

FILED
LOS ANGELES SUPERIOR COURT

AUG 06 2008

JOHN A. CLARKE, CLERK
BY SHAUNYA WESLEY, DEPUTY

Bruce Voss (SBN 064691) / Edgar C. Johnson

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Attorneys for Defendants JOHN TRIMARCO A.K.A. JACK TRIMARCO;
JACK TRIMARCO & ASSOCIATES POLYGRAPH/INVESTIGATIONS, INC.

Richard A. Harvey (SBN 61442)
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Tel: (949) 472-5433 Ext. 35 / Fax: (949) 380-9801
Attorney for Defendants JOHN TRIMARCO A.K.A. JACK TRIMARCO;
JACK TRIMARCO & ASSOCIATES POLYGRAPH/INVESTIGATIONS, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

JOHN GROGAN, an individual,

Plaintiff,

vs.

JOSEPH PAOLLELA, an individual;
JOHN TRIMARCO A.K.A. JACK
TRIMARCO, an individual; JACK
TRIMARCO & ASSOCIATES
POLYGRAPH/INVESTIGATIONS, INC.,
a corporation; RALPH HILLIARD,
an individual; WORDNET
SOLUTIONS, INC., a corporation
and DOES 1 through 20,
inclusive,

Defendants.

) Case No.: BC391778
) Hon. Helen Bendix, Dept. 18
)
) DECLARATION OF JACK TRIMARCO
) IN SUPPORT OF MOTION TO
) STRIKE COMPLAINT FOR
) DEFAMATION, INVASION OF
) PRIVACY (FALSE LIGHT), AND
) INTENTIONAL INFLICTION OF
) EMOTIONAL DISTRESS
)
) DATE: September 24, 2008
) TIME: 9:00 a.m.
) DEPT: 18
)
) ACTION FILED: 5/30/08
) COMPLAINT SERVED: 6/10/08
) ANSWER FILED: 7/11/08
) TRIAL DATE: No Trial Date

I, JOHN R. TRIMARCO aka JACK TRIMARCO, declare as follows:

1. I am over the age of 18, competent to testify in
accordance with the facts declared in this Declaration, and have
personal knowledge of every fact declared herein.

2. If called to testify, I could give competent and
admissible testimony as to each and every fact declared herein.

1 3. I am a retired Federal Bureau of Investigation agent
2 having served 21 years as a member of the "FBI", former U.S.
3 Department of Energy, Polygraph Program Inspector General. I am
4 a member of the Board of Directors and Chairman of the Ethics
5 Committee for the California Association of Polygraph Examiners
6 commonly known as "CAPE".

7 4. I have taught more than 60 seminars on polygraph
8 examination, interviewing, and interrogation and have conducted
9 training for the following institutions and entities: FBI
10 Academy, CIA, U.S. Attorneys Office, U.S. Department of Justice,
11 INS, the American Polygraph Association (A.P.A.), CAPE, the
12 American Association of Police Polygraphists (A.A.P.P.), the
13 Department of Defense Polygraph Institute (DODPI), and numerous
14 other state and federal governmental law enforcement agencies.

15 5. A true and correct copy of my curriculum vitae is
16 attached hereto as Exhibit "A". The curriculum vitae summarizes
17 my professional memberships, my polygraph experience as an
18 expert witness, my polygraph experience as a profession, my work
19 experience, education, employment, polygraph training, areas of
20 expertise, and certain other relevant data with regard to my
21 background experience and qualifications as a polygraph examiner
22 and expert.

23 6. During the course of my professional association, I
24 have received numerous complaints regarding JOHN GROGAN and his
25 lack of professionalism, experience, education, and activities
26 regarding polygraph examinations. Prior to February 12, 2008, I
27 had been informed that JOHN GROGAN had lost all of his
28 California professional licenses as a result of being convicted

1 of fraud by the Director of Consumer Affairs within the State of
2 California. I also had been told that the allegations against
3 JOHN GROGAN were of public record which included a comment that
4 all of his licenses and permits that had been issued to JOHN
5 GROGAN by the Bureau of Security and Investigative Services had
6 been revoked as he had been found to have been guilty of fraud,
7 dishonest conduct, and deceit.

