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10 Attorneys for Defendant  
GENENTECH, INC.

11  
12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA  
14

15 TIMOTHY PRUITT,  
16 Plaintiff,  
17 v.  
18 GENENTECH, INC.; AND DOES 1  
19 THROUGH 10, INCLUSIVE,  
20 Defendants.  
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Case No. 2:17-CV-00822-JAM-AC

**DECLARATION OF JAVIER VARGAZ  
IN SUPPORT OF DEFENDANT  
GENENTECH, INC.’S MOTION FOR  
SUMMARY JUDGMENT, OR, IN THE  
ALTERNATIVE, PARTIAL SUMMARY  
JUDGMENT**

Date: January 8, 2019  
Time: 1:30 p.m.  
Courtroom: 6, 14th floor  
Judge: Hon. John A. Mendez

Date Action Filed: April 19, 2017  
Trial Date: April 1, 2019

1 I, Javier Vargaz, hereby declare:

2 1. I am an employee of Defendant Genentech, Inc. (“Genentech”). I make this  
3 declaration in support of Genentech’s Motion for Summary Judgment, or, in the Alternative,  
4 Partial Summary Judgment. I have personal knowledge of the facts set forth in this declaration,  
5 except where such facts are stated to be based on information and belief, and those facts I believe  
6 to be true. If called as a witness, I could and would testify competently to the matters set forth in  
7 this declaration.

8 2. My position is Associate EH Security Specialist at Genentech’s Vacaville,  
9 California campus location. I have been employed by Genentech since 2004.

10 3. Pursuant to my regular job duties, I am familiar with and have access to a system  
11 of surveillance cameras at the Vacaville campus.

12 4. On July 21, 2016, Genentech employees Steve Graeff and Dan Williams came to  
13 my office. Mr. Graeff informed me that he had been in a cafeteria in Building 10 on the  
14 Vacaville campus and had witnessed what appeared to him to be one of his direct reports, Tim  
15 Pruitt, walking out with food that Mr. Pruitt had not paid for. Mr. Graeff requested access to  
16 video surveillance footage from the cafeteria. I advised Mr. Graeff that he would need to  
17 complete a form and receive approval from Human Resources access to the video, and Mr. Graeff  
18 filled out the form.

19 5. Following Mr. Graeff’s report, I accessed the video surveillance footage for the  
20 Building 10 cafeteria and reviewed it. On the video, I recognized Mr. Pruitt, whom I knew  
21 slightly. The video showed that Mr. Pruitt walked into the cafeteria on July 21, 2016, walked up  
22 to the sandwich counter, waited there for a few minutes, and then walked out of the cafeteria  
23 holding a container without stopping at a cash register to pay. I also reviewed video footage from  
24 a camera positioned in the hallway outside the door Mr. Pruitt exited, which showed Mr. Pruitt  
25 leaving the cafeteria carrying a container and proceeding to an elevator. It appeared from the  
26 video that Mr. Pruitt was by himself in the cafeteria.

27 6. On the same day Mr. Graeff made his report, I went to the Building 10 cafeteria  
28

1 myself and spoke to Mariela Ramirez, a cashier employed by Genentech's cafeteria vendor Bon  
2 Appetit. I asked Ms. Ramirez whether Mr. Pruitt had paid for food earlier that day or whether  
3 anyone else had paid for Mr. Pruitt's food. Ms. Ramirez told me that Mr. Pruitt had been in the  
4 cafeteria earlier that day, accompanied by a friend whose name she did not recall. Ms. Ramirez  
5 told me that Mr. Pruitt and his friend had both obtained food, and that Mr. Pruitt's friend had paid  
6 for the food that he and Mr. Pruitt had with them at that time. I asked whether Mr. Pruitt had paid  
7 for any other food that day, and Ms. Ramirez told me that she did not see Mr. Pruitt come through  
8 the cafeteria at any other time that day.

9 7. Because Mr. Pruitt appeared to be alone on the cafeteria surveillance video that I  
10 reviewed, and clearly exited the cafeteria with a container without going to the cash registers or  
11 appearing to pay, I believed that the transaction Ms. Ramirez described to me, in which a friend  
12 accompanied Mr. Pruitt and paid for food that they had there together with them, occurred at  
13 some other time than the incident reported by Mr. Graeff and reflected on the video.

14 8. On July 22, 2016, upon receiving approval from Robin Protsman in Human  
15 Resources, I provided Mr. Graeff a copy of the surveillance video footage showing Mr. Pruitt in  
16 the cafeteria on July 21, 2016.

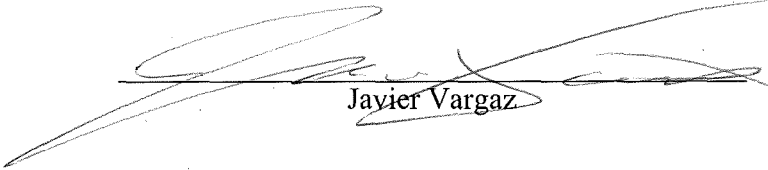
17 9. Subsequently, I had a telephone conversation with Mr. Rodriguez regarding Mr.  
18 Pruitt's activities in the cafeteria on July 21, 2016. I believe that Mr. Rodriguez asked me what  
19 the surveillance video showed and that I explained that the video appeared to depict Mr. Pruitt in  
20 the cafeteria alone ordering a sandwich and then exiting the cafeteria holding a container without  
21 stopping to pay for his food.

22 10. On July 27, 2016, Mr. Rodriguez sent me an email informing me that Mr. Pruitt's  
23 employment was being terminated and requesting that a PER Alert regarding Mr. Pruitt be issued.  
24 At Genentech, a Personnel Alert, or "PER Alert," is an advisory to Security staff regarding an  
25 individual who should be denied entry to Genentech facilities. Such alerts are issued from time to  
26 time when an employee is terminated, depending on the circumstances. Upon receiving Mr.  
27 Rodriguez's request, I contacted Mr. Graeff and determined that Mr. Pruitt had worked in IT and  
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had knowledge of critical systems. Based on this information, I proceeded to issue the PER Alert.

I declare under penalty of perjury under the laws of the State of California and of the United States of America that the foregoing is true and correct, and that this declaration was executed in Vacaville, California on November 27, 2018.



Javier Vargaz