

EXHIBIT G

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 6 City of San Diego, William Lansdowne, Boyd Long,
 Ariel Savage, Justin Mattly, Christopher Sarot,
 7 Daniel Christman, and Bret Righthouse

8 UNITED STATES DISTRICT COURT
 9 SOUTHERN DISTRICT OF CALIFORNIA

10 SGT. JAVIER COTA, an individual,
 11 Plaintiff,
 12 v.
 13 CITY OF SAN DIEGO, CHIEF OF
 POLICE WILLIAM LANSDOWNE,
 14 ASSISTANT CHIEF BOYD LONG,
 SDPD OFFICER ARIEL SAVAGE,
 15 SDPD OFFICER JUSTIN MATTLY,
 SDPD SERGEANT, SDPD SGT. C.M.
 16 SAROT, SDPD LT. DAN CHRISTMAN
 SDPD SGT. BRET RIGHOUSE, and
 17 DOES 1-50, inclusive,
 18 Defendants.

Case No. 12cv0998 JAH (WMC)

**DECLARATION OF BRET
 RIGHOUSE IN SUPPORT OF
 DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT**

19
 20 I, Bret Righthouse, declare as follows:

21 1. I am employed by the San Diego Police Department and hold the rank
 22 of Sergeant. On June 4, 2011, I was assigned to the Internal Affairs Unit. If called
 23 upon as a witness, I could and would competently testify as to the matters set forth
 24 herein subject to any confidentiality requirements of police records.

25 2. As part of our duties in the Internal Affairs Unit, we investigate certain
 26 Citizen Complaints for police misconduct.

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1 3. As a result of Lt. Christman's forwarding a Citizens Complaint Form
2 concerning a Mesa, Arizona police officer on June 4, 2011, an Internal Affairs case
3 was opened.

4 4. I was the investigating officer in that case.

5 5. Javier Cota filed a complaint on June 4, 2011.

6 6. Cota alleged that he was arrested for violation of Penal Code section
7 647(f), and that Officers Mattly and Savage did not have probable cause to arrest
8 him.

9 7. Cota alleged that his handcuffs were not double locked.

10 8. Cota alleged that Officer Savage used unprofessional language when
11 addressing Jaime Cota.

12 9. Cota alleged that the officers accelerated and braked abruptly while
13 driving to the sobering center, turned their radio up and laughed, in an attempt to
14 make fun of him.

15 10. I interviewed Cota on June 16, 2011.

16 11. At that time, Cota claimed to have drunk 5-6 vodka or rum drinks that
17 evening prior to his arrest and admitted he was feeling the effects of the alcohol.

18 12. Cota claimed that the seats on the pedicab faced towards each other
19 and he was facing westbound and had to turn his head to see the police car. (When
20 in the video from Henry's Pub the seats in what is believed to be Cota's pedicab
21 were positioned differently as they were horizontal to the side rather than
22 perpendicular as described by Cota).

23 13. Cota claimed that the females stated that they wanted to stop at their
24 car to retrieve their purse to call one of the girls' sister so that they could be picked
25 up as they had too much to drink.

26 14. Cota claimed that the officers stopped to "hit on" the two females.

27 15. Cota claimed he thought the officers were security guards, although
28 they were in full San Diego Police uniforms.

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2 16. Cota claimed that he heard the female state "not interested" and
3 assumed that the officer made an inappropriate comment towards her, although he
4 did not hear the comment.

5 17. Cota claimed he was arrested by the "black officer," Officer Savage.
6 When, in fact, was arrested by Officer Mattly who is Caucasian.

7 18. Cota stated that the black officer told Jaime Cota that he better "shut
8 the fuck up" or he would be arrested too.

9 19. Cota claimed the officer didn't double lock the cuffs.

10 20. Cota claimed that at the Detox Center he complained about his
11 handcuffs and the officer adjusted the cuffs and double locked them.

12 21. I interviewed Cota's nephew, Jaime Cota, on June 16, 2011.

13 22. I also interviewed both Officers Mattly and Savage.

14 23. I obtained the surveillance video from Henry's Pub in the 600 block of
15 5th Avenue. The video captures what is believed to be the footage of Cota and his
16 companion in the pedicab, as well as the San Diego Police patrol vehicle as it
17 passed Henry's Pub.

18 24. I spoke with approximately 50 pedicab operators in an attempt to
19 locate the operator of Cota's pedicab.

20 25. I determined the arrest of Cota was appropriate.

21 26. The other complaints of Cota were determined to be unfounded.

22 I declare under penalty of perjury, under the laws of the State of California,
23 that the above is true and correct. Executed this 15th day of April, 2013, in San
24 Diego, California.

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26 
27 BRET A. RIGHOUSE
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