

**APPEAL NO. B341119**  
**Consolidated Appeal No. B345361**

**IN THE COURT OF APPEAL  
OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
DIVISION ONE**

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**JANE DOE,**

*Plaintiff and Respondent,*

*vs.*

**ALKIVIADES DAVID, an Individual, et al.**

*Defendants and Appellant.*

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**APPEAL FROM THE SUPERIOR COURT FOR LOS  
ANGELES COUNTY**

**Trial Court Case No. 20STCV37498**

**Hon. Judge Christopher K. Lui**

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**APPELLANT ALKIVIADES DAVID APPENDIX  
VOLUME 4 of 6 [TABS 81-109; PAGES AA1226-AA1499]**

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**BOHM WILDISH & MATSEN, LLP**

James G. Bohm, Esq. (SBN 132430)

Cecilia Preciado, Esq. (SBN 159309)

600 Anton Blvd., Suite 640

Costa Mesa, CA 92626

Telephone: (714) 384-6500

Facsimile: (714) 384-6501

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**AA1226**

**TAB 81**

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07/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By:                     T. Le                     Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

JANE DOE, an Adult Individual Suing  
Under Anonymity Due to Privacy and  
Safety,

Plaintiff,

v.

ALKIVIADES DAVID, an Individual,  
a.k.a. ALKI DAVID,

Defendant.

Case No: 20STCV37498

(Assigned to the Hon. Christopher L. Lui,  
Dept. 76)

**~~PROPOSED~~ JUDGMENT ON  
SPECIAL VERDICT**

This action came on regularly for trial on June 13, 2024, in Department 76 of  
the above-entitled Court, the Honorable ~~Christopher L. Lui~~, Judge of the Superior  
Court, presiding. Attorneys Gary A. Dordick and Dustin Z. Moaven appeared for the  
Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”). No appearances were  
made on behalf of Defendant Alkiviades David.

Document received by the CA 2nd District Court of Appeal.

1 A jury of 12 persons was regularly impaneled and sworn and agreed to try the  
2 cause. Witnesses were sworn and testified. After hearing the evidence and arguments  
3 of counsel, the jury was duly instructed by the Court and the cause was submitted to  
4 the jury with directions to return a special verdict. The jury deliberated and thereafter  
5 returned into court with its special verdict on the issues submitted and the answers  
6 given thereto by the jury, which verdict was in words and figures as follows:

7  
8 We answer the questions submitted to us as follows:

9  
10 **COMPENSATORY DAMAGES**

11  
12 **Question No. 1:** What are Plaintiff Margerita Nicolas' total non-economic  
13 damages caused by the sexual battery and intentional infliction of emotional distress  
14 committed by Defendant ALKIVIADES DAVID?

15  
16 Past and future Non-Economic Loss, including physical pain, mental suffering  
17 loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional  
18 distress:

19 \$100,000,000.00

20  
21 Proceed to Question No. 2.

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

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1 **PUNITIVE DAMAGES**

2  
3 **Question No. 2:** Did Defendant ALKIVIADES DAVID engage in conduct  
4 with malice, oppression, or fraud?

5  
6 Yes  No

7  
8 If you answered yes to question 2, then answer question 3. If you answered no  
9 to question 2, stop here, answer no further questions, and have the presiding juror sign  
10 and date this form.

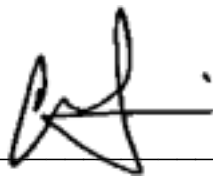
11  
12 **Question No. 3:** What amount of punitive damages, if any, do you award in  
13 favor of Plaintiff Margerita Nicolas and against Defendant ALKIVIADES DAVID?

14  
15 \$800,000,000.00

16  
17 It appears by reason of said special verdict that Plaintiff Margerita Nicolas (who  
18 originally filed as "Jane Doe") is entitled to judgment against Defendant Alkiviades  
19 David in the amount of \$900,000,000.00.

20 NOW, THEREFORE, IT IS SO ORDERED, ADJUDGED AND DECREED  
21 that Plaintiff Margerita Nicolas (who originally filed as "Jane Doe") shall have and  
22 recover from Defendant Alkiviades David the sum of \$900,000,000.00 with interest  
23 thereon at the rate of ten percent (10%) per annum from the date of the entry of this  
24 judgment until paid.

25  
26 DATED: 07/05/2024

27   
28 Hon. Christopher L. Lui  
Judge of the Superior Court

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**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 509 S. Beverly Drive, Beverly Hills, CA 90212.

On June 18, 2024 served the foregoing documents described as **[PROPOSED] JUDGMENT ON SPECIAL VERDICT** on all parties in this action as follows.

**[SEE ATTACHED SERVICE LIST]**

**(X)** **BY UNITED STATES MAIL. As to Themis Sofos** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below and

**(X)** placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Beverly Hills, California.

**(X)** **BY ELECTRONIC SERVICE [E-MAIL]** Only by emailing the document(s) to the persons at the e-mail address(es). No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. We will provide a physical copy, upon request only, when we return to the office at the conclusion of the national emergency.

Executed on June 18, 2024 at Los Angeles, California.

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

  
SANDRA JIMENEZ



**TAB 82**

**AA1233**

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<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012		<b>FILED</b> Superior Court of California County of Los Angeles <b>07/05/2024</b> David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le _____ Deputy
PLAINTIFF(S): Jane Doe		
DEFENDANT(S): Alkiviades David, et al.		
<b>NOTICE OF ENTRY OF:</b> <input checked="" type="checkbox"/> <b>JUDGMENT</b> <input type="checkbox"/> <b>DISMISSAL</b> <input type="checkbox"/> <b>OTHER ORDER</b> <input type="checkbox"/> <b>AMENDED</b>		CASE NUMBER: 20STCV37498

TO THE PARTIES AND TO THEIR ATTORNEYS OF RECORD, you are hereby given notice of entry of:

Judgment in the above-entitled matter, entered on 07/05/2024.

Order of Dismissal in the above-entitled matter, filed on \_\_\_\_\_.

Order \_\_\_\_\_ filed on \_\_\_\_\_.

Judgment debtor is a natural person, and as provided in Code Civ. Proc., §§ 683.110, 685.010:

\$ \_\_\_\_\_ of this judgment is on a claim related to medical expenses

\$ \_\_\_\_\_ of this judgment is on a claim related to personal debt

David W. Slayton, Executive Officer / Clerk of Court

Dated: 07/05/2024

By T. Le

Deputy Clerk

**NOTICE OF ENTRY OF JUDGMENT / DISMISSAL / ORDER**

Document received by the CA 2nd District Court of Appeal.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>07/05/2024</b>
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of Judgment / Dismissal / Other Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Gary A. Dordick  
Dordick Law Corporation  
509 South Beverly Drive  
Beverly Hills, CA 90212

David W. Slayton, Executive Officer / Clerk of Court

Dated: 07/5/2024

By: T. Le  
Deputy Clerk

Document received by the CA 2nd District Court of Appeal.

**TAB 83**

**AA1236**

Document received by the CA 2nd District Court of Appeal.

1 Alkiviades David (Alki)  
2 *Pro-Per*  
3 Address: Alkiviades David c/o Jolly Harboe  
4 Antigua Prim Min  
5 5598+9CC, Queen Elizabeth HWY  
6 St. John's, Antigua & Barbuda  
7 Main Telephone: +447879440604  
8 Email: filmonpersonal@gmail.com

9 Named Defendant

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
7/08/2024 2:34 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Tang, Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

**JANE DOE,**

Plaintiff

vs.

**ALKIVIADES DAVID, ET AL.,**

Defendants.

Case No.: 20STCV37498

*Assigned to the Honorable Christopher H.U.,  
Presiding*

**DEFENDANT' ALKIVIADES DAVID'S  
OBJECTIONS TO TRIAL AND  
IRRIGULARITIES IN CASE  
NO. 20STCV37498**

Date: July 5, 2024

Time: Unknown

Department: LM 2

Trial Date: Unknown

**DEFENDANT' ALKIVIADES DAVID'S OBJECTIONS TO TRIAL AND  
IRRIGULARITIES IN CASE NO. 20STCV37498**

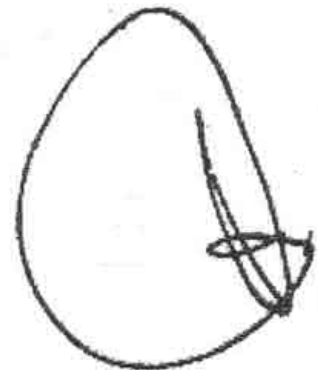
Document received by the CA 2nd District Court of Appeal

1 **DEFENDANT' ALKIVIADES DAVID'S OBJECTIONS TO CASE NO. 20STCV37498**

2 Exception is taken under Code of Civil Procedure Section 646 to the following:

- 3 1.) Objection to litigation procedures without notice to or appearance by Defendant, including  
4 hearings and the jury trial conducted, for all phases thereof from void dire to final submission or  
5 presentation for jury deliberations, and after deliberations were over with the verdict(s) and any  
6 subsequent hearing(s).  
7  
8 2.) Objection to any conduct or participation by Fred Heather or Dana Cole after December 18,  
9 2023, acting as counsel of record or friend of the court.  
10 3.) Objection to trial in case No. 20STCV37498.  
11 4.) Objection to June 2024 trial, without Defendant present to participate and cross examine  
12 witness.  
13 5.) Objection to pre-trial discovery and or lack of pre trial discovery, as Defendant's due process  
14 rights were not observed.  
15  
16 6.) Additional objections/concerns attached hereto as EXHIBIT 1.  
17 7.) Objection to lack of ADA Accommodation for Defendant, Alkiviades David during this  
18 case and through trial as well as post-trial.

19 Respectfully Submitted this 5th Day of July, 2024.



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26 Alkiviades David  
Named Defendant

# EXHIBIT 1

AA1239

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SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF  
LOS ANGELES

JANE DOE Plaintiff,

vs. ALKIVIADES DAVID, ET AL., Defendant

Case No.: 20STCV37498

DEFENDANT'S OBJECTION TO PROCEEDINGS INCLUDING JURY VERDICT  
DUE TO JUDICIAL CONFLICT OF INTEREST AND IMPROPER JURY TRIAL

July 1 2024

TO THE HONORABLE CHRISTOPHER K LIU

**INTRODUCTION**

Defendant Alkiviades David, appearing pro se, hereby submits this Objection to the proceedings in the above-captioned matter on the grounds that (1) the presiding judge has a personal conflict of interest, which impairs impartiality and fairness, and (2) the case was improperly proceeded to a surprise jury trial. Defendant respectfully requests that this Court address these critical issues to ensure the integrity of the judicial process.

**FACTUAL BACKGROUND**

- 1. Conflict of Interest:** The presiding judge, Hon. Christopher K. Liu, has a known personal and/or professional conflict of interest involving the subject matter of the above-styled cause and that of two pending federal matters. The first is captioned *In re Alkiviades David*, Case number 2:2024cv01665, United States District Court, Central District of California, filed February 29, 2024. This federal action pleads in relevant part, "where the absence of jurisdiction by the herein named state courts, and the product of extrinsic fraud on the state courts committed by the REAL PARTIES OF INTEREST produced unlawful domestic and international debt collections which are void ab initio." The second federal case is *DAVID et al v. COMCAST INC. et al* (4:23-cv-00435), filed in Texas. These conflicts compromise Judge Liu's ability to remain impartial and objective in adjudicating the instant matter. Due process requires a fair trial before a judge without actual bias against the defendant or an interest in the outcome of his particular case. *Bracy v. Gramley*, 520 U.S. 899 (1997). It certainly violates the Fifth and Fourteenth Amendments and deprives the defendant in a criminal case of due process of law to subject his liberty or property to the judgment of a court, the judge of which has a direct, personal, or substantial pecuniary interest in reaching a conclusion against him in his case. *Tumey v. Ohio*, 273 U.S. 510 (1927).
- 2. Public Accusation Against Judge Liu's Father:** Defendant has publicly and personally accused Judge Christopher K. Liu's father, Judge Elwood Liu, of gross abuse of power by inserting false witness statements in his opinion of the Mahim Kahn appeal. The accusations include fabrications and personal gain from a \$54 million order. This conflict raises significant

AA1240

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- relations and the serious nature of the allegations against his father.
3. **Termination of Counsel:** On December 13, 2023, at 1:25 PM, Defendant terminated attorney Fred Heather as represented by the attached email. (SEE DEC 13, 2023 EMAIL TO FRED HEATHER). Defendant terminated attorney Fred Heather due to unethical conduct and for failure to represent Defendant's interest properly. More specifically, Defendant wrote: "Fred you're fired.... YOU DO NOT REPRESENT ME - YOU ARE LIKE DANA - YOU ARE COMPLICIT AND CORRUPT. This is not my head injury in any way talking of it is based on legal advice too. Fred and Dana you are not to be involved with my cases ever again. Alki David" On May 18, 2024, Defendant again asserted to Fred Heather by way of email, that Heather was no longer representing Defendant in any capacity due to counsel's unethical behavior in a scheme to obtain millions of dollars from the elderly mother of the Defendant, representing that Defendant would face imminent criminal sanctions if money was not paid to his firm in the instant civil case. Counsel thereafter failed to either withdraw from the case or inform the court that counsel had been fired by the Defendant. As the court is aware, counsel made no defensive filings on the record including but not limited to Motion In Limine and proposed jury instructions. Nor did counsel notify the court as to the need for a writ of habeas corpus ad testificandum so as to require United States Immigration to issue a temporary visa to Defendant (a non-U.S. citizen) that his attendance would be available at such a trial.
  4. **Improper Jury Trial:** On or about June 12, 2024, this Court proceeded to a jury trial without proper notice to the Defendant as discussed above. At the time, Defendant had terminated the services of Defendant's counsel of record, Fred Heather, as described above. The Court, however, moved forward with the June 2024 trial absent knowledge or notice to the Defendant, thereby causing severe prejudice to the Defendant's right to a fair trial. Moreover, at no time on the record or elsewhere did the Defendant waive his right to notice. "Notice and opportunity to be heard are fundamental to due process of law. We would reverse these cases out of hand if they were suits of a civil nature to establish a claim against petitioners. Notice and opportunity to be heard are indispensable to a fair trial whether the case be criminal or civil." *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 178 (1951).
  5. **New Evidence Exonerating Defendant:** Recently, new evidence has surfaced in the form of text messages and communications, previously buried, revealing a conspiracy involving prominent figures like Tom Girardi and Gloria Allred. This evidence exonerates Defendant Alkiviades David and exposes a malicious plot against him. The death of attorney Barry Rothman, under mysterious circumstances, led to the loss or concealment of crucial documents and evidence that are now emerging, further supporting Defendant's claim of innocence and conspiracy against him.
  6. **Indictment of Associated Attorneys:** The original lawsuit against Defendant was initiated by Girardi Keese, with Keith Griffin of Dordick Law and Gary Dordick being involved. Both attorneys have since been

pattern of legal malpractice and unethical behavior surrounding this case.

7. **Federal Cases Impacting the Current Matter:** Defendant has filed two federal cases that directly impact the current matter:
  - o *DAVID et al v. COMCAST INC. et al* (4:23-cv-00435), Texas
  - o *Alkiviades David et al v. Los Angeles County Superior Court No. BC654017 Hon. Michelle Williams et al*
8. **Collusion and Extortion Revealed:** There are 27 pages of text messages between Lauren Reeves, Chasity Jones, Elizabeth Taylor, Mary Rizzo, and Mahim Kahn revealing their collusion to extort Defendant Alkiviades David. These messages, which were buried by Fred Heather at Robert Shapiro's firm, demonstrate a coordinated effort driven by Gloria Allred to falsely accuse and extort Defendant. Attorney Fred Heather's conflict of interest, representing Defendant while withholding this evidence, further compromised Defendant's right to a fair trial. Robert Shapiro also personally threatened Defendant, adding to the misconduct and abuse in this case.

#### **LEGAL GROUNDS FOR OBJECTION**

I. **Conflict of Interest** Under California Code of Civil Procedure § 170.1(a)(6)(A)(iii), a judge shall be disqualified if "[a] person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial." The established conflict of interest in this case meets this criterion, as it raises reasonable doubts about Judge Christopher K. Liu's ability to render an unbiased decision.

II. **Improper Jury Trial and Due Process Violation** Pursuant to the California Constitution, Article I, Section 16, and the Code of Civil Procedure § 631, parties are entitled to adequate notice and an opportunity to prepare for trial. Proceeding to a jury trial without proper notice and while the Defendant, being a disabled person under the ADA, was in the process of changing legal representation constitutes a violation of due process and the right to a fair trial.

III. **New Evidence Supporting Defendant's Innocence** The new evidence, including text messages and communications revealing a conspiracy against Defendant, further invalidates the proceedings and the jury's verdict. This evidence indicates a deliberate and malicious effort to prosecute Defendant unlawfully.

#### **ARGUMENT**

1. **Impartiality is Fundamental to Justice** The right to a fair and impartial tribunal is a cornerstone of the American judicial system. Given the conflict of interest involving Judge Christopher K. Liu, proceeding with this judge to the June 2024 trial threatened the fairness of the trial where an unreasonable \$900 million verdict was returned. An impartial judge is essential to the credibility and integrity of the judicial process.
2. **Right to Adequate Notice and Representation** Defendant's constitutional and statutory rights were infringed when the Court advanced to a jury trial without proper notice and during a transition of legal counsel. This surprise jury trial deprived the Defendant of adequate time to secure new counsel and prepare a defense, thereby undermining the fairness of the

3. **Consideration of New Evidence** The newly surfaced evidence exonerating Defendant must be considered by the Court. This evidence reveals a coordinated conspiracy involving prominent legal figures, and its exclusion from consideration would result in a miscarriage of justice.

### **CONCLUSION**

For the reasons set forth above, Defendant Alkiviades David respectfully requests that:

1. Judge Christopher K. Liu be recused from this case due to the personal and/or professional conflict of interest.
2. Any orders or judgments entered during the surprise jury trial be vacated.
3. A new trial be scheduled, providing sufficient time for Defendant to retain and prepare with new legal counsel.
4. All further proceedings in this matter be stayed pending full resolution in the United States District Court case as referenced above.
5. The new evidence exonerating Defendant be fully reviewed and considered in any subsequent proceedings.

### **PRAYER FOR RELIEF**

WHEREFORE, Defendant prays for relief as follows:

1. An order recusing Judge Christopher K. Liu from presiding over this matter.
2. An order vacating all proceedings and judgments from the improper jury trial.
3. An order for a new trial with appropriate notice and preparation time for Defendant's new counsel.
4. An order to stay all proceedings in this case pending final disposition of cause 2:2024cv01665, United States District Court, Central District of California.
5. An order to fully consider the new evidence exonerating Defendant in any subsequent proceedings.
6. Any other relief that this Court deems just and proper.

Respectfully submitted, DATED: June 26, 2024



Alkiviades David  
23768 MALIBU ROAD  
MALIBU CA 90265

**AA1243**

Document received by the CA 2nd District Court of Appeal.

Alkiviades David, Pro Se

**NOTE:** I am a disabled person of sound mind and body. I have not ever been given my accommodations under ADA 2008 Amendment of Disabilities Act. I have been entirely ignored, and my severe disability repeatedly abused.

Document received by the CA 2nd District Court of Appeal.

AA1244

**TAB 84**

**AA1245**

Document received by the CA 2nd District Court of Appeal.

1 Alkiviades David (Alki)  
2 *Pro-Per*  
3 Address: Alkiviades David c/o Jolly Harboe  
4 Antigua Prim Min  
5 5598+9CC, Queen Elizabeth HWY  
6 St. John's, Antigua & Barbuda  
7 Main Telephone: +447879440604  
8 Email: filmonpersonal@gmail.com

9 Named Defendant

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
7/08/2024 2:34 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Tang, Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

**JANE DOE,**

Plaintiff

vs.

**ALKIVIADES DAVID, ET AL.,**

Defendants.

Case No.: 20STCV37498

*Assigned to the Honorable Christopher H. U,*  
*Presiding*

**MOTION TO SET ASIDE AND VACATE  
JUDGMENT PER C.C.P. 663; FOR NEW  
TRIAL PURSUANT TO C.C.P. 659; MOTION  
FOR LIBERAL PLEADING;  
MEMORANDUM OF POINTS AND  
AUTHORITIES**

Date: TBD

Time: TBD

Department: LM 2

Trial Date: None set.

- i -

MOTION TO SET ASIDE AND VACATE JUDGMENT PER C.C.P. 663; FOR NEW  
TRIAL PURSUANT TO C.C.P. 659; MOTION FOR LIBERAL PLEADING; MEMORANDUM  
OF POINTS AND AUTHORITIES

AA1246

Document received by the CA 2nd District Court of Appeal

1 COMES NOW, Alkiviades David (Hereafter "Defendant") and hereby submits to this  
2 Honorable Court the following Motion to Set Aside and Vacate Judgment, and For New Trial. The  
3 motion is based upon the Court record, memorandum of points and authorities provided here below,  
4 declaration of the Defendant, and attached exhibits. As a matter of law and in the interests of justice,  
5 and to bring the case back into accord with what the United States and California Constitutions  
6 require for due process of law, the judgment entered on June 20, 2024, or thereabouts, and all matters  
7 entered since December 2023, must be set aside and vacated, so as to not prejudice the Defendant  
8 by blatant due process violations, including deprivation of property rights, and right against  
9 defamation, right to confront accusers, to fair and impartial imposition of the law.  
10

11  
12 WHEREFORE, upon the reasons given, as matter of law and in the interest of justice  
13 the judgment must be SET ASIDE, and VACATED, with NEW TRIAL ordered so Defendant can  
14 have the case decided on merits, and upholding due process rights. Respectfully submitted this 5th  
15 Day of July, 2024.

16  
17 MOTION FOR LIBERAL PLEADING

18 Defendant is appearing *Pro Per*, and has no legal experience whatsoever. Defendant requests  
19 this Honorable Court comply with the dictates of the U.S. Supreme Court in *Haines v. Kerner*, 404  
20 U.S. 519 (1972), to afford the Defendant every benefit of the doubt, to construe the pleadings liberally  
21 and ensure that procedural pitfalls do not trump substantive matter.  
22

23 MEMORANDUM OF POINTS AND AUTHORITIES

24  
25 The California Constitution provides for certainty in jury verdicts, with exceptions:  
26

27 - 1 -

28 MOTION TO SET ASIDE AND VACATE JUDGMENT PER *C.C.P.* 663; FOR NEW TRIAL PURSUANT TO *C.C.P.* 659; MOTION FOR LIBERAL PLEADING; MEMORANDUM OF POINTS AND AUTHORITIES

Document received by the CA 2nd District Court of Appeal.

AA1247

1 "No judgment shall be set aside, or new trial granted, in any cause, on the  
2 ground of misdirection of the jury, or of the improper admission or  
3 rejection of evidence, or for any error as to any matter of pleading, or for  
4 any error as to any matter of procedure, unless, after an examination of the  
entire cause, including the evidence, the court shall be of the opinion that  
the error complained of has resulted in a miscarriage of justice." (Cal.  
Const., art VI, § 13.)

5 In the present case, however, miscarriage of justice is the only explanation for how a  
6 900-million-dollar damage award was found by a jury to a civil trial, against a Defendant, who  
7 found out about it via news media coverage of a sensationalist event -- a damage award well  
8 above any other in California for conduct that was found by a jury after a non-adversarial trial  
9 that Defendant was neither noticed of, present for, or even had ability to be present for.  
10 Not just for excessive amounts awarded, but by the due process violations that occurred along  
11 the way, a prejudicial outcome was guaranteed, and so long as it remains, it undermines the  
12 credibility to a judiciary that would permit such obviously unequal imposition of the law in  
13 its courtroom.  
14

15  
16 California Civil Code of Procedure (CCP) Section 663 states:

17  
18 "A judgment or decree, when based upon a decision by the court, or the  
19 special verdict of a jury, may, upon motion of the party aggrieved, be set  
20 aside and vacated by the same court, and another and different judgment  
entered, for either of the following causes, materially affecting the  
substantial rights of the party and entitling the party to a different  
judgment:

21 1. Incorrect or erroneous legal basis for the decision, not consistent with or  
22 not supported by the facts; and in such case when the judgment is set  
23 aside, the statement of decision shall be amended and corrected."

24 The Judgment against Defendant by the jury came as a surprise, having learned of it  
25 via a news media outlet after the fact. Defendant was not aware that a trial was already  
26

1 underway, as he has not been noticed in advance of any proceedings since December of 2023.  
2 Defendant does not presently know what the actual finding of the trial jury was, what  
3 evidence it was based upon, nor why this Honorable Court did not ensure that Defendant was  
4 being given notice concerning the trial, nor why anyone in the courthouse took any steps to  
5 ensure that the Defendant would be able to enter the country and appear so that he could  
6 defend against whatever claims were being made against him, so in the very least, he could  
7 cross-examine witness(es). A new trial is warranted, but limitations to C.C.P. Section 659  
8 do not contemplate litigation such as this case, wherein Defendant has been completely  
9 excluded from the case litigation, and is without any minutes or other information outside  
10 of news media reporting on the verdict.  
11

12 Currently, Defendant still lacks a visa to lawfully enter the country with, holding a jury trial  
13 in an action against him, without him having any ability to defend against the cause of action  
14 claimed, makes mockery of the adversarial process the California Judiciary requires to achieve equal,  
15 fair and impartial imposition of the law. Litigation impropriety undermines the solemn dignity of the  
16 judiciary in the public's perception of the courts. It also violates the 14th Amendment to the  
17 United States Constitution that holds that no one may be deprived of life, liberty or property,  
18 without the due process of law. Due process requires non-prejudicial litigation procedure and  
19 practice, which is absent in this case.  
20

21 While Defendant does not have direct knowledge of the proceedings, Defendant is informed and  
22 Believes that an unfair trial resulting in an unjust outcome, a miscarriage of justice, likely the fault  
23 of his former attorney's Fred Heather and Dana Cole, for not informing this Honorable Court that  
24 they were no longer representing Defendant, or alternatively, failing to file a motion to withdraw as  
25  
26

27 - 3 -

28 MOTION TO SET ASIDE AND VACATE JUDGMENT PER *C.C.P.* 663; FOR NEW  
TRIAL PURSUANT TO *C.C.P.* 659; MOTION FOR LIBERAL PLEADING;  
MEMORANDUM OF POINTS AND AUTHORITIES

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1 counsel, therefore this Honorable Court was unaware that Defendant was without counsel, and  
2 without notice of any of the case proceedings in advance of them for the entirety of 2024 to the  
3 current date.

4 That Defendant only became aware of a 900 million judgment against him by news  
5 media sensationalist reporting, demonstrates the depth of the miscarriage of justice occurring.  
6 Defendant has filed separately, and incorporates by reference as well by attachment as Exhibit A  
7 to this pleading, his Objections concerning case litigation in which a 900-million-dollar judgment  
8 was awarded against him via jury trial in his absence, and with a host of questionable issues  
9 regarding how the case has been litigated, and likelihood the majority of issues proving due  
10 process violations.

11  
12 Defendant is not versed in law, but nevertheless, makes the following arguments  
13 for setting aside the judgment and findings of the jury, for reason of unlawful or erroneous  
14 violations of lawfully required due process, among other claims.

15  
16 **Argument 1: Excessive Damages Shocks Conscience & Must Be Set Aside.**

17 Defendant has not been able to confront his accuser(s) or witness(es) at the jury  
18 trial, he was neither present for, nor noticed. The jury trial resulted in a special verdict  
19 finding by the jury, including compensatory damages that are not believable by news media  
20 reports, stating the jury found 100 million in compensatory damages, and 800 million in  
21 punitive damages. For comparison, 710 females were sexually assaulted by a gynecologist  
22 working for the University of Southern California. USC settled for 852 million dollars, or 1.2 million  
23 dollars per person.

24  
25 URL=[www.npr.org/2021/03/25/981435791/usc-agrees-852-million-settlement-to-end-sex-abuse- litigation](http://www.npr.org/2021/03/25/981435791/usc-agrees-852-million-settlement-to-end-sex-abuse- litigation)

1 The judgment after a trial without any adversarial process taking place, does not appear  
2 to be based in reality of actual compensatory damages. Without being present, or able to be present  
3 for trial, it is uncertain what the plaintiff alleged that could possibly constitute 100 million in  
4 compensatory damages. While California law does not limit compensatory damages for most  
5 instances, the compensatory damage cap for medical malpractice is \$500,000.

6 Considering medical malpractice can result in death, or lifetime chronic pain and  
7 suffering, it shocks the conscience to believe anyone suffered damages 2,000 times greater  
8 than the most damaging medical malpractice event possible. In looking to precedent in  
9 recent years, just in 2021, the 2nd District Court of Appeals held:  
10

11 **"The \$30 million verdict is so large that it shocks the conscience and**  
12 **suggests passion or prejudice on the part of the jury. *Burchell v.***  
13 ***Faculty Physicians & Surgeons etc.* (2020) 54 Cal.App.5th 515, 527.**  
14 Jocelyne lived at home, was not employed, was contemplating marriage,  
15 and was still attending fashion design school. We may consider not only  
16 the amount of the award, but also other 'indications in the record that the  
17 fact finder was influenced by improper considerations, 'such as  
18 'inflammatory evidence, misleading jury instructions, improper argument  
19 by counsel, or other misconduct.' Id. Each case must be decided on its own  
20 facts and circumstances." *Plascencia v. Deese*, (2021) 59 Cal.App.5th  
21 1148. (emphasis added)

22 If 30 million shocks the conscience for compensatory damages for wrongful death,  
23 100 million in compensatory damages, is over 3 times as shocking to the conscience  
24 and suggests passion or prejudice on the part of the jury, a likely outcome to a one-sided  
25 trial without opposition.

#### 26 **Argument 2: Unequal Imposition of the Law.**

27 It is due to such a large judgment being handed down by the jury that the new media  
28 has reported on it. It shows that the adversarial process is proved necessary for fair outcomes in  
litigation, as in its absence a completely insane compensatory damage award alleged at 100 million

1 dollars, and equally outrageous punitive damage award, allegedly at 800 million dollars, was found  
2 by the jury.

3           The total of 900 million dollars in damages awarded by the jury, was noted as one of  
4 the largest ever in California. It inherently implies unequal imposition of the law, and its  
5 punitive award amount, 800 million, fails to achieve any legitimate goal, as for deterrence,  
6 in 2023, only 186 billionaires lived in California. They are the only people who could be  
7 deterred by such a large punitive award, as over 99% of Californians will never have 1% of  
8 that amount in liquid assets. Of 186 billionaires in California in 2023, none became so from  
9 compensatory and punitive damage awards.  
10

11           In fact, the amount is so disproportionately large, it appears to be simply a function of  
12 some kind slandering of the Defendant at trial, specifically to prejudice the jury towards a  
13 larger award by giving out inapplicable, or prejudicial claims with no probative value,  
14 concerning Defendant's access to resources. This is partially evidenced by news media reports  
15 all describing Defendant by his name, and the use of the word "Billionaire" in almost every report.  
16 This leads a person of reasonable prudence and intelligence to believe an impropriety occurred  
17 in the litigation process, and the Defendant subjected to enhanced damage awards that no  
18 equally-situated Defendant would be subjected to.  
19

20           Sexual assault awards average in the hundreds of thousands of dollars in  
21 compensatory damages. Some go as high as 1.2 million per person injured by sexual assault  
22 especially egregious cases of ongoing sexual assault misconduct, such as the USC Settlement  
23 This makes the Defendant being subjected to a compensatory damage award over 80  
24 times more than some of the most egregious sexual misconduct known in California, simply  
25  
26

1 inconceivable as to what was alleged or claimed at the jury trial that Defendant had no  
2 meaningful access to or participation in. The amount of both compensatory and punitive damages  
3 are so incredibly higher than any other in California, it proves in and of itself that some deliberately  
4 prejudicial use of damages has occurred, a violation equal protection before the law, and 14th  
5 Amendment Due Process rights on deprivation of life, liberty or property.

6 **Argument 3: Due Process Violation, Lack of Meaningful Adversarial Process Essential**  
7 to any fair adjudication in California Jurisprudence is the adversarial process by which lawsuits  
8 are conducted. This is demonstrated by multiple different statutory codes and rules, such as Evidence  
9 Code 711, wherein the Defendant would have a right to cross-examine witnesses, had he been aware  
10 of the trial, and been granted a means by which to attend. Evidence Code 711 states, "At the trial of  
11 an action, a witness can be heard only in the presence and subject to the examination of all the  
12 parties to the action, if they choose to attend and examine." Defendant was never given such a choice,  
13 as he was not notified of the trial date.

14  
15 Similarly, CCP 607a states:

16  
17 **"In every case which is being tried before the court with a jury, it shall**  
18 **be the duty of counsel for the respective parties, before the first witness**  
19 **is sworn, to deliver to the judge presiding at the trial and serve upon**  
20 **opposing counsel, all proposed instructions to the jury covering the**  
21 **law as disclosed by the pleadings.** Thereafter, and before the  
commencement of the argument, counsel may deliver to such judge, and  
serve upon opposing counsel, additional proposed instructions to the jury  
upon questions of law developed by the evidence and not disclosed by the  
pleadings." (emphasis added)

22 By contrast, Defendant was not served any proposed jury instructions, nor could Defendant  
23 propose any jury instructions, as Defendant wasn't aware of the trial taking place, in his absence.  
24 Only recently Defendant became aware, that May 15th, 2024 there was a hearing, after the hearing,  
25 Defendant's former attorney, Fred Heather attempted to blackmail his mother via email demands,  
26

27 - 7 -

28 MOTION TO SET ASIDE AND VACATE JUDGMENT PER *C.C.P.* 663; FOR NEW  
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1 based upon an upcoming trial, not disclosing any dates, and the attorney's perceptions of the  
2 demeanor of the Trial Court judge, Honorable Christopher Liu. See, Email to Defendant's Mother,  
3 from attorney, Fred Heather, dated May 15, 2024 attached hereto as Exhibit B.

