

FILED

JUL - 3 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

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Special Appearance for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

San Francisco

11 CHENG I. CHENG,

12 Plaintiff,

13 vs.

14 B. MARTIN, et al.

15 Defendant.

) Case # : CV 07- 03123

)
) DECLARATION OF M. JEFFERY KALLIS IN
) SUPPORT OF THE MOTION TO STAY
) PROCEEDINGS WHILE THE PLAINTIFF IS
) CONFINED TO A STATE MENTAL HEALTH
) FACILITY.

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20 I, M. Jeffery Kallis, am an attorney licensed to practice in front of all Courts within the State
21 of California and admitted to the Bar for all four United States District Courts in California as well
22 as the 9th Circuit. I have personal knowledge of the facts set forth herein and if called to testify
23 could competently do so.

24 1. I have not been generally retained by the plaintiff in this action, but have agreed to his
25 request to represent him for the limited purpose of making this Motion for a stay.

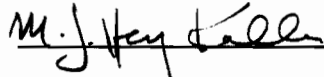
26 2. I met with the plaintiff in May of 2008 at the State Mental Health Facility in Napa
27 California. Plaintiff was in a secure locked down section of the facility.

28 3. During the 75 minutes that I met with the Plaintiff I found him to be unable to stay on
a topic, that he could not answer question either because he did not remember or because he

1 would go into tangential and irrelevant diatribes, and that he was unable to explain why he was in
2 the facility and not in the San Mateo County Jail.

3 4. Plaintiff appears to be of normal intelligence, and if he was able to stay focused and
4 understand his current situation he would be able to work with counsel or represent himself with
5 the assistance of a legal consultant. As an experienced attorney I do not believe that Mr. Cheng is
6 currently of a mental state that would enable him to work with counsel.

7
8 This statement is true of my knowledge, except for the matters stated in it on my information or
9 belief, as to those matters I believe them to be true. I declare under penalty of perjury that the foregoing
10 is true and correct and that this declaration was executed at San Jose California. July 2, 2008

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12 M. Jeffery Kallis

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14 Dated: July 2, 2008

15 The Law Firm of **KALLIS** & Assoc.

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17 M. Jeffery Kallis, making a limited appearance
18 for Plaintiff