8 7. On or about February 12, 2008, I received a letter
9 from JOSEPH PAOLELLA which contained a number of comments
10 regarding JOHN GROGAN. A true and correct copy of that letter
11 is attached hereto as Exhibit "B".

12 8. Subsequent to me receiving information regarding
13 Mr. GROGAN, loss of each of his professional licenses due to his
14 fraud, dishonesty, and deceit, and receipt of the letter
15 referred to in paragraph 7 above, I made my opinion known to the
16 radio listeners of Tom Leykis by telephoning the radio show at
17 the request of other respected polygraph examiners and private
18 investigators to respond to an apparent claim by JOHN GROGAN
19 that he was a licensed polygraph operator who had graduated from
20 an accredited polygraph academy.

21 9. I have been in direct contact with the administrative
22 offices of A.P.A., A.A.P.P., and CAPE and have ascertained that
23 although these are three of the most highly accredited polygraph
24 examiner associations in the United States, JOHN GROGAN is not
25 and has not ever been a member of either organization. I am
26 further informed and believe that JOHN GROGAN claims he is an
27 accredited polygraph examiner because he accredited himself as
28 the sole owner of this purported accreditation facility known as

1 Polygraph Examiners of America (PEOA).

2 10. The purpose of my telephone call to the radio show was
3 to inform the public of my opinion of Mr. GROGAN's true status
4 as a purported polygraph examiner.

5 11. I have noted for some time before the comments I made
6 on the Tom Leykis radio show that Mr. GROGAN has been
7 advertising himself through websites and other various means of
8 marketing as a polygraph examiner and as an honor graduate in an
9 8-week state approved polygraph academy; however, he is not
10 certified by any agency of which I have knowledge other than the
11 company which he owns and manages. The purported state approved
12 polygraph academy has sent a letter (Exhibit "B") to me
13 indicating he did not graduate and therefore could never have
14 been an honor graduate (not polygraph state approved). I am
15 also informed and believe that his claim that he has completed
16 more than 4,000 examinations is extremely misleading as it
17 implies he has completed more than 4,000 effective polygraph
18 examinations which, to my knowledge, could not be true.

19 12. I obtained a copy of a Declaration of JOHN GROGAN
20 prepared and submitted to the Superior Court of California,
21 County of Ventura which, in pertinent part, claims the
22 curriculum vitae attached thereto is true and correct under
23 penalty of perjury. A copy of that Declaration and the
24 curriculum vitae attached thereto as Exhibit "1" is attached
25 hereto as Exhibit "C". The attachment is not true as he does
26 not possess the credentials claimed.

27 13. I was served with the Summons and Complaint in this
28 action on June 10, 2008.

VERIFICATION

STATE OF CALIFORNIA,

COUNTY OF LOS ANGELES

I have read the foregoing document, **DECLARATION OF JACK TRIMARCO IN SUPPORT OF MOTION TO STRIKE COMPLAINT FOR DEFAMATION, INVASION OF PRIVACY (FALSE LIGHT), AND INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**, and know its contents.

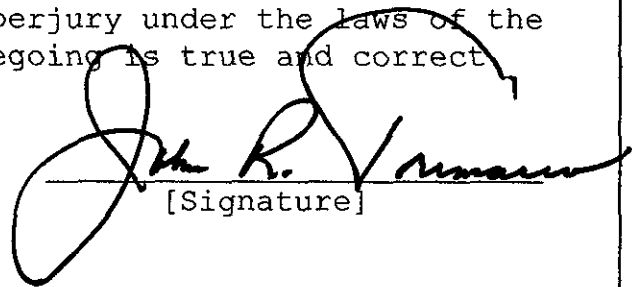
[X] I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

Executed on August 4, 2008, at Beverly Hills, California.