4 **Argument 4: Former Counsel Misconduct Prophylactic to Fair Litigation.**

5 In December of 2023, Defendant fired his counsel, due to not zealously advocating in his  
6 legal defense, in addition to keeping critical information and evidence from Defendant.  
7 See Exhibit C, December 18, 2023 email Terminating Contract for Counsel's Services, attached  
8 hereto.  
9

10 In May of 2024, former Counsel Fred Heather, attempted to blackmail the Defendant's elderly  
11 Mother as well as Defendant, into acquiescence by joint signatures to waive conflicts of interest,  
12 a new retainer agreement and payment by a third party, also demanding an apology for being fired,  
13 due to Defendant's commentary about the lackluster job performance. What is not included,  
14 is a substitution of attorney form, nor that notice of withdrawal by counsel of record had been filed  
15 with this Honorable Court. Id. at Exhibit B.  
16

17 Defendant, without any notification by former counsel or from the court, has been awaiting  
18 instructions on how to proceed in the litigation, and on May 15th, 2024, was suddenly presented with  
19 new facts via email, indicating an upcoming trial, without any dates stated. As the blackmail letter  
20 further undermined any trust in Fred Heather or Dana Cole, Defendant was without any means to  
21 engage in the adversarial process, being both out of the country, and with disabilities, with no  
22 accommodations to date or time.  
23

24 While Defendant does not know if his former attorneys filed the necessary  
25 paperwork for seeking accommodations, it is clear that no such action took place, deeply prejudicing  
26

1 the Defendant by his counsel's dereliction of duty and attorney malpractice, if not outright fraud  
2 committed against Defendant, by promising legal performance never delivered, charging great sums  
3 of money to accomplish nothing, failing to even secure ADA Accommodations for the Defendant's  
4 disability.

5 **Argument 5: Americans with Disabilities Act Violation, No Accommodations.**

6 For the case litigation to be valid in terms of lawful due process, the Defendant must not  
7 be prejudiced by way of disability. These protections are enshrined in the Americans with  
8 Disabilities Act, or ADA. The Americans with Disabilities Act is a Federal Mandate, which  
9 incorporates the protections provided in the 14th Amendment of the United States Constitution, to be  
10 binding on the States which is also supplemented by specific terms in the Act's language. See 42  
11 USC Chapter 126, Subchapter II, Part A, Section 12131(1)(A), (B), defining the States as covered  
12 entities, and at Section 12132, prohibiting discrimination against qualifying individuals.  
13

14 That Defendant' was not even evaluated for ADA Accommodations, and that former counsel  
15 Fred Heather and Dana Cole failed to submit any pleadings or judicial counsel forms necessary, to  
16 secure Defendants' ADA Accommodations, which is not this Honorable Court's fault, however  
17 nonetheless is reason to set aside and vacate the judgment entered, as it is prejudicial to a Defendant  
18 suffering from disability, to be subjected to a jury trial verdict and judgment, without proper ADA  
19 Accommodations, to ensure fair treatment in litigation and equal access to the courtroom and case,  
20 by ensuring Defendant's ability to access the litigation process, in spite of his disability.  
21

22 As a matter of law, the Defendant has disabilities and qualifies for the ADA  
23 Accommodations. Defendant's attorneys were aware of his disabilities, however failed to take the  
24 necessary steps required, to ensure that Defendant was protected and covered under the  
25

1 American with Disability Act, by means of securing his ADA Accommodations. Instead, Defendants  
2 attorneys enjoined in exploited Defendants' disabilities, thus casing further harm to his health,  
3 wellbeing and this case.

#### 4 CONCLUSION

5 The above arguments are not exclusive or exhaustive, they are the limit of what a *Pro Per*  
6 litigant could produce on short notice, when finding out about a judgment against him after jury  
7 trial he was not noticed of, given a likely deadline of 15 days after judgment was entered, presumed  
8 to be June 20th, 2024, the date of the news media reporting on it, which calculates to July 5th, 2024.

9 That the news media has reported the jury verdict amount as possibly the largest ever in  
10 California, alone speaks to the miscarriage of justice that has occurred. That it was the result of a jury  
11 trial without any adversarial process taking place, should have suspended the process to begin with.  
12 Defendant does not know why the jury trial was permitted to proceed, without Defendant present or  
13 lawfully noticed. Defendant does not know what former counsel Fred Heather or Dana Cole as  
14 claimed or filed with this Honorable Court, but as stated above, Fred Heather and Dana Cole  
15 were fired in December of 2023, and had duty to inform the Court, submit a motion to withdraw as  
16 counsel, and notice the Defendant as to these actions, and provide the Defendant with his client file,  
17 which has not occurred to date. See, Objections attached hereto as Exhibit A.

18 It is important for this Honorable Court to prevent unnecessary litigation, such as an appeal,  
19 when it can remedy the miscarriage of justice itself. The compensatory damage award in this case,  
20 and the punitive award based upon it, is simply not credible or believable to have been calculated  
21 based on real information regarding the plaintiff's proved damages, and shocks the conscience as  
22 does how the verdict came about. An unopposed jury trial without the presence of the Defendant,  
23  
24  
25  
26

27 - 10 -

28 MOTION TO SET ASIDE AND VACATE JUDGMENT PER *C.C.P.* 663; FOR NEW  
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1 or even knowledge that it was underway, undermines any confidence that it was a fair and impartial  
2 judicial process. Finally, without any means to defend, as it would require entry into the Country, a  
3 process that was not facilitated whatsoever, while equally not facilitated was the Defendant's need  
4 for ADA Accommodations due to his disability, makes his non-participation virtually guaranteed, and  
5 prejudicial outcome almost certain. Prejudicial outcomes are by their nature, miscarriages of justice,  
6 as it is in this case.

7  
8 WHEREFORE, the Defendant PRAYS this Honorable Court SET ASIDE the Judgment  
9 entered in this case, and VACATE the same for being a miscarriage of justice, and GRANT  
10 NEW TRIAL with proper notice, by code, allow any and all newly discovered evidence to be put  
11 forth, to allow a fair and impartial trial/process, allow ADA Accommodations to be in place for  
12 Defendant', prior to any further court proceedings stay in the trial court case, pending the final  
13 disposition of case 2:2024cv01665 United States District Court, Central District of California,  
14 and any other relief that this Honorable Court deems just and proper. Notice of hearing for the motion  
15 for new trial shall be provided to all parties of record and counsel, upon this Honorable Court  
16 providing the date.

17  
18 Respectfully Submitted this 5th Day of July, 2024.



19  
20  
21  
22  
23 Alkiviades David  
24 Named Defendant  
25 Declaration

# EXHIBIT A

AA1258

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1 Alkiviades David (Alki)  
2 *Pro-Per*  
3 Address: Alkiviades David c/o Jolly Harboe  
4 Antigua Prim Min  
5 5598+9CC, Queen Elizabeth HWY  
6 St. John's, Antigua & Barbuda  
7 Main Telephone: +447879440604  
8 Email: filmonpersonal@gmail.com

9 Named Defendant

10  
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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

**JANE DOE,**  
Plaintiff  
  
vs.  
**ALKIVIADES DAVID, ET AL.,**  
Defendants.

Case No.: 20STCV37498  
*Assigned to the Honorable Christopher L. J.,  
Presiding*  
**DEFENDANT' ALKIVIADES DAVID'S  
OBJECTIONS TO TRIAL AND  
IRRIGULARITIES IN CASE  
NO. 20STCV37498**  
  
Date: July 5, 2024  
Time: Unknown  
Department: LM 2  
Trial Date: Unknown

**DEFENDANT' ALKIVIADES DAVID'S OBJECTIONS TO TRIAL AND  
IRRIGULARITIES IN CASE NO. 20STCV37498**

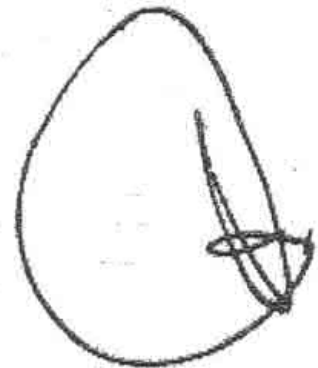
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1 DEFENDANT' ALKIVIADES DAVID'S OBJECTIONS TO CASE NO. 20STCV37498

2 Exception is taken under Code of Civil Procedure Section 646 to the following:

- 3 1.) Objection to litigation procedures without notice to or appearance by Defendant, including  
4 hearings and the jury trial conducted, for all phases thereof from void dire to final submission or  
5 presentation for jury deliberations, and after deliberations were over with the verdict(s) and any  
6 subsequent hearing(s).  
7  
8 2.) Objection to any conduct or participation by Fred Heather or Dana Cole after December 18,  
9 2023, acting as counsel of record or friend of the court.  
10 3.) Objection to trial in case No. 20STCV37498.  
11 4.) Objection to June 2024 trial, without Defendant present to participate and cross examine  
12 witness.  
13 5.) Objection to pre-trial discovery and or lack of pre trial discovery, as Defendant's due process  
14 rights were not observed.  
15 6.) Additional objections/concerns attached hereto as EXHIBIT 1.  
16  
17 7.) Objection to lack of ADA Accommodation for Defendant, Alkiviades David during this  
18 case and through trial as well as post-trial.

19 Respectfully Submitted this 5th Day of July, 2024.



20  
21  
22  
23  
24  
25  
26 Alkiviades David  
Named Defendant

# EXHIBIT 1

AA1261

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF  
LOS ANGELES

JANE DOE Plaintiff,

vs. ALKIVIADES DAVID, ET AL., Defendant

Case No.: 20STCV37498

DEFENDANT'S OBJECTION TO PROCEEDINGS INCLUDING JURY VERDICT  
DUE TO JUDICIAL CONFLICT OF INTEREST AND IMPROPER JURY TRIAL

July 1 2024

TO THE HONORABLE CHRISTOPHER K LIU

INTRODUCTION

Defendant Alkiviades David, appearing pro se, hereby submits this Objection to the proceedings in the above-captioned matter on the grounds that (1) the presiding judge has a personal conflict of interest, which impairs impartiality and fairness, and (2) the case was improperly proceeded to a surprise jury trial. Defendant respectfully requests that this Court address these critical issues to ensure the integrity of the judicial process.

FACTUAL BACKGROUND

- 1. Conflict of Interest:** The presiding judge, Hon. Christopher K. Liu, has a known personal and/or professional conflict of interest involving the subject matter of the above-styled cause and that of two pending federal matters. The first is captioned *In re Alkiviades David*, Case number 2:2024cv01665, United States District Court, Central District of California, filed February 29, 2024. This federal action pleads in relevant part, "where the absence of jurisdiction by the herein named state courts, and the product of extrinsic fraud on the state courts committed by the REAL PARTIES OF INTEREST produced unlawful domestic and international debt collections which are void ab initio." The second federal case is *DAVID et al v. COMCAST INC. et al* (4:23-cv-00435), filed in Texas. These conflicts compromise Judge Liu's ability to remain impartial and objective in adjudicating the instant matter. Due process requires a fair trial before a judge without actual bias against the defendant or an interest in the outcome of his particular case. *Bracy v. Gramley*, 520 U.S. 899 (1997). It certainly violates the Fifth and Fourteenth Amendments and deprives the defendant in a criminal case of due process of law to subject his liberty or property to the judgment of a court, the judge of which has a direct, personal, or substantial pecuniary interest in reaching a conclusion against him in his case. *Tumey v. Ohio*, 273 U.S. 510 (1927).
- 2. Public Accusation Against Judge Liu's Father:** Defendant has publicly and personally accused Judge Christopher K. Liu's father, Judge Elwood Liu, of gross abuse of power by inserting false witness statements in his opinion of the Mahim Kahn appeal. The accusations include fabrications and personal gain from a \$54 million order. This conflict raises significant

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relations and the serious nature of the allegations against his father.

3. **Termination of Counsel:** On December 13, 2023, at 1:25 PM, Defendant terminated attorney Fred Heather as represented by the attached email. (SEE DEC 13, 2023 EMAIL TO FRED HEATHER). Defendant terminated attorney Fred Heather due to unethical conduct and for failure to represent Defendant's interest properly. More specifically, Defendant wrote: "Fred you're fired.... YOU DO NOT REPRESENT ME - YOU ARE LIKE DANA - YOU ARE COMPLICIT AND CORRUPT. This is not my head injury in any way talking of it is based on legal advice too. Fred and Dana you are not to be involved with my cases ever again. Alki David" On May 18, 2024, Defendant again asserted to Fred Heather by way of email, that Heather was no longer representing Defendant in any capacity due to counsel's unethical behavior in a scheme to obtain millions of dollars from the elderly mother of the Defendant, representing that Defendant would face imminent criminal sanctions if money was not paid to his firm in the instant civil case. Counsel thereafter failed to either withdraw from the case or inform the court that counsel had been fired by the Defendant. As the court is aware, counsel made no defensive filings on the record including but not limited to Motion In Limine and proposed jury instructions. Nor did counsel notify the court as to the need for a writ of habeas corpus ad testificandum so as to require United States Immigration to issue a temporary visa to Defendant (a non-U.S. citizen) that his attendance would be available at such a trial.
4. **Improper Jury Trial:** On or about June 12, 2024, this Court proceeded to a jury trial without proper notice to the Defendant as discussed above. At the time, Defendant had terminated the services of Defendant's counsel of record, Fred Heather, as described above. The Court, however, moved forward with the June 2024 trial absent knowledge or notice to the Defendant, thereby causing severe prejudice to the Defendant's right to a fair trial. Moreover, at no time on the record or elsewhere did the Defendant waive his right to notice. "Notice and opportunity to be heard are fundamental to due process of law. We would reverse these cases out of hand if they were suits of a civil nature to establish a claim against petitioners. Notice and opportunity to be heard are indispensable to a fair trial whether the case be criminal or civil." *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 178 (1951).
5. **New Evidence Exonerating Defendant:** Recently, new evidence has surfaced in the form of text messages and communications, previously buried, revealing a conspiracy involving prominent figures like Tom Girardi and Gloria Allred. This evidence exonerates Defendant Alkiviades David and exposes a malicious plot against him. The death of attorney Barry Rothman, under mysterious circumstances, led to the loss or concealment of crucial documents and evidence that are now emerging, further supporting Defendant's claim of innocence and conspiracy against him.
6. **Indictment of Associated Attorneys:** The original lawsuit against Defendant was initiated by Girardi Keese, with Keith Griffin of Dordick Law and Gary Dordick being involved. Both attorneys have since been

pattern of legal malpractice and unethical behavior surrounding this case.

7. **Federal Cases Impacting the Current Matter:** Defendant has filed two federal cases that directly impact the current matter:

- *DAVID et al v. COMCAST INC. et al* (4:23-cv-00435), Texas
- *Alkiviades David et al v. Los Angeles County Superior Court No. BC654017 Hon. Michelle Williams et al*

8. **Collusion and Extortion Revealed:** There are 27 pages of text messages between Lauren Reeves, Chasity Jones, Elizabeth Taylor, Mary Rizzo, and Mahim Kahn revealing their collusion to extort Defendant Alkiviades David. These messages, which were buried by Fred Heather at Robert Shapiro's firm, demonstrate a coordinated effort driven by Gloria Allred to falsely accuse and extort Defendant. Attorney Fred Heather's conflict of interest, representing Defendant while withholding this evidence, further compromised Defendant's right to a fair trial. Robert Shapiro also personally threatened Defendant, adding to the misconduct and abuse in this case.

### LEGAL GROUNDS FOR OBJECTION

I. **Conflict of Interest** Under California Code of Civil Procedure § 170.1(a)(6)(A)(iii), a judge shall be disqualified if "[a] person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial." The established conflict of interest in this case meets this criterion, as it raises reasonable doubts about Judge Christopher K. Liu's ability to render an unbiased decision.

II. **Improper Jury Trial and Due Process Violation** Pursuant to the California Constitution, Article I, Section 16, and the Code of Civil Procedure § 631, parties are entitled to adequate notice and an opportunity to prepare for trial. Proceeding to a jury trial without proper notice and while the Defendant, being a disabled person under the ADA, was in the process of changing legal representation constitutes a violation of due process and the right to a fair trial.

III. **New Evidence Supporting Defendant's Innocence** The new evidence, including text messages and communications revealing a conspiracy against Defendant, further invalidates the proceedings and the jury's verdict. This evidence indicates a deliberate and malicious effort to prosecute Defendant unlawfully.

### ARGUMENT

1. **Impartiality is Fundamental to Justice** The right to a fair and impartial tribunal is a cornerstone of the American judicial system. Given the conflict of interest involving Judge Christopher K. Liu, proceeding with this judge to the June 2024 trial threatened the fairness of the trial where an unreasonable \$900 million verdict was returned. An impartial judge is essential to the credibility and integrity of the judicial process.

2. **Right to Adequate Notice and Representation** Defendant's constitutional and statutory rights were infringed when the Court advanced to a jury trial without proper notice and during a transition of legal counsel. This surprise jury trial deprived the Defendant of adequate time to secure new counsel and prepare a defense, thereby undermining the fairness of the

3. **Consideration of New Evidence** The newly surfaced evidence exonerating Defendant must be considered by the Court. This evidence reveals a coordinated conspiracy involving prominent legal figures, and its exclusion from consideration would result in a miscarriage of justice.

### **CONCLUSION**

For the reasons set forth above, Defendant Alkiviades David respectfully requests that:

1. Judge Christopher K. Liu be recused from this case due to the personal and/or professional conflict of interest.
2. Any orders or judgments entered during the surprise jury trial be vacated.
3. A new trial be scheduled, providing sufficient time for Defendant to retain and prepare with new legal counsel.
4. All further proceedings in this matter be stayed pending full resolution in the United States District Court case as referenced above.
5. The new evidence exonerating Defendant be fully reviewed and considered in any subsequent proceedings.

### **PRAYER FOR RELIEF**

WHEREFORE, Defendant prays for relief as follows:

1. An order recusing Judge Christopher K. Liu from presiding over this matter.
2. An order vacating all proceedings and judgments from the improper jury trial.
3. An order for a new trial with appropriate notice and preparation time for Defendant's new counsel.
4. An order to stay all proceedings in this case pending final disposition of cause 2:2024cv01665, United States District Court, Central District of California.
5. An order to fully consider the new evidence exonerating Defendant in any subsequent proceedings.
6. Any other relief that this Court deems just and proper.

Respectfully submitted, DATED: June 26, 2024



Alkiviades David  
23768 MALIBU ROAD  
MALIBU CA 90265

**AA1265**

Alkiviades David, Pro Se

**NOTE:** I am a disabled person of sound mind and body. I have not ever been given my accommodations under ADA 2008 Amendment of Disabilities Act. I have been entirely ignored, and my severe disability repeatedly abused.

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# EXHIBIT B

AA1267

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On 18 May 2024, at 02:01, Fred D. Heather <[fheather@glaserweil.com](mailto:fheather@glaserweil.com)> wrote:

Dear Themis,

I am writing to follow up on my May 12 email below and the attached documents. We requested that these documents be executed and returned to us (together with Alki's apology) by May 14 in order for us to reenter and defend the Jane Doe case. That deadline passed 72 hours ago, and we have heard nothing from you. Based on the Judge's demeanor during the May 15 hearing, we believe that the situation has greatly deteriorated, and that it has become increasingly difficult (if not impossible) for us to take the steps that we feel are necessary to put on an adequate defense of Alki in this case. Nevertheless, because of our great respect and appreciation for Mrs. David, we are providing one last chance for Alki to get us back into the case. Accordingly, if we receive by no later than Saturday, May 18, 2024, at 5:00 p.m. pacific time, all three of the attached documents (without any changes) fully signed and executed, personally by Mrs. David and Alki, as instructed below along with the requested email apology from Alki for his March 1 statements, then we will reengage and attempt to get a necessary trial continuance which would hopefully permit us with some opportunity to develop a defense at the trial of this matter. Anything less than full compliance with this new deadline will result in our having to regretfully confirm that we are not going to reengage as Alki's counsel in this matter.

Best regards,  
Fred

<C2 signature gw logo 105x50-01jc 0b6cba64-695b-4b05-8d36-b2d19a1f7270.png>

**Fred D.  
Heather**

PARTNER AND  
CO-CHAIR OF THE  
INVESTIGATIONS,  
COMPLIANCE AND STRATEGIC  
RESPONSE  
PRACTICE

[fheather@glaserweil.com](mailto:fheather@glaserweil.com)  
T 310.282.6285

<C2 signature gw linkedin 20x20 01jc d9133250-7612-4b05-bc4b-0665a72d988f.png>

Glaser Weil Fink  
Howard Jordan &  
Shapiro LLP  
10250 Constellation  
Blvd., 19th Floor  
Los Angeles, CA  
90067  
[glaserweil.com](http://glaserweil.com)

<C2 signature gw x 20x17-01jc 537301ca-b3db-4f5b-9ff4-d4dc37d181e9.png>

Document received by the CA 2nd District Court of Appeal.

AA1268

This message and any attached documents may contain information from the law firm of Glaser Weil Fink Howard Jordan & Shapiro LLP that is confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

<2024-05-10 Retainer Letter.pdf>

<2024-05-10 Conflict Waiver Letter.pdf>

<2024-05-10 Disclosure and Consent Agreement-Third-Party Payment of Client Fees and Costs.pdf>

Document received by the CA 2nd District Court of Appeal.

AA1269

# EXHIBIT C

AA1270

Document received by the CA 2nd District Court of Appeal.

From: **Alki David** <[filmonpersonal@gmail.com](mailto:filmonpersonal@gmail.com)>

Date: Mon, Dec 18, 2023 at 1:25 PM

Subject: CEASE AND DESIST

To:

Dana Cole <[dana@danacolelaw.com](mailto:dana@danacolelaw.com)>, Fred Heather

<[Fheather@glaserweil.com](mailto:Fheather@glaserweil.com)>

Dana COle you are OUT you HAVE ZERO rights represent me or speak on my behalf - the same for Fred Heather

If Themis Sofos or Alex Troeller communicate on my behalf it must be for handing over of case files. which will go directly to Matt Huzeniah's office in Los ANgeles.

Dana Cole has misrepresented me - I demanded to speak but was silenced wrongfully by Dana

Dana misrepresented me and did not advocate what I wanted

I wanted the full deposition that was used against me to be seen by the jury

The text messages that Dana himself handed over to Barry Rothman was never brought up by Dana

Dana Cole did not argue for me the way I asked him. And he took the executive decision to silence me.

You didnt bring up the writ of prohibition and only brought up Wexler about my head injury during the SETTLEMENT phase with Punitive damages. The case was over!!!

Fred you'e fiired.... YOU DO NOT REPRESENT ME - YOU ARE LIKE DANA - YOU ARE COMPLICIT AND CORRUPT.

This is not my head injury in any way talking 0 it is based on legal advice too.

Fred and Dana you are not to be involved with my cases ever agin.

Alki David

--

[www.ANAKANDO.com](http://www.ANAKANDO.com)

Alki David

Founder & CEO Anakando Ltd.

Anakando Media Group <http://www.ANAKANDO.com>

some of our great sites & services<http://www.FilmOn.com>

<http://www.HologramUSA.com>

<http://www.ETV.com>

<http://www.MondoTunes.com>

<http://www.BattleCam.com>

<http://www.TVmix.com>

<http://www.Shockya.com>

The information contained in this message may be privileged. If you have received this communication in error, please notify me immediately by replying to the message and deleting it from your computer. Thanks!

Document received by the CA 2nd District Court of Appeal.

AA1271

**TAB 85**

**AA1272**

Document received by the CA 2nd District Court of Appeal.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 128006</p> <p>NAME: Gary A. Dordick, Esq. (SBN 128008)/ Dustin Z. Moaven, Esq. SBN 320939)</p> <p>FIRM NAME: DORDICK LAW CORPORATION</p> <p>STREET ADDRESS: 1122 Wilshire Blvd.</p> <p>CITY: Los Angeles STATE: CA ZIP CODE: 90017</p> <p>TELEPHONE NO.: 800-555-5595 FAX NO.: 855-299-4444</p> <p>EMAIL ADDRESS: dustin@dordicklaw.com</p> <p>ATTORNEY FOR (name): Plaintiff, Jane Doe</p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b></p> <p>STREET ADDRESS: 111 North Hill Street</p> <p>MAILING ADDRESS: 111 North Hill Street</p> <p>CITY AND ZIP CODE: Los Angeles, CA 90012</p> <p>BRANCH NAME: Stanley Mosk Courthouse</p>	<p><i>FOR COURT USE ONLY</i></p> <p><b>Electronically FILED by Superior Court of California, County of Los Angeles 7/16/2024 6:04 PM David W. Slayton, Executive Officer/Clerk of Court, By S. Bolden, Deputy Clerk</b></p>
<p>PLAINTIFF/PETITIONER: Jane Doe</p> <p>DEFENDANT/RESPONDENT: Alkiviades David, et al.</p>	<p>CASE NUMBER: 20STCV37498</p>
<p style="text-align: center;"><b>NOTICE OF ENTRY OF JUDGMENT OR ORDER</b></p> <p>(Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>      <input type="checkbox"/> <b>LIMITED CASE</b></p> <p style="padding-left: 40px;">(Amount demanded exceeded \$35,000)      (Amount demanded was \$35,000 or less)</p>	

**TO ALL PARTIES :**

1. A judgment, decree, or order was entered in this action on (date): 07/05/2024
2. A copy of the judgment, decree, or order is attached to this notice.

Date: 07/16/2024

Dustin Z. Moaven

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)



(SIGNATURE)

Document received by the CA 2nd District Court of Appeal.

PLAINTIFF/PETITIONER: Jane Doe DEFENDANT/RESPONDENT: Alkiviades David, et al.	CASE NUMBER: 20STCV37498
--	-----------------------------

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

**(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)**

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):  
509 S. Beverly Drive, Beverly Hills, CA 90212

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a.  deposited the sealed envelope with the United States Postal Service.
- b.  placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*): July 16, 2024
- b. from (*city and state*): Beverly Hills, CA

4. The envelope was addressed and mailed as follows:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>a. Name of person served:<br/>Themis Sofos, PhD / SOFOS AND PARTNERS<br/>Street address: Asklepiou Str. 6-8 GR 10680<br/>City: Athens<br/>State and zip code: Greece</li> </ul> | <ul style="list-style-type: none"> <li>c. Name of person served:<br/><br/>Street address:<br/>City:<br/>State and zip code:</li> </ul> |
| <ul style="list-style-type: none"> <li>b. Name of person served:<br/><br/>Street address:<br/>City:<br/>State and zip code:</li> </ul>   | <ul style="list-style-type: none"> <li>d. Name of person served:<br/><br/>Street address:<br/>City:<br/>State and zip code:</li> </ul> |

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached: 2

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

Date: July 16, 2024

Sandra Jimenez  
\_\_\_\_\_  
(TYPE OR PRINT NAME OF DECLARANT)

  
\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

Document received by the CA 2nd District Court of Appeal.

# **ATTACHMENT "A"**

**AA1275**

Document received by the CA 2nd District Court of Appeal.



<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>07/05/2024</b>
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le _____ Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of Judgment / Dismissal / Other Order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Gary A. Dordick  
Dordick Law Corporation  
509 South Beverly Drive  
Beverly Hills, CA 90212

David W. Slayton, Executive Officer / Clerk of Court

Dated: 07/5/2024

By: T. Le  
Deputy Clerk

Document received by the CA 2nd District Court of Appeal.

**TAB 86**

**AA1278**

Document received by the CA 2nd District Court of Appeal.

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 128006</p> <p>NAME: Gary A. Dordick, Esq. (SBN 128008)/ Dustin Z. Moaven, Esq. SBN 320939)</p> <p>FIRM NAME: DORDICK LAW CORPORATION</p> <p>STREET ADDRESS: 1122 Wilshire Blvd.</p> <p>CITY: Los Angeles STATE: CA ZIP CODE: 90017</p> <p>TELEPHONE NO.: 800-555-5595 FAX NO.: 855-299-4444</p> <p>EMAIL ADDRESS: dustin@dordicklaw.com</p> <p>ATTORNEY FOR (name): Plaintiff, Jane Doe</p> <p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b></p> <p>STREET ADDRESS: 111 North Hill Street</p> <p>MAILING ADDRESS: 111 North Hill Street</p> <p>CITY AND ZIP CODE: Los Angeles, CA 90012</p> <p>BRANCH NAME: Stanley Mosk Courthouse</p>	<p><i>FOR COURT USE ONLY</i></p> <p><b>Electronically FILED by Superior Court of California, County of Los Angeles 7/17/2024 3:50 PM David W. Slayton, Executive Officer/Clerk of Court, By S. Bolden, Deputy Clerk</b></p>
<p>PLAINTIFF/PETITIONER: Jane Doe</p> <p>DEFENDANT/RESPONDENT: Alkiviades David, et al.</p>	<p>CASE NUMBER: 20STCV37498</p>
<p style="text-align: center;"><b>NOTICE OF ENTRY OF JUDGMENT OR ORDER</b></p> <p>(Check one): <input checked="" type="checkbox"/> <b>UNLIMITED CASE</b>      <input type="checkbox"/> <b>LIMITED CASE</b></p> <p style="padding-left: 40px;">(Amount demanded exceeded \$35,000)      (Amount demanded was \$35,000 or less)</p>	

**TO ALL PARTIES :**

1. A judgment, decree, or order was entered in this action on (date): 07/05/2024
2. A copy of the judgment, decree, or order is attached to this notice.  
JUDGMENT ON SPECIAL VERDICT

Date: 07/17/2024

Dustin Z. Moaven

(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)



(SIGNATURE)

Document received by the CA 2nd District Court of Appeal.

PLAINTIFF/PETITIONER: Jane Doe DEFENDANT/RESPONDENT: Alkiviades David, et al.	CASE NUMBER: 20STCV37498
--	-----------------------------

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
 NOTICE OF ENTRY OF JUDGMENT OR ORDER**

**(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)**

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*):  
 509 S. Beverly Drive, Beverly Hills, CA 90212

2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):

- a.  deposited the sealed envelope with the United States Postal Service.
- b.  placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

3. The *Notice of Entry of Judgment or Order* was mailed:

- a. on (*date*): July 17, 2024
- b. from (*city and state*): Beverly Hills, CA

4. The envelope was addressed and mailed as follows:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>a. Name of person served:<br/>Themis Sofos, PhD / SOFOS AND PARTNERS<br/>Street address: Asklepiou Str. 6-8 GR 10680<br/>City: Athens<br/>State and zip code: Greece</li> </ul> | <ul style="list-style-type: none"> <li>c. Name of person served:<br/><br/>Street address:<br/>City:<br/>State and zip code:</li> </ul> |
| <ul style="list-style-type: none"> <li>b. Name of person served:<br/><br/>Street address:<br/>City:<br/>State and zip code:</li> </ul>   | <ul style="list-style-type: none"> <li>d. Name of person served:<br/><br/>Street address:<br/>City:<br/>State and zip code:</li> </ul> |

Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached: 2

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

Date: July 17, 2024

Sandra Jimenez  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME OF DECLARANT)

  
 \_\_\_\_\_  
 (SIGNATURE OF DECLARANT)

Document received by the CA 2nd District Court of Appeal.

# **ATTACHMENT "A"**

Document received by the CA 2nd District Court of Appeal.

**AA1281**

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**FILED**  
Superior Court of California  
County of Los Angeles

07/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By:                     T. Le                     Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

JANE DOE, an Adult Individual Suing  
Under Anonymity Due to Privacy and  
Safety,

Plaintiff,

v.

ALKIVIADES DAVID, an Individual,  
a.k.a. ALKI DAVID,

Defendant.

Case No: 20STCV37498

(Assigned to the Hon. Christopher L. Lui,  
Dept. 76)

**~~PROPOSED~~ JUDGMENT ON  
SPECIAL VERDICT**

This action came on regularly for trial on June 13, 2024, in Department 76 of  
the above-entitled Court, the Honorable ~~Christopher L. Lui~~, Judge of the Superior  
Court, presiding. Attorneys Gary A. Dordick and Dustin Z. Moaven appeared for the  
Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”). No appearances were  
made on behalf of Defendant Alkiviades David.

Document received by the CA 2nd District Court of Appeal.

1 A jury of 12 persons was regularly impaneled and sworn and agreed to try the  
2 cause. Witnesses were sworn and testified. After hearing the evidence and arguments  
3 of counsel, the jury was duly instructed by the Court and the cause was submitted to  
4 the jury with directions to return a special verdict. The jury deliberated and thereafter  
5 returned into court with its special verdict on the issues submitted and the answers  
6 given thereto by the jury, which verdict was in words and figures as follows:

7  
8 We answer the questions submitted to us as follows:

9  
10 **COMPENSATORY DAMAGES**

11  
12 **Question No. 1:** What are Plaintiff Margerita Nicolas' total non-economic  
13 damages caused by the sexual battery and intentional infliction of emotional distress  
14 committed by Defendant ALKIVIADES DAVID?

15  
16 Past and future Non-Economic Loss, including physical pain, mental suffering  
17 loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional  
18 distress:

19 \$100,000,000.00

20  
21 Proceed to Question No. 2.

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

Document received by the CA 2nd District Court of Appeals

1 **PUNITIVE DAMAGES**

2  
3 **Question No. 2:** Did Defendant ALKIVIADES DAVID engage in conduct  
4 with malice, oppression, or fraud?

