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FILED

MAY 24 2000

FRESNO COUNTY SUPERIOR COURT
C.S. DEPUTY

Attorneys for: Mark Adanalian

SUPERIOR COURT OF CALIFORNIA
COUNTY OF FRESNO

In the Matter of)
)
)
LINDA K. ADANALIAN,)
)
)
Deceased.)

Case Number 652295-7
DECLARATION OF WARREN R. PABOOJIAN IN RESPONSE TO PETITION FOR ORDER TO EXHUME REMAINS

Date: May 24, 2000
Time: 2 p.m.
Dept.: 72
652295**
CTF-ANSWER 153
LL 23
JR 3
MF 3
DR 8
CWRP 5
SUBTTL 195
CHECK 195
652295**
05/24/00LEGAL 9369 016 006 11 3

I, WARREN R. PABOOJIAN, declare as follows:

- That I am an attorney licensed to practice in the state of California and am a partner in the law firm of Marderosian, Oren & Paboojian.
- That I am the co-attorney of record for Mark Adanalian. Mr. Adanalian has retained me to represent him in the above-captioned matter. Mr. Adanalian has also retained the services of Daniel Bacon to represent him in the above-captioned matter.
- Attached hereto as Exhibit "A" is a true and correct copy of correspondence written and sent prior to the filing of this Ex Parte Petition to exhume the remains of decedent Linda K. Adanalian.
- In discussing this matter with my client Mark Adanalian, Mr. Adanalian is requesting that a hearing date be set whereby witnesses can be called to testify in regard to exhuming the body of Linda Adanalian. The undersigned requests seven to ten days to prepare

1 for said hearing to present evidence and offer of proof in response to the Coroner's request and
2 declaration.

3 5. Mr. Adanalian is concerned that the Fresno County Coroner's Office has been
4 pressured into exhuming the body of Linda Adanalian and that the reasons set forth in Dr. David
5 Hadden's declaration are not a complete picture of the motivating issues as to the reason that the
6 body is being exhumed. Mr. Adanalian requests the right to examine Dr. Hadden and Dr. Gopal
7 for the specific reasons in exhuming the body of Linda Adanalian.

8 6. As set forth in my letter of May 22, 2000, it was my understanding and the
9 understanding of attorney Dan Baradat, who represents Mr. Adanalian in a medical malpractice
10 case, that the Coroner's office would not exhume the body. In fact, the undersigned spoke to Dr.
11 Gopal. In my presence and the presence of Mr. Baradat, Dr. Gopal stated that there is no reason
12 to exhume the body. This meeting occurred on May 11, 2000. Present at this meeting also was
13 Dr. Todd Glasver, Forensic Pathologist for the Fresno County Coroner's Office. Both
14 Pathologists stated to me and Mr. Baradat that the Dalition family was placing extreme pressure
15 on the Coroner's office to exhume the body. Dr. Gopal told the Dalition family he would not
16 exhume the body. Dr. Gopal also stated that Linda Adanalian's entire heart, lungs, kidneys and
17 a portion of her brain was saved and there was no reason to exhume the body. Furthermore,
18 numerous tests were conducted by the Coroner's office and no evidence in a suspicious nature has
19 occurred in regard to Linda Adanalian's death. In addition, Dr. Gopal informed both me and
20 attorney Dan Baradat that the autopsy was performed adequately and to his satisfaction. Dr.
21 Gopal further indicated that he did not feel that there were any additional items missed or needed
22 during the first autopsy performed by Dr. Siu. Furthermore, Dr. Gopal indicated that there is
23 20 milliliters of Linda Adanalian's blood remaining and that is sufficient to provide any additional
24 tests needed.

25 7. Based upon information and belief, it is believed that certain members of the
26 Dalition family, George Dalition, Jane Dalition, Dave Dalition, and/or Meg Dalition Bakich have
27 contacted the Fresno Police Department regarding a criminal investigation. Even though there
28 is no physical evidence to indicate otherwise by the Coroner's office, the Dalition family has

1 contacted Detective Michael Harris to conduct an alleged criminal investigation as to the untimely
2 death of Linda Adanalian. It is believed the focus of this investigation has been directed towards
3 the husband, Mark Adanalian. Mr. Adanalian has cooperated with Detective Harris by giving him
4 a full interview without counsel. Detective Harris found no evidence of foul play and the case
5 is currently closed. (See Exhibit "A")

6 8. Mr. Adanalian, age 46, was recently diagnosed with Multiple Sclerosis. At this
7 time, Mr. Adanalian, along with his 78 year old mother and 80 year old father, are raising his
8 four children: Kiley, age 2; Kyra, age 4; Dominic, age 6; and, Kayla, age 7. To compound
9 matters even further Mark's mother was diagnosed with cancer and is currently taking
10 chemotherapy treatments.

11 9. George and Jane Dalition, prior to exhuming the body, along with Dave and Meg
12 Dalition, have indicated that they should raise Mr. Adanalian's children. As a result of their
13 demands, the relationship between the Adanalian family and the Dalition family has been
14 estranged.

15 10. Dr. Gopal and Dr. Glasver stated to the undersigned that there is no reason to
16 exhume this body. Mark Adanalian is requesting a hearing to determine what type of tests are
17 to be performed, why the additional testing is necessary to disrupt the body of Adanalian, and
18 why an outside Forensic Pathologist by the name of Eric Pfeiffer, who is being retained by the
19 Dalition family, needs to attend the exhuming of the body, the examination of the remains and
20 the removal of the additional specimens.