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

John R. Trimarco
aka Jack Trimarco

[Type or Print Name]



[Signature]

Decl of Trimarco re Motion to Strike Grogan

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MAJOR CASE INVOLVEMENT

Dr. Wen Ho Lee Espionage Case; The "Unabomber"; "Whitewater"; Oklahoma City Bombing; World Trade Center Bombing (1993); numerous cases involving classified foreign terrorists and espionage. "Fed buster"; Princess Cruises Extortion; Gerald Gallegos Serial Killer; Bank of America, Davis, CA hostage standoff; V.A. Hospital, Brentwood, CA hostage standoff; Enrique Camarena assassination; Top 10 fugitive, Claude Dallas; Top 10 Fugitive, Daniel Barney; Charles Keating Fraud Investigation; Bombing of Pan Am Flight 103; Dr. Peter Lee Espionage Case; L.A.P.D. Rampart Scandal.

POLYGRAPH EXPERIENCE

Former Inspector General, Department of Energy Polygraph Program, Polygraph Unit Chief, F.B.I. Los Angeles Field Office 1991-1998. Conducted more than 1100 polygraph examinations in connection with F.B.I. investigations. Selected by the U.S. Department of Justice and the F.B.I. to conduct polygraph examinations in sensitive intelligence matters and criminal investigations throughout the U.S. and abroad. Formerly held top-secret security clearance. Established private practice in 1998. Conducted more than 60 seminars/presentations on interviewing/interrogation and polygraph related matters throughout the United States. Conducted training at the F.B.I. Academy, C.I.A., and U.S. Justice Department.

POLYGRAPH TESTIMONY AS AN EXPERT WITNESS

California vs. Renee Lloyd (1993) State of California Superior Court, Rancho Cucamonga, California; U.S. vs. Noe Orozo Viveros (1994) U.S. District Court, Central District of California; U.S. vs. Samson Gillette (1999), U.S. District Court, Central District of California; California vs. Catarino Gonzales (2001) State of California; Superior Court, Los Angeles; State of California vs. Gary Bearman (2003) Superior Court Orange County.

PROFESSIONAL MEMBERSHIPS

California Association of Polygraph Examiners (CAPE) Board Member, Chairman of the Ethics Committee; American Board of Forensic Examiners, American Polygraph Association (APA); Advanced and Specialized Polygraph Examiner (AAPP); American Association of Police Polygraphists, American Academy of Forensic Sciences, Diplomat, Board Certified Forensic Examiner of the American Board of Forensic Examiners, American College of Forensic Examiners- Lifetime Member, American Society for Testing and Materials (ASTM), National Association of Legal Investigators (NALI), Society of Former Special Agents of the Federal Bureau of Investigation, California Association of Licensed Investigators (CALI), Ventura County Bar Association, Orange County Bar Association, Los Angeles County Bar Association, San Fernando Valley Bar Association, Professional Investigators of California Association (PICA), and Criminal Courts Bar Association (sustaining member).

EDUCATION

Montana State University at Billings, B.S., Psychology, 1976, High Honors; Montana State University at Billings Graduate School, Psychology (1977); Jacksonville University, Jacksonville, Alabama, attended Graduate School, Psychophysiology, 1990 (no graduate degrees).

EMPLOYMENT

United States Air Force (USAF), 1967-71; USAF "Airman of the Year" – Italy, 1968; Yellowstone County Sheriff, Billings, Montana, Patrolman 1971-1973; Detective 1973-78; Federal Bureau of Investigation, Special Agent, 1978-1998; Received numerous commendations for exceptional performance. Nominated twice for F.B.I. Medal of Valor; F.B.I. Polygraph Unit Chief (Los Angeles-Retired); Former Inspector General, Polygraph Program, U.S. Department of Energy-Office of Counterintelligence; Ventura County District Attorneys Office (Forensic Polygraph Examiner); Certified Polygraph Examiner (APA); California State Private Investigator #20970; Ventura County Public Defenders Office, Ventura County Sheriffs Department, Orange County Public Defenders Office, U.S. Attorney's Office, (Central District of California); Federal Public Defender's Office (Central District of California), Oxnard Police Department..

