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5 Attorneys for Respondent  
South Dakota Board of Regents,  
6 South Dakota International Business Institute

7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT FOR CALIFORNIA

10  
11 Darley International, LLC, a Delaware  
corporation,

12 Petitioner,

13 vs.

14 South Dakota Board of Regents, dba  
15 South Dakota International Business  
Institute,

16 Respondent.  
17

CASE NO.: CV08-05034 DDP PLAx

**DECLARATION OF JOHN MEYER IN  
SUPPORT OF RESPONDENT'S MOTION  
TO VACATE ORDER; EXHIBIT  
[FRCP Rule 60(b)]**

Date: April 13, 2009  
Time: 10:00 a.m.  
Ctrm.: 3  
Judge: Hon. Dean D. Pregerson

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1 I, JOHN MEYER, declare:

2 1. I have personal knowledge of the facts stated herein and would competently  
3 testify thereto under oath if called as a witness.

4 2. At all times referred to herein, I have served as a Professor of Business Law at  
5 Northern State University (NSU) in Aberdeen, South Dakota. During the same time, I have also  
6 served part-time as a campus-based attorney for NSU. In my role as an NSU attorney, I  
7 normally would be aware of, and expect to promptly be notified of, any impending arbitrations  
8 or ongoing lawsuits naming NSU or SDIBI as a party.

9 3. The South Dakota International Business Institute (SDIBI) is physically housed at  
10 NSU. It and its Director, Joop Bollen, are listed in the NSU directory. True and correct copies  
11 of portions of the NSU web site directory listing Mr. Bollen and the SDIBI are attached hereto as  
12 Exhibit 5.

13 4. On January 22 or 23, 2009, Mr. Bollen called me on the telephone and asked me  
14 questions about whether someone who was not party to a contract could nevertheless be  
15 compelled to arbitrate the contract. On January 23, 2009, he sent me some documents by e-mail  
16 that I understood to relate to an arbitration between Hanual Professional Law Corporation and  
17 Darley International, LLC, which now also included the SDIBI. He had not previously advised  
18 me of any dispute involving these businesses and the SDIBI, or of any arbitration or litigation  
19 involving these parties.

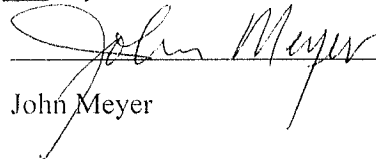
20 5. By January 27, 2009, I had reviewed the documents that Mr. Bollen sent to me on  
21 the 23rd. I became concerned that this likely had involved litigation and instructed Mr. Bollen to  
22 provide me with additional documents. He suggested that I contact Hanul directly, but I insisted  
23 that he provide me with whatever he had. Later that day, he brought to me voluminous papers  
24 and documents relating to the impending arbitration. Mr. Bollen told me that he had deliberately  
25 not brought this dispute to my attention because he had been led to believe by attorneys from  
26 Hanul that this was a minor dispute that would be quickly resolved as to the SDIBI's  
27 participation. Although a Summons was not included in the documents Mr. Bollen provided to  
28 me on the 27th, it was nonetheless clear to me, in viewing those documents, that the SDIBI had

1 been sued. Additionally, this Court's October 7, 2008, Order was not among the documents; I  
2 did not see the Order until several days later, after attorneys for the Board of Regents obtained a  
3 fuller set of documents relating to the above-captioned matter.

4 6. On January 27, 2009, I informed James Shekleton, the Board of Regents' General  
5 Counsel, of what Mr. Bollen told me that day and of the apparent fact that the SDIBI had been  
6 involved in a lawsuit.

7 7. Although I work for NSU, my paychecks are issued on the account of the State of  
8 South Dakota.

9 I declare under penalty of perjury of the laws of the United States of America that the  
10 foregoing is true and correct. Executed this ~~20~~<sup>21</sup> day of March, 2009, at Aberdeen, South Dakota.

