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25 SUPERIOR COURT OF THE STATE OF CALIFORNIA
26 COUNTY OF SANTA BARBARA—ANACAPA DIVISION

27 ROB LOWE, an individual; and SHERYL
28 LOWE, an individual,
Plaintiffs,

vs.

JESSICA GIBSON, an individual; and
DOES 1 through 100, inclusive,
Defendants.

JESSICA GIBSON,
Cross-Complainant,

vs.

ROB LOWE, an individual; and SHERYL
LOWE, an individual; and ROES 1 through
25, inclusive,
Cross-Defendants.

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

JUN 26 2008

GARY M. BLAIR, Executive Officer
BY *Merilee A. Jay*
Merilee A. Jay, Deputy Clerk

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CASE NO. 1267094 *By Fax*
The Hon. Denise de Bellefeuille, Dept. SB6
DECLARATION OF JAMES MACLEAR

**[Opposition to Defendant's Motion to Strike
the Complaint or Portions Thereof;
Declarations of Carol Andrade, Nigel
Armstrong, Carmen Bautista, Anthony
DeMarinis, Jennifer Dynoff, Jamie Gibson
Sprovieri, Birgit Gutscher, Rob Lowe, Sheryl
Lowe, Erica Moreno and Stanton L. Stein,
filed concurrently herewith]**

Date: July 10, 2008
Time: 9:30 a.m.
Dept.: 6

Date Cross-Complaint Filed: April 14, 2008
Trial Date: None set

1 I, James Maclear, hereby declare that:

2 1. I am not a party to this action. I have personal knowledge of the matters stated
3 herein and if called as a witness and sworn, I could competently testify thereto.

4 2. From June to December 2005, I worked for Rob and Sheryl Lowe (the "Lowes")
5 in London while Rob performed in "A Few Good Men" in the West End. I was the family chef
6 and worked with Jessica Gibson who was the family nanny. I have personal knowledge of all the
7 facts stated herein, except as to those stated on information and belief, and if called and sworn as
8 a witness at trial or at any other proceeding, would and could competently testify as set forth
9 herein.

10 3. I worked for the Lowes five days per week, typically from around 2 p.m. until
11 around 7:30 or 8 p.m.

12 4. I observed from the first day that Jessica arrived in London, which was sometime
13 in August 2005, that she had an overtly flirtatious manner and appeared to be somewhat of a
14 sexual predator. Within hours of her arrival, she had changed into hot pants and was laying on
15 the kitchen floor with her legs open in a very suggestive manner. Her conduct made me feel
16 uncomfortable because I felt it crossed personal boundaries especially considering that we had
17 only known each other for a few hours.

18 5. On the day she arrived, we were sent to Harrods on errands where she continued to
19 be very forward and suggestive. When we were at Harrods, she played out a role playing
20 scenario which involved her masquerading as Sheryl Lowe, as she was carrying Sheryl's credit
21 card, and calling me honey, as if I were her husband, presumably Rob.

22 6. Even after day one of her employment, the fact that I had a relationship did not
23 dissuade her from more overt flirtation and constant sexual innuendo. For example, one day I
24 was called downstairs to Jessica's room where she was laying in orange hot pants and t-shirt, the
25 sheets pulled aside, and she patting the mattress, gesturing for me to join her. I told her, as I often
26 did, that I had a girlfriend. When my girlfriend was around, Jessica would be flirtatious with me
27 and create the impression that something was going on between the two of us. On John Owen's
28 birthday at Pizza in the Park she sang the lyrics to the Pussy Cat Doll's "Don't cha..." to my

1 girlfriend across the table while looking at her and then me. The lyrics of the song include the
2 line "don't cha wish your girlfriend was hot like me..."

3 7. In general, it was difficult being around Jessica as she seemed to be looking to be
4 sexual with a male force most of the time. On several occasions, she would tell me that she was
5 very horny. I always declined her invitations to go out after work and she would persist, telling
6 me that she just wanted company.

7 8. Jessica discussed with me oral sex with her boyfriend while the children were in
8 ear shot.

9 9. Eventually, I requested to Carol Andrade, Jessica's supervisor, that she ask Jessica
10 to back off of me and stop being so forward because she was making me and my girlfriend
11 uncomfortable.

12 10. I did not witness anything untoward between Jessica and Rob Lowe but was aware
13 that Jessica thought there may have been a jealousy issue between her and Sheryl Lowe due to a
14 sun lotion comment earlier that summer in Sardinia. Jessica told me that there was an incident on
15 the beach when Jessica asked Rob to rub sun tan lotion on her. Jessica told me that Sheryl
16 responded and offered to rub the lotion on Jessica instead of Rob. Jessica said that an argument
17 ensued between her and Sheryl.

18 11. Rob was a sweet guy and I never saw him do or say anything sexually
19 inappropriate or offensive to anyone. Jessica would often ask me to confirm that Rob was flirting
20 with her. I never saw Rob flirt with Jessica or otherwise say or do anything to Jessica that was
21 sexually inappropriate or offensive. In fact, Rob was always focused on his work or his kids and
22 the only time that I recall seeing him speak directly to Jessica was when he told her that the
23 Lowes were sending her back to the United States in November 2005.

24 12. During the week prior to the Lowes sending Jessica back to the United States,
25 Jessica had seemed ill and was skulking around. She was not showing up for work and generally
26 stayed in her bedroom. I saw Rob tell her that the Lowes were going to send her back home since
27 she was unable to care for herself or the kids and so that she could get proper medical care from a
28 doctor in the United States.

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13. I never saw Sheryl do or say anything that was sexually inappropriate or offensive. I never saw her walk around the house naked nor did I ever hear her talk about male genitalia or her sex life with Rob.

14. Jessica would often call Sheryl names, including a "fucking cunt," and would run her down.

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

Executed on June __, 2008, at London, England.

James Maclear