AREA OF EXPERTISE

F.B.I. Polygraph Examiner; F.B.I. Hostage Negotiator, F.B.I. Psychological Profiler F.B.I. Defensive Tactics/Firearms Instructor; F.B.I. S.W.A.T. Team Member; F.B.I. Interrogation Instructor and Homicide Investigation Instructor.

POLYGRAPH TRAINING

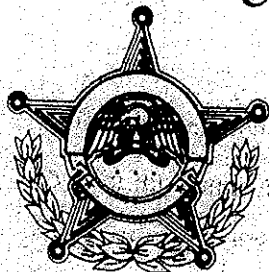
Department of Defense Polygraph Institute, 14-week polygraph course. Attended 49 polygraph training seminars conducted by the F.B.I. or professional polygraph organizations within the United States. Instructed at numerous Federal, State and Local Agencies, National and State Polygraph Associations, private and professional groups.

MEDIA EXPERT APPEARANCES

Over one hundred appearances on national T.V. to include: Dr. Phil, Oprah, Greta Van Sesteran, Nancy Grace, The O'Reilly Factor, Hannity & Combes, Catherine Crier, Good Morning America; (Diane Sawyer) et al.

Joseph Paolella & Associates

4311 Wilshire Blvd., Ste 314
Los Angeles, CA 90010
(323) 965-7506 * Fax: (323) 965-7508



*A professional security service
directed by former U.S. Secret Service Agents*

Jack Trimarco
Attn: **Ethics Committee**
9454 Wilshire Blvd., 6th Fl.
Beverly Hills, CA 90212

Tuesday, February 12, 2008

Re: John Grogan

Dear Mr. Trimarco,

The purpose of my school; American College of Forensic Studies, which started in January of 2003, was to train people interested in being a private investigator with a minor in polygraph training. The training consisted of 216-hours devoted to private investigations and 124-hours to basic polygraph training. That after 12-weeks of schooling, the student had the basic training to be a private investigator and the basic knowledge of the theory and application of polygraph principles to help the student become thoroughly trained investigator. The course was not meant to train a person to be a polygraph examiner and we did not offer polygraph training alone.

John Grogan offered to instruct students to serve subpoenas as part of the overall training in the P.I. field. Mr. Grogan expressed an interest in knowing about the fundamentals of the polygraph instrument and application. In lieu of paying him to instruct he asked to sit in on some of the polygraph courses; approximately two days per week. After approximately 6-weeks of training, I gave Mr. Grogan an "honorary" completion certificate. I had no idea that he wanted to be an examiner and go into business as an examiner. Shortly after that, I had to let Mr. Grogan go because of his "unauthorized advances" towards female students. Mr. Grogan's response to his dismissal was to send "anonymous" information to the anti-polygraph Internet site expressing how bad the polygraph training was at, American College of Forensic Studies. Mr. Grogan also indicated that the training was inadequate, especially regarding an instructor by the name of Richard

EB ✓

1 ARTHUR ZITTELL State Bar #51880
 2 LAW OFFICES OF ARTHUR ZITTELL
 3 455 E. Thousand Oaks Blvd.
 Suite 102
 4 Thousand Oaks, CA 91360
 (805) 497-0966

5 Attorney for Respondent

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 9 SUPERIOR COURT OF CALIFORNIA
 10 COUNTY OF VENTURA

11 In re the marriage of) No. D 324446
 12)
 13 Petitioner: BRENDA JEAN WATERMAN) DECLARATION OF JOHN GROGAN
) IN SUPPORT OF RESPONDENT'S
 14 and) RESPONSE TO ORDER TO
) SHOW CAUSE
 15 Respondent: JEFFREY SCOTT WATERMAN) Date: January 29, 2008
) Time: 8:30 a.m.
 16) Courtroom: 32

17 I, JOHN GROGAN, hereby declare:

18 1. I am a Certified Polygraph Examiner and Certified Voice
 19 Stress Analyst. I have 20 years continuous experience in the
 20 field of lie-detection with more than 4000 completed
 21 examinations. My Curriculum Vitae is attached hereto and
 22 incorporated by reference herein as **Exhibit 1**. I am a resident
 23 within the County of Los Angeles and over the age of eighteen
 24 (18). If called upon to testify in this matter, I could and
 25 would competently testify to the following which I know to be
 26 correct and true. As to those matters stated herein on
 27 information and belief, I believe them also to be true.

