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ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

FEB 07 2013

CLERK OF THE COURT  
BY: MICHAEL RAYRAY  
Deputy Clerk

9  
10 Attorneys for Defendant/Cross-Complainant  
11 Colleen Holland

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16 **SUPERIOR COURT OF CALIFORNIA**  
17 **COUNTY OF SAN FRANCISCO**

18  
19 **JOSEPH CONNELLY,**

20 Plaintiff,

21 v.

22 **COLLEEN HOLLAND, and DOES 1**  
23 **through 20, inclusive,**

24 Defendants,

25 No. CGC-12-523731

26 **DECLARATION OF DAVY DAVIDSON**  
27 **IN SUPPORT OF MOTION FOR**  
28 **ISSUANCE OF A PRELIMINARY**  
29 **INJUNCTION AND APPOINTMENT**  
30 **OF A RECEIVER**

31 Date: March 7, 2013

32 Time: 9:30 a.m.

33 Dept.: 302

34 Judge: Hon. Marla J. Miller

35 Complaint Filed: August 27, 2012

36 **COLLEEN HOLLAND,**

37 Cross-complainant,

38 v.

39 **JOSEPH CONNELLY, and ROES 1**  
40 **through 20, inclusive,**

41 Cross-defendants.

42 I, Davy Davidson, declare:

43 1. I have personal knowledge of the facts set forth in this declaration. If called as a  
44 witness in this action, I could competently testify as follows: I am a retired businesswoman. I  
45 was the founder and owner of VegTime, a San Francisco vegan restaurant and frozen food  
46 manufacturer from 1999 to 2004. Before that I was a communications consultant in New York.

1 Recently I received a Masters in Spiritual Guidance from Sofia University in Palo Alto. I first  
2 met Colleen Holland in approximately 1998. We became and remain good friends. When I first  
3 met Colleen I was just starting a vegetarian business in San Francisco (a restaurant). Not long  
4 after we became friends, in 1999, Colleen told me she had met a wonderful guy in the east and  
5 that he was moving to San Francisco and they were going to start a business together. Later, I  
6 met Joe Connolly after he arrived in San Francisco, when Colleen and he did indeed start that  
7 business, which became VegNews.

8 2. Since 2000, I have met and talked to Joe and Colleen on many, many occasions.  
9 Al Whaley, my partner, and I have considered them friends, and I believe Colleen and Joe have  
10 considered us advisors in their business affairs. In fact, Joe asked me to serve on the VegNews  
11 Network advisory board in 2004, to which I agreed. I served in that capacity for two years,  
12 providing advice and guidance as appropriate when requested.

13 3. Throughout my relationship with Joe and Colleen, Joe has always referred to  
14 Colleen as his business partner and co-founder of VegNews. I have been a part of the vegetarian  
15 community for a number of years and through my activities and business affairs have developed  
16 a close network of friends and associates who are familiar with VegNews, and who know  
17 Colleen and Joe, personally and as the partners behind VegNews.

18 4. My first public support for VegNews was in April, 2001 on the occasion of  
19 Colleen's 30th birthday and the successful start of VegNews, both of which were celebrated  
20 together at my vegetarian restaurant in San Francisco. I worked with Joe to create this surprise  
21 for Colleen. Many of our mutual friends and associates were in attendance where Joe and  
22 Colleen were well known as the partners and co-founders of VegNews.

23 5. Al and I, both together and separately, have had lots of contact with Colleen and  
24 Joe over the years since 2000. They sought us out for advice, and shared their business  
25 questions and disagreements with us. At all times they acted as equals in an enterprise.

26 6. The business issues that were most commonly brought up with me by Joe and

1 Colleen included personnel matters within VegNews and disagreements between them on such  
2 matters as their respective duties. When they were first getting VegNews organized, they shared  
3 their plan to divide the duties according their respective strengths and to pay themselves limited  
4 salaries. Colleen was always involved in managing relationships with advertisers and the  
5 business or revenue side of operations, while Joe focused on writing content, although, from  
6 what I observed, those lines were not strictly enforced. Joe had prior newsletter experience and  
7 Colleen's experience was in business and marketing.