5  
6 Yes  No

7  
8 If you answered yes to question 2, then answer question 3. If you answered no  
9 to question 2, stop here, answer no further questions, and have the presiding juror sign  
10 and date this form.

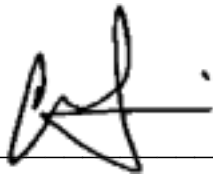
11  
12 **Question No. 3:** What amount of punitive damages, if any, do you award in  
13 favor of Plaintiff Margerita Nicolas and against Defendant ALKIVIADES DAVID?

14  
15 \$800,000,000.00

16  
17 It appears by reason of said special verdict that Plaintiff Margerita Nicolas (who  
18 originally filed as “Jane Doe”) is entitled to judgment against Defendant Alkiviades  
19 David in the amount of \$900,000,000.00.

20 NOW, THEREFORE, IT IS SO ORDERED, ADJUDGED AND DECREED  
21 that Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”) shall have and  
22 recover from Defendant Alkiviades David the sum of \$900,000,000.00 with interest  
23 thereon at the rate of ten percent (10%) per annum from the date of the entry of this  
24 judgment until paid.

25  
26 DATED: 07/05/2024

27   
28 Hon. Christopher L. Lui  
Judge of the Superior Court

Document received by the 2nd District Court of Appeal.



**SERVICE LIST**

**Jane Doe v. David**

**Case No. 20STCV37498**

Ebby S. Bakhtiar, Esq.  
LIVINGSTON • BAKHTIAR  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010  
Tel: (213) 632-1550  
Fax: (213) 632-3100  
E-mail: ESB@LivingstonBakhtiar.com

***Co-Counsel for Plaintiff, JANE DOE***

Themistoklis Sofos, PhD  
SOFOS LAW FIRM  
Asklepiou Str. 6-8 GR 10680  
Athens, Greece  
Tel: +302103633322  
Fax: +302103636327  
E-mail: themis@sofos.com.gr

***Attorney for Defendant, ALKIVIADES DAVID***

**TAB 87**

AA1287

Document received by the CA 2nd District Court of Appeal.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>08/27/2024</b> David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le _____ Deputy
PLAINTIFF/PETITIONER: Jane Doe	
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Re: Advancing and Continuing the Hearing on Motio...) of 08/27/2024 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Gary A. Dordick  
Dordick Law Corporation  
509 South Beverly Drive  
Beverly Hills, CA 90212

Ebby S. Bakhtiar  
Livingston \* Bakhtiar  
3435 Wilshire Blvd.  
Ste 1669  
Los Angeles, CA 90010

Alkiviades David (Alki)  
c/o Jolly Harboe  
Antigua Prim Min  
5598+9CC, Queen Elizabeth HWY  
St. John's, Antigua & Barbuda

Alkiviades David  
23768 Malibu Road  
Malibu, CA 90265

Themis Sofos  
Sofos & Partners  
Asklepiou Str. 6-8 GR 10680  
Athens/Greece

David W. Slayton, Executive Officer / Clerk of Court

Dated: 08/27/2024

By: T. Le  
Deputy Clerk

Document received by the CA 2nd District Court of Appeal.

**TAB 88**

**AA1289**

Document received by the CA 2nd District Court of Appeal.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 76

**20STCV37498**

**JANE DOE vs ALKIVIADES DAVID, et al.**

August 16, 2024

4:45 PM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

---

---

**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

---

---

**NATURE OF PROCEEDINGS:** Court Order Re: Scheduling of Motion for New Trial;

On July 8, 2024, Defendant Alkiviades David filed two documents in this case: the first is entitled "MOTION TO SET ASIDE AND VACATE JUDGMENT PER C.C.P. 663; FOR NEW TRIAL PURSUANT TO C.C.P. 659; MOTION FOR LIBERAL PLEADING;" the second is entitled "OBJECTIONS TO TRIAL AND IRRIGULARITIES [SIC] IN CASE NO. 20STCV37498." The Court notes that neither of these documents bear a proof of service indicating that they were served on Plaintiff's counsel.

The Court makes no finding whether Defendant's filings are timely or otherwise satisfy the procedural requirements for a new trial motion. However, given the statutory time limit for ruling on new trial motions, the Court for scheduling purposes only will construe Defendant's July 8, 2024 filings as a motion for new trial pursuant to Code of Civil Procedure section 659.

The Court sets the following:

A Hearing on Motion for New Trial is scheduled for 09/13/2024 at 08:30 AM in Department 76 at Stanley Mosk Courthouse.

The Clerk of the Court shall serve notice on the parties.

Certificate of Mailing is attached.

**TAB 89**

**AA1291**

Document received by the CA 2nd District Court of Appeal.

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>08/27/2024</b>
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le _____ Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Re: Advancing and Continuing the Hearing on Motio...) of 08/27/2024 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Gary A. Dordick  
Dordick Law Corporation  
509 South Beverly Drive  
Beverly Hills, CA 90212

Ebby S. Bakhtiar  
Livingston \* Bakhtiar  
3435 Wilshire Blvd.  
Ste 1669  
Los Angeles, CA 90010

Alkiviades David (Alki)  
c/o Jolly Harboe  
Antigua Prim Min  
5598+9CC, Queen Elizabeth HWY  
St. John's, Antigua & Barbuda

Alkiviades David  
23768 Malibu Road  
Malibu, CA 90265

Themis Sofos  
Sofos & Partners  
Asklepiou Str. 6-8 GR 10680  
Athens/Greece

David W. Slayton, Executive Officer / Clerk of Court

Dated: 08/27/2024

By: T. Le  
Deputy Clerk

Document received by the CA 2nd District Court of Appeal.

**TAB 90**

**AA1293**

Document received by the CA 2nd District Court of Appeal.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 76

**20STCV37498**

**JANE DOE vs ALKIVIADES DAVID, et al.**

August 27, 2024

4:45 PM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

---

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Court Order Re: Advancing and Continuing the Hearing on Motion for New Trial from 09/13/2024 to 09/16/2024;

Due to Department 76 being DARK on 09/13/2024, the Court orders as follows:

On the Court's own motion, the Hearing on Motion for New Trial scheduled for 09/13/2024 is advanced to this date and continued to 09/16/2024 at 08:30 AM in Department 76 at Stanley Mosk Courthouse.

The Clerk of the Court shall serve notice on the parties.

Certificate of Mailing is attached.

**TAB 91**

**AA1295**

Document received by the CA 2nd District Court of Appeal.

1 Gary A. Dordick, Esq. S/B# 128008  
2 Dustin Z. Moaven, Esq. S/B# 320939  
3 DORDICK LAW CORPORATION  
4 509 South Beverly Drive  
5 Beverly Hills, California 90212  
6 Tel: (310) 551-0949 • Fax: 855-299-4444  
7 In Association With:  
8 Ebby S. Bakhtiar, Esq. S/B# 215032  
9 LIVINGSTON • BAKHTIAR  
10 3435 Wilshire Boulevard, Suite 1669  
11 Los Angeles, California 90010  
12 Tel: (213) 632-1550 • Fax: (213) 632-3100  
13 Attorneys For Plaintiff

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
9/05/2024 12:35 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Bolden, Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES

13 JANE DOE, an Adult Individual Suing  
14 Under Anonymity Due to Privacy and  
15 Safety,

15 Plaintiff,

16 vs.

17 ALKIVIADES DAVID, an Individual, a.k.a.  
18 ALKI DAVID; HOLOGRAM USA, INC., a  
19 California Corporation, a.k.a. HOLOGRAM  
20 USA PRODUCTIONS, INC., HOLOGRAM  
21 USA ENTERTAINMENT, INC.,  
22 FILMON.TV, INC., FILMON.TV  
23 NETWORKS, INC. and FILMON.TV LA,  
24 INC.; SWISSX LABS AG, INC. a California  
25 Corporation, a.k.a. SWISSX LOUNGE and  
26 FILMONTV UK, LTD; and DOES 1 through  
27 150, Inclusive,

25 Defendants.

Case No.: 20STCV37498

**PLAINTIFF JANE DOE'S OPPOSITION  
TO DEFENDANT ALKIVIADES DAVID'S  
MOTION FOR NEW TRIAL;  
DECLARATION OF DUSTIN Z. MOAVEN**

Hearing Date: September 16, 2024  
Time: 8:30 a.m.  
Dept.: 76

Action Filed: September 30, 2020

27 //

28 //

1           **TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR COUNSEL**  
2 **OF RECORD:**

3           **PLEASE TAKE NOTICE** that Plaintiff Jane Doe will and hereby does oppose  
4 Defendant Alkiviades David's *Motion to Set Aside and Vacate Judgment Per C.C.P 663;*  
5 *For New Trial Pursuant to C.C.P. 659; Motion for Liberal Pleadings; Memorandum of*  
6 *Points and Authorities, Objections to Trial and Irrigularities [sic.] in Case No.*  
7 *20STCV37498, and Request for Court to Consider Supplemental Information in Support*  
8 *of Defendant's Motion for New Trial* (collectively, "Motion for New Trial" or "Motion").  
9 Defendant's Motion for New Trial should be denied for the following reasons:

10           1. Defendant's Motion was never properly served on Plaintiff and should be  
11 denied for failing to comply with the mandatory notice and service requirements of Cal.  
12 Civ. Proc. Code § 659, *et al.*

13           2. Defendant's Motion is based entirely on demonstrable lies and outrageous  
14 accusations against the judiciary and respected members of the bar. Contrary to  
15 Defendant's claims, the record establishes:

- 16           a. Defendant received ample notice, both actual and constructive, of the trial  
17 in this matter.
- 18           b. The jury verdict reflected the evidence presented at trial regarding  
19 Defendant's violent rape of Plaintiff and his determination to continue such  
20 despicable conduct despite numerous, similar civil judgments against him.
- 21           c. The "newly discovered evidence" Defendant claims would have exonerated  
22 him was produced during discovery and included in Plaintiff's trial exhibits.
- 23           d. There were no irregularities, errors, violations of law, or conflicts of interest  
24 that caused any prejudice, let alone substantial prejudice, to Defendant.

25 //


26 //

27 //

1 This opposition is based on this Notice, the attached Memorandum of Points and  
2 Authorities, the attached Declaration of Gary A. Dordick, the attached Declaration of  
3 Dustin Z. Moaven, the Court's file and records for this matter, all moving papers filed by  
4 Defendant in support of his Motion, oral argument at the hearing for Defendant's Motion,  
5 and such other evidence as the Court may consider at the hearing on Defendant's Motion.  
6

7 DATED: September 4, 2024

DORDICK LAW CORPORATION

8  
9 By:  \_\_\_\_\_  
10 Gary A. Dordick, Esq.  
11 Dustin Z. Moaven, Esq.  
12 Attorneys for Plaintiff  
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Document received by the CA 2nd District Court of Appeal.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2  
3 **I. INTRODUCTION**

4 Plaintiff Jane Doe hereby opposes Defendant Alkiviades David's *Motion to Set*  
5 *Aside and Vacate Judgment Per C.C.P 663; For New Trial Pursuant to C.C.P. 659; Motion*  
6 *for Liberal Pleadings; Memorandum of Points and Authorities, Objections to Trial and*  
7 *Irrigularities [sic.] in Case No. 20STCV37498, and Request for Court to Consider*  
8 *Supplemental Information in Support of Defendant's Motion for New Trial* (collectively,  
9 "Motion for New Trial" or "Motion").

10 After years of contentious litigation that culminated in a jury verdict in favor of  
11 Plaintiff Jane Doe, Defendant Alkiviades David now seeks to vacate the jury's verdict  
12 based on blatant lies and outrageous accusations against the judiciary and respected  
13 members of the bar. As a last-ditch effort to avoid accountability, Defendant has  
14 manufactured claims of due process violations, excessive damages, newly discovered  
15 evidence, attorney misconduct, conflicts of interest, and violations of the Americans with  
16 Disabilities Act ("ADA"). However, all of these claims are demonstrably false and do not  
17 entitle to Defendant any relief. Defendant received ample notice, both actual and  
18 constructive, of the trial in this matter. The damages awarded by the jury reflected the  
19 evidence presented regarding Defendant's violent rape of Plaintiff and his determination  
20 to continue such despicable conduct despite being found civilly liable for similar conduct  
21 against several other women. The "newly discovered evidence" Defendant claims would  
22 have exonerated him was, in fact, produced during discovery and motion practice in this  
23 case and was also included in Plaintiff's Trial Exhibits. Neither Defendant's former  
24 counsel, the Court, nor any other person or entity accused of having a conflict of interest  
25 did anything to materially affect Defendant's right to a fair trial. And Defendant's  
26 transparent and futile attempt to use the ADA to shield himself from the consequences of  
27 his sexual violence is not supported by the law, the facts, logic, or reason. Accordingly,  
28 Defendant's Motion for New Trial must be denied in its entirety.



1 2024, Glaser Weil complied with the Court's order by serving said notice on Defendant  
2 via both his newly retained counsel, Mr. Sofos, and via Defendant's personal email  
3 address – said notice also included notice of the upcoming trial date. (Moaven Decl., ¶9.)  
4 On March 1, 2024, Plaintiff took the remote deposition of Defendant with Mr. Sofos  
5 present. (Moaven Decl., ¶10.) On May 7, 2024, the Court granted Plaintiff's Motion to  
6 Deem Requests for Admissions (Set 2) Admitted. (Moaven Decl., ¶11, Exs. 1-2.) Later  
7 that same day, Plaintiff served Defendant with notice of said ruling which included both  
8 the upcoming trial date and the Final Status Conference date. (*Id.*) Also on May 7, 2024,  
9 Plaintiff's counsel emailed Mr. Sofos to meet and confer regarding the parties' joint trial  
10 documents and to remind him of the upcoming Final Status Conference. (Moaven Decl.,  
11 ¶12, Ex. 3.) On May 8, 2024, after not receiving a response regarding the joint trial  
12 documents, Plaintiff served Defendant with copies of Plaintiff's trial documents which  
13 included the trial date. (Moaven Decl., ¶13, Ex. 4.) On May 8, 2024, Plaintiff served a  
14 notice to appear at trial and produce documents on Defendant – said notice included  
15 notice of the upcoming trial date. (Moaven Decl., ¶14, Ex. 5.) Also on May 8, 2024,  
16 Plaintiff served numerous notices to appear at trial on various third-party witnesses and  
17 served copies of the same on Defendant – all of which included notice of the upcoming  
18 trial date. (Moaven Decl., ¶15, Ex. 6.)

19 From approximately May 15, 2024 through June 11, 2024, the Court continued the  
20 trial in this matter a few times due to an ongoing trial in its courtroom. (Moaven Decl.,  
21 ¶16.) On May 30, 2024, Plaintiff's counsel notified Defendant that the trial in this matter  
22 was trailing the ongoing trial before the Court, and that trial in this matter was expected  
23 to start within a week or so. (Declaration of Gary A. Dordick ("Dordick Decl."), ¶3.) On  
24 June 11, 2024, the Court continued the trial in this matter to June 13, 2024. (Moaven  
25 Decl., ¶17.) That same day, Plaintiff's counsel notified Defendant of the new June 13,  
26 2024 trial date. (Moaven Decl., ¶17, Ex. 7.)

27 In addition to the above, from approximately January 2024 to June 2024, Plaintiff's  
28 counsel had multiple telephone conversations with both Mr. Sofos and Defendant's

1 former counsel Glaser Weil regarding the upcoming trial, including specific conversations  
2 about the trial date. (Moaven Decl., ¶18.) On June 6, 2024, Plaintiff’s counsel had a  
3 telephone conversation with Mr. Sofos regarding the upcoming trial. (Dordick Decl., ¶4.)  
4 On or about June 10, 2024, Plaintiff’s counsel had another telephone conversation with  
5 Mr. Sofos regarding the upcoming trial, during which Mr. Sofos expressly acknowledged  
6 that he was aware of the June 13<sup>th</sup> trial date and Plaintiff’s inability to continue the trial  
7 date. (Dordick Decl., ¶5.)

8 Defendant has also made clear that he had actual notice of the trial in this matter  
9 well before it commenced. Between approximately May 6, 2024 and May 14, 2024,  
10 Plaintiff’s counsel received vulgar and threatening text messages directly from Defendant  
11 regarding the upcoming trial, to which Plaintiff’s counsel responded by asking Defendant  
12 to sign the joint trial documents that had previously been provided to him. (Dordick Decl.,  
13 ¶6, Ex. 9.) Moreover, in his Motion for New Trial, Defendant admits receiving a May 18,  
14 2024 email from his former counsel Glaser Weil reminding him of the upcoming trial in  
15 this matter and the urgent need for him to take action to preserve his rights. (See  
16 Defendant’s Motion for New Trial, Exhibit 2.)

17 This matter proceeded to trial on June 13, 2024. (Moaven Decl., ¶19.) On June  
18 17, 2024, the jury returned a verdict against Defendant Alkiviades David and in favor of  
19 Plaintiff in the total amount of \$900,000,000.00. (Moaven Decl., ¶19.) Judgment was  
20 entered by the Court on June 17, 2024. (Moaven Decl., ¶19.) On July 8, 2024, Defendant  
21 filed his Motion for New Trial, without any proof of service. (See Defendant’s Motion for  
22 New Trial.) Defendant failed to properly serve his Motion for New Trial on Plaintiff.  
23 (Moaven Decl., ¶20.) On or about September 3, 2024, Defendant emailed Plaintiff’s  
24 counsel a document entitled *Request for Court to Consider Supplemental Information in*  
25 *Support of Defendant’s Motion for New Trial* (“Supplemental Motion”) which echoed many  
26 of the same baseless accusations alleged in his Motion for New Trial. (Dordick Decl., ¶7,  
27 Ex. 10.) The Supplemental Motion was not properly served and does not appear to have  
28 been filed with the Court. (Dordick Decl., ¶7, Ex. 10.)

1           **III.     DEFENDANT’S MOTION SHOULD BE DENIED FOR HIS FAILURE TO**  
2           **COMPLY WITH NECESSARY PROCEDURAL REQUIREMENTS**

3           Pursuant to Cal. Civ. Proc. Code § 659(a), the party intending to move for a new  
4 trial shall file with the clerk and serve upon each adverse party a notice of his or her  
5 intention to move for a new trial either: (1) After the decision is rendered and before the  
6 entry of judgment; or (2) Within 15 days of the date of mailing notice of entry of judgment  
7 by the clerk of the court, or service upon him or her by any party of written notice of entry  
8 of judgment, or within 180 days after the entry of judgment, whichever is earliest.

9           Here, the jury rendered its verdict on June 17, 2024. (Moaven Decl., ¶19.) On July  
10 5, 2024, judgment was entered by the Court and notice of entry of such judgment was  
11 mailed by the clerk. (Moaven Decl., ¶19.) Although Defendant filed his Motion for New  
12 Trial on July 8, 2024, he failed to serve it on Plaintiff within the requisite timeframe.  
13 (Moaven Decl., ¶20.) Defendant also failed to file any sort of proof of service of his Motion  
14 for New Trial and there is no evidence that he complied with the service requirements of  
15 Cal. Civ. Proc. Code § 659(a). Accordingly, Defendant’s Motion for New Trial should be  
16 denied for failing to comply with critical service and notice requirements.

17           **IV.     LEGAL STANDARD ON MOTION FOR NEW TRIAL**

18           The bedrock principle that governs every aspect of Defendant's motion is that a  
19 new trial cannot be granted unless, following an examination of the entire record, the  
20 moving party has demonstrated errors that resulted in a miscarriage of justice. (California  
21 Constitution Article IV, Section 13.)

22           In reviewing a motion for a new trial, the Court is guided by a presumption favoring  
23 the correctness of the verdict and the proceedings supporting it. (*Ryan v. Crown Castle*  
24 *NG Networks Inc.* (2016) 6 Cal. App. 5th 775, 785.) Contrary to popular belief, the trial  
25 judge does not function as a "13th juror" when ruling on such a motion. The California  
26 Supreme Court debunked the so-called "13th juror rule" over half a century ago in *People*  
27 *v. Robarge* (1953) 41 Cal.2d 628, 633. As elucidated by the Supreme Court, the notion  
28

1 that a judge considering a new trial motion acts as a "13th juror" is misleading and fails  
2 to accurately describe the trial judge's role in deciding on such a motion. (*Id.*)

3 The trial court must not disregard the verdict or determine the outcome that would  
4 have been reached had the case been tried without a jury. Instead, it should evaluate the  
5 proper weight to be assigned to the evidence and then decide whether, in its judgment,  
6 there is sufficient credible evidence to support the verdict. (*Dominguez v. Pantalone*  
7 (1989) 212 Cal.App.3d 201, 215.)

8 Here, Defendant seeks to vacate the jury's verdict based on blatant lies,  
9 outrageous accusations, and manufactured claims of due process violations, excessive  
10 damages, newly discovered evidence, attorney misconduct, conflicts of interest, and  
11 violations of the Americans with Disabilities Act ("ADA"). However, as further explained  
12 herein, all of these claims are demonstrably false and do not entitle Defendant to any  
13 relief. To the contrary, the record makes clear that both the Court and all involved  
14 attorneys made extraordinary efforts to protect Defendant's rights and keep him apprised  
15 of the trial date, and the evidence presented at said trial was more than enough to support  
16 the jury's verdict.

## 17 V. LEGAL ANALYSIS

### 18 A. Defendant's Due Process Rights Were Not Violated Because He Received 19 Ample Notice of Trial and Simply Chose Not to Participate.

20 Defendant's claim that the trial in this matter proceeded without his knowledge is  
21 demonstrably false and, as such, in no way affects the legitimacy of the verdict reached  
22 by the jury. Pursuant to Cal. Civ. Proc. § 594(a), a party may bring an issue to trial in the  
23 absence of the adverse party and proceed to verdict provided the absent adverse party  
24 received at least 15 days notice of such trial. According to Cal. Civ. Proc. § 594(b), such  
25 notice must be served by mail, however in *People ex rel. San Francisco Bay Conservation*  
26 *etc. Com. v. Smith* (1994) 26 Cal.App.4th 113, the California Court of Appeal for the First  
27 District held that actual notice for the required period is sufficient to overcome any defect  
28 in the proof of service. (*Id.* at 126.) There, after failing to appear at the trial and multiple

1 pre-trial hearings, the defendant sought to void an injunction that had been entered  
2 against him on grounds that he did not receive proper notice of the trial date. (*Id.*) Upon  
3 reviewing the record, the Court of Appeal found that the defendant had attended a  
4 settlement conference at which the matter was referred to the master trial calendar, at  
5 which point the defendant had actual notice of trial, excusing formal notice and imposing  
6 on him the duty to keep himself informed by diligent inquiry of subsequent continuances.  
7 (*Id.*) The Court of Appeal further held that the notice requirement did not apply to the  
8 actual trial date, which was continued several times. (*Id.*) The Court of Appeal went on to  
9 find that the defendant did not use reasonable diligence to keep himself apprised of  
10 events and the plaintiff's multiple attempts at service had satisfied any due process  
11 requirement of reasonable assurance that an absent party would be informed of the  
12 pending trial. (*Id.*) Accordingly, the Court of Appeal upheld the injunction on grounds that  
13 due process requirements had been satisfied. (*Id.*)

14 Similarly, here, Defendant had both actual and constructive knowledge of the trial  
15 in this matter well-ahead of trial and should not be allowed to feign ignorance in hopes of  
16 vacating the jury's verdict. As explained above, Defendant received ample notice of the  
17 trial date through various means. Defendant actively and contentiously litigated this  
18 matter through his prior counsel, Glaser Weil, who was obligated to keep him apprised  
19 of important litigation dates, including trial. (Moaven Decl., ¶14.) Glaser Weil then formally  
20 served Defendant with notice of the pending trial date upon the Court's granting of Glaser  
21 Weil's Motion to be Relieved as Counsel. (Moaven Decl., ¶¶7-9.) Defendant received an  
22 email from Glaser Weil on May 18, 2024 warning him of the upcoming trial. (See  
23 Defendant's Motion for New Trial, Exhibit B.) Plaintiff's counsel served numerous notices  
24 of the pending trial on Defendant. (Moaven Decl., ¶¶11-17, Exs. 1-7.) Between  
25 approximately May 6, 2024 and May 14, 2024, Defendant sent numerous vulgar and  
26 threatening text messages directly to Plaintiff's counsel regarding the upcoming trial.  
27 (Dordick Decl., ¶6, Ex. 9.) And from approximately January 2024 through June 2024,  
28 Plaintiff's counsel had numerous telephone conversations with Defendant's various

1 attorneys regarding the upcoming trial, including two such telephone conversations just  
2 days before trial commenced. (Dordick Decl., ¶¶3-5; Moaven Decl., ¶18.)

3 Like the defendant in *People ex rel. San Francisco Bay Conservation etc. Com. v.*  
4 *Smith*, here Defendant received actual notice of the upcoming trial well ahead of the 15-  
5 day statutory notice period which, consequently, imposed upon Defendant the duty to use  
6 reasonable diligence to keep himself apprised of all litigation events. Also like in *People*  
7 *ex rel. San Francisco Bay Conservation etc. Com. v. Smith*, it is immaterial that the trial  
8 in this case was continued approximately two weeks because the notice requirement of  
9 Cal. Civ. Proc. § 594(a) was satisfied by Defendant's actual notice of trial after which it  
10 became Defendant's duty to use reasonable diligence to stay apprised of this litigation.  
11 Defendant's failure to exercise such diligence is of no consequence. Accordingly,  
12 Defendant's Motion for New Trial must be denied because his due process rights were  
13 not violated.

14 **B. The Damages Awarded by the Jury Were Not Excessive.**

15 When a losing party alleges excessive damages, the Court must carefully examine  
16 the entire record and all the evidence to determine whether the jury should have arrived  
17 at a "clearly" different verdict. (Code Civ. Proc § 657.)

18 It is a fundamental principle that the assessment of damages is a factual question  
19 entrusted to the jury's discretion (*Seffert v. Los Angeles Transit Lines* (1961) 56 Cal.2d  
20 498; *Cf. Neuman v. Bishop* (1976) 59 Cal.App.3d 451 ["It has been frequently held that  
21 the amount of money that will adequately compensate one for a particular injury received  
22 as a result of an accident, together with the pain and suffering incident thereto, rests  
23 largely in the sound discretion of the jury."]; *Fleming v. Safeco Ins. Co.* (1984) 160  
24 Cal.App.3d 31, 39 ["[T]here is no fixed or absolute standard by which to compute the  
25 monetary value of emotional distress, and the jury must necessarily be left to the exercise  
26 of a wide discretion, to be restricted by the appellate court only when the sum awarded is  
27 so large that the verdict shocks the moral sense...."]).

28

1 Relief must be denied in this case because "[a] new trial may not be granted on  
2 excessive damages merely because the verdict seems large, but only when it appears to  
3 have been given under the influence of passion and prejudice. The trial court may not  
4 interfere with the verdict on this ground unless the verdict is so disproportionate to any  
5 reasonable limit of compensation warranted by the facts as to shock the sense of justice."  
6 (*Casaretto v. De Lucchi* (1946) 76 Cal.App.2d 800.) A reviewing court should uphold a  
7 damages award whenever possible, and all presumptions favor the judgment. (*Bertero v.*  
8 *National General* (1974) 13 Cal.3d 43, 61.)

9 "[T]he mere fact that the judgment is large does not validate an appellant's claim  
10 that the verdict is the result of passion or prejudice of the jury. Each case must be  
11 determined on its own facts...." (*Wright v City of Los Angeles* (1990) 219 Cal.App.3d 318,  
12 354-355; see also *Bigboy v. County of San Diego* (1984) 154 Cal.App.3d 397, 407 [the  
13 trial judge's "personal opinion based on the ranges of awards in other cases does not  
14 show the jury should have clearly reached a different verdict in this case and is therefore  
15 an irrelevant consideration, not a lawful basis, for granting the new trial order and issuing  
16 the remittitur"]; *Rodriguez v. McDonnell Douglas Corp.* (1978) 87 Cal.App.3d 626, 655 [In  
17 reviewing the amount of damages, we determine every conflict in favor of the prevailing  
18 party who is entitled to the benefit of every inference. We do not interfere with an award  
19 unless the verdict is so large it suggests passion, prejudice or corruption on the part of  
20 the jury.]

21 In the context of a motion for a new trial, insufficiency of evidence means either a  
22 complete absence of evidence or, according to the individual assessment of the trial judge,  
23 that the evidence presented lacks probative force to establish the fact in question. (*People*  
24 *v. Capps* (1984) 159 Cal.App.3d 546, 552, fn. 5.) This standard is codified in Code of Civil  
25 Procedure section 657, which states:

26 "A new trial shall not be granted upon the ground of...  
27 excessive... damages, unless after weighing the evidence the  
28 court is convinced from the entire record, including

1 reasonable inferences therefrom, that the court or jury clearly  
2 should have reached a different verdict or decision."

3 Importantly, the judge is not permitted to substitute their judgment for that of the  
4 jury regarding damages unless the record demonstrates that the jury verdict was incorrect.  
5 (*Bigboy v. County of San Diego* (1984) 154 Cal.App.3d 397, 406.) Moreover, unless there  
6 is some aspect of the record that would have misled or prejudiced the jury and convinces  
7 the trial judge that the jury should have reached a different decision, there is no  
8 justification for disturbing the factual determination of compensation, a matter historically  
9 within the exclusive purview of the jury. (*Id.* at 405.)

10 Here, although the verdict is undoubtedly substantial, it aligns with the traumatic  
11 and permanent harm suffered by Plaintiff at the hands of Defendant. During trial, Plaintiff  
12 recounted years of sexual harassment and misconduct that ultimately culminated in a  
13 violent rape perpetrated by Defendant. (Moaven Decl., ¶21.) She testified to the physical  
14 pain as well as the mental and emotional pain and suffering she suffered and continues  
15 to suffer as a result of Defendant's conduct. (*Id.*) She told them how the Defendant fired  
16 her from her job after the rape. (*Id.*) She opened up to the jury about how she had saved  
17 herself for marriage and had only been intimate with one man, her husband, prior to  
18 Defendant's despicable misconduct. (*Id.*) She explained how all her personal  
19 relationships fell apart, including her marriage, as a result of Defendant's attack and how  
20 she was still struggling with feelings of anger, resentment, shame, insecurity, anxiety,  
21 sadness, and unworthiness. (*Id.*) She also discussed how she felt as though she lost a  
22 piece of herself as a result of the attack and how she questioned whether she would ever  
23 enjoy life the way she did before. (*Id.*)

24 The jury also heard from Plaintiff's treating psychologist, Dr. Craig Snyder, who  
25 testified regarding his diagnosis, treatment, and prognosis for Plaintiff. (Moaven Decl.,  
26 ¶22.) Dr. Snyder walked the jury through his training, education, and experience as both  
27 a clinical and forensic psychological, and how that informed his analysis and opinions in  
28 this matter. (*Id.*) He explained the major findings and observations he noted during his

1 years of treating Plaintiff (e.g., how Plaintiff used humor, exaggerated voices, and other  
2 subconscious defense mechanisms to avoid confronting the reality of what happened),  
3 the significance of those findings from a clinical psychological perspective, and how all  
4 those things led him to diagnose Plaintiff with Post Traumatic Stress Disorder (PTSD)  
5 and Major Depressive Disorder. (*Id.*) Dr. Synder went on to explain how these conditions  
6 not only affected Plaintiff emotionally, but also affected her mental abilities – impacting  
7 her self-image, her perception of reality, her motivation, her concentration, her memories  
8 of the past, as well as her hopes and expectations for the future. (*Id.*) Dr. Snyder further  
9 explained how these conditions negatively reinforced and exacerbated each other, and  
10 how Plaintiff was reasonably expected to deal with these conditions for the rest of her  
11 life. (*Id.*) Based on the foregoing, the jury’s award of \$100,000,000 in compensatory  
12 damages for Plaintiff’s past and future physical pain, mental suffering, loss of enjoyment  
13 of life, inconvenience, grief, anxiety, humiliation, and emotional distress was sufficiently  
14 supported by the evidence and not the result of passion or prejudice of the jury.

15 The punitive damages awarded by the jury were also lawful, reasonably based on  
16 the evidence presented at trial, and appropriate given Defendant’s complete disregard  
17 for the civil legal system which previously found him liable for similar acts of sexual  
18 violence against at least four other women. The purpose of punitive damages is to punish  
19 wrongdoers and thereby deter the commission of wrongful acts. (*Neal v. Farmers Ins.*  
20 *Exchange* (1978) 21 Cal.3d 910, 928.) Pursuant to Cal. Civ. Code § 3294(a), a plaintiff  
21 is entitled to punitive damages when she establishes by clear and convincing evidence  
22 that the defendant acted with oppression, fraud or malice. “Malice” means conduct which  
23 is intended by the defendant to cause injury to the plaintiff or despicable conduct which  
24 is carried on by the defendant with a willful and conscious disregard of the rights or safety  
25 of others. (Cal. Civ. Code § 3294(c)(1).) “Oppression” means despicable conduct that  
26 subjects a person to cruel and unjust hardship in conscious disregard of that person’s  
27 rights. (Cal. Civ. Code § 3294(c)(2).)  
28

1 Here, Defendant was found liable for one of, if not *the* most vile, despicable, cruel,  
2 and contemptible forms of violence known to man. (Moaven Decl., ¶23.) The jury was  
3 not only presented with evidence of the monstrous acts he committed against Plaintiff,  
4 they were also presented with evidence that he committed similar acts of sexual violence  
5 against at least four other women. (*Id.*) The jury was also presented with evidence that  
6 other civil juries found Defendant liable for those prior sexual assaults and awarded  
7 Defendant's prior victims approximately \$80,000,000 in damages. (*Id.*) The jury also  
8 learned that Defendant publicly ridiculed and mocked his prior victims, refused to pay a  
9 cent of the judgments owed to his prior victims, and that the numerous prior judgments  
10 and punitive damages awards did nothing to deter Defendant from attacking more  
11 women. (*Id.*) Notably, the jury was also presented with evidence that Defendant raped  
12 Plaintiff while on trial for one of his prior sexual assaults. (*Id.*) The jury was also presented  
13 with excerpts of Defendant's deposition testimony where he refused to acknowledge any  
14 wrongdoing in connection with Plaintiff or any of his other victims, and instead launched  
15 verbal attacks on his victims and their counsel. (*Id.*) The heinous nature of Defendant's  
16 conduct combined with his clear intent to continue such despicable conduct despite  
17 numerous, large civil jury verdicts and punitive damages awards were more than enough  
18 to justify a substantial punitive damages award in this case. (See *Boeken v. Philip Morris,*  
19 *Inc.* (2005) 127 Cal.App.4th 1640, 1701 (Punitive damages previously imposed for the  
20 same conduct in other cases are relevant in determining the amount of punitive damages  
21 required to sufficiently punish and deter.))

