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L. L. Nunn Trust, acting on behalf of the Board of Trustees  
11

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF INYO  
14

15 In re the Matter of

16 L. L. Nunn Trust for the benefit of  
17 Deep Springs College under the Deed  
of Trust dated November 5, 1923  
18

19  
20  
21  
22 Deceased.

CASE No. SICVPB1253232

**DECLARATION OF DAVID HITZ IN  
SUPPORT OF PETITIONER'S  
OPPOSITION TO:**

**RESPONDENTS' MOTION FOR A  
PRELIMINARY INJUNCTION; AND**

**RESPONDENTS' MOTION TO JOIN  
DEEP SPRINGS CORPORATION AS A  
PARTY**

**[Probate Code §§ 17200 and 15409]**

**DATE: June 22, 2012**

**TIME: 9:00 A.M.**

**DEPT: 1**

**JUDGE: Dean T. Stout**

**Action Filed: February 6, 2012**

1 I, David Hitz, declare as follows:

2 1. I was a student entering Deep Springs in 1980. I have been on the Deep  
3 Springs College Board of Directors for seven years and currently serve as Chairman of the Board.  
4 I have regularly donated to support Deep Springs College.

5 2. I have personal knowledge of the matters set forth below and if called to  
6 testify, I could and would competently testify thereto.

7 3. Until recently, I was near the fence on coeducation at Deep Springs. Mostly  
8 I have been slightly against making a change, for fear that a transition might damage the school. I  
9 wrote short quote for the 2003-2004 Annual Report that captured this feeling. "Deep Springs is  
10 like a small desert flower. I am amazed that such a lovely and fragile thing can exist at all, and  
11 fearful that the lightest touch could destroy it." I saw arguments on both sides. Fairness seemed to  
12 argue in favor of coeducation. Many alumni felt that the single-sex environment played an  
13 important role in their maturation. I felt that way myself. That argued against. All of these  
14 arguments weighed against each other, leaving me near the fence but mostly slightly against.

15 4. I have been a major donor to Deep Springs College. My first large gift was  
16 in Jack Newell's campaign to save Deep Springs from bankruptcy in the mid-nineties. Since then,  
17 I have given millions of dollars with no restrictions – no strings attached. I was never under the  
18 impression that my gifts were restricted to all-male. I was aware that the board had considered  
19 coeducation in the past, and I assumed that they might do so again. I was aware that Deep Springs  
20 College had, and continues to have, a policy to refuse any donations that contain a coeducation or  
21 single-sex education restriction.

22 5. In the course of the coeducation deliberation, my opinion changed. A  
23 careful reading of Nunn's writings lead me to conclude that training leaders for a life of service  
24 was the key point of his purpose. Talking with the past presidents of Deep Springs convinced me  
25 that this purpose could best be achieved in a coeducational setting. They were unanimous on this  
26 point. They also convinced me that the risks were low. In fact, they felt a coeducational Deep  
27 Springs would be healthier.


28 6. Now that the board has voted, I believe it is important to move forward on

1 the transition to coeducation as quickly as possible. In our October 7<sup>th</sup> meeting, the Corporation  
2 directors, minus the Respondents, also seemed eager to move forward. The board determined that  
3 Deep Springs can best fulfill its purpose as a coeducational institution. To put it another way, we  
4 have determined that Deep Springs cannot as well fulfill its purpose as a single-sex institution.  
5 Thus, delaying the transition sends a bad message to students and potential students. How will  
6 they feel about attending Deep Springs if the board says it is not as good as it should be? It makes  
7 it much more difficult to recruit students when you can't tell them whether they will be attending a  
8 single-sex or a coed institution. Recruiting staff and faculty presents similar dilemmas. Transitions  
9 are confusing and difficult. Once you decide to make one, it is best to get through it quickly.

10           7.       David Neidorf, the college's president, has made great progress in preparing  
11 for the transition to coed. He has assembled a transition team and created a transition plan. One  
12 requirement for going coed is a staff that includes role models and potential "wise counselors" of  
13 both sexes. David Neidorf has assembled such a team, but it cannot stay in place forever and will  
14 not stay in place long if coed implementation is delayed.

15           8.       David Neidorf himself is also a reason for the transition to proceed. He is  
16 well into his tenure as president, so he knows Deep Springs well. David assembled the transition  
17 team and lead the process of creating the transition plan. If we wait too long, we will be faced with  
18 the challenge of finding an equally qualified president and getting him or her up to speed. The  
19 bottom line is that the board trusts David Neidorf. We would like to act early enough in his tenure  
20 to allow him to can carry out the transition rather than replacing the president in the midst of this  
21 crucial period.

22  
23           I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct and that this declaration was executed on October 15, 2012, at Santa  
25 Clara, California.

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28           \_\_\_\_\_  
          DAVID HITZ

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF FRESNO**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Fresno, State of California. My business address is 5260 North Palm Avenue, Fourth Floor, Fresno, CA 93704.

On October 15, 2012, I served the original of the following document(s) described as **DECLARATION OF DAVID HITZ IN SUPPORT OF PETITIONER'S OPPOSITION TO: RESPONDENTS' MOTION FOR A PRELIMINARY INJUNCTION; AND RESPONDENTS' MOTION TO JOIN DEEP SPRINGS CORPORATION AS A PARTY** on the interested parties in this action as follows:

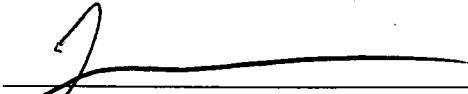
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SUPERVISING DEPUTY ATTORNEY GENERAL  
CHARITABLE TRUSTS SECTION  
300 S. SPRING STREET, SUITE 1702  
LOS ANGELES, CA 90013

**BY OVERNIGHT DELIVERY:** I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

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

Executed on October 15, 2012, at Fresno, California.

  
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Tina L. Webb