21 I declare under penalty of perjury under the laws of the state of California that the
22 foregoing is true and correct and if called as a witness, I could competently testify thereto.

23 Executed on May 24, 2000, at Fresno, California.

24 
25 WARREN R. PABOOJIAN
26
27
28

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May 22, 2000

Detective Michael G. Harris
CITY OF FRESNO POLICE DEPARTMENT
2323 Mariposa Street
Fresno, California 93721

Venu Gopal, M.D.
FRESNO COUNTY CORONER'S OFFICE
760 W. Nielsen Avenue
Fresno, California 93706

Re: **Linda Adanalian**

Dear Detective Harris and Dr. Gopal:

I would like to thank each of you for meeting with me at various times. Myself and Dan Baradat have met with Dr. Gopal and Mr. Bowman to discuss Linda Adanalian's autopsy and autopsy report. I have met with Detective Harris to discuss certain matters pertaining to Linda Adanalian's untimely death.

I am writing this letter on behalf of Mr. Adanalian. On behalf of Mr. Adanalian, thank you for the time and consideration you have both afforded me and Mr. Baradat in discussing Linda Adanalian's death.

Once the autopsy report becomes available, I would ask that your office contact me immediately so I can obtain a copy of the report, on behalf of Mr. Adanalian.

It is my understanding that the coroner's office has met and/or communicated with the Dalition family (George Dalition, Jane Dalition, David Dalition, and Meg Dalition Bakich). During our meeting with the coroner, it was confirmed by Dr. Gopal that additional testing has been conducted pertaining to Linda Adanalian. This additional testing has been requested by the Dalition family, and it is my understanding that the coroner's office has afforded every courtesy to the Dalition family in providing various tests. It is my understanding that the Dalition family has requested that the body of Linda Adanalian be exhumed. It is also my understanding that the coroner's office has refused to exhume the body. If the coroner's position changes, as to exhuming Linda's body, please contact me immediately.

EXHIBIT A

Detective Michael G. Harris
CITY OF FRESNO POLICE DEPARTMENT

Re: Linda Adanalian

May 22, 2000

Page 2

Also, no poisons or other toxins have been found in Linda Adanalian's system and any mercury found in Linda was as a result of a tainted test.

As Mr. Baradat and I informed the coroner's office, we will be working with certain medical doctors from Stanford who will be assisting us in determining certain aspects of Linda Adanalian's death.

Finally, it has come to my attention that a police investigation which was initiated by the Dalition family pertaining to Linda Adanalian's death is concluded. In speaking with Detective Harris, a criminal investigation pertaining to Ms. Adanalian's death is closed. In discussing this matter with Detective Harris it is my understanding that the Dalition family has contacted the Fresno Police Department and Detective Harris as to their concerns regarding Linda Adanalian's death. I raise this issue only because Meg Dalition Bakich stated that the Dalitions have not contacted the Fresno Police Department with any concerns about the death of Linda Adanalian as it pertains to Mark Adanalian. However, in speaking with Detective Harris, he has informed me that the Dalition family has concerns about the relationship between Mark and Linda, Linda's death, and, therefore, an investigation was instigated as a result of those concerns. Also, according to Dr. Gopal, the coroner's office has never contacted the Fresno Police Department regarding Linda Adanalian's death. Again, it is my understanding that this investigation is now closed and there is no evidence to support a criminal investigation.

In speaking with Meg Dalition Bakich, Linda Adanalian's sister, she has told me, Mark Adanalian, and my wife on a number of occasions that the Dalition family has not contacted the Fresno Police Department regarding their concerns as to Linda Adanalian's death. Meg Dalition has also indicated that no one from the Dalition family has requested that the body be exhumed. It is my understanding from speaking with both Dr. Gopal and Detective Harris that this is incorrect and that the Dalition family members have contacted the Fresno Police Department with concerns pertaining to Linda Adanalian's death and have asked the coroner's office to provide additional testing and to exhume the body because of their concerns as to how Linda Adanalian died. The conflicting statements reflected above have caused Mark Adanalian and his family great concern as you can understand.

Therefore, if your comments to me and Mr. Baradat are incorrect, I would ask that your respective departments contact me in writing immediately. Otherwise, I will assume that your comments to me and Mr. Baradat have been correct.

Detective Michael G. Harris
CITY OF FRESNO POLICE DEPARTMENT

Re: Linda Adanalian

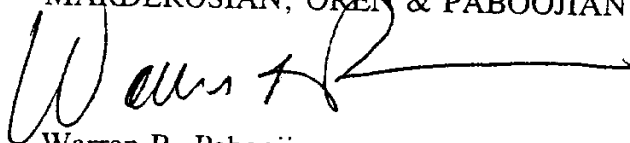
May 22, 2000

Page 3

Again, on behalf of Mr. Adanalian and the Adanalian family, we greatly appreciate your courtesy, cooperation and assistance throughout this troubling time.

Very truly yours,

MARDEROSIAN, OREN & PABOOJIAN



Warren R. Paboojian

WRP:nmo

cc: George and Jane Dalition
Meg Dalition Bakich
Mark Adanalian
Daniel R. Baradat, Esq.
Daniel Bacon, Esq.

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