22 Not only was the punitive damages award justified, but it was also entirely lawful.  
23 According to the Supreme Court of the United States in *State Farm Mut. Auto. Ins. Co.*  
24 *v. Campbell* (2003) 538 U.S. 408, a single-digit ratio between punitive and compensatory  
25 damages comports with due process. Here, the ratio between punitive damages  
26 (\$800,000,000) and compensatory damages (\$100,000,000) is 8:1, well-within the  
27 single-digit limit expressed by our highest Court. The punitive damages award is also  
28 appropriate given Defendant's net worth, which was presented by Plaintiff at trial

1 because Defendant refused to cooperate and provide such information. “Punitive  
2 damages are to be assessed in an amount which, depending upon the defendant’s  
3 financial worth and other factors, will deter him and others from committing similar  
4 misdeeds.” (*Coll. Hosp. Inc. v. Superior Ct.* (1994) 8 Cal. 4th 704, 712 (internal citations  
5 omitted).) A defendant is in the best position to know his or her financial condition, and  
6 cannot avoid a punitive damage award by failing to cooperate with discovery orders. [¶]  
7 A number of cases have held that noncompliance with a court order to disclose financial  
8 condition precludes a defendant from challenging the sufficiency of the evidence of a  
9 punitive damages award on appeal.” (*Fernandes v. Singh* (2017) 16 Cal.App.5th 932,  
10 942.) Plaintiff issued multiple discovery requests regarding Defendant’s financial  
11 condition, as well as a Notice to Appear at Trial and Produce Documents pursuant to Cal.  
12 Civ. Proc. Code § 1987(b), all of which Defendant ignored. (Moaven Decl., ¶¶11 and 14,  
13 Exs. 1,2, and 5.) Defendant cannot refuse to provide evidence of his financial condition  
14 and then, after trial, claim the punitive damages award is disproportionate to his financial  
15 condition. To allow Defendant to do so would undermine the integrity of the judicial  
16 system by disincentivizing cooperation in litigation by wealthy defendants.

17 Based on the foregoing, Defendant’s claim that the damages were excessive and  
18 not supported by sufficient evidence can be rightfully rejected, and his request for new  
19 trial based on the same basis should be denied.

20 **C. A New Trial is Not Warranted Because There Were No Irregularities in the Court**  
21 **Proceedings.**

22 The term “irregularity” refers to conduct other than orders and rulings and reaches  
23 matters that may have to be proved by affidavit rather than by exceptions on the record  
24 during trial. It includes personal misconduct by the trial judge or “any departure by the  
25 court from the due and orderly method of disposition of an action by which the substantial  
26 rights of a party have been materially affected.” (*Gay v. Torrance* (1904) 145 Cal 144,  
27 149; *Montoya v. Barragan* (2013) 220 Cal.4th 1215, 1226, 1229–30, and Cal. Prac.  
28 Guide Civ. Trials & Ev. Ch. 18-B.) Even if an error is demonstrated, it does not

1 automatically warrant a new trial. No form of civil trial error justifies retrial, with its  
2 attendant expenses and potential loss of witnesses, unless, in light of the entire record,  
3 there is actual prejudice to the party appealing (*Soule v. General Motors Corp.* (1994) 8  
4 Cal.4th 548, 580.)

5 **1. Neither Defendant's Former Counsel nor Any Alleged Conflicts of Interest**  
6 **Interfered with Defendant's Right to a Fair Trial.**

7 Throughout his Motion for New Trial, Defendant asserts various, unsupported  
8 claims that his right to a fair trial was thwarted by both his former counsel and the Court.  
9 However, noticeably absent from Defendant's Motion for New Trial is any evidence  
10 supporting these outlandish claims. Other than the demonstrably false accusations that  
11 his prior counsel concealed evidence or failed to timely file a Motion to be Relieved as  
12 Counsel, Defendant has entirely failed to explain how any of his former counsel interfered  
13 with his right to trial or how any such interference caused him to suffer any actual  
14 prejudice. Defendant has also failed to identify any potential errors or irregularities  
15 attributable to the Court, or how any such conduct caused him actual prejudice. Instead,  
16 Defendant merely alleges that a conflict exists and concludes, without evidence or  
17 explanation, that the alleged conflict deprived him of the right to a fair trial. Such  
18 conclusory allegations without supporting evidence are insufficient for the Court to grant  
19 a retrial.

20 Additionally, in his most recent filing, Defendant claims he is entitled to a new trial  
21 because "the testimony provided by Joseph Chora, a key witness for Dordick, appears to  
22 have been false and misleading...." (Dordick Decl., ¶7, Ex. 10 (Supplemental Motion, p.  
23 2, Ins. 9-10).) However, Plaintiff did not call Joseph Chora as a witness at trial or introduce  
24 any testimony by him in support of her case. (Dordick Decl., ¶7, Ex. 10.)

25 Accordingly, without evidence of any irregularities or actual prejudice suffered by  
26 Defendant, the Court must Deny Defendant's Motion for New Trial.

1           **2. Defendant Was Not Prejudiced by Any Alleged Violations of the**  
2           **Americans with Disabilities Act or by the Alleged Unequal Imposition of**  
3           **Law.**

4           Defendant’s transparent attempt to use an alleged disability to undermine the jury  
5 verdict in this case is repugnant and unconvincing. Not only does he fail to identify any  
6 legal authority supporting his request for a new trial based on alleged violations of the  
7 Americans with Disabilities Act (“ADA”), he also fails to identify which accommodations  
8 he needed or how the failure to provide such accommodations materially affected his  
9 right to a fair trial.

10           Defendant claims to suffer from an undisclosed disability, that his former counsel  
11 failed to request accommodations for his disability, and that their failure to do so impaired  
12 his right to a fair trial. However, contrary to his claims, Defendant’s former counsel did,  
13 in fact, submit requests and supporting paperwork to the Court seeking an  
14 accommodation for Defendant, and the Court held multiple hearings regarding those  
15 requests. (Moaven Decl., ¶¶24.) The fact that Defendant fired his counsel and refused to  
16 participate in this litigation shortly thereafter is no one’s fault but his own and does not  
17 justify a new trial. As such, Defendant’s Motion for New Trial should be denied on these  
18 grounds.

19           **D. There is No New Evidence that Would Have Had Any Impact on Trial.**

20           Pursuant to Cal. Civ. Proc. § 657, a new trial may only be granted on grounds of  
21 “newly discovered evidence” where the substantial rights of a party have been materially  
22 affected and where such “newly discovered evidence” is material and could not have been  
23 discovered and produced at trial despite reasonable diligence. Here, Defendant claims to  
24 have recently found multiple pieces of evidence that would have exonerated him at trial  
25 had they not been “buried.” Defendant claims to have evidence that Plaintiff recanted her  
26 allegations against him, that former sexual assault victims colluded to extort him, and that  
27 Tom Girardi, Gloria Alred, the Los Angeles Superior Court, Plaintiff’s current counsel, and  
28 several others conspired to deprive him of a fair trial in this case. However, contrary to

1 his allegations, everything Defendant claims to have been “buried” was, in fact, disclosed  
2 during discovery and included as part of Plaintiff’s trial exhibits. (Moaven Decl., ¶25.) For  
3 years, Defendant used his various media companies to publish articles, which included  
4 various forms of alleged supporting evidence (all of which Plaintiff denies), attacking the  
5 credibility and legitimacy of the Court, Plaintiff’s claims in this matter, and the claims of  
6 his prior victims - these articles were discovered by Plaintiff’s counsel, disclosed during  
7 discovery and motion practice in this matter, and included as Exhibits 27-31 in Plaintiff’s  
8 First Amended List of Exhibits. (Moaven Decl., ¶25, Ex. 8.) The fact that Defendant  
9 ignored notice of the trial date, failed to appear at trial, and failed to introduce any of these  
10 exhibits into evidence is no one’s fault but his own, and does not constitute grounds for a  
11 new trial. Accordingly, Defendant’s Motion for New Trial must be denied.

12 **D. Judgement Should Not Be Set Aside Pursuant to Cal. Civ. Proc. § 663**

13 Pursuant to Cal. Civ. Proc. Code § 663, a judgment may only be set aside or  
14 vacated for either of the following causes “materially affecting the substantial rights of the  
15 party and entitling the party to a different judgment:”

- 16 1. “Incorrect or erroneous legal basis for the decision, not  
17 consistent with or not supported by the facts;...
- 18 2. A judgment or decree not consistent with or not supported by  
19 the special verdict.”

20 For the reasons explained above, neither of the foregoing causes exist in this  
21 matter. Additionally, to the extent Defendant claims such causes do exist, there is no  
22 evidence that Defendant’s substantial rights were materially affected. As such,  
23 Defendant’s Motion should be denied and the judgment entered by the Court should not  
24 be set aside.

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**VI. CONCLUSION**

For the reasons stated herein, Plaintiff respectfully requests the Court deny Defendant's Motion for New Trial in its entirety.

Dated: September 4, 2024

DORDICK LAW CORPORATION

By:   
\_\_\_\_\_  
Gary A. Dordick, Esq.  
Dustin Z. Moaven, Esq.  
Attorneys for Plaintiff

Document received by the CA 2nd District Court of Appeal.



1           6.     As further explained herein, through the whole of litigation in this matter,  
2 Defendant received ample notice of all pertinent dates and deadlines, including advanced  
3 notice of the pending trial.

4           7.     On or about January 16, 2024, Glaser Weil filed their Motion to be Relieved  
5 as Counsel for Defendant along with a supporting declaration in which Glaser Weil  
6 confirmed under the penalty of perjury that, within 30 days of filing their Motion to be  
7 Relieved as Counsel, they served Defendant with notice of the upcoming trial date, the  
8 Final Status Conference, and a then-pending Vesco Hearing and Informal Discovery  
9 Conference. Glaser Weil's supporting declaration further stated that "Alkiviades David  
10 has retained separate counsel who is privy to the developments in this case."

11          8.     On February 9, 2024, the Court granted Glaser Weil's Motion to be Relieved  
12 and ordered Plaintiff's counsel to direct all future correspondence and notices to  
13 Defendant's newly retained counsel, Mr. Sofos.

14          9.     On February 13, 2024, Glaser Weil complied with the Court's order by  
15 serving said notice on Defendant via both his newly retained counsel, Mr. Sofos, and via  
16 Defendant's personal email address – said notice also included notice of the upcoming  
17 trial date.

18          10.    On March 1, 2024, my office took the remote deposition of Defendant with  
19 Mr. Sofos present.

20          11.    On May 7, 2024, the Court granted Plaintiff's Motion to Deem Requests for  
21 Admissions (Set 2) Admitted. Later that same day, my office served Defendant with notice  
22 of said ruling which included both the upcoming trial date and the Final Status Conference  
23 date. A true and correct copy of said notice is attached hereto as **Exhibit 1**. A true and  
24 correct copy of Plaintiff's Requests for Admission (Set 2) which were propounded on  
25 Defendant and deemed admitted by the Court is attached hereto as **Exhibit 2**.

26          12.    Also on May 7, 2024, I emailed Mr. Sofos to meet and confer regarding the  
27 parties' joint trial documents and to remind Defendant of the upcoming Final Status  
28

1 Conference. A true and correct copy of this May 7, 2024 email is attached hereto as  
2 **Exhibit 3.**

3 13. On May 8, 2024, after not receiving a response regarding the joint trial  
4 documents, my office served Defendant with copies of Plaintiff's trial documents which  
5 included the trial date. A true and correct copy of this May 8, 2024 email is attached hereto  
6 as **Exhibit 4.**

7 14. On May 8, 2024, my office served a notice to appear at trial and produce  
8 documents on Defendant – said notice included notice of the upcoming trial date. A true  
9 and correct copy of said notice to appear is attached hereto as **Exhibit 5.**

10 15. Also on May 8, 2024, my office served numerous notices to appear at trial  
11 on various third-party witnesses and served copies of the same on Defendant – all of  
12 which included notice of the upcoming trial date. A true and correct copy of the email by  
13 which my office served the various notices to appear is attached hereto as **Exhibit 6.**

14 16. From approximately May 15, 2024 through June 11, 2024, the Court  
15 continued the trial in this matter a few times due to an ongoing trial in its courtroom.

16 17. On June 11, 2024, the Court continued the trial in this matter to June 13,  
17 2024. That same day, I notified Defendant of the new June 13, 2024 trial date by emailing  
18 Mr. Sofos. A true and correct copy of this June 11, 2024 email is attached hereto as  
19 **Exhibit 7.**

20 18. In addition to the above, from approximately January 2024 to June 2024, I  
21 and other attorneys from my office had multiple telephone conversations with both Mr.  
22 Sofos and Defendant's former counsel Glaser Weil regarding the upcoming trial, including  
23 specific conversations about the trial date.

24 19. This matter proceeded to trial on June 13, 2024. On June 17, 2024, the jury  
25 returned a verdict against Defendant Alkiviades David and in favor of Plaintiff in the total  
26 amount of \$900,000,000.00. Judgment was entered by the Court on June 17, 2024. On  
27 July 5, 2024, judgment was entered by the Court and notice of entry of such judgment  
28 was mailed by the clerk.

1           20. Defendant failed to properly serve his Motion for New Trial on Plaintiff within  
2 the period designated by Cal. Civ. Proc. Code § 659, *et al.*

3           21. Gary Dordick and I appeared on behalf of Plaintiff at the trial in this matter.  
4 During trial, Plaintiff recounted years of sexual harassment and misconduct that ultimately  
5 culminated in a violent rape perpetrated by Defendant. She testified to the physical pain  
6 as well as the mental and emotional pain and suffering she suffered and continues to  
7 suffer as a result of Defendant's conduct. She told them how the Defendant fired her from  
8 her job after the rape. She opened up to the jury about how she had saved herself for  
9 marriage and had only been intimate with one man, her husband, prior to Defendant's  
10 despicable misconduct. She explained how all her personal relationships fell apart,  
11 including her marriage, as a result of Defendant's attack and how she was still struggling  
12 with feelings of anger, resentment, shame, insecurity, anxiety, sadness, and  
13 unworthiness. She also discussed how she felt as though she lost a piece of herself as a  
14 result of the attack and how she questioned whether she would ever enjoy life the way  
15 she did before.

16           22. Also during the trial in this matter, the jury heard from Plaintiff's treating  
17 psychologist, Dr. Craig Snyder, who testified regarding his diagnosis, treatment, and  
18 prognosis for Plaintiff. Dr. Snyder walked the jury through his training, education, and  
19 experience as both a clinical and forensic psychological, and how that informed his  
20 analysis and opinions in this matter. He explained the major findings and observations he  
21 noted during his years of treating Plaintiff (e.g., how Plaintiff used humor, exaggerated  
22 voices, and other subconscious defense mechanisms to avoid confronting the reality of  
23 what happened), the significance of those findings from a clinical psychological  
24 perspective, and how all those things led him to diagnose Plaintiff with Post Traumatic  
25 Stress Disorder (PTSD) and Major Depressive Disorder. Dr. Snyder went on to explain  
26 how these conditions not only affected Plaintiff emotionally, but also affected her mental  
27 abilities – impacting her self-image, her perception of reality, her motivation, her  
28 concentration, her memories of the past, as well as her hopes and expectations for the

1 future. Dr. Snyder further explained how these conditions negatively reinforced and  
2 exacerbated each other, and how Plaintiff was reasonably expected to deal with these  
3 conditions for the rest of her life.

4       23. At the conclusion of trial, Defendant was found liable for one of, if not *the*  
5 most vile, despicable, cruel, and contemptible forms of violence known to man. The jury  
6 was not only presented with evidence of the monstrous acts he committed against Plaintiff,  
7 they were also presented with evidence that he committed similar acts of sexual violence  
8 against at least four other women. The jury was also presented with evidence that other  
9 civil juries found Defendant liable for those prior sexual assaults and awarded  
10 Defendant's prior victims approximately \$80,000,000 in damages. The jury also learned  
11 that Defendant publicly ridiculed and mocked his prior victims, refused to pay a cent of  
12 the judgments owed to his prior victims, and that the numerous prior judgments and  
13 punitive damages awards did nothing to deter Defendant from attacking more women.  
14 Notably, the jury was also presented with evidence that Defendant raped Plaintiff while  
15 on trial for one of his prior sexual assaults. The jury was also presented with excerpts of  
16 Defendant's deposition testimony where he refused to acknowledge any wrongdoing in  
17 connection with Plaintiff or any of his other victims, and instead launched verbal attacks  
18 on his victims and their counsel.

19       24. Contrary to Defendant's claims, Defendant's former counsel did, in fact,  
20 submit requests and supporting paperwork to the Court seeking an accommodation for  
21 Defendant, and the Court held multiple hearings regarding those requests.

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1           25. For years, Defendant used his various media companies to publish articles,  
2 which included various forms of alleged supporting evidence (all of which Plaintiff denies),  
3 attacking the credibility and legitimacy of the Court, Plaintiff's claims in this matter, and  
4 the claims of his prior victims - these articles were discovered by Plaintiff's counsel,  
5 disclosed during discovery and motion practice in this matter, and included as Exhibits  
6 27-31 in Plaintiff's First Amended List of Exhibits. A true and correct copy of Plaintiff's  
7 First Amended List of Exhibits is attached hereto as **Exhibit 8**.

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

10           Executed this 4th day of September 2024 at Beverly Hills, California.

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Dustin Z. Moaven, Esq.



1           7.       On or about September 3, 2024, Defendant emailed me a document entitled  
2 *Request for Court to Consider Supplemental Information in Support of Defendant's*  
3 *Motion for New Trial* ("Supplemental Motion") which echoed many of the same baseless  
4 accusations alleged in his Motion for New Trial. The Supplemental Motion was not  
5 properly served and does not appear to have been filed with the Court. In his  
6 Supplemental Motion, Defendant claims he is entitled to a new trial because "the  
7 testimony provided by Joseph Chora, a key witness for Dordick, appears to have been  
8 false and misleading....". However, Plaintiff did not call Joseph Chora as a witness at trial  
9 or introduce any testimony by him in support of her case. A true and correct copy of the  
10 Supplemental Motion is attached hereto as **Exhibit 10**.

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

13           Executed this 4th day of September 2024 at Beverly Hills, California.

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Gary A. Dordick, Esq.

Document received by the CA 2nd District Court of Appeal.

# **EXHIBIT "1"**

AA1327

Document received by the CA 2nd District Court of Appeal.

1 Gary A. Dordick, Esq. S/B# 128008  
2 Dustin Z. Moaven, Esq. S/B #320939  
3 **DORDICK LAW CORPORATION**  
4 1122 Wilshire Blvd.  
5 Los Angeles, CA 90017  
6 Tel: (310) 551-0949 • Fax: 855-299-4444  
7 E-Mail: dustin@dordicklaw.com

8 **In Association With**  
9 Ebby S. Bakhtiar, Esq. S/B# 215032  
10 LIVINGSTON • BAKHTIAR  
11 3435 Wilshire Boulevard, Suite 1669  
12 Los Angeles, California 90010  
13 Tel: (213) 632-1550 • Fax: (213) 632-3100

14 Attorneys for Plaintiff,  
15 JANE DOE

16 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
17 COUNTY OF LOS ANGELES

18 JANE DOE, an Adult Individual Suing  
19 Under Anonymity Due to Privacy and  
20 Safety,  
21 Plaintiff,

22 Plaintiff,

23 vs.

24 ALKIVIADES DAVID, an Individual, a.k.a.  
25 ALKI DAVID; HOLOGRAM USA, INC., a  
26 California Corporation, a.k.a. HOLOGRAM  
27 USA PRODUCTIONS, INC., HOLOGRAM  
28 USA ENTERTAINMENT, INC.,  
29 FILMON.TV, INC., FILMON.TV  
30 NETWORKS, INC. and FILMON.TV LA,  
31 INC.; SWISSX LABS AG, INC. a California  
32 Corporation, a.k.a. SWISSX LOUNGE and  
33 FILMONTV UK, LTD; and DOES 1 through  
34 150, inclusive,

35 Defendants.

Case No.: 20STCV37498

(Assigned for all purposes to the  
Honorable Christopher L. Lui in Dept. 76)

**NOTICE OF RULING**

Hearing Date: May 7, 2024  
Time: 8:30 a.m.

Complaint Filed: September 30, 2020  
Trial Date: May 28, 2024

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1           **TO THE COURT AND TO ALL PARTIES AND THEIR COUNSEL OF**  
2 **RECORD:**

3           **PLEASE TAKE NOTICE** that on May 7, 2024, the Court held a hearing regarding  
4 Plaintiff's Motion to Deem Request for Admissions Set 2 Admitted and Request for  
5 Sanctions.

6           During the hearing, the Court issued the following orders:

- 7           1. Plaintiff's Motion to Deem Request for Admissions Set 2 and Request for  
8           Sanctions is GRANTED;
- 9           2. Defendant is to pay monetary sanctions in the amount \$850.00 to Dordick  
10           Law Corporation within 20 days of the May 7, 2024 hearing;
- 11           3. The Final Status Conference currently scheduled for May 13, 2024 is  
12           continued to May 15, 2024 at 8:30 A.M.;
- 13           4. Plaintiff was ordered to give notice.

14  
15  
16 DATED: May 7, 2024

DORDICK LAW CORPORATION

17  
18 By:



\_\_\_\_\_  
Gary A. Dordick, Esq.  
Dustin Moaven, Esq.  
Attorneys for Plaintiff

**PROOF OF SERVICE**

1  
2 STATE OF CALIFORNIA            )  
3    )        ss.  
4 COUNTY OF LOS ANGELES    )

5  
6        I am employed in the County of Los Angeles, State of California. I am over the  
7 age of 18 and not a party to the within action; my business address is: 1122 WILSHIRE  
8 BLVD., LOS ANGELES, CA 90017.

9        On May 7, 2024, I served the foregoing documents described as  
10 **NOTICE OF RULING** on all parties in this action by placing a true copy thereof  
11 enclosed in sealed envelopes addressed as follows.

**[SEE ATTACHED SERVICE LIST]**

12 ( )        **BY UNITED STATES MAIL.** I enclosed the documents in a sealed  
13 envelope or package addressed to the persons at the addresses listed  
14 below and

15            ( )        deposited the sealed envelope with the United States Postal  
16 Service with postage fully prepaid.

17            ( )        placed the envelope for collection and mailing, following our  
18 ordinary business practices. I am readily familiar with this  
19 business’s practice for collecting and processing correspondence  
20 for mailing. On the same day that correspondence is placed for  
21 collection and mailing, it is deposited in the ordinary course of  
22 business with the United States Postal Service, in a sealed  
23 envelope with postage fully prepaid.

24 I am employed in the county where the mailing occurred. The envelope or  
25 package was placed in the mail at Los Angeles, California.

26 ( )        **BY OVERNIGHT DELIVERY.** I enclosed the documents in an  
27 envelope or package provided by an overnight delivery carrier and  
28 addressed to the persons listed in the attached 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 delivery carrier.

( )        **BY MESSENGER SERVICE.** I placed the documents in an envelope  
or package addressed to the persons at the addresses listed in the

1 attached service list and providing them to a messenger service for  
2 service

3 ( ) **BY PERSONAL SERVICE.** I caused such documents to be  
4 delivered personally delivered to the persons addresses listed below.

5 ( ) For a party represented by an attorney, delivery was made to the  
6 attorney or at the attorney's office by leaving the documents, in an  
7 envelope or package clearly labeled to identify the attorney being  
8 served, with a receptionist or an individual in charge of the office,  
9 between normal business hours.

10 ( ) For a party, delivery was made to the party or by leaving the  
11 documents at the party's residence with some person not younger  
12 than 18 years of age between normal business hours.

13 ( ) **BY FAX TRANSMISSION.** I caused all of the pages of the above-entitled  
14 document to be sent to the recipients noted on the attached service list via  
15 electronic transfer (FAX) at the respective FAX numbers pursuant to  
16 C.C.P. §1013(e) from DORDICK LAW CORPORATION on the date set  
17 forth above. The machine I used complied with California Rules of Court,  
18 Rule 2.306(h)(3) and no error was reported by the machine.

19 (X) **BY ELECTRONIC SERVICE [E-MAIL]** Based on a court order or an  
20 agreement of the parties to accept service by e-mail or electronic  
21 transmission, I caused the document(s) to be sent from e-mail address  
22 sandra@dordicklaw.com to the persons at the e-mail addresses listed in  
23 the Service List. I did not receive, within a reasonable time after the  
24 transmission, any electronic message or other indication that the  
25 transmission was unsuccessful.

26 Executed on May 7, 2024, at Los Angeles, California.

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

29   
30 SANDRA JIMENEZ

1 **SERVICE LIST**

2 **Jane Doe v. David**

3 **Case No. 20STCV37498**

4  
5 Ebby S. Bakhtiar, Esq.  
6 LIVINGSTON • BAKHTIAR  
7 3435 Wilshire Boulevard, Suite 1669  
8 Los Angeles, California 90010  
9 Tel: (213) 632-1550  
10 Fax: (213) 632-3100  
11 E-mail: [ESB@LivingstonBakhtiar.com](mailto:ESB@LivingstonBakhtiar.com)

12 ***Co-Counsel for Plaintiff, JANE DOE***

13 Themistoklis Sofos, PhD  
14 SOFOS LAW FIRM  
15 Asklepiou Str. 6-8 GR 10680  
16 Athens, Greece  
17 Tel: +302103633322  
18 Fax: +302103636327  
19 E-mail: [themis@sofos.com.gr](mailto:themis@sofos.com.gr)

20 ***Attorney for Defendant, ALKIVIADES DAVID***

# **EXHIBIT "2"**

**AA1333**

Document received by the CA 2nd District Court of Appeal.

1 Gary A. Dordick, Esq. S/B# 128008  
2 Dustin Z. Moaven, Esq. S/B #320939  
3 Brittney Ghadoushi, Esq. S/B# 345932  
4 **DORDICK LAW CORPORATION**  
5 1122 Wilshire Blvd.  
6 Los Angeles, CA 90017  
7 Tel: (310) 551-0949 • Fax: 855-299-4444  
8 E-Mail: dustin@dordicklaw.com

9 **In Association With**  
10 Ebbby S. Bakhtiar, Esq. S/B# 215032  
11 LIVINGSTON • BAKHTIAR  
12 3435 Wilshire Boulevard, Suite 1669  
13 Los Angeles, California 90010  
14 Tel: (213) 632-1550 • Fax: (213) 632-3100

15 Attorneys for Plaintiff JANE DOE

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 FOR THE COUNTY OF LOS ANGELES

18 JANE DOE, an Adult Individual Suing  
19 Under Anonymity Due to Privacy and  
20 Safety,

21 Plaintiff,

22 vs.

23 ALKIVIADES DAVID, an Individual, a.k.a.  
24 ALKI DAVID; HOLOGRAM USA, INC., a  
25 California Corporation, a.k.a. HOLOGRAM  
26 USA PRODUCTIONS, INC., HOLOGRAM  
27 USA ENTERTAINMENT, INC.,  
28 FILMON.TV, INC., FILMON.TV  
NETWORKS, INC. and FILMON.TV LA,  
INC.; SWISSX LABS AG, INC. a California  
Corporation, a.k,a. SWISSX LOUNGE and  
FILMONTV UK, LTD; and DOES 1 through  
150, inclusive,

Defendants.

Case No.: 20STCV37498

(Assigned for all purposes to the  
Honorable Christopher L. Lui in Dept. 76)

**PLAINTIFF JANE DOE'S REQUEST  
FOR ADMISSIONS TO DEFENDANT  
ALKIVIADES DAVID**

**(SET TWO)**

Action Filed: September 30, 2020  
Trial: May 28, 2024

1.

**PLAINTIFF JANE DOE'S REQUEST FOR ADMISSIONS TO DEFENDANT ALKIVIADES DAVID  
(SET TWO)**

**AA1334**

Document received by the CA 2nd District Court of Appeal.

1  
2 **PROPOUNDING PARTY: Plaintiff JANE DOE**

3 **RESPONDING PARTY: Defendant ALKIVIADES DAVID**

4 **SET NUMBER: TWO**

5  
6 Pursuant to California Code of Civil Procedure §2033.210, et seq., of the  
7 California Code of Civil Procedure Plaintiff hereby requests that Defendant  
8 **ALKIVIADES DAVID** within thirty (30) days after service of this request, admit to the  
9 truth of the following facts:

10 **DEFINITIONS**

11 Words in CAPITALS are defined as follows:

12 1. "YOU" and "YOUR" as used herein, includes and collectively refers to  
13 Defendant ALKIVIADES DAVID.

14 2. "HUI" means and refers to Defendants HOLOGRAM USA INC., also know  
15 as and/or conducting business as HOLOGRAM USA PRODUCTIONS, INC.,  
16 HOLOGRAM USA ENTERTAINMENT, INC., FILMON.TV, INC., FILMON.TV  
17 NETWORKS, INC., and FILMON.TVLA, INC.

18 3. "SWISS-X" means and refers to Defendants SWISSX LABS AG, INC., also  
19 known as and/or conducting business as SWISSX LOUNGE and FILMONTV UK, LTD.

20 4. "YOUR BUSINESSES" as used herein, includes and collectively refers to  
21 each and every legal entity owned and operated by YOU and/or that YOU once owned  
22 and/or operated, including but not limited to Defendants FILMON.TV, INC., HOLOGRAM  
23 USA ENTERTAINMENT, INC., HOLOGRAM USA, INC., and SWISSX LOUNGE AG, INC.  
24 a.k.a SWISSX LOUNGE and FILMONTV UK, LTD, and said entities' subsidiaries,  
25 parent/holding companies, agents, representatives, investigators, employees,  
26 contractors, insurance companies, third-party adjusting administrators, as well as said  
27 entities' predecessors in interest, their agents, their employees, their investigators, their  
28 representatives, their insurance companies, and anyone else acting on behalf of YOUR  
BUSINESSES, save for said entities' attorneys.

2.

**PLAINTIFF JANE DOE'S REQUEST FOR ADMISSIONS TO DEFENDANT ALKIVIADES DAVID  
(SET TWO)**

**AA1335**

1           5.     "PERSON(S)" as used herein, shall refer to, mean and include any natural  
2 person or firm, association, organization, partnership, business, trust, corporation, public  
3 agency and/or other form of entity.

4           6.     "PLAINTIFF" means and refers to Plaintiff Jane Doe in the instant action  
5 filed in the Superior Court of California for the County of Los Angeles, with case number  
6 20STCV37498.

7           7.     "COMPLAINT" means and refers to the operative First Amended civil  
8 complaint for damages filed by PLAINTIFF in this action.

9           8.     "INCIDENT" or "SUBJECT INCIDENT" means and refers to the incident  
10 that took place on April 21, 2019, that is the subject of this lawsuit and described in the  
11 COMPLAINT.

12          9.     "COMMUNICATION(S)" mean(s) and refer(s) to any transmission of  
13 information by any means, including but not limited to, telephone, letters, telegrams,  
14 teletypes, telexes, telecopies, computer linkups, electronic mail, written memoranda,  
15 text messages, social media messages, and face-to-face statements or conversations.

16          10.    "DOCUMENT(S)" mean(s) and refer(s) to a writing as defined in Evidence  
17 Code Section 250. It shall also include any COMMUNICATION, handwriting, typewriting,  
18 printing, Photostatting, photographing, every other means of recording, upon any  
19 tangible thing, and any form of COMMUNICATION or representation, including letters,  
20 words, pictures, signs, or symbols, or combinations thereof, written or graphic material  
21 of every kind and description, however produced or reproduced, whether draft, proposed  
22 or final, original or reproduction, and includes, without limitation, correspondence, hard  
23 copies of email, agreements, evaluations, estimates, studies, reports of site visits and  
24 other reports, analyses, drawings, graphs, charts, photographs, phono-records,  
25 contracts, letters, memoranda, notes, laboratory notebooks, research reports,  
26 "protocols," telexes, facsimiles, recorded phone messages, meeting agendas, meeting  
27 minutes, notes of communications, dictation, electronic or electromagnetic recordings,  
28 appointment books, calendars, diaries, accounting books, ledgers and records, invoices,  
purchase orders, checks, vouchers, expense reports, money orders and receipts, forms,

3.

**PLAINTIFF JANE DOE'S REQUEST FOR ADMISSIONS TO DEFENDANT ALKIVIADES DAVID  
(SET TWO)**

**AA1336**

Document received by the CA 2nd District Court of Appeal.

