothing on the Certificate to indicate that the person
6 registering her cat was registering her cat with the wrong
7 organization.

8 9. Most of their Breed Standards on their website are ones
9 that I wrote. TCA sells the Breed Standards I wrote. The
10 Defendants allow the public to download the Breed Standards we sell
11 free of charge. It is not fair for them to take the Breed
12 Standards I wrote and give them away. Obviously, it becomes more
13 difficult for TCA to sell them.

14 10. The public has in fact been confused about the
15 distinction between TCA and defendants= organization. I have
16 spoken to members of the public who thought we were them and vice
17 versa. Exhibit 5 is Registration Application that was mailed to me
18 on or about October 22, 2003. It contained a "Litter Registration
19 Application" form which had been downloaded from the defendants'
20 website (see lower left hand corner). This form is identical to
21 one that TCA used. The second page of the application had been
22 downloaded from our website. Both of these pages came to me in the
23 same envelope.

24 11. Exhibit 6 is a copy of an email I received on March 18,
25 2003 from a breeder who had tried to register her kittens with
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1 defendants' organization. Defendant GILBREATH apparently refused
2 to register the kittens. The breeder wanted a TCA registration and
3 thought that TCA had rejected her application. If this happened to
4 other breeders, and they did not find the true TCA, our reputation
5 is damaged. It hurts our business and is another example of how
6 defendants acts of unfair competition have damaged TCA.

7 I declare under penalty of perjury that the foregoing is true
8 and correct and that this declaration was executed on August ____,
9 2004 at Battle Ground, Washington.

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Diana Fineran

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