8 7. I became aware several years ago that Colleen was having difficulty working with  
9 Joe. Colleen had shared issues related to Joe's poor relationship with staff at VegNews and his  
10 involvement in some personal litigation issues that were becoming overly consuming of time and  
11 money. In 2009, Al and I became aware through both Joe and Colleen that Colleen had  
12 purchased a separate business, known as VegWeb. Colleen thought this was complimentary to  
13 VegNews, as it involved online recipes, a focus that VegNews did not cover. Joe was very  
14 much against this and did not want any part of it. As a result of their disagreement, Colleen  
15 borrowed money from her mother and purchased VegWeb on her own. They both shared this  
16 information, including Joe's feelings, with Al and me. Colleen did not bring up questions or  
17 issues related to VegWeb, with Al or me, in the same way that Joe and Colleen shared  
18 information and sought our advice on VegNews. I have read a portion of Joe's first amended  
19 complaint in which he alleges that he thought VegWeb would be very complimentary to  
20 VegNews, and that VegNews agreed to purchase the business. This is totally inconsistent with  
21 what we were told by Joe and Colleen in 2009, after Colleen's purchase. I am not aware of any  
22 connection between VegNews and VegWeb.

23 8. In 2005 Joe began to complain about Colleen's handling of the advertising and the  
24 income of VegNews. He expressed that he did not know what was going on. Yet during the  
25 same period, he would brag over Colleen's accomplishments in establishing relationships with a  
26 stable group of advertisers, and the income that was generated. He told Al and me in connection

1 with one of our business conversations that VegNews had plenty of advertisers because Colleen  
2 does such a good job. In my experience with both of them, I knew that Colleen was far better  
3 suited to handle the advertising relationship side of the business.

4 9. I was shocked to learn that Joe is claiming to own VegNews. In all of the years  
5 Al and I have talked to and worked with both Joe and Colleen, they have always referred to  
6 each other as partners and co-founders of VegNews. I attended the Open House reception when  
7 VegNews moved into new facilities in 2011 and this was repeated by Joe. The one time in my  
8 experience with Joe that I ever heard or read anything contrary was when Joe was given a  
9 lifetime achievement award by Animal Acres in 2007. The press releases and news reports  
10 characterized Joe as the sole founder, without mention of Colleen. This surprised and shocked  
11 myself and my friends in the vegetarian community, to such a degree that we expected Joe to  
12 take some action to correct the record. He never did, and in my opinion his failure to do so  
13 diminished his reputation in the eyes of the community in which he does business. That report  
14 was entirely inconsistent with everything I know about VegNews and their relationship to it.

15 10. Joe and Colleen both told me directly that they are the partners and co-founders  
16 of VegNews. I was there in my restaurant when they celebrated as partners the 1<sup>st</sup> Anniversary  
17 of VegNews, have known Colleen since before she even met Joe, and experienced her joy when  
18 she told me she had met this man who was coming from the east coast to San Francisco to start  
19 a new business with her, combining their shared commitment to the vegan lifestyle and their  
20 complimentary skills, his in writing and distributing a newsletter and hers in marketing and  
21 design. In reviewing my email correspondence I have found over a dozen old emails from Joe  
22 asking for advice from me. No correspondence has a hint of Joe being a sole owner of  
23 VegNews. In one 2010 email, Joe asked me to provide a character reference for him and  
24 Colleen in order to rent their current office space. I spoke with Brad Jones (landlord or leasing  
25 agent) to verify I knew Colleen and Joe to be responsible business owners.

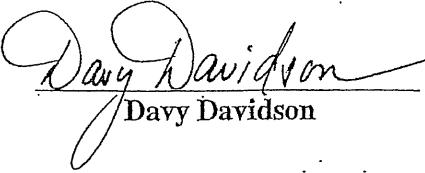
26 11. I have read the declaration that my partner, Al Whaley, has submitted and to the

1 extent I am personally aware of facts and events he recites, I am in agreement with the contents.

