

Ethylon B. "E.B." Brown, *et al*,

Civil Case No. 27-CV-09-2277

Plaintiffs,

v.

**AFFIDAVIT OF BEN MYERS**

Michael "Kip" Browne, *et al*,

Defendants.

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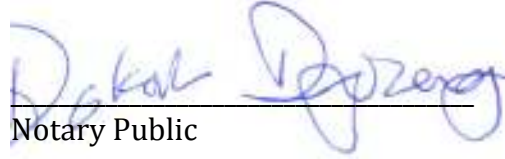
Benjamin Myers, being first duly sworn, deposes and states:

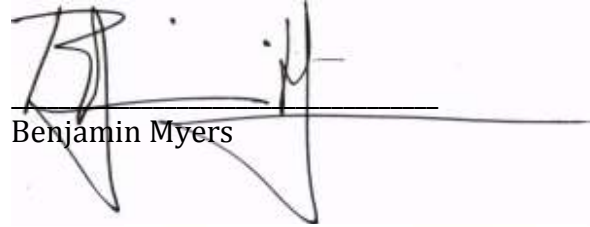
1. **Hiring of Jerry Moore**. I was not able to locate in my personal files, any copies of Minutes from early 2007. Obviously, I do not have access to the JACC Office Minutes as Mr. Kip Browne had. My best recollection is that at the April 10, 2007 Executive Committee meeting, we discussed the major outlines of the Jerry Moore contract, including the results of the survey by Brian Smith and decided on the 3-year term. I had already understood from the Board that I was to negotiate the contract, and this understanding was confirmed at the April Executive Committee meeting.
2. **Bylaws and Chair Appointment Power**. I have attached as Exhibit A a copy of the final set of proposed Bylaws. In those Bylaws, we clarified at Section 7 that the Chair has the power to appoint a board member seat that becomes vacant. However, those Bylaws were not adopted due to Kip Browne scuttling the project. The practice in JACC had been to read the Chair's authority to appoint a vacant "office" (Art. VI, Sec. 1(a)), as authority to appoint a vacant board seat. Note that Bob Cooper also points out that interpretation in his email to Kip Browne, now at Trial Exhibit 138 (¶2).

This concludes my affidavit of 2 pages.

Signed and sworn before me

This 1<sup>st</sup> day of June, 2009.

  
Notary Public

  
Benjamin Myers