1 templates, and manuals and information stored in or for use in a computer. The term  
2 “DOCUMENT(S)” shall further include the originals and each copy of each DOCUMENT  
3 if the copy contains any additional writing or is not an identical copy (without change or  
4 interlineation) of the original.

5 11. “RELATE(ING) TO,” “REFER,” “REGARD(ING),” “EVIDENCE,” and/or  
6 any version thereof, means to evidence, support, memorialize, refer, constitute, contain,  
7 discuss, describe, embody, reflect, identify, mention, state, or otherwise relate in any  
8 way, in whole or in part.

9 12. “ELECTRONICALLY STORED INFORMATION” or “ESI” is defined as it is  
10 under California Code of Civil Procedure section 2033.010 or “information that is stored  
11 in an electronic medium” with “electronic” relating to technology having electrical, digital,  
12 magnetic, wireless, optical, electromagnetic, or similar capabilities.

13 13. “PERSON(S)” includes any natural persons, firms, associations,  
14 organizations, partnerships, businesses, business trusts, corporations, and public  
15 entities.

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1 **REQUESTS FOR ADMISSIONS**

2 **SET TWO**

3  
4 **REQUEST FOR ADMISSION NO. 14:**

5 Admit YOU hired PLAINTIFF as an employee of at least one of YOUR  
6 BUSINESSES, including but not limited to HUI, in November 2015.

7  
8 **REQUEST FOR ADMISSION NO. 15:**

9 Admit PLAINTIFF was an employee of at least one of YOUR BUSINESSES,  
10 including but not limited to HUI, in August and September 2016.

11  
12 **REQUEST FOR ADMISSION NO. 16:**

13 Admit YOU attempted to kiss PLAINTIFF on her mouth, without her consent,  
14 during a purported work meeting in Greece in or around August 2016.

15  
16 **REQUEST FOR ADMISSION NO. 17:**

17 Admit YOU hired PLAINTIFF as an employee of SWISS-X on or around  
18 September 6, 2018.

19  
20 **REQUEST FOR ADMISSION NO. 18:**

21 Admit PLAINTIFF was an employee of at least one of YOUR BUSINESSES,  
22 including but not limited to SWISS-X and/or HUI, in September 2018.

23  
24 **REQUEST FOR ADMISSION NO. 19:**

25 Admit that on or about September 6, 2018, YOU drugged PLAINTIFF and forcibly  
26 held her hand in contact with YOUR genitals while YOU masturbated to the point of  
27 ejaculation, against PLAINTIFF's explicit pleas for YOU to stop.

1  
2 **REQUEST FOR ADMISSION NO. 20:**

3 Admit YOU knowingly and intentionally gave PLAINTIFF an intoxicant on or  
4 about September 6, 2018 in hopes of lowering her inhibitions and making it easier for  
5 YOU to force her to engage in unwanted, unsolicited sexual activity that PLAINTIFF  
6 would not consent to if sober.  
7

8 **REQUEST FOR ADMISSION NO. 21:**

9 Admit YOU hired PLAINTIFF as an employee of at least one of YOUR  
10 BUSINESSES, including but not limited to HUI and/or SWISS-X, on or about March 22,  
11 2019.  
12

13 **REQUEST FOR ADMISSION NO. 22:**

14 Admit PLAINTIFF consistently worked approximately fifty (50) hours per week for  
15 at least one of YOUR BUSINESSES, including but not limited to HUI and/or SWISS-X,  
16 between March 22, 2019 and April 20, 2019.  
17

18 **REQUEST FOR ADMISSION NO. 23:**

19 Admit that as of April 20, 2019, at least one of YOUR BUSINESSES owed  
20 unpaid wages to PLAINTIFF.  
21

22 **REQUEST FOR ADMISSION NO. 24:**

23 Admit YOU raped PLAINTIFF on April 21, 2019.  
24

25 **REQUEST FOR ADMISSION NO. 25:**

26 Admit YOU used physical force, intimidation, and threats to have forcible, non-  
27 consensual, vaginal intercourse with PLAINTIFF on April 21, 2019.  
28

1  
2 **REQUEST FOR ADMISSION NO. 26:**

3 Admit PLAINTIFF never consented to having sexual intercourse with YOU.  
4

5 **REQUEST FOR ADMISSION NO. 27:**

6 Admit YOUR Doberman Pinscher guard dog was present when YOU raped  
7 PLAINTIFF on April 21, 2019.  
8

9  
10 **REQUEST FOR ADMISSION NO. 28:**

11 Admit PLAINTIFF resisted all YOUR attempts to have sexual intercourse with her  
12 on April 21, 2019, including but not limited to repeatedly yelling “NO!” and expressly  
13 telling YOU to “STOP.”  
14

15 **REQUEST FOR ADMISSION NO. 29:**

16 Admit YOU pinned PLAINTIFF against a wall and covered her mouth with YOUR  
17 hand when YOU raped her on April 21, 2019.  
18

19 **REQUEST FOR ADMISSION NO. 30:**

20 Admit YOU terminated PLAINTIFF’s employment with at least one of YOUR  
21 BUSINESSES as retaliation for PLAINTIFF confronting YOU about her unpaid wages.  
22

23 **REQUEST FOR ADMISSION NO. 31:**

24 Admit YOU denied paying PLAINTIFF’s wages and then terminated PLAINTIFF’s  
25 employment with at least one of YOUR BUSINESSES based upon PLAINTIFF’s  
26 perceived opposition to YOUR unlawful employment practices.  
27

28 **REQUEST FOR ADMISSION NO. 32:**

1 Admit YOU terminated PLAINTIFF's employment with at least one of YOUR  
2 BUSINESSES as retaliation for PLAINTIFF refusing to have consensual sexual  
3 intercourse with YOU.

4  
5 **REQUEST FOR ADMISSION NO. 33:**

6 Admit PLAINTIFF's employment with YOUR BUSINESSES was not terminated  
7 due to any budgetary concerns.

8  
9  
10 **REQUEST FOR ADMISSION NO. 34:**

11 Admit that any budgetary concerns YOUR BUSINESSES experienced in 2019  
12 were caused by YOUR acts of sexual misconduct against YOUR female employees.

13  
14 **REQUEST FOR ADMISSION NO. 35:**

15 Admit that on April 26, 2019, in the case entitled, *Elizabeth Taylor et al. v.*  
16 *Alkiviades David, et al.*, Los Angeles Superior Case number BC649025, a California jury  
17 held YOU liable for \$8 million in punitive damages for committing sexual battery against  
18 a former female employee, Elizabeth Taylor.

19  
20 **REQUEST FOR ADMISSION NO. 36:**

21 Admit YOU raped Elizabeth Taylor, a former account executive of YOURS who  
22 worked for one of YOUR BUSINESSES.

23  
24 **REQUEST FOR ADMISSION NO. 37:**

25 Admit that YOU had sexual relations with Elizabeth Taylor against her will.

26  
27  
28 **REQUEST FOR ADMISSION NO. 38:**

1 Admit that in the case number BC654017, a jury ordered YOU to pay over \$50  
2 million to Mahim Khan, a former production assistant who worked for YOU, after finding  
3 YOU liable for battery, sexual battery and sexual harassment  
4

5 **REQUEST FOR ADMISSION NO. 39:**

6 Admit YOU raped Mahim Khan.  
7

8 **REQUEST FOR ADMISSION NO. 40:**

9 Admit YOU thrustured your pelvis into Mahim Khan's face and simulated oral sex  
10 with her at the workplace in 2014.  
11

12 **REQUEST FOR ADMISSION NO. 41:**

13 Admit that YOU had sexual relations with Mahim Khan against her will.  
14

15 **REQUEST FOR ADMISSION NO. 42:**

16 Admit that YOU groped and sexually harassed Mahim Khan in 2014 and in 2015.  
17

18 **REQUEST FOR ADMISSION NO. 43:**

19 Admit that YOU walked into Mahim Khan's cubicle while she was working,  
20 swiveled her chair until she faced YOU, and then grabbed her neck and thrust it towards  
21 YOUR pelvic area while making moaning sounds two or three times every week during  
22 her employment with YOU.  
23  
24

25 **REQUEST FOR ADMISSION NO. 44:**

26 Admit YOU fired more than one of YOUR employees working for one of YOUR  
27 BUSINESSES after she refused to have sex with YOU.  
28

1 **REQUEST FOR ADMISSION NO. 45:**

2 Admit that in April 2019, a California jury ordered YOU and at least one of YOUR  
3 BUSINESSES to pay \$11 million in punitive and compensatory damages for committing  
4 sexual battery against Chasity Jones.

5  
6 **REQUEST FOR ADMISSION NO. 46:**

7 Admit that a California jury found that YOU repeatedly sexually harassed and  
8 battered Chasity Jones when she worked as a sales executive for YOUR  
9 BUSINESSES, including but not limited to FilmOn.TV Networks Inc. and Hologram  
10 USA.

11  
12 **REQUEST FOR ADMISSION NO. 47:**

13 Admit that YOU groped Chasity Jones in the workplace on multiple occasions.  
14

15  
16 **REQUEST FOR ADMISSION NO. 48:**

17 Admit that YOU threatened to fire Chasity Jones if she did not have sex with  
18 YOU.

19  
20 **REQUEST FOR ADMISSION NO. 49:**

21 Admit that YOU had sexual relations with Chasity Jones against her will and  
22 without her consent.

23  
24 **REQUEST FOR ADMISSION NO. 50:**

25 Admit that on April 25, 2019, a jury determined that YOU repeatedly sexually  
26 harassed and battered Chasity Jones when she worked as a sales executive for YOUR  
27 BUSINESSES, including FilmOn.TV Networks Inc. and Hologram USA.  
28

1 **REQUEST FOR ADMISSION NO. 51:**

2 Admit that while YOU were on the stand during trial against Chastity Jones,  
3 YOU told Chastity Jones to "take my card. Take my card. Here, take my card. ... Go and  
4 buy whatever you want... It's a Black Amex from Switzerland, if you would like, madam?  
5 Is that interesting? ... Oh, fuck it. Just enter a default judgment."  
6

7 **REQUEST FOR ADMISSION NO. 52:**

8 Admit YOU were ordered to pay a \$5 million verdict to Lauren Reeves for claims  
9 of sexual harassment and sexual battery.  
10

11 **REQUEST FOR ADMISSION NO. 53:**

12 Admit that in 2016, YOU grabbed Lauren Reeves' throat, shoved her chair into a  
13 wall, and told her that YOU needed to buy supplies for YOUR "rape room".  
14

15 **REQUEST FOR ADMISSION NO. 54:**

16 Admit that YOU hired a stripper for an office birthday party at one of YOUR  
17 BUSINESSES.  
18

19 **REQUEST FOR ADMISSION NO. 55:**

20 Admit that YOU have been accused of inappropriate behavior by a majority of  
21 YOU female employees.  
22

23 **REQUEST FOR ADMISSION NO. 56:**

24 Admit that on at least three occasions, a jury has found YOU liable for sexual  
25 misconduct with YOUR former employees.  
26  
27

28 **REQUEST FOR ADMISSION NO. 57:**

1 Admit that all of the allegations in PLAINTIFF's COMPLAINT, including but not  
2 limited to her First Amended Complaint, are true.

3  
4 **REQUEST FOR ADMISSION NO. 58:**

5 Admit that YOU have no evidence to refute the allegations in PLAINTIFF'S First  
6 Amended COMPLAINT.

7  
8 **REQUEST FOR ADMISSION NO. 59:**

9 Admit YOU have paid millions of dollars in settlements as the result of lawsuits  
10 filed against YOU for unsolicited sexual misconduct and sexual battery.

11  
12 **REQUEST FOR ADMISSION NO. 60:**

13 Admit YOUR BUSINESSES, including but not limited to Alki David Productions,  
14 subjected YOUR employees to a hostile work environment.

15  
16 **REQUEST FOR ADMISSION NO. 61:**

17 Admit YOUR BUSINESSES, including but not limited to FilmON TV, subjected  
18 YOUR employees to a hostile work environment.

19  
20 **REQUEST FOR ADMISSION NO. 62:**

21 Admit that YOU had nonconsensual sexual relationships with more than one of  
22 YOUR employees at the workplace of at least one of YOUR BUSINESSES.

23  
24 **REQUEST FOR ADMISSION NO. 63:**

25 Admit that on April 21, 2019, YOU pinned down PLAINTIFF, YOUR employee, at  
26 the work place of one of YOUR BUSINESSES to have sexual relations with her.  
27  
28

1 **REQUEST FOR ADMISSION NO. 64:**

2 Admit YOU own TVMix.com.

3  
4 **REQUEST FOR ADMISSION NO. 65:**

5 Admit YOU wrote an article published on TVMix.com on June 8, 2022 where  
6 YOU intentionally revealed PLAINTIFF's name.

7  
8 **REQUEST FOR ADMISSION NO. 66:**

9 Admit YOU caused the publishing of the article posted on TVMix.com on June 8,  
10 2022 where YOU revealed PLAINTIFF'S.

11  
12  
13 **REQUEST FOR ADMISSION NO. 67:**

14 Admit YOUR purposefully published at least one article on TVMix.com with the  
15 intent to harass and intimidate PLAINTIFF.

16  
17 **REQUEST FOR ADMISSION NO. 68:**

18 Admit YOU revealed PLAINTIFF's name in a TVMIX.com article to intentionally  
19 interfere with PLAINTIFF's rights to a fair jury trial.

20  
21 **REQUEST FOR ADMISSION NO. 69:**

22 Admit that PLAINTIFF used reasonable diligence to mitigate her damages for the  
23 injuries alleged in her COMPLAINT.

24  
25  
26 **REQUEST FOR ADMISSION NO. 70:**

27 Admit that PLAINTIFF'S claims in her First Amended COMPLAINT are not  
28 barred by any statutes of limitations, including but not limited to, California Code of Civil

1 Procedure sections 312, 335.1, 338, 340; Civil Code sections 52 and 52.4, as well as  
2 Government Code sections 12940, 12960, and 12965.

3  
4 **REQUEST FOR ADMISSION NO. 71:**

5 Admit that PLAINTIFF never waived her right to maintain and pursue the claims  
6 asserted in her First Amended Complaint.

7  
8 **REQUEST FOR ADMISSION NO. 72:**

9 Admit that PLAINTIFF never consented to the acts complained of in her First  
10 Amended COMPLAINT.

11  
12 **REQUEST FOR ADMISSION NO. 73:**

13 Admit that PLAINTIFF exhausted the available administrative remedies at her  
14 disposal in relation to the claims asserted in her First Amended COMPLAINT.

15  
16  
17 **REQUEST FOR ADMISSION NO. 74:**

18 Admit that PLAINTIFF substantially complied with all her employer's directions  
19 during her employment and as such, PLAINTIFF'S FEHA and wrongful termination  
20 claims are not barred.

21  
22 **REQUEST FOR ADMISSION NO. 75:**

23 Admit that YOUR sexual conduct with PLAINTIFF was neither undertaken in  
24 good faith nor justified under California law.

25  
26 **REQUEST FOR ADMISSION NO. 76:**

27 Admit that YOUR termination of PLAINTIFF's employment with YOUR  
28 BUSINESSES was neither a proper nor just exercise of managerial discretion.

1 **REQUEST FOR ADMISSION NO. 77:**

2 Admit that YOU abused the employer-employee relationship when YOU initiated  
3 and engaged in sexual conduct with PLAINTIFF.  
4

5 **REQUEST FOR ADMISSION NO. 78:**

6 Admit that engaging in sexual relations with PLAINTIFF at the workplace is an  
7 abuse of YOUR power as her employer.  
8

9 **REQUEST FOR ADMISSION NO. 79:**

10 Admit that YOU subjected PLAINTIFF to adverse employment action.  
11

12 **REQUEST FOR ADMISSION NO. 80:**

13 Admit that YOUR sexual conduct at the workplace was sufficiently severe and/or  
14 pervasive conduct or actions which constitute a hostile work environment.  
15

16 **REQUEST FOR ADMISSION NO. 81:**

17 Admit PLAINTIFF never consented to any sexual relationships with YOU.  
18

19 **REQUEST FOR ADMISSION NO. 82:**

20 Admit there is a causal nexus between YOUR employment decisions regarding  
21 PLAINTIFF and a discriminatory animus and/or motive by YOU.  
22

23 **REQUEST FOR ADMISSION NO. 83:**

24 Admit that PLAINTIFF has standing to bring the claims alleged in her First  
25 Amended COMPLAINT.  
26

27 **REQUEST FOR ADMISSION NO. 84:**  
28

1 Admit that your conduct with PLAINTIFF at the workplace was not performed in  
2 good faith and was performed without a legitimate business purpose, and taken with  
3 malice, fraud, oppression and/or in conscious disregard of PLAINTIFFS rights.  
4

5 **REQUEST FOR ADMISSION NO. 85:**

6 Admit that on April 21, 2019, YOU intentionally deprived PLAINTIFF of her  
7 freedom of movement by use of physical barriers, duress, and/or force.  
8

9 **REQUEST FOR ADMISSION NO. 86:**

10 Admit that YOUR confinement, restraint, and/or detention of PLAINTIFF  
11 compelled PLAINTIFF to stay with YOU and engage in non-consensual sexual conduct  
12 with YOU on April 21, 2019.  
13

14 **REQUEST FOR ADMISSION NO. 87:**

15 Admit that PLAINTIFF did not knowingly or voluntarily consent to be restrained  
16 by YOU on April 21, 2019.  
17

18 **REQUEST FOR ADMISSION NO. 88:**

19 Admit that PLAINTIFF was actually harmed by YOUR inappropriate sexual  
20 misconduct on April 21, 2019.  
21

22 **REQUEST FOR ADMISSION NO. 89:**

23 Admit that YOUR conduct, including but not limited to giving PLAINTIFF an  
24 intoxicant on or about September 6, 2018 in hopes of lowering her inhibitions and  
25 making it easier for YOU to force her to engage in unwanted, unsolicited sexual activity  
26 that PLAINTIFF would not consent to if sober, was a substantial factor in causing  
27 PLAINTIFF's harm.  
28

1  
2 **REQUEST FOR ADMISSION NO. 90:**

3 Admit that YOUR conduct, including but not limited to giving PLAINTIFF an  
4 intoxicant on or about September 6, 2018 in hopes of lowering her inhibitions and  
5 making it easier for YOU to force her to engage in unwanted, unsolicited sexual activity  
6 that PLAINTIFF would not consent to if sober, was outrageous.  
7

8 **REQUEST FOR ADMISSION NO. 91:**

9 Admit that YOU intended to cause PLAINTIFF emotional distress when you  
10 raped her on April 21, 2019.  
11

12 **REQUEST FOR ADMISSION NO. 92:**

13 Admit that YOU acted with reckless disregard of the probability that PLAINTIFF  
14 would suffer emotional distress, knowing that PLAINTIFF was present when your  
15 unsolicited sexual activity occurred.  
16

17 **REQUEST FOR ADMISSION NO. 93:**

18 Admit that PLAINTIFF suffered severe emotional distress as a result of YOUR  
19 unwanted, unsolicited sexual misconduct.  
20

21 **REQUEST FOR ADMISSION NO. 94:**

22 Admit that YOUR conduct, including but not limited to unwanted and unsolicited  
23 sexual misconduct with PLAINTIFF, was a substantial factor in causing PLAINTIFF's  
24 severe emotional distress.  
25  
26

27 **REQUEST FOR ADMISSION NO. 95:**  
28

1 Admit that YOU engaged in sexual misconduct with PLAINTIFF with the intent to  
2 cause injury on April 21, 2019.

3  
4 **REQUEST FOR ADMISSION NO. 96:**

5 Admit that YOU engaged in sexual misconduct with PLAINTIFF with a willful and  
6 knowing disregard of PLAINTIFF's rights and safety on April 21, 2019.

7  
8 **REQUEST FOR ADMISSION NO. 97:**

9 Admit that rape is considered despicable conduct.

10  
11  
12 **REQUEST FOR ADMISSION NO. 98:**

13 Admit that rape is looked down on and despised by a reasonable person.

14  
15 **REQUEST FOR ADMISSION NO. 99:**

16 Admit that forcing YOUR employee to engage in unwanted, unsolicited sexual  
17 activity with YOU is looked down on and despised by reasonable people.

18  
19 **REQUEST FOR ADMISSION NO. 100:**

20 Admit that forcing YOUR employee to engage in unwanted, unsolicited sexual  
21 activity with YOU is inappropriate.

22  
23 **REQUEST FOR ADMISSION NO. 100:**

24 Admit that forcing YOUR employee to engage in unwanted, unsolicited sexual  
25 activity with YOU is discipline conduct.

26  
27  
28 **REQUEST FOR ADMISSION NO. 101:**

1 Admit that YOU were aware that forcing PLAINTIFF to engage in unwanted,  
2 unsolicited sexual activity with YOU would cause her harm.

3  
4 **REQUEST FOR ADMISSION NO. 102:**

5 Admit that YOU disregarded PLAINTIFF's rights when YOU forced PLAINTIFF to  
6 engage in unwanted, unsolicited sexual activity with YOU on April 21, 2019.

7  
8 **REQUEST FOR ADMISSION NO. 103:**

9 Admit that YOU disregarded Elizabeth Taylor's rights when YOU forced her to  
10 engage in unwanted, unsolicited sexual activity with YOU.

11  
12 **REQUEST FOR ADMISSION NO. 104:**

13 Admit that YOU disregarded Mahim Khan's rights when YOU forced her to  
14 engage in unwanted, unsolicited sexual activity with YOU.

15  
16 **REQUEST FOR ADMISSION NO. 105:**

17 Admit that YOU disregarded Chasity Jones's rights when YOU forced her to  
18 engage in unwanted, unsolicited sexual activity with YOU.

19  
20 **REQUEST FOR ADMISSION NO. 106:**

21 Admit that YOU subjected PLAINTIFF to an adverse employment action when  
22 she refused to have sex with YOU.

23  
24 **REQUEST FOR ADMISSION NO. 107:**

25 Admit YOU believed PLAINTIFF was an attractive woman.

26  
27 **REQUEST FOR ADMISSION NO. 108:**

1 Admit YOU subjected PLAINTIFF to harassing conduct because she was a  
2 woman.

3  
4 **REQUEST FOR ADMISSION NO. 109:**

5 Admit YOU subjected PLAINTIFF to harassing conduct because she was an  
6 attractive woman that did not consent to sexual activity with YOU.  
7

8 **REQUEST FOR ADMISSION NO. 110:**

9 Admit that forcing PLAINTIFF to engage in unwanted, unsolicited sexual activity  
10 with YOU is severe or pervasive harassing conduct.  
11

12 **REQUEST FOR ADMISSION NO. 111:**

13 Admit that a woman in PLAINTIFF's circumstances would have considered the  
14 work environment PLAINTIFF worked in to be hostile, intimidating, offensive,  
15 oppressive, and/or abusive.  
16

17 **REQUEST FOR ADMISSION NO. 112:**

18 Admit that YOU intended to cause a harmful or offensive contact with  
19 PLAINTIFF's body, including but not limited to her mouth, genitals, anus and/or breast  
20 on April 21, 2019.  
21

22 **REQUEST FOR ADMISSION NO. 113:**

23 Admit that YOU caused PLAINTIFF to be in imminent fear of a harmful or  
24 offensive contact with her genitals on April 21, 2019.  
25

26 **REQUEST FOR ADMISSION NO. 114:**  
27  
28

1 Admit that YOU forced PLAINTIFF to have sexual intercourse, including but not  
2 limited to penetration, no matter how slight, of the vagina or genitalia by YOUR penis,  
3 by YOU by threatening to retaliate in the future against PLAINTIFF when there was a  
4 reasonable possibility that YOU would carry out the threat.

5  
6 **REQUEST FOR ADMISSION NO. 115:**

7 Admit YOU were aware that PLAINTIFF did not consent to engage in sexual  
8 intercourse with YOU.

9  
10 **REQUEST FOR ADMISSION NO. 116:**

11 Admit that YOU used your position of authority as PLAINTIFF's employer to  
12 coerce her into having sexual relations with YOU.

13  
14 **REQUEST FOR ADMISSION NO. 117:**

15 Admit that YOU were aware of the power dynamics at play between YOU and  
16 PLAINTIFF in the context of YOU employer-employee relationship when YOU raped her  
17 on April 21, 2019.

18  
19  
20 **REQUEST FOR ADMISSION NO. 118:**

21 Admit that YOUR actions, as described in PLAINTIFF's COMPLAINT, caused  
22 PLAINTIFF emotional distress and harm, and also violated her rights.

23  
24 **REQUEST FOR ADMISSION NO. 119:**

25 Admit that, at the time of YOUR nonconsensual sexual relations with PLAINTIFF,  
26 YOU understood that rape was illegal.

27  
28 **REQUEST FOR ADMISSION NO. 120:**

1 Admit that, at the time of YOUR nonconsensual sexual relations with PLAINTIFF,  
2 YOU understood that sexual intercourse without consent is considered rape.

3  
4 **REQUEST FOR ADMISSION NO. 121:**

5 Admit that YOUR BUSINESSES lack a separate identity from YOU.

6  
7 **REQUEST FOR ADMISSION NO. 122:**

8 Admit YOUR BUSINESSES are treated as an extension of YOUR personal  
9 interests.

10  
11 **REQUEST FOR ADMISSION NO. 123:**

12 Admit YOU have treated YOUR BUSINESSES as YOUR alter ego o.

13  
14 **REQUEST FOR ADMISSION NO. 124:**

15 Admit that there is a unity of ownership and interest between YOU and YOUR  
16 BUSINESSES.

17  
18 **REQUEST FOR ADMISSION NO. 125:**

19 Admit that it would be unfair to only hold YOUR BUSINESSES accountable for  
20 their debts.

21  
22 **REQUEST FOR ADMISSION NO. 126:**

23 Admit YOUR BUSINESSES were undercapitalized.

24  
25 **REQUEST FOR ADMISSION NO. 127:**

26 Admit YOUR BUSINESSES failed to uphold corporate formalities.

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**REQUEST FOR ADMISSION NO. 128:**

Admit YOUR BUSINESSES comingled assets and operations.

**REQUEST FOR ADMISSION NO. 129:**

Admit injustice would occur if YOUR BUSINESSES were allowed to escape liability for their actions.

DATED: February 8, 2024

DORDICK LAW CORPORATION

By: \_\_\_\_\_  
Gary A. Dordick, Esq.  
Dustin Z. Moaven, Esq.  
Brittney Ghadoushi, Esq.  
Attorneys for Plaintiff

1  
2  
3 **DECLARATION FOR ADDITIONAL DISCOVERY**  
4

5  
6 I, Dustin Moaven, the undersigned declare:

7 1. I am an attorney duly licensed to practice law before all of the courts in the  
8 State of California and am an associate attorney in the law firm of Dordick Law  
9 Corporation, attorneys of records for Plaintiff Jane Doe.

10 2. I have personal knowledge of the facts contained herein, and, if called to  
11 testify I could and would competently do so.

12 3. I am propounding to Defendant Alkiviades David in this action Request for  
13 Admissions, Set Two.

14 4. This set of Request for Admissions contains a total of 116 Requests for  
15 Admissions, which will cause the total number propounded to Defendant to exceed the  
16 number of Request for Admissions permitted under California Code of Civil Procedure  
17 2030.030.

18 5. I previously propounded thirteen Request for Admissions to this party.

19 6. I am familiar with the issues and the previous discovery conducted by all of the  
20 parties in this case.

21 7. I have personally examined each of the questions in this set of Request for  
22 Admissions. The information sought by each question is necessary for the proper  
23 preparation of this case and reasonably requires this number of questions.

24 8. The number of questions is warranted under Section 2030.040 of the Code of  
25 Civil Procedure. Additional questions are necessary due to the varied nature of the facts  
26 at issues between the parties, the numerous causes of action, and the various  
27 businesses entities operated by Defendant Alkiviades David. These include, but are not  
28 limited to, the facts and circumstances surrounding the incident and the alter ego nature  
of Defendant's businesses.

24.

**PLAINTIFF JANE DOE'S REQUEST FOR ADMISSIONS TO DEFENDANT ALKIVIADES DAVID  
(SET TWO)**

**AA1357**

Document received by the CA 2nd District Court of Appeal.

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9. None of the questions in this set of Request for Admissions is being propounded for any improper purpose, such as to harass the party, or the attorney for the party, to whom they are directed, or to cause unnecessary delay or needless increase in the cost of litigation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. January 8, 2024 in Beverly Hills, California.

\_\_\_\_\_  
Dustin Moaven, Esq.

Document received by the CA 2nd District Court of Appeal.

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**PROOF OF SERVICE**

STATE OF CALIFORNIA            )  
  )        ss.  
COUNTY OF LOS ANGELES    )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 509 SOUTH BEVERLY DRIVE, BEVERLY HILLS, CALIFORNIA 90212.

On FEBRUARY 8, 2024, I served the foregoing documents described as **PLAINTIFF JANE DOE’S REQUEST FOR ADMISSIONS TO DEFENDANT ALKIVIADES DAVID (SET TWO)** all parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows.

**[SEE ATTACHED SERVICE LIST]**

( )        **BY UNITED STATES MAIL.**        I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below and

( )        deposited the sealed envelope with the United States Postal Service with postage fully prepaid.

( )        placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

1 I am employed in the county where the mailing occurred. The envelope or  
2 package was placed in the mail at Beverly Hills, California.

3 ( ) **BY OVERNIGHT DELIVERY.** I enclosed the documents in an  
4 envelope or package provided by an overnight delivery carrier and  
5 addressed to the persons listed in the attached service list. I placed the  
6 envelope or package for collection and overnight delivery at an office or a  
regularly utilized drop box of the overnight delivery carrier.

7 ( ) **BY MESSENGER SERVICE.** I placed the documents in an envelope  
8 or package addressed to the persons at the addresses listed in the  
9 attached service list and providing them to a messenger service for  
service.

10 ( ) **BY PERSONAL SERVICE.** I caused such documents to be  
11 delivered personally delivered to the persons addresses listed below.

12 ( ) For a party represented by an attorney, delivery was made to the  
13 attorney or at the attorney's office by leaving the documents, in an  
14 envelope or package clearly labeled to identify the attorney being  
15 served, with a receptionist or an individual in charge of the office,  
between normal business hours.

16 ( ) For a party, delivery was made to the party or by leaving the  
17 documents at the party's residence with some person not younger  
18 than 18 years of age between normal business hours.

19 ( ) **BY FAX TRANSMISSION.** I caused all of the pages of the above entitled  
20 document to be sent to the recipients noted on the attached service list via  
21 electronic transfer (FAX) at the respective FAX numbers pursuant to  
22 C.C.P. §1013(e) from DORDICK LAW CORPORATION on the date set  
23 forth above. The machine I used complied with California Rules of Court,  
Rule 2.306(h)(3) and no error was reported by the machine.

24 (XX) **ONLY BY ELECTRONIC SERVICE [E-MAIL]** Only by emailing the  
25 document(s) to the persons at the e-mail address(es) from  
26 celine@dordicklaw.com. No electronic message or other indication that  
27 the transmission was unsuccessful was received within a reasonable time  
28 after the transmission. We will provide a physical copy, upon request only.

Executed on February 8, 2024, at Beverly Hills, California.

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

3  
4 \_\_\_\_\_  
5 CELINE ADLAN  
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1 **SERVICE LIST**

2 **Jane Doe v. David**

3 **Case No. 20STCV37498**

4  
5  
6 Ebby S. Bakhtiar, Esq.  
7 LIVINGSTON • BAKHTIAR  
8 3435 Wilshire Boulevard, Suite 1669  
9 Los Angeles, California 90010  
10 Tel: (213) 632-1550  
11 Fax: (213) 632-3100  
12 E-mail: [ESB@LivingstonBakhtiar.com](mailto:ESB@LivingstonBakhtiar.com)

13 ***Co-Counsel for Plaintiff, JANE DOE***

14 Aaron Allan, Esq.  
15 Jill Harris, Esq.  
16 GLASER WEIL  
17 10250 Constellation Blvd., 19th Floor  
18 Los Angeles, CA 90067  
19 Tel: (310) 553-3000  
20 Fax: (310) 556-2920  
21 E-mail: [aallan@glaserweil.com](mailto:aallan@glaserweil.com)  
22 E-mail: [jharris@glaserweil.com](mailto:jharris@glaserweil.com)  
23 E-mail: [fheather@glaserweil.com](mailto:fheather@glaserweil.com)  
24 E-mail: [dfelix@glaserweil.com](mailto:dfelix@glaserweil.com)  
25 E-mail: [vshnayder@glaserweil.com](mailto:vshnayder@glaserweil.com)  
26 E-mail: [gedwards@glaserweil.com](mailto:gedwards@glaserweil.com)

27 ***Attorney for Defendant, ALKIVIADES DAVID***

# **EXHIBIT "3"**

**AA1363**

Document received by the CA 2nd District Court of Appeal.

**From:** [Dustin Moaven](#)  
**To:** [Themis Sofos](#)  
**Cc:** [Gary A. Dordick](#); [Dylan Dordick](#); [DZM Eservice](#); [Alex Munoz](#); [Themistoklis Sofos](#)  
**Subject:** Jane Doe v. Alkiviades David, et al. (Los Angeles Superior Court, Case No. 20STCV37498)  
**Date:** Tuesday, May 7, 2024 3:44:36 PM  
**Attachments:** [dordick\\_c1e5a448-e8fd-4665-98e9-b899fa48bf09.png](#)

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Dear Mr. Sofos,

Please let Mr. David know that we would like meet and confer regarding our joint trial documents that need to be filed ahead of our upcoming Final Status Conference on May 15. The Final Status Conference was just continued this morning, and we will be sending over formal notice shortly. Please let us know when your client is available to discuss the trial documents so we can file them with the Court.