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PROCESSED BY COURT REPORTER

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PROOF OF SERVICE

STATE OF CALIFORNIA , COUNTY OF VENTURA

I am a resident of the county aforesaid. I am over the age of eighteen years and not a party to the within entitled action; my address is:

455 E. Thousand Oaks Blvd., Suite 102
Thousand Oaks, CA 91360

On January 15, 2008, I served the within Declaration of John Grogan in Support of Respondent's Response to Order to Show Cause on Petitioner's attorney in said action as follows:

Ms. Judith Rhodes
200 N. Westlake Blvd., Suite 202
Westlake Village, CA 91362

XXX By Mail I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with the postage fully prepaid at Thousand Oaks, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

By Fax The document was transmitted to the parties via electronic (FAX) mail to the following number(s) :

By Personal Service I delivered said envelope(s) by hand to the addressee at:

Executed this 15th day of January, 2008 at Thousand Oaks, California .

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


LISA HUNT

00100 / 07/20/08 / 00100

· Curator: Lie-Detection Research Laboratory,
largest organized private repository and library
of lie-detection literature/memorabilia/instruments/
operation and repair manuals/ PCSOT and VSA data/
hand-outs and materials from polygraph schools and
seminars/textbooks/studies/future/DOD-PI Annual Reports
To Congress/ and much more (coverage era 1950s to present)

· Media consultant for lie-detection issues;
more than 300 media situations in last 15 years.

Some of his most recent media
lie-detection situations, of the past year:

--on-air lie-detection demonstration,
NBC 'Today' TV show--

--On-air polygraph examinations,
VH-1 TV 'Flavor Of Love' relationship show)--

--On-air polygraph examination,
San Diego radio--

--published advice column,
in a nationwide polygraph monthly --

--On-air polygraph examination,
nationwide syndicated radio show--

--On-air polygraph examinations,
'Outdoor Life' TV sport tournament --

--On-air polygraph examinations,
'National Geographic' TV sport tournament--

--Interview,
'Lawyer' magazine--

--On-air polygraph examination,
San Diego radio--

--On-air polygraph examinations,
E! Channel 'Chelsea Handler' TV talkshow--

--consultant,
'My Name Is Earl' TV show--

--On-air polygraph exam,
nationwide syndicated radio show --

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF ORANGE

3 I am employed in the County of Orange, State of California.
4 I am over the age of 18 and not a party to the within Action.
5 My business address is 21076 Bake Parkway, Suite 106, Lake
Forest, California 92630.

6 On August 6, 2008, I served the document described as
7 **DECLARATION OF JACK TRIMARCO IN SUPPORT OF MOTION TO STRIKE**
8 **COMPLAINT FOR DEFAMATION, INVASION OF PRIVACY (FALSE LIGHT), AND**
9 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS** on the interested
parties in this action by placing a true copy thereof enclosed
in a sealed envelope addressed as follows:

10 SEE ATTACHED SERVICE LIST

11 [XX] (BY MAIL) I caused each such envelope, with postage thereon
12 fully prepaid, to be placed in the United States mail at Lake
13 Forest, California. I am readily familiar with the practice of
14 collection and processing of correspondence for mailing, said
15 practice being that in the ordinary course of business, mail is
16 deposited in the United States Postal Service the same day as it
17 is scheduled for collection. I am aware that on motion of the
party served, service is presumed invalid if postal cancellation
date or postage meter date is more than one day after date of
deposit for mailing in affidavit.

18 [] (By Hand) I caused each envelope to be delivered by hand
19 to:

20 [XX] (STATE) I declare under penalty of perjury under the laws
21 of the State of California that the above is true and correct.

22 Executed on August 6, 2008 at Lake Forest, California.

23 Gaylene Oyama
24 Gaylene Oyama

SERVICE LIST

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