2 12. Colleen has been a friend for a long time and I continue to see her and talk to her.  
3 As recently as July 2012 I received an email from Joe expressing hope that we might remain  
4 friends.

5 I declare under penalty of perjury that the foregoing is true and correct, and this  
6 declaration is executed by me on February 4, 2013, in Los Altos Hills, California.

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Davy Davidson

# **EXHIBIT A**

Ms. Davy Davidson  
PO Box 1939  
Los Altos, CA 94023  
davy@sunnyside.com  
Phone: 650-947-6542

### **OBJECTIVE**

My passion and purpose is to guide people to live undivided from their true nature. I help clients discern the differences between the inner voices of ego and soul. My coaching provides tools for people to enjoy an integrated life with the voice of the sacred taking the lead more of the time. Compassion for self naturally turns to compassion for others. People dissolve stress to live in harmony at work, at home and in the world.

### **EXPERIENCE**

Spiritual Guide

2011 - present

Coach individuals to live an authentic life connected to soul. Clients awaken to the sacred as direct experience - not just as concept.

Inner Work

2006 - forever more

While I have spent a lifetime seeking the way to inner peace with various spiritual practices and therapy my most recent journey since 2006 has been deeply transformative. Regular meditation and experiential inquiry along with a rigorous master's education transformed my internal process towards a deeper awakened state of being.

Wildlife Conservation Network, Los Altos Hills

2005

Development and Communications Director

Developed and executed plan for fundraising, marketing and donor communications. Managed PR for yearly event. My work directly raised over \$1 million.

VegTime, San Francisco

1999 - 2004

President and Founder

Founded VegTime as an organic vegan quick serve restaurant in the Financial District of San Francisco. Mission was to become a socially responsible chain that sold convenient food products focused on personal and environmental health. Packaged and successfully placed original restaurant product on frozen shelves in 100+ Whole Foods and other stores on West Coast. Raised over \$650,000 for the business from private investors.

McAlinden Associates, New York, NY

1990 - 1998

Communications Consultant

Coached executives in speaking and writing skills. These included organizing thinking to achieve goals, diplomacy skills and understanding listeners' needs. Primary client was McKinsey and Co. Other clients included top-level executives at Merrill Lynch, Scudder Stevens, and Pepsi Co. Traveled extensively in Europe, Asia and South America.

Actress, New York, NY 1981 - 1988  
Made a few TV commercials for national companies, appeared in small-scale performances, produced an Off-Off-Off Broadway play and was rejected more times than I can count. Had various jobs in public relations and retail to support my acting habit.

## EDUCATION

Institute of Transpersonal Psychology (now Sofia University), Palo Alto  
Master of Spiritual Guidance 6/2012

The Diamond Approach, Berkeley 2007 – Present  
The Ridhwan School, a spiritual development school founded by A.H. Almaas

Feminine Wisdom School, CA 2010  
Teachers: Sherry Anderson, Miranda Macpherson, Lama Palden

The Foundation Center, San Francisco 5/2004  
Two courses: Developing a Fundraising Plan and Foundation Fundraising

University of MA, Amherst, MA 12/1975  
Bachelor's Degree, School of Education, Teacher's Certification

Colorado College, Colorado Springs, CO 1974  
Two years college coursework completed in liberal arts.

## AFFILIATIONS

Brighter Green, New York 2007 – Present  
Board Vice President

Circle of Life, founded by Julia Butterfly Hill 2004 - Present  
Board Member

*The Animals' Agenda* 1995 - 2003  
President of the Board  
Advised Editor-in-Chief on operations and development, managed board members and raised funds.

#### ADDITIONAL INFORMATION

I'm a member of a weekly meditation group in Los Altos. I have personally volunteered in many capacities. Interests include spiritual and physical health, social justice, environmental and animal rights issues. I spend as much time as possible enjoying the glories of nature. Best personal achievement was to raise my son as a single mother in NYC from 1980 - 1997.