Thank you,

**Dustin Moaven**

Associate Attorney

**DORDICK LAW CORPORATION**

Beverly Hills • Downtown Los Angeles • Riverside

Direct [\(424\) 426-6716](#)

[\(800\) 555-5595](#) [\(310\) 551-0949](#)

Fax (424) 426-6716

[dustin@dordicklaw.com](mailto:dustin@dordicklaw.com)

[www.Dordicklaw.com](http://www.Dordicklaw.com)



All correspondence to: 1122 Wilshire Boulevard, Los Angeles, CA 90017

*This message is privileged, confidential, and intended only for the above-named individual. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please notify the sender.*

Document received by the CA 2nd District Court of Appeal.

**AA1364**

# **EXHIBIT "4"**

**AA1365**

Document received by the CA 2nd District Court of Appeal.

**From:** [Edgar Claros](#)  
**To:** [themis@sofos.com.gr](mailto:themis@sofos.com.gr)  
**Cc:** [DZM Eservice](#); [Gary A. Dordick](#); [GAD STAFF: TRIAL PREP DEPT](#)  
**Subject:** Doe, Jane vs. David  
**Date:** Wednesday, May 8, 2024 5:06:47 PM  
**Attachments:** [dordick\\_c1e5a448-e8fd-4665-98e9-b899fa48bf09.png](#)  
[DZM Decl. re Trial Documents.pdf](#)  
[Plnf Ntc of Filing Special Verdicts.pdf](#)  
[Plnf Exhibit List.pdf](#)  
[Plnf Statement of the Case.pdf](#)  
[Plnf Witness List.pdf](#)

---

Good afternoon, counsel,

Attached, please find all the plaintiff's trial documents that were filed with the court today:

- **Plaintiff's Witness List**
- **Plaintiff's Joint Statement of the Case**
- **Plaintiff's List of Jury Instructions**
- **Plaintiff's Exhibit List**
- **Notice of Filing Special Verdicts**
- **Declaration of Dustin Z. Moaven re Trial Documents**

If you have difficulty opening the attached, please contact me immediately.

## Edgar Claros

Trial Prep Manager

### DORDICK LAW CORPORATION

Beverly Hills • Downtown Los Angeles • Riverside

Direct [\(424\) 426-6741](tel:424-426-6741)

[\(800\) 555-5595](tel:800-555-5595) [\(310\) 551-0949](tel:310-551-0949)

Fax (424) 426-6741

[edgar@dordicklaw.com](mailto:edgar@dordicklaw.com)

[www.Dordicklaw.com](http://www.Dordicklaw.com)



All correspondence to: 1122 Wilshire Boulevard, Los Angeles, CA 90017

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Document received by the CA 2nd District Court of Appeal.

AA1366

# **EXHIBIT "5"**

**AA1367**

Document received by the CA 2nd District Court of Appeal.

1 Gary A. Dordick, Esq. S/B# 128008  
2 Dustin Z. Moaven, Esq. S/B #320939  
3 **DORDICK LAW CORPORATION**  
4 1122 Wilshire Blvd.  
5 Los Angeles, CA 90017  
6 Tel: (310) 551-0949 • Fax: 855-299-4444  
7 E-Mail: dustin@dordicklaw.com

8 **In Association With**  
9 Ebbly S. Bakhtiar, Esq. S/B# 215032  
10 LIVINGSTON • BAKHTIAR  
11 3435 Wilshire Boulevard, Suite 1669  
12 Los Angeles, California 90010  
13 Tel: (213) 632-1550 • Fax: (213) 632-3100

14 Attorneys for Plaintiff,  
15 JANE DOE

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

18 JANE DOE, an Adult Individual Suing  
19 Under Anonymity Due to Privacy and  
20 Safety,

21 Plaintiff,

22 vs.

23 ALKIVIADES DAVID, an Individual, a.k.a.  
24 ALKI DAVID; HOLOGRAM USA, INC., a  
25 California Corporation, a.k.a. HOLOGRAM  
26 USA PRODUCTIONS, INC., HOLOGRAM  
27 USA ENTERTAINMENT, INC.,  
28 FILMON.TV, INC., FILMON.TV  
NETWORKS, INC. and FILMON.TV LA,  
INC.; SWISSX LABS AG, INC. a California  
Corporation, a.k.a. SWISSX LOUNGE and  
FILMONTV UK, LTD; and DOES 1 through  
150, inclusive,

Defendants.

Case No.: 20STCV37498

[Assigned for all purposes to the  
Honorable Christopher L. Lui in Dept. 76]

**NOTICE TO DEFENDANT ALKIVIADES  
DAVID IN LIEU OF SUBPOENA TO  
ATTEND TRIAL AND REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Code of Civil Procedure §1987,  
Civil Code §3295(c)]

**TRIAL:** May 28, 2024  
**TIME:** 8:30 a.m.  
**DEPT.:** 76

1           **PLEASE TAKE NOTICE** that pursuant to *California Code of Civil Procedure*  
2 §1987(b)(c) and Civil Code §3295(c)] the personal attendance of DEFENDANT  
3 ALKIVIADES DAVID is required on May 28, 2024 at 8:30 a.m., in Dept. "76" or at such  
4 later date, time and/or department to which the trial of this action may begin, at the Los  
5 Angeles County Superior Court (Stanley Mosk Courthouse), located at 111 North Hill  
6 Street, Los Angeles, CA 90012.

7           **FURTHER, PLEASE TAKE NOTICE** that the above-mentioned individual is  
8 required to produce on the date set forth above, or at the time of trial if it shall be later,  
9 the following documents and records which are in their possession or under their control:

10  
11                           **REQUEST FOR PRODUCTION OF DOCUMENTS AT TRIAL**

12  
13           **REQUEST NO. 1:**

14           YOUR ("YOU" or "YOUR" hereinafter refers to Defendant ALKIVIADES DAVID,  
15 his agents, employees, attorneys, subsidiaries and/or affiliates, and all persons acting or  
16 purporting to act on his behalf) 1099's issued for the years 2014 to present.

17  
18           **REQUEST NO. 2:**

19           YOUR State Tax Return forms for the years 2014 to present.

20  
21           **REQUEST NO. 3:**

22           YOUR Federal Tax Return forms for the years 2014 to present.

23  
24           **REQUEST NO. 4:**

25           Any and all DOCUMENTS ("DOCUMENT" or "DOCUMENTS" as used herein shall  
26 refer to, mean and include any and all writings such as handwriting, typewriting, printing,  
27 photostating, photographing, photocopying, transmitting by electronic mail or facsimile,  
28 and every other means of recording upon any tangible thing, any form of communication

1 or representation, including letters, words, pictures, sounds, or symbols, or combinations  
2 thereof, and any record thereby created, regardless of the manner in which the record  
3 has been stored as well as any other definition attributed thereto by California Evidence  
4 Code §250) referring to or reflecting the address(es) of each and every parcel of real  
5 property that is currently owned by YOU in any location.

6  
7 **REQUEST NO. 5:**

8 Any and all DOCUMENTS identifying, referring to or reflecting information as to  
9 whether any parcel of real property currently owned by YOU is encumbered with any form  
10 of a mortgage.

11  
12 **REQUEST NO. 6:**

13 All statements for any and all mortgage payments YOU currently pay every month.

14  
15 **REQUEST NO. 7:**

16 Any and all DOCUMENTS identifying, referring to or reflecting YOUR real property  
17 in which YOU have had an ownership interest from the years 2018 to present.

18  
19 **REQUEST NO. 8:**

20 Any and all DOCUMENTS identifying, referring to or reflecting schedules or lists  
21 of real estate, listing all properties YOU currently own in full or in part.

22  
23 **REQUEST NO. 9:**

24 Any and all DOCUMENTS identifying, referring to or reflecting any and all  
25 insurance policies currently covering real estate YOU currently own in full or in part.

26 //

27 //

28 //

1 **REQUEST NO. 10:**

2 Any and all DOCUMENTS identifying, referring to or reflecting schedules or lists  
3 of personal property, listing all assets YOU currently own in part or in full.

4  
5 **REQUEST NO. 11:**

6 Any and all DOCUMENTS identifying, referring to or reflecting any and all  
7 insurance policies currently covering assets YOU own in part or in full.

8  
9 **REQUEST NO. 12:**

10 Any and all DOCUMENTS identifying, referring to or reflecting YOUR personal  
11 property statements for the years 2014 to present.

12  
13 **REQUEST NO. 13:**

14 Any and all DOCUMENTS identifying, referring to or reflecting YOUR credit reports  
15 for the years 2014 to present.

16  
17 **REQUEST NO. 14:**

18 Any and all DOCUMENTS identifying, referring to or reflecting YOUR loan and/or  
19 credit applications for the years 2014 to present.

20  
21 **REQUEST NO. 15:**

22 Any and all DOCUMENTS identifying, referring to or reflecting YOUR current  
23 outstanding loans.

24  
25 **REQUEST NO. 16:**

26 Any and all DOCUMENTS identifying, referring to or reflecting YOUR current  
27 outstanding lines of credit.

28 //

1 **REQUEST NO. 17:**

2 Any and all DOCUMENTS identifying, referring to or reflecting YOUR current  
3 outstanding home equity lines.

4  
5 **REQUESTNO. 18:**

6 Any and all DOCUMENTS identifying, referring to or reflecting the name, telephone  
7 number and address of each and every business entity currently owned by YOU either in  
8 whole or in part.

9  
10 **REQUESTNO. 19:**

11 Any and all DOCUMENTS identifying, referring to or reflecting any and all  
12 monetary income received by YOU at any time from 2018 through the present, from each  
13 and every business currently owned by YOU in whole or in part.

14  
15 **REQUEST NO. 20:**

16 Any and all DOCUMENTS identifying, referring to or reflecting each and every  
17 source of monetary income received by YOU from the years 2014 to present.

18  
19 **REQUEST NO. 21:**

20 Any and all DOCUMENTS identifying, referring to or reflecting each and every  
21 share of stock YOU currently own in any company or companies.

22  
23 **REQUEST NO. 22:**

24 Any and all DOCUMENTS identifying, referring to or reflecting the name, address  
25 and telephone number of each and every person and/or entity that has the most  
26 knowledge regarding YOUR FINANCES ("FINANCES" as used herein shall refer to,  
27 mean and include any source or sources of monetary income and/or ASSETS as well as  
28 any information relating to the management of the source or sources of monetary income

1 and/or ASSETS; "ASSETS" as used herein shall refer to, mean and include any fungible  
2 thing owned that has a monetary exchange value) for the years 2014 to present.

3  
4 **REQUEST NO. 23:**

5 Any and all DOCUMENTS identifying, referring to or reflecting the name, address  
6 and telephone number of each and every person and/or entity that has the most  
7 knowledge regarding YOUR ASSETS for the years 2018 to present.

8  
9 **REQUEST NO. 24:**

10 Any and all DOCUMENTS evidencing any gift(s), with a worth or cost over \$200.00  
11 USD, that YOU gave to any person or entity from 2018 to the present.

12  
13 **REQUEST NO. 25:**

14 Any and all credit card statements for which YOU currently owe any balance.

15  
16 **REQUEST NO. 26:**

17 Any and all credit card statements reflecting any purchases YOU made during the  
18 last two years.

19  
20 **REQUEST NO. 27:**

21 Any and all debit card statements reflecting any purchases made by YOU from  
22 2018 to present.

23  
24 **REQUEST NO. 28:**

25 Any and all checking account statements reflecting balances in YOUR checking  
26 account(s) for the years 2014 to present.

27 //

28 //

1 **REQUEST NO. 29:**

2 Any and all savings account statements reflecting balances in YOUR savings  
3 account(s) for the years 2014 to present.

4  
5 **REQUEST NO. 30:**

6 Any and all DOCUMENTS identifying each vehicle YOU currently own.

7  
8 **REQUEST NO. 31:**

9 Any and all statements for any and all vehicle payments YOU currently pay every  
10 month.

11  
12 **REQUEST NO. 32:**

13 Any and all statements reflecting the amounts YOU paid to either own or lease any  
14 vehicles from 2014 through the present.

15  
16 **REQUEST NO. 33:**

17 Any and all of YOUR paycheck stubs for the years 2014 to present.

18  
19 **REQUEST NO. 34:**

20 Any and all bank statements for any and all bank accounts YOU have for the years  
21 2014 to present.

22  
23 **REQUEST NO. 35:**

24 Any and all DOCUMENTS identifying any and all stocks, bonds, dividends or other  
25 assets YOU have owned in whole or in part for the years 2014 to present.

26 //

27 //

28 //

1 **REQUEST NO. 36:**

2 Any and all DOCUMENTS identifying any and all individual retirement accounts,  
3 401(k) accounts, or other retirement accounts YOU have for the years 2014 to present.

4  
5 **REQUEST NO. 37:**

6 Any and all DOCUMENTS identifying, referring to or reflecting YOUR NET  
7 WORTH ("NET WORTH" as used herein shall mean the difference between the assets  
8 and liabilities of a person or company) for the years 2014 to present.

9  
10 **REQUEST NO. 38:**

11 Any and all DOCUMENTS identifying, referring to or reflecting YOUR total  
12 ASSETS during the years 2014 to present.

13  
14 **REQUEST NO. 39:**

15 Any and all DOCUMENTS identifying, referring to or reflecting YOUR total debts  
16 for the years 2014 to present.

17  
18 **REQUEST NO. 40:**

19 Any and all DOCUMENTS identifying, referring to or reflecting any and all artwork  
20 owned by YOU during the years 2014 to present.

21  
22 **REQUEST NO. 41:**

23 Any and all DOCUMENTS identifying, referring to or reflecting any jewelry owned  
24 by YOU during the years 2014 to present.

25  
26 **REQUEST NO. 42:**

27 Any and all DOCUMENTS identifying, referring to or reflecting any and all furniture  
28 owned by YOU during the years 2014 to present.

1 **REQUEST NO. 43:**

2 Any and all DOCUMENTS identifying, referring to or reflecting any and all home  
3 electronics owned by YOU during the years 2014 to present.

4  
5 **REQUEST NO. 44:**

6 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
7 account receivables during the years 2014 to present.

8  
9 **REQUEST NO. 45:**

10 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
11 audits and reviews for the years 2014 to present.

12  
13 **REQUEST NO. 46:**

14 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
15 balance sheet reports for the years 2014 to present.

16  
17 **REQUEST NO. 47:**

18 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
19 income statement records for the years 2014 to present.

20  
21 **REQUEST NO. 48:**

22 Any and all DOCUMENTS identifying, referring to or reflecting any and all amounts  
23 YOU spent renting real property for the years 2014 to present.

24  
25 **REQUEST NO. 49:**

26 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
27 payable reports for the years 2014 to present.

28 //

1 **REQUEST NO. 50:**

2 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
3 cash disbursement reports for the years 2014 to present.

4  
5 **REQUEST NO. 51:**

6 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
7 cash receipts reports for the years 2014 to present.

8  
9 **REQUEST NO. 52:**

10 Any and all DOCUMENTS identifying, referring to or reflecting YOUR business  
11 cash flow reports for the years 2014 to present.

12  
13 **REQUEST NO. 53:**

14 Any and all DOCUMENTS identifying, referring to or reflecting YOUR partnership  
15 agreements for the years 2014 to present.

16  
17 **REQUEST NO. 54:**

18 Any and all DOCUMENTS concerning the transfer of any real estate holdings in  
19 YOUR name, or held in trust for YOUR benefit, from April 1, 2014 through the present.

20  
21 **REQUEST NO.55:**

22 Please review YOUR responses to all production demands previously served on  
23 YOU in this action and, if for any reason any response or production is no longer correct  
24 and/or complete, or if YOU possess any later acquired information, documents, papers,  
25 records, or other evidence bearing on any answer previously made or any response  
26 previously made, please identify the response and produce whatever information is  
27 necessary to make it correct and complete as of the date of YOUR response to this  
28 demand.

1 **REQUEST NO. 56:**

2 All *sub rosa* materials of Plaintiff, including but not limited to video, photographs,  
3 and recordings of any type.

4  
5 **REQUEST NO. 57:**

6 All billing related to any *sub rosa* of the Plaintiff.

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8 **REQUEST NO. 58:**

9 All documents identifying any individual who conducted or performed *sub rosa* of  
10 the Plaintiff.

11  
12 **REQUEST NO. 59:**

13 All statements that were written, provided, or recorded by YOU about the subject  
14 incident, and how it occurred.

15  
16 **REQUEST NO. 60:**

17 All statements provided by YOU that explain how or what caused the subject  
18 incident.

19  
20 **REQUEST NO. 61:**

21 Any and all unredacted DOCUMENTS concerning the subject incident between  
22 JANE DOE and ALKIVIADES DAVID.

23  
24 **REQUEST NO. 62:**

25 Any and all unredacted DOCUMENTS concerning the April 21, 2019, incident  
26 between JANE DOE and ALKIVIADES DAVID that is the subject of this lawsuit.

27 //

28 //

1 **REQUEST NO. 63:**

2 Any and all DOCUMENTS evidencing YOUR ability to pay monetary obligations  
3 from 2014 through the present.

4  
5  
6 DATED: May 7, 2024

DORDICK LAW CORPORATION

7  
8 By:



9 \_\_\_\_\_  
10 Gary A. Dordick, Esq.  
11 Dustin Z. Moaven, Esq.  
12 Attorneys for Plaintiff  
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1 ( ) **BY PERSONAL SERVICE.** I caused such documents to be  
2 personally delivered to the persons addresses listed below.

3 ( ) For a party represented by an attorney, delivery was made to the  
4 attorney or at the attorney's office by leaving the documents, in an  
5 envelope or package clearly labeled to identify the attorney being  
6 served, with a receptionist or an individual in charge of the office,  
7 between normal business hours.

8 ( ) For a party, delivery was made to the party or by leaving the  
9 documents at the party's residence with some person not younger  
10 than 18 years of age between normal business hours.

11 ( ) **BY FAX TRANSMISSION.** I caused all of the pages of the above  
12 entitled document to be sent to the recipients noted on the attached  
13 service list via electronic transfer (FAX) at the respective FAX numbers  
14 pursuant to C.C.P. §1013(e) from DORDICK LAW CORPORATION on the  
15 date set forth above. The machine I used complied with California Rules  
16 of Court, Rule 2.306(h)(3) and no error was reported by the machine.

17 (XX) **ONLY BY ELECTRONIC SERVICE [E-MAIL]** No electronic message or  
18 other indication that the transmission was unsuccessful was received  
19 within a reasonable time after the transmission. We will provide a physical  
20 copy, upon request only, when we return to the office at the conclusion of  
21 the national emergency.

22 Executed on May 8, 2024 at Los Angeles, California.

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

25   
26 SANDRA JIMENEZ

**SERVICE LIST**

**Jane Doe v. David**

**Case No. 20STCV37498**

Ebby S. Bakhtiar, Esq.  
LIVINGSTON • BAKHTIAR  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010  
Tel: (213) 632-1550  
Fax: (213) 632-3100  
E-mail: ESB@LivingstonBakhtiar.com

***Co-Counsel for Plaintiff, JANE DOE***

Themistoklis Sofos, PhD  
SOFOS LAW FIRM  
Asklepiou Str. 6-8 GR 10680  
Athens, Greece  
Tel: +302103633322  
Fax: +302103636327  
E-mail: themis@sofos.com.gr

***Attorney for Defendant, ALKIVIADES DAVID***

# **EXHIBIT "6"**

**AA1383**

Document received by the CA 2nd District Court of Appeal.

**From:** [Sandra Jimenez](#)  
**To:** [themis@sofos.com.gr](mailto:themis@sofos.com.gr)  
**Cc:** [DZM Eservice](#); [ESB](#); [Sandy](#); [Douglas Garcia](#)  
**Subject:** Jane Doe v. David | Case No. 20STCV37498 | 1987 Notice to Appear at Trial  
**Date:** Wednesday, May 8, 2024 5:21:45 PM  
**Attachments:** [dordick\\_c1e5a448-e8fd-4665-98e9-b899fa48bf09.png](#)  
[1987 RFP Filmon TV Inc.pdf](#)  
[1987 RFP Filmon TV LA Inc.pdf](#)  
[1987 RFP Filmon TV Networks Inc.pdf](#)  
[1987 RFP FOTV Media Networks Inc.pdf](#)  
[1987 RFP Harmonia Malibu LLC.pdf](#)  
[1987 RFP Hologram USA Entertainment Inc.pdf](#)  
[1987 RFP Hologram USA Inc.pdf](#)  
[1987 RFP Swiss Labs AG Inc.pdf](#)

---

Dear Counsel:

Attached please find Plaintiff's Notice to Appear at Trial and Produce Documents.

Please note these documents are only being served electronically pursuant to Code of Civil Procedure Section 1010.6(e)(1).

Best regards,

**Sandra Jimenez**

Paralegal

**DORDICK LAW CORPORATION**

Beverly Hills • Downtown Los Angeles • Riverside

Direct [\(424\) 426-6718](tel:(424)426-6718)

[\(800\) 555-5595](tel:(800)555-5595) [\(310\) 551-0949](tel:(310)551-0949)

Fax (424) 426-6718

[sandra@dordicklaw.com](mailto:sandra@dordicklaw.com)

[www.Dordicklaw.com](http://www.Dordicklaw.com)



All correspondence to: 1122 Wilshire Boulevard, Los Angeles, CA 90017

*This message is privileged, confidential, and intended only for the above-named individual. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please notify the sender.*

Document received by the CA 2nd District Court of Appeal.

AA1384

# **EXHIBIT "7"**

**AA1385**

Document received by the CA 2nd District Court of Appeal.

**From:** [Dustin Moaven](#)  
**To:** [Themis Sofos](#)  
**Cc:** [Gary A. Dordick](#)  
**Bcc:** [Sandra Jimenez](#); [Alex Munoz](#)  
**Subject:** RE: Jane Doe case  
**Date:** Tuesday, June 11, 2024 10:05:00 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

---

Hello Mr. Sofos,

Please notify Mr. David that our trial has been continued to June 13, 2024 at 10:00 am.

Thank you,

---

Document received by the CA 2nd District Court of Appeal.

AA1386

# **EXHIBIT "8"**

Document received by the CA 2nd District Court of Appeal.

**AA1387**

1 Gary A. Dordick, Esq. S/B# 128008  
2 Dustin Z. Moaven, Esq. S/B# 320939  
3 DORDICK LAW CORPORATION  
4 509 South Beverly Drive  
5 Beverly Hills, California 90212  
6 Tel: (310) 551-0949 • Fax: (855) 299-4444  
7 E-Mail: DZMeservice@dordicklaw.com  
8 **Attorneys for Plaintiff, JANE DOE**

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
6/14/2024 9:09 AM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Bolden, Deputy Clerk

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10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

13  
14  
15 JANE DOE, an Adult Individual Suing Under  
16 Anonymity Due to Privacy and Safety,

17 Plaintiff,

18 vs.

19 ALKIVIADES DAVID, an Individual, a.k.a.  
20 ALKI DAVID; HOLOGRAM USA, INC., a  
21 California Corporation, a.k.a. HOLOGRAM  
22 USA PRODUCTIONS, INC., HOLOGRAM  
23 USA ENTERTAINMENT, INC.,  
24 FILMON.TV, INC., FILMON.TV  
25 NETWORKS, INC. and FILMON.TV LA,  
26 INC.; SWISSX LABS AG, INC. a California  
27 Corporation, a.k.a. SWISSX LOUNGE and  
28 FILMONTV UK, LTD; and DOES 1 through  
150, inclusive,

Defendants.

Case No.: 20STCV37498

(Assigned to the Hon. Christopher L. Lui,  
Dept. 76)

**PLAINTIFF'S FIRST AMENDED  
LIST OF EXHIBITS**

Complaint Filed: September 30, 2020  
FSC: May 15, 2024  
Trial Date: May 28, 2024

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR  
RESPECTIVE COUNSEL, AND THE JURY HEREIN:**

Plaintiffs respectfully submit their Exhibit List as follows:

**GROUND(S) FOR OBJECTION:**

1. No Objection; Admissibility Stipulated	6. Insufficient Foundation (§403) (Relevancy, Personal Knowledge, Authenticity) (§1400, Identity)
2. Irrelevant (§210)	7. Unduly Time Consuming, Prejudicial,
3. Hearsay (§1200)	8. Confusing or Misleading (§352)
4. Best Evidence (§1500)	9. Subsequent Repair (§1151)
5. Inadmissible Opinion (§800)	10. Other (specify)

Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
1.	WhatsApp messages between Defendant and Plaintiff 8.29.2016-11.18.2019	Plaintiff					
2.	Defendant's Texts to Plaintiff 5.16.2018-11.17.2019	Plaintiff					
3.	Transaction Ltr - Mana Wynnwood 6.5.2019	Plaintiff					
4.	Defendant's Texts to Plaintiff 6.20.2019	Plaintiff					
5.	Video from Defendant's Instagram 9.12.2019	Plaintiff					
6.	Video from Defendant to	Plaintiff					

DORDICK LAW CORPORATION

Document received by the CA 2nd District Court of Appeal.

Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
	Plaintiff 11.19.2019						
7.	WhatsApp Video from Defendant to Plaintiff 6.7.2022	Plaintiff					
8.	WhatsApp Video from Defendant to Plaintiff 2 - 6.7.2022	Plaintiff					
9.	WhatsApp messages from Defendant to Plaintiff 6.7.2022-6.9.2022	Plaintiff					
10.	WhatsApp messages from Defendant to Plaintiff 6.9.2022	Plaintiff					
11.	WhatsApp messages from Defendant to Plaintiff 6.12.2022-6.27.2022	Plaintiff					
12.	Alki David - Wikipedia	Plaintiff					
13.	Alki David to pay \$8.4 million in sexual assault case - Los Angeles Times	Plaintiff					
14.	FOTV Employee Handbook	Plaintiff					
15.	Cake Photos	Plaintiff					
16.	Close up of Rita's birthday cake 1	Plaintiff					

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Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
17.	Rita Text Screenshot I Miss You	Plaintiff					
18.	Rita Text Screenshot	Plaintiff					
19.	iCloud Messages 6.30.2023	Plaintiff					
20.	Rita-Alki Texts – Summary and Conversation	Plaintiff					
21.	Film On TV Commission Breakdown	Plaintiff					
22.	Film On TV PR	Plaintiff					
23.	Defendant's Instagram Video re Plaintiff's Counsel	Plaintiff					
24.	Disgraced 'Billionaire' Alki David Says He Faked His Way Onto the Rich Lists	Plaintiff					
25.	Payments by FilmOn TV to Plaintiff	Plaintiff					
26.	Payments by FilmOn TV to Plaintiff (2)	Plaintiff					
27.	ShockYa Article published September 24, 2023 re Plaintiff's Counsel	Plaintiff					
28.	TVMix About Page	Plaintiff					
29.	TVMix article - The Corruption of the LA Sheriff and	Plaintiff					

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Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
	the CA SB by T. Girardi, Allred & Bloom [6.6.22] (1)						
30.	TVMix Article published June 6, 2022	Plaintiff					
31.	TVMix Article published June 8, 2022	Plaintiff					
32.	Video from Defendant's YouTube page - Shocking Legal Abuse Syndrome of Disabled Billionaire	Plaintiff					
33.	DFEH Complaint	Plaintiff					
34.	Plaintiff's Requests for Admissions Set 2 to Defendant	Plaintiff					
35.	PowerPoint- Text Messages from Defendant to Plaintiff's Counsel	Plaintiff					
36.	PowerPoint- Portions of Alkiviades David Video Deposition	Plaintiff					
37.	Highlighted Excerpts of Alkiviades David Deposition Transcript	Plaintiff					
38.	Complaint Filed by Elizabeth Taylor and Chastity Jones	Plaintiff					

Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
39.	Special Verdict for Elizabeth Taylor	Plaintiff					
40.	Special Verdict (Phase II) for Elizabeth Taylor	Plaintiff					
41.	Special Verdict for Chastity Jones	Plaintiff					
42.	Special Verdict (Phase II) for Chastity Jones	Plaintiff					
43.	Complaint Filed by Lauren Reeves	Plaintiff					
44.	Special Verdict for Lauren Reeves	Plaintiff					
45.	Special Verdict (Phase II) for Lauren Reeves	Plaintiff					
46.	Complaint Filed by Mahim Kahn	Plaintiff					
47.	Special Verdict for Mahim Kahn	Plaintiff					
48.	Special Verdict (Phase II) for Mahim Kahn	Plaintiff					
49.	Photo of Dogs	Plaintiff					
50.	Photos of Defendant	Plaintiff					
51.		Plaintiff					
52.		Plaintiff					
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DATED: June 14, 2024

DORDICK LAW CORPORATION



By:

Gary A. Dordick, Esq.  
Dustin Z. Moaven, Esq.  
Attorneys for Plaintiff, JANE DOE

1 **PROOF OF SERVICE**

2  
3  
4 STATE OF CALIFORNIA )  
5 ) ss.  
6 COUNTY OF LOS ANGELES )

7 I am employed in the County of Los Angeles, State of California. I am over the age  
8 of 18 and not a party to the within action; my business address is: 1122 Wilshire Blvd., Los  
9 Angeles, CA 90017.

10 On June 14, 2024, I served the foregoing documents described as **PLAINTIFF'S**  
11 **FIRST AMENDED LIST OF EXHIBITS** on all parties in this action as follows.

12 **[SEE ATTACHED SERVICE LIST]**

13  
14 **(XX) ONLY BY ELECTRONIC SERVICE [E-MAIL]** Based on a court  
15 order or an agreement of the parties to accept service by e-mail or electronic  
16 transmission, I caused the document(s) to be sent from e-mail address  
17 Edgar@Dordicklaw.com to the persons at the e-mail addresses listed in the  
18 Service List. I did not receive, within a reasonable time after the transmission  
19 any electronic message or other indication that the transmission was  
20 unsuccessful.

21 Executed on June 14, 2024, at Los Angeles, California.

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

24  
25   
26 \_\_\_\_\_  
27 Joshua Alvarez  
28

DORDICK LAW CORPORATION

Document received by the CA 2nd District Court of Appeal.

**SERVICE LIST**  
**Jane Doe v. Alkidiaves**  
**Case No.: 20STCV37498**

1  
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4 Ebbby S. Bakhtiar, Esq.  
5 LIVINGSTON • BAKHTIAR  
6 3435 Wilshire Boulevard, Suite 1669  
7 Los Angeles, California 90010  
8 Tel: (213) 632-1550  
9 Fax: (213) 632-3100  
E-mail: ESB@LivingstonBakhtiar.com

10 ***Co-Counsel for Plaintiff, JANE DOE***

11 Themistoklis Sofos, PhD  
12 SOFOS LAW FIRM  
13 Asklipou Str. 6-8  
14 106 79, Athens  
15 Tel: +302103633322  
16 Fax: +302103636327  
E-mail: themis@sofos.com.gr

17 ***Attorney for Defendant, ALKIVIADES DAVID***

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DORDICK LAW CORPORATION

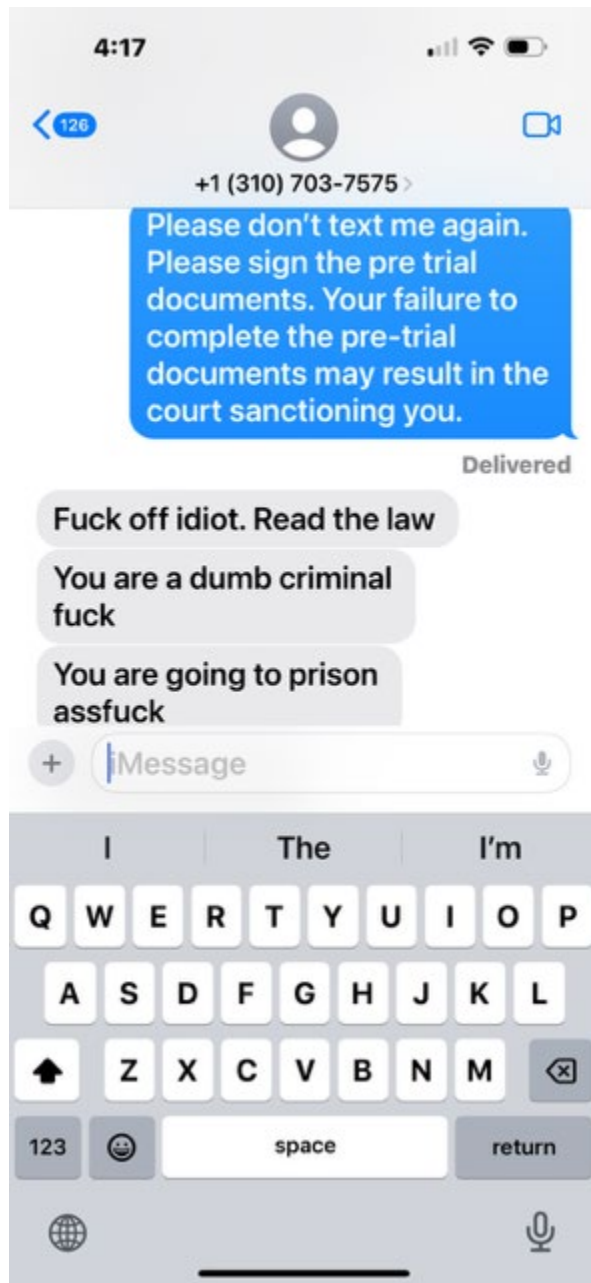
Document received by the CA 2nd District Court of Appeal.