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12 \_\_\_\_\_  
13 John Meyer

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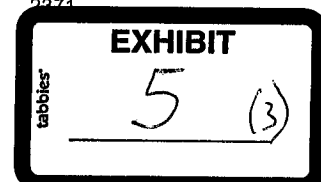
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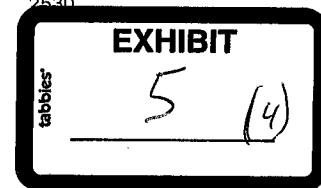
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Office (Web site link) <input type="checkbox"/> Email	Location	
Academic Advisement	Dacotah Hall, Room 202	2633
Academic Affairs	Spafford Hall, Room 203	7786
Admissions <input type="checkbox"/>	Dacotah Hall, Room 101	2544
Alumni Services <input type="checkbox"/>	Beckman Building, 620 15th Ave SE	2550
Aramark	Graham Hall, Room 2/2A	2928
Art Department <input type="checkbox"/>	Spafford Hall, Room 206	2514
Athletics/HPE	Barnett Center, Room 42	2488
Athletic Development	Beckman Building, Room 3	7744
Band Room	Johnson Fine Arts Center, Room 115	2501
Barnett Center Information		7734
Biology Prep Room	MeWaldt-Jensen, Room 202	2478
Biology Prep Room	MeWaldt-Jensen, Room 207	2380
Bookstore <input type="checkbox"/>	Student Center, Room 108	2655
Briscoe Hall – Hall Director		2677
Briscoe Hall – Desk Phone		2680
Campus Activities Board	Student Center, Room 202	7806
Campus Police/Security	(Sunday – Thursday 6pm-2am) 24 Answering Machine - Student Center	Cell: 380-8925 626-2474
Career Development and Placement	Student Center, Room 217	2371
Center for Excellence in International Business <input type="checkbox"/>	Lincoln Hall, Room 123A	7721
Center for Statewide E-learning	MeWaldt-Jensen, Room 122	3382
Chemistry Lab	MeWaldt-Jensen, Room 302	2598
Chemistry Lab	MeWaldt-Jensen, Room 309	2472
Children's Center <input type="checkbox"/>	Lindberg Hall	2221
College of Arts and Sciences <input type="checkbox"/>	Technology Center, Room 358	2601
Computer Center	Technology Center, Lower Level	2283
Correspondence Studies	Spafford Hall, Room 106	2568
Counselor Education	H.P. Gerber, Room 115	2417
Counseling Center	Student Center, Room 217	2371
Custodial Services	Facilities Management, Physical Plant	2560
Den	Student Center, Lower Level	2650
Development	Beckman Building, 620 15th Ave SE	2550
Dining Hall - Student Center		2928
Disability Services	Student Center, Room 217	2371
Discovery Program	Student Center, Room 217	2371





Regional Aging Council of Northeast SD	Technology Center, Room 353	3402
<u>Registrar</u> ☑	Dacotah Hall, Room 103	2012
Research	MeWaldt-Jensen, Room 224	2456
<u>Residence Life Director</u> ☑	Student Center, Room 201	2531
Resident Artist	Lincoln Hall Basement	3240
Room Reservations		
Barnett Center		7738
Johnson Fine Arts Center		2497
Student Center		3007
<u>School of Business</u> ☑	Lincoln Hall, Room 101	2400
<u>School of Education</u>	H.P. Gerber, Room 112	2415
School of Fine Arts	Spafford Hall, Room 315	2497
South Dakota Department of Agriculture	Physical Plant, Room 215	3335
<u>South Dakota International Business Institute</u> ☑	Graham Hall, Room 110	3149
South Dakota School for the Deaf (SDSD) Outreach Consultant	Graham Hall, Room 114	3166
Social Science	Technology Center, Room 358	2601
Special Education	H.P. Gerber, Room 115	2417
Speech Communications	Technology Center, Room 261	2404
Sports Information	Barnett Center, Room 47A	7748
Steele Hall - Hall Director		3047
Steele Hall - Lobby Phone		3020
<u>Student Activities</u>	Student Center, Room 203	3007
<u>Student Affairs</u> ☑	Student Center, Room 201	2530
Student Association	Student Center, Room 204	2528
Student Center Information Desk	Student Center, Lower Level	2651
Student Development Center	Student Center, Room 201	3007
Student Publications / Exponent	Krikac Administration, Room 101	2534
Student Senate Office	Student Center, Room 204	2528
Student Support Services (SSS)	Dacotah Hall, Room 201	2633
Student Teaching	H.P. Gerber, Room 115	2415
<u>Study Abroad Office</u>	Lincoln Hall Room 223A	7721
<u>Theatre Department</u> ☑	Johnson Fine Arts Center, Room 124A	2563
Title III	Spafford Hall, Room 205B	7789
United Campus Ministry	Graham Hall, Room 202	3012
University College	Dacotah Hall, Room 201	2633
<u>University Relations</u>	Graham Hall, Room 124	2552
Upward Bound	Graham Hall, Room 203	3229
Veterans Affairs	Dacotah Hall, Room 111	7692
Vice President for Academic Affairs	Spafford Hall, Room 203	2524
Vice President for Finance and Administration	Krikac Administration, Room 205	2537
Vice President for Student Affairs	Student Center, Room 201	2530



