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Gray Cary Firm To Seek Apology From Chopra

Private Eye Identifies Someone Else as Client

By Marty Graham
Daily Journal Staff Writer

SAN DIEGO — Gray Cary Ware & Freidenrich lawyers, including Tailhook lawyer Dennis Schoville, say they expect an apology — and a fast motion to dismiss — from New Age guru Dr. Deepak Chopra and his attorneys after a private investigator's deposition testimony Tuesday they say cleared them of allegations of conspiracy and theft.

"We want an apology, in the very least," said Schoville. "They took on the wrong soldier."

Attorneys who represent Chopra, however, claim the testimony about the September 1995 removal of trash from their law firm compound of made their case against Gray Cary, Schoville and Cindy Cipriani. On Tuesday, private investigator Jona Bolling finally named the client: a Northern California investigator working on a San Mateo County lawsuit in which Chopra's lawyers also represent the plaintiff.

Two Masters?

The demands were the latest incident in a long-running battle centered around an alleged theft of trash outside the offices of Chopra's attorneys, Flynn, Sheridan, Tabb & Stillman — a theft that Michael Flynn contends was committed by an investigator allegedly employed by Gray Cary.

"Our theory is the same as it has always been: Bolling was working for two masters," Flynn said Wednesday. "Bolling spoke to [Gray Cary lawyer Nancy] Stagg about the trash theft within days of the theft and that proves Gray Cary's involvement in the trash theft."

Lawyers for two defendants who were present at the deposition, including Bolling's lawyer, said Bolling testified she contacted Stagg only after Flynn called her, "screaming and threatening."

"Jona Bolling testified she contacted Nancy Stagg within days after the incident because Michael Flynn had called her," said Joseph Dicks, who represents another defendant, Richard Post. "She specifically denied telling Stagg that she was involved or not involved; she merely said this guy is accusing me of stealing his trash over a period of time and trying to have him run over," Dicks recounted. "Wisely, Nancy Stagg advised her to get a lawyer."

Year-Long Battle

Contacted Wednesday, Stagg said she declined to represent Bolling because it would create an attorney-client relationship that could potentially damage Bolling's credibility as an investigator in cases where she worked for Gray Cary.

The answer to the question of who hired Bolling — which firms have been battling over for the past year — could have consequences for all parties involved in the disputes, including Chopra.

After the trash theft, Chopra sued Schoville, Cipriani and Gray Cary, alleging they authorized the trash theft as part of an extortion conspiracy with a client who later sued Chopra and his business

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enterprises alleging sexual harassment and retaliation.

For their part, Gray Cary, Cipriani and Schoville have always maintained they had nothing to do with the trash theft, which, they said, predates their relationship with their clients, who previously worked at the Chopra Center for Well Being.

"It's really curious that Deepak Chopra verified under oath in the first complaint the 'facts' pertaining to Schoville, Cipriani and Gray Cary which were completely wrong, according to Jona Bolling's testimony," said Gray Cary lawyer James Huston. "Really curious and interesting."

Bolling has been in the eye of a legal hurricane over who hired her to remove trash from the Rancho Santa Fe law firm of Flynn, Sheridan, Tabb & Stillman on Sept. 29, 1995. The trash caper — botched when Flynn caught the trash nabber and took his license plate — resulted in a slew of lawsuits culminating in Chopra's action against Gray Cary. *Chopra v. Schoville et al*, 713143.

Flynn Sheridan has raised the issue of the taking of its trash in at least four lawsuits, including the *Chopra v. Schoville* suit and a suit filed against a former Chopra Center worker who is suing the center for sexual harassment and retaliation.

Gray Cary, Schoville and Cipriani have represented two women who filed suit against the Chopra Center for Well Being and its executive director, Dr. David Simon, alleging they lost their jobs after refusing sexual advances. Schoville represented Joyce Weaver in a pre-filing mediation and now represents Jyl Auxter in a lawsuit against the center. *Auxter v. Simon et al*, 707330. Weaver has retained another attorney and is also suing in San Diego Superior Court. *Weaver v. Chopra et al*, 709959.

Chopra, through Flynn Sheridan, has denounced the suits as completely meritless. He filed suit against Weaver months before she sued him, *Chopra v. Weaver et al*, N73174, and a demand letter sent to Chopra by Schoville on behalf of Weaver has become part of the extortion, conspir-

acy and invasion of privacy suit Chopra filed against Schoville.

Bolling's testimony Tuesday, at a deposition in the *Flynn v. Bolling* lawsuit, 712980, came after a trip to the 4th District Court of Appeal, which ruled that private investigators do not have a privilege to protect a client's identity.

Following that decision, Bolling signed a 10-page settlement agreement dated Sept. 28, 1997, with Chopra and Flynn Sheridan that dismissed her out of all the lawsuits filed against her in exchange for her honest testimony and production of all documents. No money was involved in the settlement, according to her lawyer, Dan Bacalski.

At the deposition, Bolling produced a letter dated Sept. 22, 1995, from Redwood City investigator William DiVita asking her to gather information pertaining to a sexual harassment suit brought by Anne Marie Bertolucci against the Ananda Church of Self Realization in San Mateo County. Bertolucci is represented by Flynn, Sheridan, Tabb & Stillman.

The letter lists as important issues the question of who is paying for Bertolucci's lawsuit and asks if it could be people associated with a rival enlightenment group or Flynn. While it does not specifically address taking Flynn Sheridan's trash, Bolling's lawyer said the letter is why the trash was taken.

Flynn said Wednesday that the letter was "altered" and not accurate, and that he believes Bolling breached the settlement agreement.

"She failed to produce documents, a separate breach of the settlement agreement, and she invoked attorney-client privilege, which she promised not to do," he said. "She's back in."

Bolling's lawyer, Bacalski, said he does not believe the settlement was breached.

"She testified quite clearly about who retained her and what the agreement was and it was not Gray Cary," he said. "My opinion is that Bolling's testimony does not support the suit against Gray Cary, but that is for others to decide."