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CLERK CAMERON S. BURKE IDAHO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

AHMAD GOLRANGI,)
)
Plaintiff,)
)
vs.)
)
ROMAR ELECTRIC, INC., and)
McALVAIN CONSTRUCTION, INC.)
)
Defendants.)

Case No: CIV 04-225-S-BLW

FURTHER AFFIDAVIT OF
MARVIN L. DOTY IN SUPPORT
OF OBJECTION TO RULE 56(f)
F.R.C.P. MOTION

STATE OF IDAHO)
)ss
COUNTY OF ADA).

Marvin L. Doty, being first duly sworn on oath, deposes and states:

1. He is and at all times relevant hereto has been the President of Defendant Romar Electric Co., and as such has personal knowledge of the matters stated.
2. The subcontract between McAlvain Construction Co., Inc., and Romar Electric Co., provided that McAlvain was entitled to require a subcontractor to remove from the project any employee who is disrupting work on the project.

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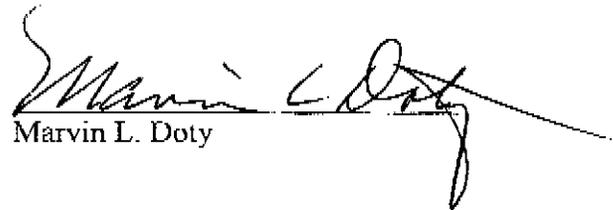
3. McAlvain's right to request removal of an employee from the project did not entitle McAlvain to require termination of the employee from Romar's employ. Romar Electric had numerous other projects underway to which Mr. Golrangi could have been assigned after his removal from this project.

4. McAlvain had no authority to terminate or demand termination of any employee of Romar Electric, including Plaintiff, and made no contact with me or any of my employees requesting that Plaintiff be terminated.

5. I alone made the decision to terminate Mr. Golrangi from Romar's employ because of his disruption of work, rather than reassign him to another project.

6. I did not know at the time I made the decision to terminate that anyone had made reference to Mr. Golrangi's national origin, and if I had known, it would not have affected my decision.

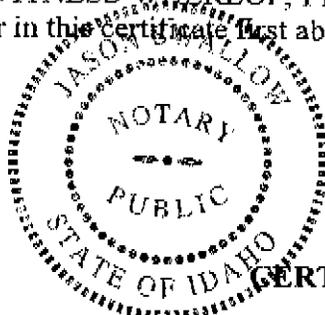
7. There has been no occasion on which I have treated differently any employee who conducted himself as did Mr. Golrangi.


Marvin L. Doty

STATE OF IDAHO)
)ss.
County of ADA)

On this 13th day of October, 2004, before me a notary public, personally appeared Marvin L. Doty personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Jason Swallow
Notary Public for Idaho
Residing in MERIDIAN
My Commission Expires 9/12/2010

CERTIFICATE OF SERVICE

I, the undersigned, certify that on the 13th day of October, 2004, caused a true and correct copy of the foregoing to be forwarded with all required charges prepaid, by the method(s) indicated below, in accordance with the Rules of Civil Procedure, to the following person(s):

Chris Kronberg, Esq.
Bowen & Bailey, LLP
P.O. Box 1007
Boise, Idaho 83701-1007
Facsimile No. (208) 344-9670

Hand Delivery _____
U.S. Mail X
Facsimile _____
Overnight Mail _____

Merrily Munther
Merrily Munther