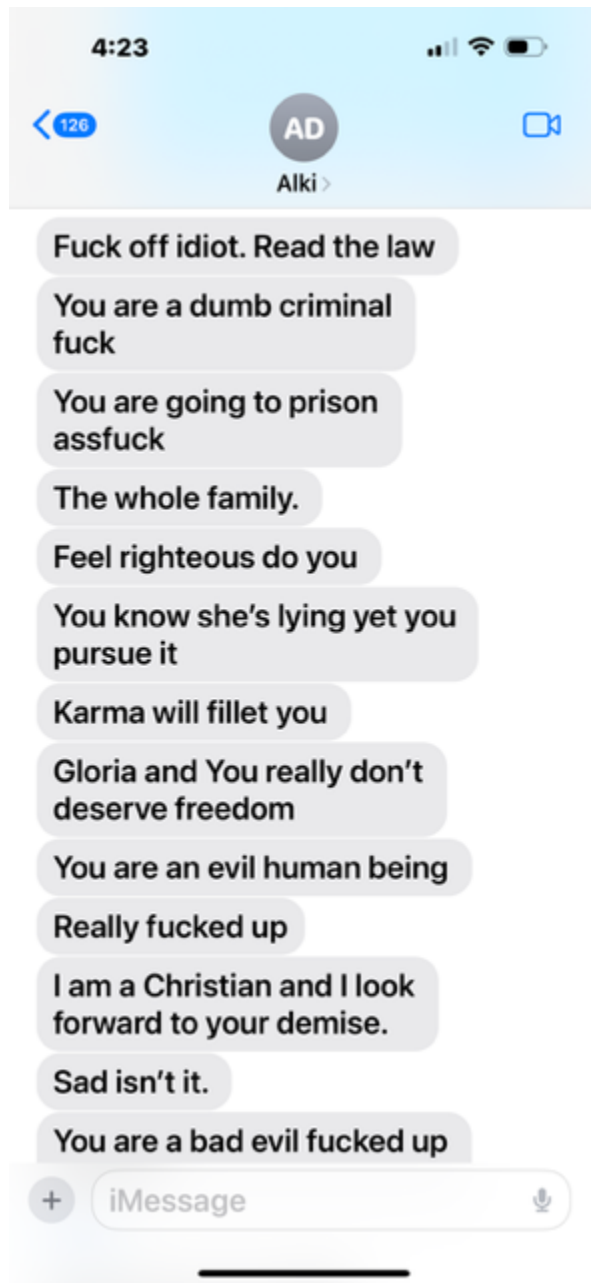
# **EXHIBIT "9"**

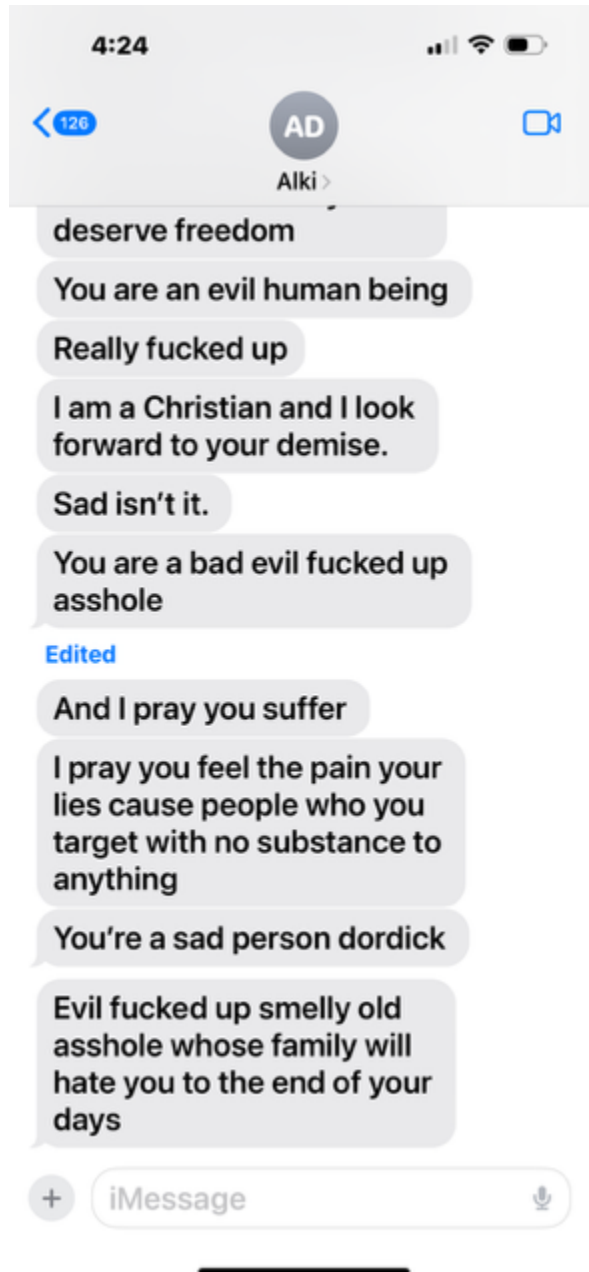
**AA1397**

Document received by the CA 2nd District Court of Appeal.



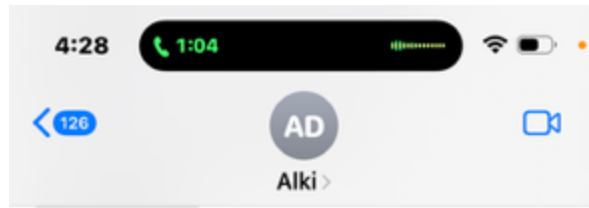








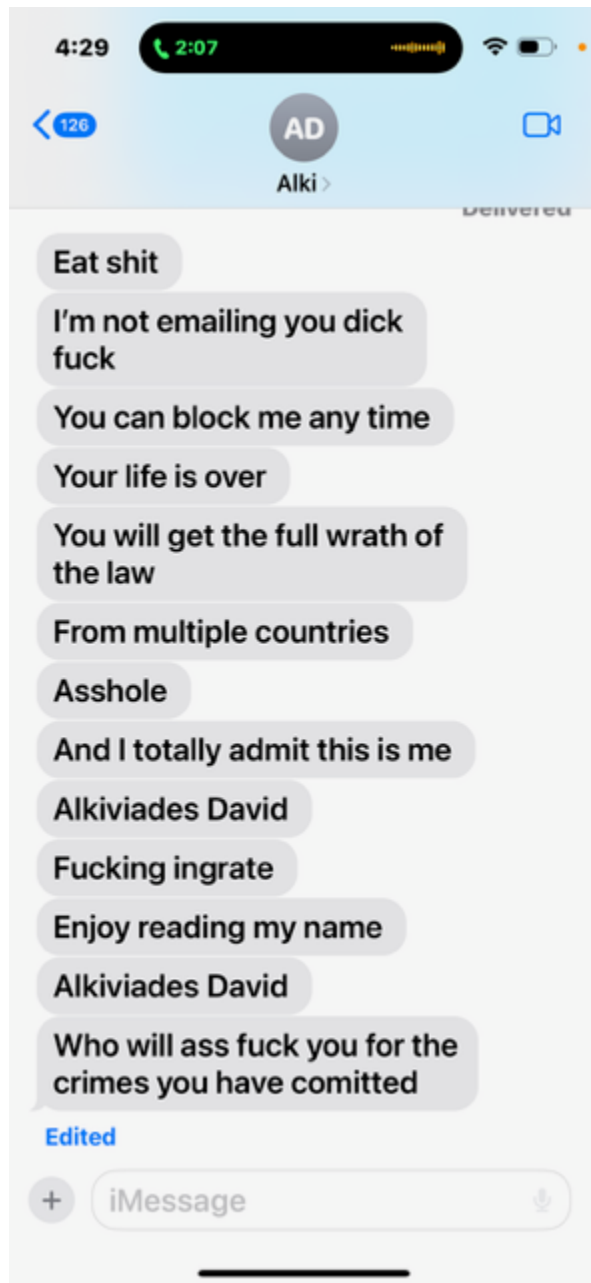


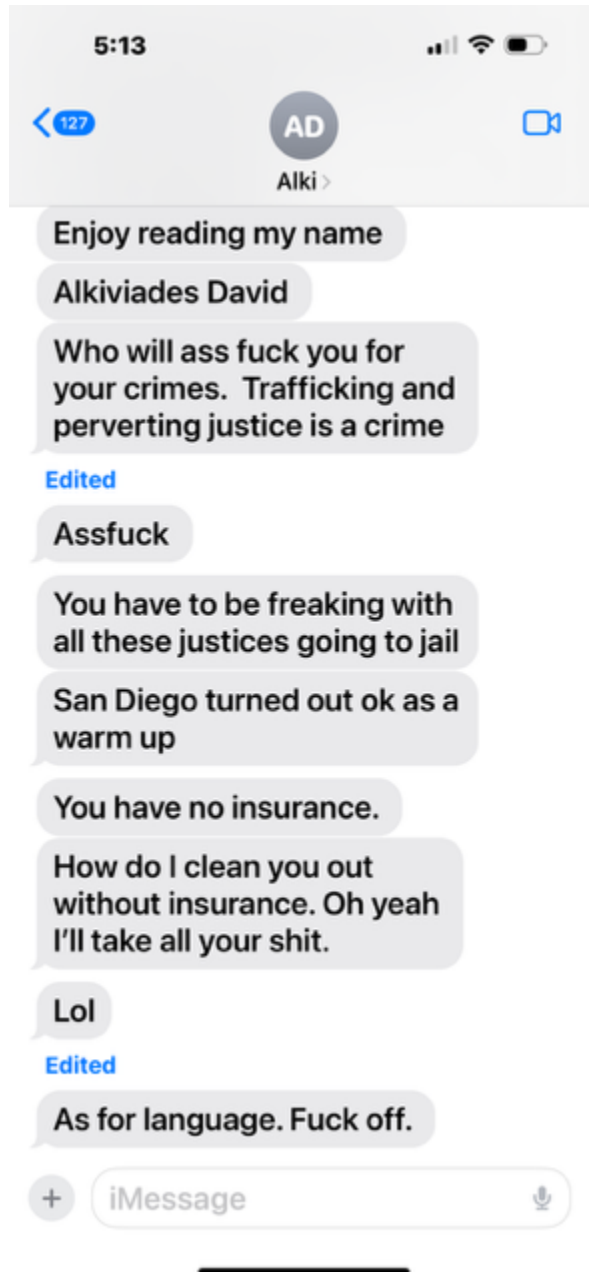


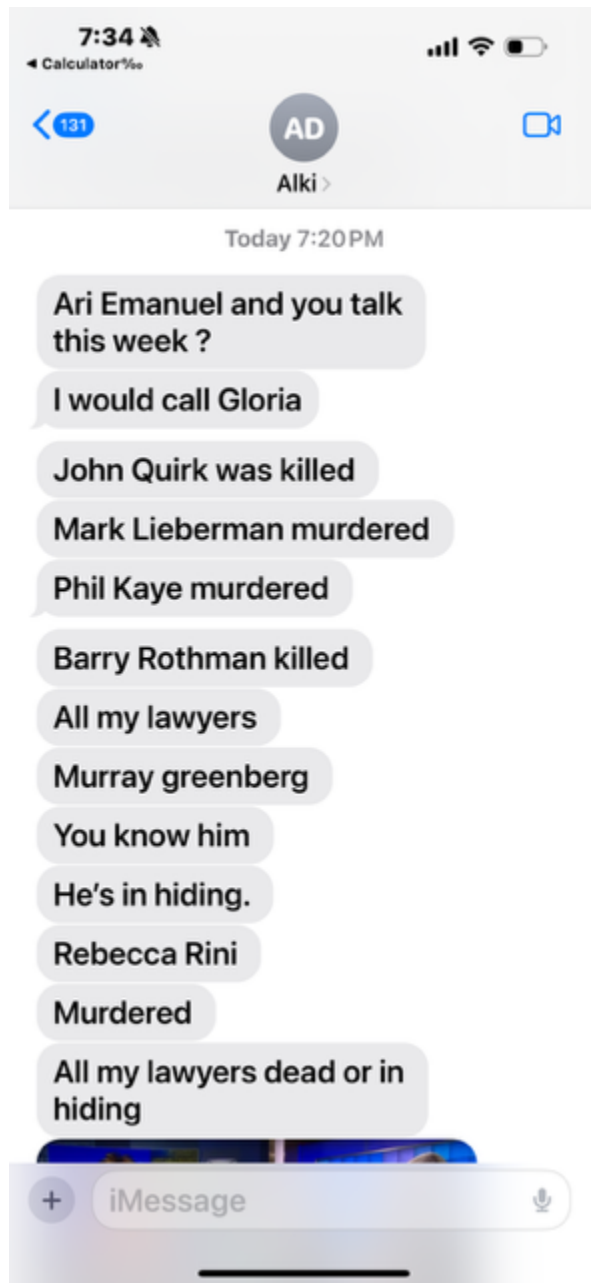
Mr David, I asked you to please stop emailing me directly. Additionally, your language and threats are not acceptable.

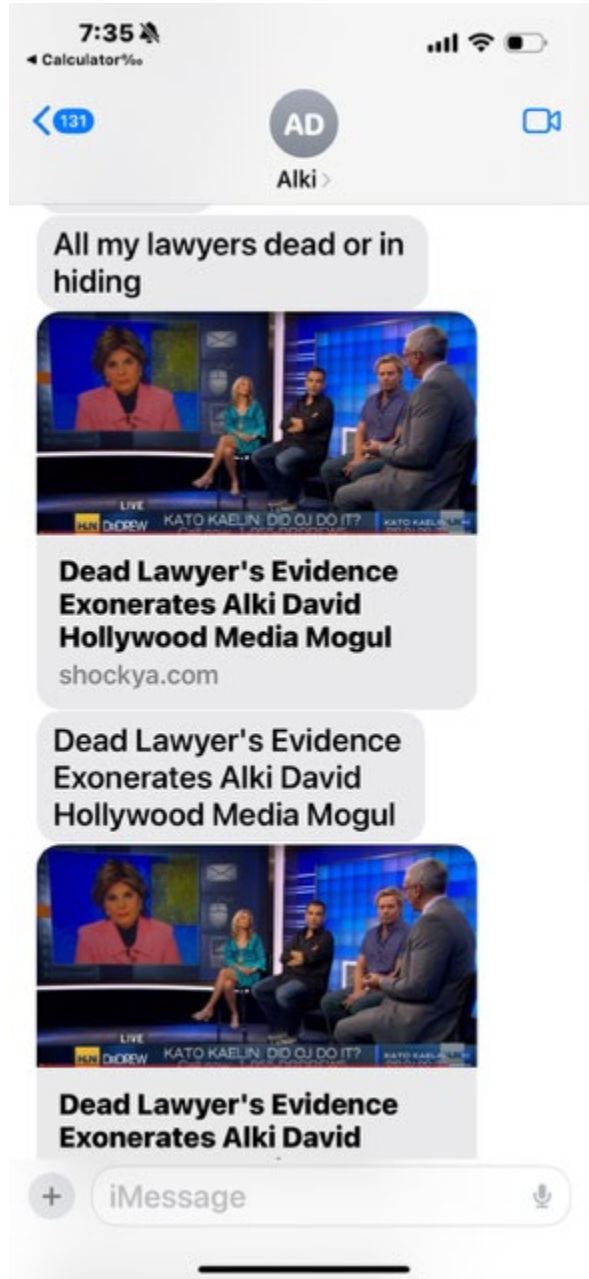
Delivered

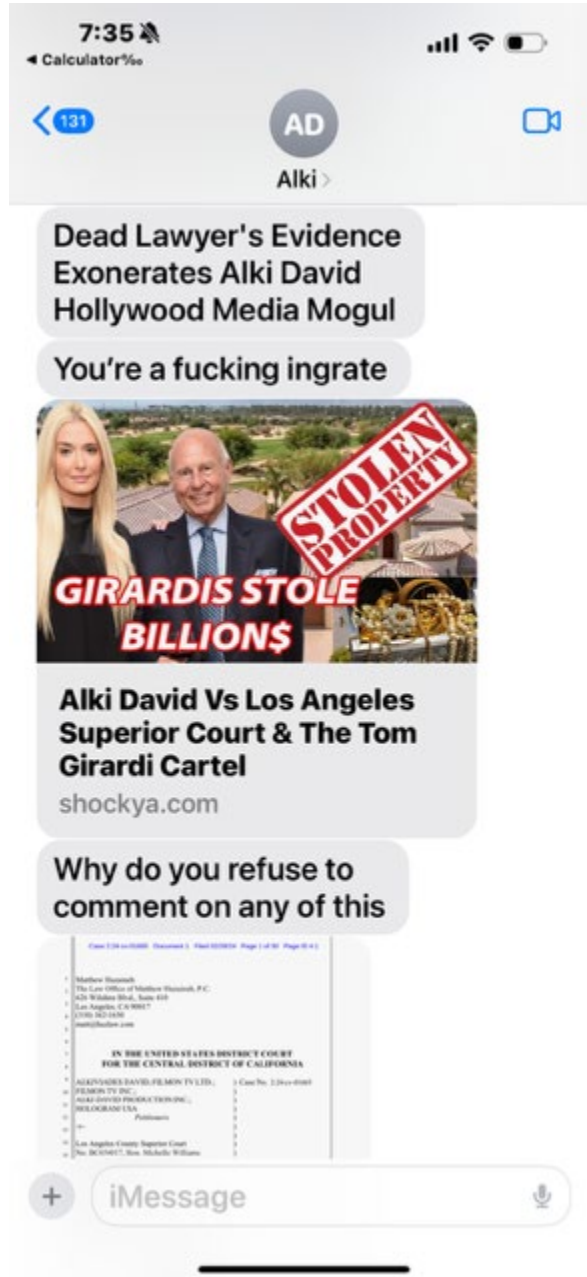
- Eat shit
  - I'm not emailing you dick fuck
  - You can block me any time
  - Your life is over
  - You will get the full wrath of the law
  - From multiple countries
  - Asshole
  - And I totally admit this is me
  - Alkiviades David
  - Fucking ingrate
- + iMessage



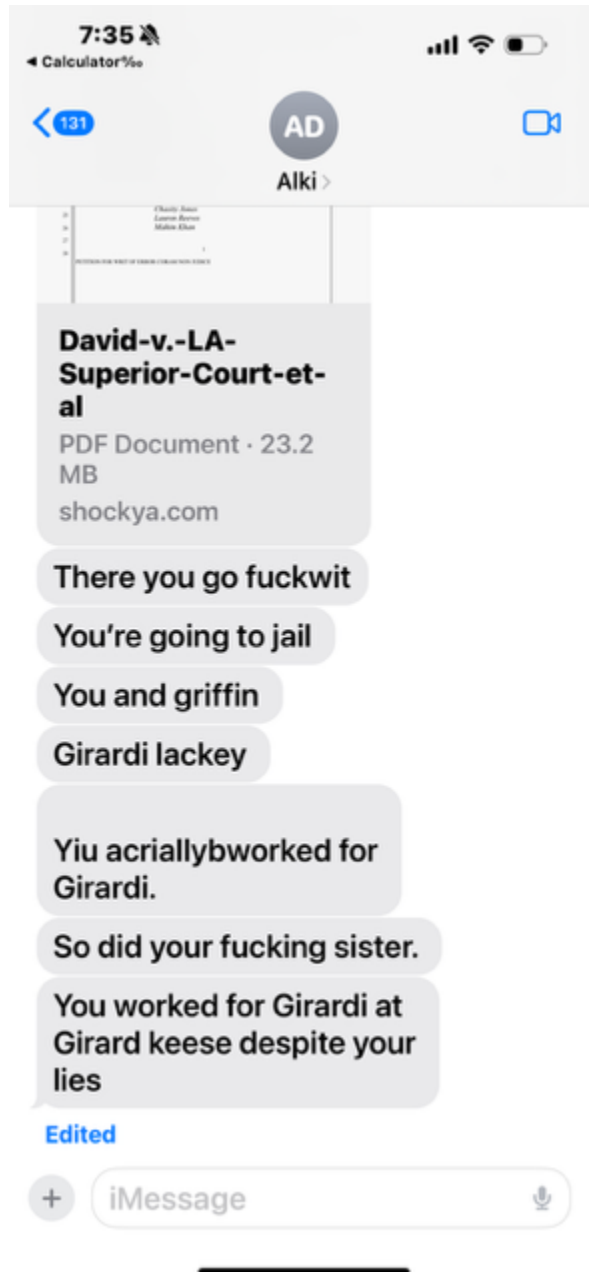








Document received by the CA 2nd District Court of Appeal.



# **EXHIBIT "10"**

**AA1411**

Document received by the CA 2nd District Court of Appeal.

1 Alkiviades David (Alki)  
2 Address: Alkiviades David c/o Jolly Harbor  
3 Antigua Prim Min  
4 5598+9CC, Queen Elizabeth HWY  
5 St. John's, Antigua & Barbuda  
6 Main Telephone: +447879440604  
7 Email: filmonpersonal@gmail.com

8 Defendant, in Pro Per

9 SUPERIOR COURT OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

11 JANE DOE,

12 Plaintiff,

13 v.

14 ALKIVIADES DAVID, et al.,

15 Defendants.

CASE NO.: 20STCV37498

**REQUEST FOR COURT TO CONSIDER  
SUPPLEMENTAL INFORMATION IN  
SUPPORT OF DEFENDANT'S MOTION  
FOR NEW TRIAL**

Motion Hearing Date: September 13, 2024  
Time: 8:30 a.m.  
Dept: 76

16 Alkiviades David (hereinafter referred to as "I", "me", or "my") write to  
17 respectfully request for this Court to consider supplemental information in support of  
18 my motion for new trial in this case *Jane Doe v. Alkiviades David, et al.*, scheduled to  
19 be heard on September 13, 2024 at 8:30 a.m. in Department 76, and to bring to your  
20 attention several significant concerns regarding the integrity of the trial proceedings.  
21 This case represents a grave miscarriage of justice, and I urge the Court to order an  
22 investigation into the multiple irregularities that have compromised my due process  
23 rights. Moreover, I believe the actions of certain individuals involved in this case may  
24 give rise to criminal liability under California law.

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**I. FABRICATION AND FRAUDULENT ACTS BY COUNSEL**

The lawsuit, originally filed by Tom Girardi with the involvement of Marguerita Nichols—who has recanted her claims twice—has been perpetuated by Gary Dordick and Gloria Allred. These individuals, known associates of Girardi, appear to have committed fraud upon the court, which may constitute violations of California Penal Code § 118 (perjury), § 127 (subornation of perjury), and § 134 (preparing false documentary evidence).

Furthermore, the testimony provided by Joseph Chora, a key witness for Dordick, appears to have been false and misleading, potentially implicating him in perjury under Penal Code § 118. His involvement in other ongoing legal disputes, where he has been accused of extortion and other unlawful activities, further undermines his credibility and calls into question the integrity of the proceedings.

**II. SECRET AND IRREGULAR TRIAL PROCEDURES**

The \$900 million judgment against me was issued following a trial conducted without my knowledge or opportunity to defend myself adequately. This trial was taken off the calendar and conducted in secret, violating my rights under the California Constitution, Article I, Section 7, which guarantees due process. The lack of proper notice and opportunity to present a defense also constitutes a violation of Code of Civil Procedure § 594, which requires proper notice of trial.

The secretive nature of this trial and the subsequent issuance of a judgment without my knowledge may also amount to a violation of Penal Code § 182 (conspiracy), as it appears that there was a concerted effort to deprive me of my legal rights through fraudulent means.

Document received by the CA 2nd District Court of Appeal.

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**III. CONNECTIONS TO BROADER CORRUPTION**

This case appears to be part of a broader pattern of judicial corruption linked to Tom Girardi and his network, which is under investigation by the California State Bar and the U.S. Department of Justice. The involvement of Gloria Allred, a known associate of Girardi, and the apparent manipulation of the legal process may also constitute criminal conduct under Penal Code § 182 (conspiracy) and § 470 (forgery).

Moreover, I have openly criticized Justice Goodwin Liu in the past, who has had associations with Girardi, raising further questions about the impartiality of the proceedings. It is imperative that this court investigate whether these relationships have unduly influenced the outcome of my case.

**IV. SAFETY AND THREATS**

During the course of this litigation, I have faced multiple threats, including direct threats to my life and the safety of my family. These threats, issued by Fred Heather and Robert Shapiro of Glaser Weil, may constitute criminal conduct under Penal Code § 422 (criminal threats) and § 518 (extortion). As a result of these threats, I have been forced to relocate to Europe for my safety. These threats inhibited my ability to mount an adequate defense and participate fully in the legal process, further violating my rights under the California Constitution.

Recently, I was shocked to learn that the law firm I hired, Glaser Weil, is actually owned by Robert Shapiro. Shapiro, Girardi, and Allred have longstanding ties and seem to be part of a syndicate that manipulates the justice system.

My own lawyers have betrayed me time and again. In this case, they colluded with Dordick to ensure my failure. Dordick and Allred were also key players in

Document received by the CA 2nd District Court of Appeal.

1 corrupting the Alec Baldwin evidence.

2 This year, Girardi is in jail, and Allred has faced multiple reversals in high-  
3 profile cases, including those involving Ron Jeremy, Roe v. Wade, Bill Cosby, Harvey  
4 Weinstein, and Alec Baldwin. Each case revealed significant legal missteps and  
5 misconduct.  
6

7  
8 A. The Deaths of My Lawyers

9 Five of my lawyers have died under suspicious circumstances, raising serious  
10 concerns about foul play:

11 Barry Rothman: Died mysteriously.

12 Rebecca Rini: Passed away suddenly after drafting an essential FCC proposal.

13 John Quirk: Died under unexplained conditions.

14 Phil Kay: Passed away unexpectedly, leaving unanswered questions.

15 Mark Lieberman: Recently died of a heart attack after filing an antitrust lawsuit  
16 against Comcast.  
17

18 These deaths are being investigated by prosecutors internationally, as well as by  
19 the United States Department of Justice.  
20

21  
22 B. The Gloria Allred Scandal

23 My eminent lawyer in Greece, Mr. Themis Sophos, has also received several  
24 threats. Through my Shockya publication, I recently exposed that Gloria Allred stole a  
25 settlement from Hollywood producer Blair Tindall, who also died suddenly of a heart  
26 attack. This further highlights the corruption and deceit rampant in this situation. The  
27 attacks online from hackers in Eastern Europe were staggering. Fortunately, the twenty-  
28

1 year-old standing of Shockya and its reputation have allowed these articles to stay  
2 relevant and expose Allred for what she is.

3  
4 C. Hidden Text Messages: Unveiling the Truth

5 Twenty-seven pages of hidden text messages submitted into the LA Court filing  
6 system as evidence reveal the coercion and manipulation used against me. These  
7 messages have been suppressed by all the lawyers involved in persecuting me. The  
8 conspiracy involving Taylor, Khan, and Jones wasn't about any sexual misconduct but  
9 rather their dissatisfaction with their compensation under my employ.  
10

11  
12 **V. REQUEST FOR ACCOMODATIONS**

13 As a person with a disability under the Americans with Disabilities Act, I am  
14 entitled to reasonable accommodations in legal proceedings. Due to the ongoing threats  
15 to my life, I will be appearing by video from Europe for all court proceedings. I request  
16 that a court reporter be present at all future hearings and that video cameras be  
17 permitted to ensure a transparent record of the proceedings. I also request that any  
18 upcoming hearings, including the one scheduled for [date], provide the necessary  
19 accommodations to allow me to participate fully.  
20

21 Failure to provide these accommodations may constitute a violation of the  
22 Americans with Disabilities Act of 1990, as amended, and could be actionable under 42  
23 U.S.C. § 12101 et seq. Furthermore, under the California Unruh Civil Rights Act (Civil  
24 Code § 51), discrimination on the basis of disability is prohibited, and I seek the court's  
25 compliance with these legal requirements.  
26  
27  
28

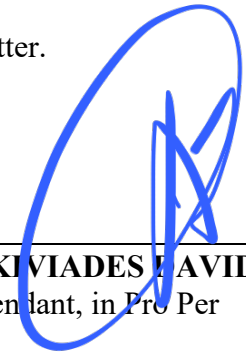
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**VI. CONCLUSION**

In light of these significant concerns and the potential criminal conduct outlined above, I respectfully request that the court orders a new trial in the case against me and initiate an investigation into the actions of those involved. I am prepared to submit further evidence and documentation as needed to support my claims.

Thank you for your attention to this urgent matter.

Dated: September 3, 2024

By  \_\_\_\_\_  
**ALKIVIADES DAVID,**  
Defendant, in Pro Per

1 PROOF OF SERVICE

2 JANE DOE vs. ALKIVIADES DAVID, et al.

3 *Los Angeles County Superior Court Case#: 20STCV37498*

4 I am over the age of 18 years, employed in Jolly Harbor, Antigua & Barbuda.

5 On September 3, 2024, I served the following:

6 **REQUEST FOR COURT TO CONSIDER SUPPLEMENTAL INFORMATION**  
7 **IN SUPPORT OF DEFENDANT’S MOTION FOR NEW TRIAL**

8 on the following party(ies) in said action by EMAIL as follows:

9  
10 Gary Alan Dordick (SBN: 128008)  
11 Dordick Law Corporation  
< Gary@dordicklaw.com >

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

14 Executed on September 3, 2024 at London, England, U.K.

15  
16  
17 \_\_\_\_\_  
Alkiviades David  
18  
19  
20  
21  
22  
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28

Document received by the CA 2nd District Court of Appeal.

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 509 S. Beverly Drive, Beverly Hills, CA 90212.

On September 5, 2024 served the foregoing documents described as **PLAINTIFF JANE DOE’S OPPOSITION TO DEFENDANT ALKIVIADES DAVID’S MOTION FOR NEW TRIAL; DECLARATION OF DUSTIN Z. MOAVEN** on all parties in this action as follows.

**[SEE ATTACHED SERVICE LIST]**

**(X) BY UNITED STATES MAIL. As to Themis Sofos** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below and

**(X)** placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business’s practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Beverly Hills, California.

**(X) BY ELECTRONIC SERVICE [E-MAIL]** By emailing the document(s) to the persons at the e-mail address(es) listed in the service list. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. We will provide a physical copy, upon request only, when we return to the office at the conclusion of the national emergency.

Executed on September 5, 2024 at Los Angeles, California.

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

  
SANDRA JIMENEZ

Document received by the CA 2nd District Court of Appeal.

1 **SERVICE LIST**

2 **Jane Doe v. David**

3 **Case No. 20STCV37498**

4  
5 Ebby S. Bakhtiar, Esq.  
6 LIVINGSTON • BAKHTIAR  
7 3435 Wilshire Boulevard, Suite 1669  
8 Los Angeles, California 90010  
9 Tel: (213) 632-1550  
10 Fax: (213) 632-3100  
11 E-mail: [\\_ESB@LivingstonBakhtiar.com](mailto:_ESB@LivingstonBakhtiar.com)

12 ***Co-Counsel for Plaintiff, JANE DOE***

13 Alkiviades David

14 Email: [filmonpersonal@gmail.com](mailto:filmonpersonal@gmail.com)

15 ***Defendant, In Pro Per***

16 Themistoklis Sofos, PhD  
17 SOFOS LAW FIRM  
18 Asklepiou Str. 6-8 GR 10679  
19 Athens, Greece  
20 Tel: +302103633322  
21 Fax: +302103636327  
22 E-mail: [themis@sofos.com.gr](mailto:themis@sofos.com.gr)

**TAB 92**

**AA1421**

Document received by the CA 2nd District Court of Appeal.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Alkiviades David, Pro Per</b> c/o Jolly Harboe Antigua Prim Min 5598+9CC Queen Elizabeth HWY St. John's Antigua & Barbuda  TELEPHONE NO.: (310) 362-1650      FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY  <b>Electronically FILED by          Superior Court of California,          County of Los Angeles          9/16/2024 2:31 PM          David W. Slayton,          Executive Officer/Clerk of Court,          By S. Bolden, Deputy Clerk</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 Hill Street MAILING ADDRESS: 111 Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: STANLEY MOSK	
CASE NAME: Jane Doe vs. Alkiviades David et al.	
<b>SUBSTITUTION OF ATTORNEY—CIVIL          (Without Court Order)</b>	CASE NUMBER: 20STCV37498

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): Alkiviades David makes the following substitution:

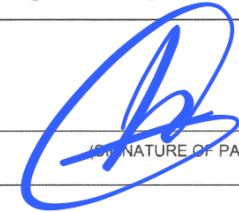
- Former legal representative**  Party represented self  Attorney (name):
- New legal representative**  Party is representing self\*  Attorney
  - Name: James Bohm      b. State Bar No. (if applicable): 132430
  - Address (number, street, city, ZIP, and law firm name, if applicable):  
 Bohm Wildish & Matsen, LLP, 600 Anton Blvd Ste 640, Costa Mesa, CA 92626-7693
  - Telephone No. (include area code): 714-384-6500
- The party making this substitution is a  plaintiff  defendant  petitioner  respondent  other (specify):

**\*NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

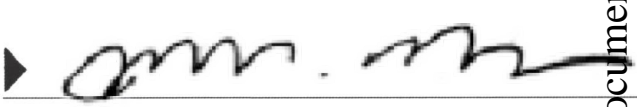
• Guardian	• Personal Representative	• Guardian ad litem
• Conservator	• Probate fiduciary	• Unincorporated association
• Trustee	• Corporation	

**If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.**

**NOTICE TO PARTIES WITHOUT ATTORNEYS**  
 A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.  
 Date: September 16, 2024  
 Alkiviades David  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶  (SIGNATURE OF PARTY)

5.  I consent to this substitution.  
 Date: \_\_\_\_\_  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶ \_\_\_\_\_ (SIGNATURE OF FORMER ATTORNEY)

6.  I consent to this substitution.  
 Date: September 16, 2024  
 James Bohm  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME) ▶  (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

Document received by the CA 2nd District Court of Appeal.