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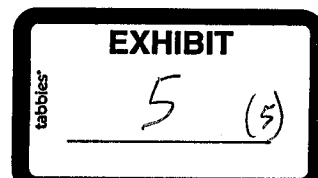
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Name ( Web site link )	Position ( Office location ) [ Abbreviations ]	
Addison, Carla	Director, NSU Children's Center (LH-118)	2221
Allbee, Neal	Carpenter, Facilities Mgmt (PP)	2560
Allbee, Scott	Programmer Analyst, NET Services (TC-269)	2285
Alraqad, Dr. Tariq	Faculty, Mathematics (MJ-232)	2458
Arnold, Dr. Clyde	Provost and Vice Pres. of Academic Affairs (SP-203)	2524
<a href="#">Aroutiunian, Margarita</a>	Faculty, Modern Language and Communications (TC-253)	3224
Arunasalam, Chelvan	Senior Computer Support Specialist, NET Services (TC-161)	2283
Backman, Ron	Grounds Crew Supervisor, Facilities Mgmt (PP)	2560
Bader, Janna	Director, CICS, ELCA Lutheran Campus Ministry (SC-207)	216-3925
<a href="#">Barondeau, Nancy</a>	Director of Field Services (GB-110)	2415
Bartusis, Dr Mark	Coordinator and Faculty, History (TC-362)	7799
Baruth, Randy	Asst. Men's BB/Head Men's Golf Coach/Inst. (BC-35)	2230
Bass, Dr. William (Bill)	Faculty, Marketing/Management (LN- 319)	3002
Bauer, Jennifer	Reference Assistant, Library (LB-146)	3018
Beckler, Dr. Terry	Asst Professor of Music (JC-118)	3436
<a href="#">Benkert, Dr. Lysbeth</a>	Faculty, English (TC- 373)	7698
Bentz, Jacob	Custodian - HP Gerber Building, Facilities Mgmt (PP)	2560
Bergstrom, Robert	Web Producer, University Relations (GH-116)	3552
Birgen, Mike	Director of Alumni Services, Foundation (BB-4)	2681
Bitterman, Stephanie	Senior Secretary, Records/Registrar (DH-103)	2012
Bjerke, Kevin	Faculty/Head Cross Country Coach/Assistant Track Coach (BC-206)	3984
Black, Dr. Casey	Faculty, Modern Lang & Speech (TC-250)	7697
Blanchard, Carolyn	Acquisitions & Gov't Documents Mgr, Library (LB-128)	7772
<a href="#">Blanchard, Dr. Kenneth</a>	Faculty, Political Science and Sociology (TC-357)	7796
Blide, Jackie	Secretary, Education/Psychology/Special Education (GB-115)	2417
Blondo, Ann	Secretary, School of Education (GB-112)	2415
Bockorny, Michael	Director of Development, Foundation/Alumni/Development (BB-11)	2612
Boden, Chris	Head Football Coach/Dir of Barnett Center (BC-27)	2007
Bollen, Joop	Director of SD Int'l Bus Institute (SDIBI) (GH-102)	3098
<a href="#">Bortnem, Dr. Gayle</a>	Faculty, Elem. & Sec. Education (GB-139)	2570
Boschee, Kathy	Secretary, Admissions (DH-101)	2544
Bostian, Susan	Director, Human Resources/Affirmative Action (AB-213)	2520
Braun, Richelle	Information Specialist, University Relations (GH-122)	





