

No. E073677

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT – DIVISION TWO**

SERVICE EMPLOYEES INTERNATIONAL ET AL.

Plaintiff-Respondent

vs.

NJOKI WOODS

Defendant-Appellant.

Appeal from the Superior Court for the County of Riverside

No. RIC1902014

Hon. Irma Poole Asberry

DECLARATION OF MICHAEL EUGENE ELK

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NJOKI WOODS

DECLARATION OF MICHAEL EUGENE ELK

I, Michael Eugene Elk a/k/a “Mike Elk,” declare as follows:

1. I am the founder of the crowd-funded publication *Payday Report* a/k/a PaydayReport.com. I am a journalist for *Payday Report* with the title of Senior Labor Reporter. My prior professional reporting experience includes reporting and writing for several publications and organizations in the United States and internationally, including for several years as a freelance journalist for *The Guardian*¹ until June of 2019. I have personal knowledge of the facts set forth herein, unless stated on information and belief, which are known by me to be true and correct, and if called as a witness, I could and would competently testify thereto.

2. As a professional journalist, I have been covering, reporting, writing, and publishing news stories about SEIU-UHW and Dave Regan since at least 2009.

3. I have received threats by SEIU-UHW on behalf of itself and its top leaders, such as Dave Regan, in the past. For example, I recall the earliest threat occurring in 2010 regarding my ability to get employment as a writer if I wrote ill about SEIU-UHW regarding the Union’s trusteeship.

4. Beginning in the fall of 2017 through to early 2019, I had interviewed and attained statements from several individuals for an article regarding several allegations of sexual, racial, drunkenness, and electioneering misconduct by SEIU-UHW, Dave Regan, and other officials of SEIU. One of those individuals I interviewed was Njoki Woods, Appellant in this case.

¹ *The Guardian* is a British daily newspaper founded in 1821 who is globally known and critically acclaimed. *The Guardian* is an organization under the Guardian Media Group who publishes articles currently in print and online formats, including in its international website www.theguardian.com.

5. Njoki Woods statements, along with those of several others, were the basis I used to publish PaydayReport.com articles, including the article published on March 1, 2019 entitled “EXCLUSIVE: SEIU VP Dave Regan Accused of Sexual Misconduct & Retaliating Against Whistleblowers.” To my knowledge this article and the statements therein are the basis of this Appeal and the defamation lawsuit SEIU-UHW and Dave Regan filed against Njoki Woods.

6. During May of 2019 I worked as a freelance journalist for *The Guardian* on an article expected to be published by *The Guardian* regarding allegations of sexual and other misconduct against current and former leaders of SEIU, SEIU-UHW, and other SEIU Locals throughout California. These leaders included Dave Regan, Martin Manteca, and Scott Courtney amongst many others. This article was expected to be published in late May of 2019 but suffered delays.

7. On June 11, 2019 at 5:50 PM I received an e-mail from an attorney named James “Jaime” Segall-Gutierrez, Esq. of the Law Office of James P. Segall-Gutierrez entitled “Martin Manteca – Cease and Desist – Retraction.” This letter informed me to “send a retraction” to the individuals who I had contacted to be sources for the article I was working on with *The Guardian*. In this e-mail this attorney ordered us to “refrain from defaming [his] client.” This attorney threatened to sue if we were to “persist on defaming [his] client” as he would take “legal measures” against us.

8. To my knowledge all facts that I, and *The Guardian* were using while researching and working on articles about SEIU-UHW and SEIU’s workplace and top officials, including Dave Regan, were the truth as they were based on facts gathered from primary sources – i.e. individuals with personal knowledge of the acts that occurred against themselves or that they personally witnessed. Further, many of these facts we intended on reporting on were corroborated by other news sources who have already published their findings publicly.

9. I forwarded Mr. Segall-Gutierrez's e-mail to my contacts at *The Guardian* that same day, June 11, 2019, at 5:59 PM EDT.

10. On, or approximately, June 18, 2019, I was informed by *The Guardian* that it was not going to publish the article I had been working on regarding SEIU-UHW and its officials. *The Guardian* paid me for my work on the article up to that point. Based on information, belief, and conversations with my editors, *The Guardian* did not publish the article against SEIU-UHW and its top officials that I had worked on because of the lawsuit filed against Ms. Woods and the threats of litigation received from Mr. Segall-Gutierrez as aforementioned.

11. On January 23rd and January 27th, 2020, I published two articles with *Payday Report* entitled "IMPACT: SEIU-UHW Settled Major Sexual Misconduct Case Following Payday's Expose" and "Under Legal Threats, The Guardian Killed My Investigation into SEIU Sexual Misconduct Cover-Ups," respectively. These article go into the details of the *Sturge v. SEIU-UHW, et al.* lawsuit, details about Njoki Woods and other individuals' statements supporting that lawsuit and the defamation lawsuit against Njoki Woods in this case, and details about the article I attempted to publish with *The Guardian* in May/June of 2019.

12. On January 28, 2020, I received an e-mail from Bruce A. Harland, Esq. from the law firm named Weinberg Roger & Rosenfeld, PC, entitled "Re: Your Libelous Statements." This letter was written "on behalf of the Union [SEIU-UHW] and its officers, including the Union's President Dave Regan and Vice President Stan Lyles."

13. In that January 28, 2020 letter, SEIU-UHW and Dave Regan's attorney stated that "the Union, Mr. Regan and Mr. Lyles demand that [I] publish a retraction" on several of the articles already published with *Payday Report* found on PaydayReport.com. They also demand that I perform a litigation hold on all "information regarding this matter or the Woods matter."

14. Based on issues raised in this letter I subsequently made edits to articles to represent positions of SEIU-UHW, Dave Regan, and Stan Lyles and have preserved all records to the best of my ability that I understand regard the matters of Mindy Sturge lawsuit, the attempted article with *The Guardian*, and in relation to Njoki Woods' lawsuit.

15. On January 29, 2020, I published an articles with *Payday Report* entitled "SEIU VP Moves to Sue Payday to Reveal Our Sources in Sexual Misconduct Cover-Up Exposes." This article acknowledges the fact that SEIU-UHW spoke with Fox News in an article published that same day, January 29, 2020, as well as explains details of the January 28, 2020 letter from Bruce A. Harland, Esq, the *Sturge v. SEIU-UHW, et al.* lawsuit, details about Njoki Woods and her statements in this lawsuit, and details about the article I attempted to publish with *The Guardian* in May/June of 2019.

16. At this point in time I am not a party in any litigation with SEIU-UHW, SEIU, Dave Regan, or any other individuals of those organizations.

I declare under penalty of perjury under the laws of the State of California and of the United States that the foregoing is true and correct.

Dated: _____, 2020

Michael Eugene Elk