Bretsch, Gary	Custodian - Jerde Hall, Facilities Mgmt (PP)	2560
Brick, Cheri	Senior Secretary, SDIBI (GH-110)	3149
Broucek, Dr. Willard (Bill)	Faculty, Marketing/Management (LN-321)	2639
Brunmaier, Larry	Custodial Services Supervisor, Facilities Mgmt (PP)	2560
Bruns, Gabe	Network Communications Specialist (MJ-115)	2283
Bryant, Amber Rae	Head Athletic Trainer (BC-79)	7733
Buchanan, Gale	Custodian - Library, Facilities Mgmt (PP)	2560
Buchanan, Mercedes	Custodian - Lindberg Hall, Facilities Mgmt (PP)	2560
Budig, Derik	Head Strength and Conditioning Coach (BC-207A)	3987
Bullert, Wanita	Payroll Accountant, Human Resources (AB-213)	2523
Bultema, Darci	Asst Professor of Music (SP-320)	7759
Bumpous, Debbi	Chief Information Officer, NET Services (TC-158)	3394
Burgard, Judy	Secretary, College of Arts & Sciences & History (TC-358)	2601
Burkett, Rocky	Interim Assistant Coordinator for Upward Bound (GH-203)	3299
Burrell, Dennis	Communications Network Analyst, NET Services (MJ-116)	2283
<u>Casanova, Jodi</u>	Network Support Specialist, NET Services (TC-271)	2283
Case, Anthony "Tony"	Assistant Football Coach (BC 29)	7734
<u>Case-Goetz, Joanna</u>	Master Teacher of Spanish, E-learning (MJ-133)	3390
Chown, Dr. David	Dean, School of Business (LN-101)	2402
Chown, Peg	Interim Director, Extended Studies (SP-204B)	3290
<u>Christensen Blair, Sara</u>	Faculty, Art (SP-209D)	2515
Clipperton, Alan	ESL (English as a Second Language) Coordinator for Univ. College (LN-124)	7693
Coughlin, Kathleen	Discovery/Insight Program Coordinator (SC-217)	2371
Courtney, Bob	Director of Student Development/Residence Life (SC-201)	3007
<u>Courtney, Dr. Kathie</u>	Coordinator, Health and Physical Education (BC-41)	7684
Crawford, Randy	Electrician, Facilities Mgmt (PP)	2560
Cummings, Heather	Coord of Volunteer Service Clearinghouse (SC-205)	3354
<u>Cundy, Mary</u>	E-learning Principal (MJ-122)	3387
Cunningham, Laurie	Senior Claims Clerk, Finance and Administration (AB-202)	2567
Curran, Carrie	Food Service (GH-2/2A)	2928
<u>Daw, Dr. Jessica</u>	Faculty, HPE/Head Tennis Coach (BC-34)	3321
Deckert, Florence	Senior Secretary, Grants/OIS Office (SP-205A)	2616
Dekoski, Jeff	Assistant Athletic Trainer (BC-77)	7733
DeLaney, Kim	Secretary, School of Business (LN-306)	2637
Denman, Dr. Dwight	Asst Professor of Accounting, (LN-313)	3003
<u>Dias, Dr. Ric</u>	Faculty, History (TC-370)	7795
Dick, Mike	Grounds Crew Leader, Facilities Mgmt (PP)	2560
Ding, Dr. Guangwei	Faculty, Chemistry (MJ-315)	3167
<u>Dolejsi, Dr. Duane</u>	Coordinator & Faculty, Physics (MJ-112)	2467
<u>Donelan, Dr. Brenda</u>	Coordinator & Faculty, Sociology (TC-349)	2355
Dreyer, Brenda	Director, University Relations (GH-123) Assistant to the President	7747