CASE NAME: Jane Doe vs. Alkividades David et. al.	CASE NUMBER: 20STCV37498
--	-----------------------------

**PROOF OF SERVICE BY MAIL  
Substitution of Attorney—Civil**

**Instructions:** After having a parties served by mail with the Substitution of Attorney Civil have the person who mailed the document complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with the document. Give the Substitution of Attorney Civil and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself or someone else must mail these papers and sign the Proof of Service by Mail.

- I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify): 600 Anton Blvd., Suite 640, Costa Mesa, CA 92626
- I served the Substitution of Attorney—Civil by enclosing a true copy in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.  
  
(1) Date of mailing: 9/16/2024                      (2) Place of mailing (city and state): Costa Mesa, California
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 9/16/2024

Cynthia Lopez

(TYPE OR PRINT NAME)

*Cynthia Lopez*

(SIGNATURE)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

- Name of person served: Alkividades David
  - Address (number street city and IP):  
Antigua Prime Min 5598+9CC  
Queen Elizabeth HWY, St. John's, Antigua & Barbuda
  - Name of person served: Gary A. Dordick, Dustin Z. Moaven
  - Address (number street city and IP):  
DORDICK LAW CORPORATION  
509 South Beverly Drive  
Beverly Hills, California 90212
  - Name of person served: Ebby S. Bakhtiar
  - Address (number street city and IP):  
LIVINGSTON • BAKHTIAR  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010
  - Name of person served:
  - Address (number street city and IP):
  - Name of person served:
  - Address (number street city and IP):

List of names and addresses continued in attachment.

**TAB 93**

**AA1424**

Document received by the CA 2nd District Court of Appeal.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Alkiviades David, Pro Per FIRM NAME: STREET ADDRESS: c/p Jolly Harboe Antigua PrimMin, 5598+9CC, Queen Elizabeth HWY CITY: St. John's, Antigua & Barbuda STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY  <b>Electronically FILED by                  Superior Court of California,                  County of Los Angeles                  9/16/2024 2:47 AM                  David W. Slayton,                  Executive Officer/Clerk of Court,                  By D. Kim, Deputy Clerk</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES (STANLEY MOSK)</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: STANLEY MOSK COURTHOUSE	CASE NUMBER: 20STCV37498
Plaintiff/Petitioner: Jane Doe Defendant/Respondent: Alkiviades David et al	JUDICIAL OFFICER: Christopher Lu
<p style="text-align: center;"><b>PROOF OF SERVICE—CIVIL</b></p> <p><b>Check method of service (only one):</b></p> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	DEPARTMENT: LM2

**Do not use this form to show service of a summons and complaint or for electronic service.  
 See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:  
 Marsy's Law Victim and have protections under Marsy's Law.
3.  The fax number from which I served the documents is (complete if service was by fax):
4. On (date): August 31, 2024 I served the following documents (specify):  
 Motion to Set Aside & Vacate Judgment per C.C.P 663; for New Trial pursuant to C.C.P. 659; Motion for Liberal Pleadings;  
 Memorandum of Points & Authorities & Defendant's Objections to Trial and Irregularities in the case.  
 The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
5. I served the documents on the person or persons below, as follows:
  - a. Name of person served: Garv A. Doordick
  - b.  (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
 Business or residential address where person was served:  
 Law Office of Gary A. Doordick 509 South Beverly Drive Beverly Hills, CA 90212
  - c.  (Complete if service was by fax.)  
 Fax number where person was served: The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).
6. The documents were served by the following means (specify):
  - a.  **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

Document received by the CA 2nd District Court of Appeal.

CASE NAME: Jane Doe vs. Alkiviades David et al.	CASE NUMBER: 208TCV 37498
--	------------------------------

6. b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*): County of Santa Barbara, California.

- c.  **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d.  **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e.  **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

*Out of abundance of caution, the motion & objections were re-served by certified USPS mail on August 31, 2024.*

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

Date: August 31, 2024

Angie Johnston  
(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

*(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)*

**DECLARATION OF MESSENGER**

- By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.


At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

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

Date: \_\_\_\_\_

\_\_\_\_\_  
(NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

Document received by the 9th District Court of Appeals

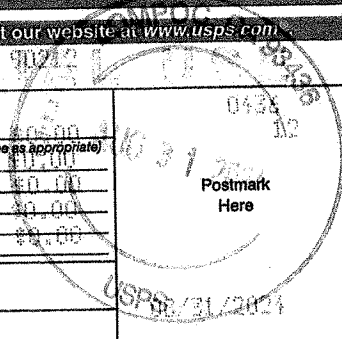
9589 0710 5270 1217 3584 55

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

REVENUE WILKES CA 90212

Certified Mail Fee	\$4.85
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$9.50
<b>Total Postage and Fees</b>	<b>\$14.35</b>



Sent To GARY A. Dordick

Street and Apt. No., or PO Box No. 509 S. Berkeley Dr.

City, State, ZIP+4® BERKELEY WILKS CA 90212-415

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Document received by the CA 2nd District Court of Appeal.

**TAB 94**

**AA1428**

Document received by the CA 2nd District Court of Appeal.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Alkiviades David Pro Per FIRM NAME: STREET ADDRESS: c/o Jolly Harboe Antigua Prim Min 5598+9CC, Queen Elizabeth HWY CITY: St. John's Antigua & Barbuda STATE: ZIP CODE: TELEPHONE NO.: (310) 362-1650 FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (name): Pro Per	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p> <p><b>Electronically FILED by          Superior Court of California,          County of Los Angeles          9/16/2024 2:47 AM          David W. Slayton,          Executive Officer/Clerk of Court,          By D. Kim, Deputy Clerk</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 Hill Street MAILING ADDRESS: 111 Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: STANLEY MOSK	
Plaintiff/Petitioner: <i>Iane Dne</i> Defendant/Respondent: Alkiviades David et al	CASE NUMBER: 20STCV37498
<p style="text-align: center;"><b>PROOF OF SERVICE—CIVIL</b></p> <p><b>Check method of service (only one):</b></p> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	JUDICIAL OFFICER: Christopher Lu  DEPARTMENT: LM2 -76

**Do not use this form to show service of a summons and complaint or for electronic service.  
 See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:  
 Marsy's Law Victim, protections under Marsy's Law. County of Santa Barbara, California.
3.  The fax number from which I served the documents is (complete if service was by fax):
4. On (date): July 5, 2024 I served the following documents (specify):  
 Defendant David's Motion Set Aside and Vacate Judgement per C.C.P. 663; for New Trial pursuant to C.C.P. 659; Motion for Liberal Pleadings; Memorandum of Points & Authorities & Defendant David's Objections to Trial and Irrigularities in the case.  
 The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
5. I served the documents on the person or persons below, as follows:
  - a. Name of person served: Garv A. Doordick.
  - b.  (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
 Business or residential address where person was served:  
 Dordick Law Corporation, 509 S Beverly Dr, Beverly Hills, CA 90212-4514
  - c.  (Complete if service was by fax.)  
 Fax number where person was served: The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).
6. The documents were served by the following means (specify):
  - a.  **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

Document Received by the CA 2nd District Court of Appeal.

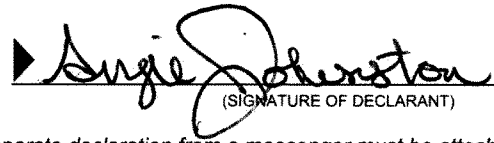
CASE NAME: Jane Doe vs. Alkiviades	CASE NUMBER: 20STCV37498
---------------------------------------	-----------------------------

6. b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*): Marsys Law Victim, County of Santa Barbara, California.
- c.  **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
  - d.  **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
  - e.  **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

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

Date: July 5, 2024

Angie Johnston  
(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

**DECLARATION OF MESSENGER**

- By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

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

Date: \_\_\_\_\_

\_\_\_\_\_  
(NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

Document received by the CA 2nd District Court of Appeal.

**TAB 95**

**AA1431**

Document received by the CA 2nd District Court of Appeal.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: Alkiviades David Pro Per FIRM NAME: STREET ADDRESS: c/o Jolly Harboe Antigua Prim Min 5598+9CC, Queen Elizabeth HWY CITY: St. John's Antigua & Barbuda STATE: ZIP CODE: TELEPHONE NO.: (310) 362-1650 FAX NO.: E-MAIL ADDRESS: ATTORNEY FOR (name): Pro Per	<p style="text-align: center;"><b>FOR COURT USE ONLY</b></p> <p style="text-align: center;"><b>Electronically FILED by Superior Court of California, County of Los Angeles 9/16/2024 2:47 AM David W. Slayton, Executive Officer/Clerk of Court, By D. Kim, Deputy Clerk</b></p>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 Hill Street MAILING ADDRESS: 111 Hill Street CITY AND ZIP CODE: Los Angeles, California 90012 BRANCH NAME: STANLEY MOSK	
Plaintiff/Petitioner: Jane Doe Defendant/Respondent: Alkiviades David et al	CASE NUMBER: 20STCV37498
<p style="text-align: center;"><b>PROOF OF SERVICE—CIVIL</b></p> <p><b>Check method of service (only one):</b></p> <input type="checkbox"/> By Personal Service <input checked="" type="checkbox"/> By Mail <input type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax	JUDICIAL OFFICER: Christopher Lu  DEPARTMENT: LM2 -76

**Do not use this form to show service of a summons and complaint or for electronic service.  
See USE OF THIS FORM on page 3.**

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:  
Marsy's Law Victim, protections under Marsy's Law. County of Santa Barbara, California.
3.  The fax number from which I served the documents is (complete if service was by fax):
4. On (date): July 5, 2024 I served the following documents (specify):  
Defendant David's Motion Set Aside and Vacate Judgement per C.C.P. 663; for New Trial pursuant to C.C.P. 659; Motion for Liberal Pleadings; Memorandum of Points & Authorities & Defendant David's Objections to Trial and Irrigularities in the case.  
 The documents are listed in the Attachment to Proof of Service—Civil (Documents Served) (form POS-040(D)).
5. I served the documents on the person or persons below, as follows:
  - a. Name of person served: Ebbv S. Bakhtiar
  - b.  (Complete if service was by personal service, mail, overnight delivery, or messenger service.)  
Business or residential address where person was served:  
Ebbv S. Bakhtiar, PC, 3435 Wilshire Blvd, Ste 1669, Los Angeles, CA 90010-2287
  - c.  (Complete if service was by fax.)  
Fax number where person was served: The names, addresses, and other applicable information about persons served is on the Attachment to Proof of Service—Civil (Persons Served) (form POS-040(P)).
6. The documents were served by the following means (specify):
  - a.  **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

Document Received by the CA 2nd District Court of Appeal.

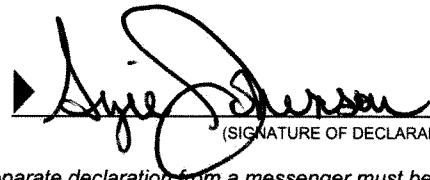
CASE NAME: Jane Doe vs. Alkiviades	CASE NUMBER: 20STCV37498
---------------------------------------	-----------------------------

6. b.  **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (*specify one*):
- (1)  deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
  - (2)  placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at (*city and state*): Marsys Law Victim, County of Santa Barbara, California.
- c.  **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d.  **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (*A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.*)
- e.  **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

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

Date: July 5, 2024

Angie Johnston  
\_\_\_\_\_  
(TYPE OR PRINT NAME OF DECLARANT)

  
\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

**DECLARATION OF MESSENGER**

**By personal service.** I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.


At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on (*date*):

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

Date: \_\_\_\_\_

\_\_\_\_\_  
(NAME OF DECLARANT)

 \_\_\_\_\_  
(SIGNATURE OF DECLARANT)

Document received by the CA 2nd District Court of Appeal.

**TAB 96**

**AA1434**

Document received by the CA 2nd District Court of Appeal.

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO: NAME: <b>Alkiviades David Pro Per</b> FIRM NAME: STREET ADDRESS: <b>c/o Jolly Harboe Antigua Prim Min 5598+9CC Queen Elizabeth HWY</b> CITY: <b>St.John's Antigua &amp; Barbuda</b> STATE: ZIP CODE: TELEPHONE NO.: <b>(310) 362-1650</b> FAX NO. : E-MAIL ADDRESS: ATTORNEY FOR (name): <b>Pro Per</b>	<b>FOR COURT USE ONLY</b>  <b>Electronically FILED by                  Superior Court of California,                  County of Los Angeles                  9/16/2024 2:47 AM                  David W. Slayton,                  Executive Officer/Clerk of Court,                  By D. Kim, Deputy Clerk</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: <b>111 Hill Street</b> MAILING ADDRESS: <b>111 Hill Street</b> CITY AND ZIP CODE: <b>Los Angeles, California 90012</b> BRANCH NAME: <b>STANLEY MOSK</b>	CASE NUMBER: <b>20STCV37498</b>
PLAINTIFF/PETITIONER: <b>Jane Doe</b> DEFENDANT/RESPONDENT: <b>Alkiviades David et al</b>	JUDICIAL OFFICER: <b>Christopher Lu</b>
<b>PROOF OF ELECTRONIC SERVICE</b>	DEPARTMENT: <b>LM2- 76</b>

1. I am at least 18 years old.
  - a. My residence or business address is (specify):  
 Marsy's Law Victim, protections per Marsy's Law. County of Santa Barbara, California.
  - b. My electronic service address is (specify):  
 Green Filing California, electronic service & filing provider. See attached 4 pages.
2. I electronically served the following documents (exact titles):  
 Motion to Set Aside & Vacate Judgement per C.C.P. 663; For New Trial pursuant to C.C.P. 659; Motion for Liberal Pleadings; Memorandum of Points & Authorities. Defendant David'd Objections to Trial irrregularities in case No. 20STCV37498.
 

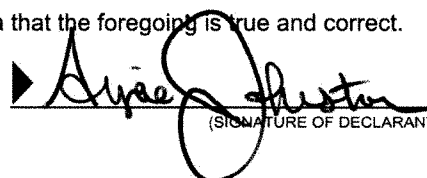
The documents served are listed in an attachment. (Form POS-050(D)/EFS-050(D) may be used for this purpose.)
3. I electronically served the documents listed in 2 as follows:
  - a. Name of person served: **Garv A. Doordick, Ebbv S. Bakhtair & Fred Heather.**  
 On behalf of (name or names of parties represented, if person served is an attorney):  
**Jane Doe-Plaintiff**
  - b. Electronic service address of person served :  
**Gary@dordicklaw.com, esb@lb-lawyers.com, fheather@gladerweil.com**
  - c. On (date): **July 8, 2024**

The documents listed in item 2 were served electronically on the persons and in the manner described in an attachment. (Form POS-050(P)/EFS-050(P) may be used for this purpose.)

Date: July 8, 2024

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

Angie Johnston  
 (TYPE OR PRINT NAME OF DECLARANT)

  
 (SIGNATURE OF DECLARANT)

Document received by the CA 2nd District Court of Appeal.

# Filing 10443840 - Accepted

 Print (FilingDetailPrint?filingId=10443840)  Copy Filing ▾

**File on Existing Case** - Envelope Number 24LA01149384

🕒 Last Update: 09/03/2024 10:56 AM PDT

**1. Select Case** - Choose your case, or click add a case to retrieve your case from the court's system.

<b>Court</b>	Central District Stanley Mosk Courthouse Department 76
<b>Case No.</b>	20STCV37498
<b>Case Title</b>	JANE DOE vs ALKIVIADES DAVID, et al.

**2. Add Documents** - Define, select, and upload the documents that make up your filing.

<b>Document Type</b>	<b>Name Extension</b>	<b>File Name</b>
Motion for New Trial		Motion_F...CR_1_.pdf (2.3 MB, 26 pgs.) (FileDownload/Motion_For_New_Trial_Vac_Exhibits_A_C_OCR_1_.pdf?idType=attachmentId&id=17579365) ✓
Objection (name extension)	Objection to trial	AD_Objec...s_OCR.pdf (693 kB, 8 pgs.) (FileDownload/AD_Objections_OCR.pdf?idType=attachmentId&id=17579373) ✓

**3. Additional Info** - Enter any additional information that is required, indicated by a \*, for this filing type.

Document received by the CA 2nd District Court of Appeal.

Motion for New Trial (Motion\_For\_New\_Trial\_Vac\_Exhibits\_A\_C\_OCR\_1\_.pdf)

**Complaint** Amended Complaint (1st) filed by Jane Doe on 10/01/2021

**Court Reservation Number**

Filed By	Fee Exemption	Interpreter Language	Error Sued	First Appearance Paid	Government Entity	Fee Waiver	Eserve Conse
David, Alkiviades (Defendant)				Yes			

Objection (name extension) (AD\_Objections\_OCR.pdf)

**Complaint** Amended Complaint (1st) filed by Jane Doe on 10/01/2021

Filed By	Fee Exemption	Interpreter Language	Error Sued	First Appearance Paid	Government Entity	Fee Waiver	Eserve Conse
David, Alkiviades (Defendant)				Yes			

**4. Service Contacts** - Add or select service contacts to perform electronic service. Service contacts provided by the court are annotated with and may not be edited.

Name	Document	Service Type	eServe Status as of 09/03/2024 10:56 AM PDT
Heather, Fred D. (110650)	Motion for New Trial	GreenFiling Email	Sent
	Objection Objection to trial		Sent

Document received by the CA 2nd District Court of Appeal.

**AA1437**

Bakhtiar, Ebby S.  
(215032)

Motion for New Trial

 GreenFiling  
Email


Opened 07/08/2024 02:36 PM  
PDT

Objection Objection  
to trial

Sent

Dordick, Gary A.

Motion for New Trial

 GreenFiling  
Email

Sent

Objection Objection  
to trial

Sent

**5. Filing Fees - Select a payment method to pay estimated fees.**

**Payment Confirmation**

**Motion for New Trial: \$60.00**

**Los Angeles County Court Transaction Fee: \$2.25**


**EFM Convenience Fee: \$1.95**

**Provider Service Fee (GreenFiling): \$9.95**

**Payment Service Fee: \$1.87**

**Total Payment Amount: \$76.02**

**Payment Method:** 

 [View Invoice \(InvoiceDetailPrint?id=D4CKLR-WMW3B\)](#)

**6. Review & Submit - Finalize your filing, review, and submit.**

**Clerk Memo** Court rejected filings today, due to lack of OCR. Documents are filed same day rejected, with OCR. Clerk stated documents will be file stamped with original filing date, if resubmitted same day, as rejected.

**Filing Submitted** 07/08/2024 02:34 PM PDT

Document received by the CA 2nd District Court of Appeal.

**AA1438**

**Court Received** 07/08/2024 02:34 PM PDT

**Envelope** 24LA01149384

**Created by** 

**Filing Activity Log - Exchange of messages with the court filing manager.**

Message Type	Timestamp	Court Response
submission: Error	07/08/2024 01:40 PM PDT	Payment Authorization error: Decline[89] - Credit Floor (Action required: Cust - Try to resolve with customer or obtain alternate payment method)(AVS message: Zip Match/Zip 4 no Match/Locale match)(txRefNum: 668C4EAA287B8E5B00002B530001FB3352505419). Unable to proceed until payment authorization is resolved.
filing fees calculation	07/08/2024 01:40 PM PDT	
submission	07/08/2024 02:34 PM PDT	Received and assigned reference number 24LA01149384
filing fees calculation	07/08/2024 02:34 PM PDT	
receipt	07/08/2024 03:56 PM PDT	Motion for New Trial, Objection Objection to trial, Notice of E-Filing Confirmation
receipt - fees confirmed	07/08/2024 03:56 PM PDT	Motion for New Trial, Objection Objection to trial, Notice of E-Filing Confirmation, RECEIPT
filing status update	09/03/2024 10:56 AM PDT	filing was ACCEPTED. A notification request was sent to the court to obtain more information.

Document received by the CA 2nd District Court of Appeal.

**AA1439**

**TAB 97**

Document received by the CA 2nd District Court of Appeal.

**AA1440**



Defendant, finally being delivered on September 13th, 2024, well after the unopposed/unnoticed trial are long over with. Without that file, Defendant has been unable to secure new counsel, because the lack of case file, means an attorney can't assess the case, and determine if the are willing and able to adequately represent the Defendant as counsel of record. 4

2) The noticed motion on February 8th, 2024, was sent to Fred Heather, who was removed as counsel the next morning, by order of this Court. The client file Fred Heather maintained was just delivered last week to Defendant. So that February 8, 2024 noticed, never reached Defendant in a timely manner. After February 8, 2024, despite having Defendant's email address, all notices went to only an attorney in Greece, Mr. Sofos, with the proof of service listing Mr. Sofos as Counsel for the defendant. There is nothing true in the proofs of service provided. Mr. Sofos is not the Defendant's attorney for this case, or at all in the United States, and is not a registered process agent, nor was served as such. The proof of service claims Mr. Sofos as attorney for Defendant, while Defendant remained Pro Se. 13

Please refer to the 2nd District Court of Appeals, in which the Court noted, "If the complaint and summons designate the defendant in a representative capacity, he should be served." 1 Witkin, California Procedure, 813." *Bank of America v. Carr*, 138 Cal.App.2d 727, 736 (Cal. Ct. App. 1956). By the same token, if the Defendant is known to be Pro Se, serving an attorney in foreign country as the counsel for Defendant is not adequate legal service or notice. Forcing the Defendant to play the telephone game to be informed about the case, when the Plaintiff and their counsels all have the Defendant's email address, means the opposition suggesting that actual or constructive notice, is a bald faced lie. 21

Actual notice would require noticing the actual party, not a foreign counsel, when the party is pro per. As for constructive notice, there is nothing cited in the opposition that would authorize serving a non-party, claiming them as counsel of record for a party, without any attempt to notice the pro se party directly. The declaration by Counsel Moaven, is not well taken, as it is self-serving and done in violation of CA BAR Professional Rule 3.7 – Attorneys are not supposed to act as witnesses in cases wherein they are representing a party, save for those matters related to their fees, or to ex parte procedural steps taken. Moreover, Counsel Moaven makes no indication why it

would be acceptable to notice someone who is not an attorney licensed by the California BAR to practice law in California, as an attorney for a pro-se litigant. 2

3) Critically, the opposition at 2. b. it states that the jury verdict reflected 3 evidence presented at trial regarding Defendant's violent rape of Plaintiff and his determination to 4 continue such despicable conduct despite **numerous, similar civil judgments against him**. The use of other 5 alleged bad acts, when the Defendant has not put their reputation on the stand, and has not 6 presented a defense of mistake in intent, is prohibited by Evidence Code, which states: 7

8  
9 **EC 1101.** (a) Except as provided in this section and in Sections 1102, 1103, 1108, and 1109, evidence of a person's character or a trait of his or her character (whether in the form of an opinion, evidence of reputation, or 10 evidence of specific instances of his or her conduct) is inadmissible when offered to prove his or her conduct on a specified occasion. 11

12  
13 The fact that the plaintiffs counsel is so comfortable with misconduct that they openly admitted to using character evidence to prove guilt, should shock the conscience of this 14 Honorable Court, and is the very type of irregularity by the adverse party, that a motion for new 15 trial should Best regards granted for. It also explains the 100,000,000 verdict for compensatory damages, which 16 per the jury special verdict, stated was for "Past and future Non-Economic Loss, including 17 physical pain, mental suffering, loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and 18 emotional distress." While emotional distress is certainly damage that warrants compensation to 19 mitigate the pain and suffering experienced, at 100,000,000 without any physical signs 20 of damage the mental anguish must be so great, that one wouldn't be able to walk, talk, or do anything at all. 21 Yet, by the Plaintiff's own admission, she went right back to work after the alleged 22 assault, and stayed working until terminated from employment, and despite alleging that the Defendant 23 engaged in the most heinous of physical attacks against the Plaintiff, she did not file a police report, did not 24 go to the hospital and have any type of testing or healthcare given. 25

26 In fact, there is no evidence the Defendant has seen, that there was any indication of any 27 health problems, be it physical, or psychological, until after there were employment issues, and the 28 company who hired the Plaintiff, could no longer afford her salary. Defendant doubts that these

facts were presented to the jury, nor were the following text messages attached hereto as Exhibit B, in which it is clear that several employees, who felt that they weren't being paid adequately and in a timely fashion, discuss making false accusations against the Defendant, by suing in Court. Most of them claim that the allegations of Plaintiff, were known to be unlikely true, because the Plaintiff would believe or say just about anything. Id. Exhibit B at p. . 5

That evidence was not presented to the jury, because the Defendant was never notified of the jury trial date directly, so couldn't make an appearance. Merely knowing that a trial is something in June, is not actual or constructive notice. There is also no reason to believe that Defendant was noticed, and every reason to believe he was being intentionally excluded, as the proofs of service don't even attempt to serve him directly by his email address. Or his physical addresses listed, or by asking him directly for a service of notice address. These things could have happened very easily, and would have brought the notice into the realm of not being gamesmanship used to prejudice the Defendant. 13

As reminder, a major factor to consider in terms of character evidence usage, is the reasoning behind the prohibition on character evidence, and that would be its probative value is outweighed by its prejudicial effect. By constantly telling the jury of other alleged misdeeds, and assertion to Defendant's wealth, which has no relevance to whether or not a sexual assault took place, but does risk prejudicing the jury into believing the Defendant is a serial rapist who buys his way out of trouble, and thus in their minds, even if innocent of anything regarding the Plaintiff, still needs to be punished, failing to perceive the Defendant as someone who has never been charged with sex crimes, so is supposed to be innocent until proved guilty. 21

There is no case in the United States, wherein someone not suffering from traumatic physical injury, has been awarded 100,000,000 dollars in compensatory damages. It is not compensatory award that can be based on reason and actual evidence. As example, one of the most public and thus publicly humiliating cases is Donald Trump vs. E. Jean Carroll, one of the most highly published and mass-media covered sexual assault cases. E. Jean Carroll wasn't just allegedly sexually assaulted, allegedly by Donald Trump, but was also repeatedly defamed by him, while he was President of the United States. The jury found, in addition to the suffering from the assault that 28

there was also compensatory damages for public humiliation and ongoing defamation of character by Donald Trump, who was the President of the United States while doing so. 2

The case is relevant in that in terms of being an apex sexual assault and humiliation case, E. Jean Carroll, an accomplished writer and former fashionista in New York City, was awarded 10 million dollars in Compensatory Damages, which only went that high, due to the repeated public disparagement and defamation after the Trial Court Judge had admonished Donald Trump and enjoined him to stop making public defamatory statements against E. Jean Carrolls. There is no ongoing apex mass media presentation of grievances or accusations against Plaintiff. 8

However, in this case, the jury special verdict, doesn't even articulate the severity of the alleged psychological damages, there is no objective evaluation or diagnosis of how debilitating the Plaintiff's condition was or is, nor if its possible that a portion of it is her own doing. Without any effective cross examination possible, the various witnesses brought out, and the virtual drumtruck of prohibited evidence brought in by the opposing party's counsel, undermines confidence in the verdict, especially in light of other high profile cases regarding sexual assault. 14

Nor did the plaintiff's treating psychologist, state how he knew when the alleged symptoms occurred, why he could not create a treatment plan for the plaintiff's mental conditions, with milestones of success clearly described, treatment technique used, and the scope of time needed to effectuate the treatment plan, with an end date for cured or managed condition outcome. 18

4) To further illustrate how problematic plaintiff's choice of proving service of notice is, while also showing the misuse of evidence, on June 14, 2024, counsel for Plaintiff served the Amended Exhibit List by electronic mail that morning to the attorney in Greece. Greece is 10 hours ahead of Los Angeles Pacific Standard Time. By the time the Amended Exhibit list was emailed, likely 8 a.m. or later, the attorney in Greece has already gone home for the day, as it is 6pm in Greece. So it could not be meaningfully noticed upon the Defendant by such a scheme employed by the Plaintiff. Nor was there ever any discussion, nor any order of the Court that noticed or substituted service of process, or to substitute into the case Sofos as Defendant's attorney of record. There is no legal authority or logical reason for the lack of proper notice to Defendant, and no adequate explanation provided in the opposition filed. While the opposition at page 928 repeatedly

claims to have noticed the Defendant, these notices were sent via email to Sofos, in Greede, without any proof that plaintiff ever saw them at all. Simply repeating a false claim, does not make it true, and does not evidence it as true.

5) The Amended Exhibit List noticed on June 14, 2024, is problematic for its contents, as it has, in multiple instances, exhibits that prove an intent to use character evidence to prejudice the jury. Rather than substantiate a valid opposition to Defendant's claims of misuse of evidence, Plaintiff's counsel and co-counsel of record, proudly brag about using the other judgments as a means of securing a larger monetary judgment award from the jury. See, opposition at page 18, intend to include other judgments in other cases, and other allegations and lawsuits against the Defendant. At every single instance, it appears there is a lack of actual evidence, and due to that fact, the Plaintiff and her counsels of record, attempting to use the "Big Lie" method of propaganda, just keep re-asserting the lie, until people believe it. It's another reason why character evidence is not admissible, because those other cases, do not prove the alleged misconduct in the present case, but are likely to prejudice the trier of fact, and in doing so, render a finding not in accordance with actual evidence, but instead fueled by impassioned anger at someone displayed as a bad person

While citation is made in the opposition to an authority regarding notice requirements, the authority cited, *People ex rel. San Francisco Bay Conservation etc. Com. v. Smith* (1994) 26 Cal.App.4th 113, was in regards to someone avoiding service of process.

In the Defendant's case, the Plaintiff's counsel and co-counsel, inexplicably refuse to serve notice by his email address, physical address, and instead choose to service an attorney in Greece as an alleged attorney for Defendant, despite not being a CA BAR licensed attorney, and did not attempt in any way shape or form to actually notice the pro se litigant directly. The fact that is not one attempt to directly serve a pro se litigant, makes the opposition's foundation completely flawed and without merit, while the citation to SFBC etc. case, intentionally misconstrues the facts - Defendant was not trying to hide from service, rather Plaintiff's counsels were doing everything in their power to make proofs of service for noticing documents they knew the Defendant didn't actually get copies of, so they could then argue as if they had legitimately noticed Defendant, and thus weren't presenting material facts falsely or with intentional omissions, their strategy, which

worked, caused the Court to believe adequate notice had been provided. so that the cdurt would make a false conclusion that legal notice had actually been provided, while truthfully they were refusing to comply with its tenets, putting on their version of a dog and pony show, to trick this Honorable Court into believing that the Defendant was simply refusing to participate with legal proceedings, when in fact, he had no specific knowledge of any procedural steps or hearings from February 10<sup>th</sup>, 2024, until last week, when he finally received his client file from Fred Heather.

This isn't an issue of lack of diligence, but rather an issue of the Plaintiff's attorneys, inappropriately excluding the Defendant from any true attempt to notice him directly as required by law. It's laughable that in their declarations, they claim that notice was achieved by having conversations with "Defendant's many attorneys" to which no reasonable read of CCP 1015 et seq has any provision for oral notice to unnamed attorneys, nor any section of the CCP that would allow the Plaintiffs to assert that noticing someone without a California BAR License, as the Attorney for the Defendant, who isn't counsel of record, as the Defendant remains pro se, is acceptable.

Nor are the assertions by Dordick, permissible as he's counsel of record, now acting as a witness in violation of CA BAR Professional Rule 3.7, and his citation to co-counsel's declaration, equally inadmissible as co-counsel Moaven is also prohibited under CA BAR Professional Rule 3.7 from acting as a witness. These declarations are de facto proof of irregularities, and contain further irregularities, such as blantant use of unlawful evidence prejudicially.

Finally, in claiming why the damages weren't excessive, the opposition cites the attorney declaration of the Plaintiff's statements which were not cross-examined, and cannot represent an independent or objectively evidenced method to determine damages for compensatory purposes. It is a one-sided, non-adversarial process that the counsels had secured, while prejudicing the jury with character evidence, making any finding by the jury, undermined by passion, rather than reason, which does explain how such an excessive compensatory damage amount was found without a single receipt for any meaningful damages to be evidenced with.

///

///

Document received by the CA 2nd District Court of Appeal.

CONCLUSION

It is the height of irony that in proclaiming lack of irregularities to the case litigation, the opposition filed, added, admitted and stipulated to dozens more than even the Defendant alleged in the first place. From failing to be timely filed, to falsely claiming lack of notice of the motion for new trial filed, to claiming actual or constructive notice was achieved by phone conversation with attorneys for pro se defendant, to not only admitting to using character evidence to prejudice a jury into a finding of guilt, in violation of evidence code 1101, to then also then admit that the use of character evidence to prejudice the jury into making a compensatory damage finding without any objective evidence to substantiate such a large compensatory damage finding, to then falsely pretend that the basis of the punitive damages being excess was due to some ratio violation, when in fact, they're excessive because they're based on an accepted multiplier of an unacceptable and truly unique excessive compensatory damage finding. There is nothing alleged or claimed in the opposition that somehow the Plaintiff suffered such incredible damage, that they are no longer able to function without substantial assistance and permanently disabled by crippling afflictions. 100,000,000 in compensatory damages would mean the Plaintiff has uniquely suffered a degree never before experienced in human history.

Yet at the same time, despite this incredible level of mental damage, Plaintiff went to work the next day, and never had any indications of issues until her employment ended. Plaintiff's counsel describes the Defendant's alleged conduct as nearly the most heinous thing that a person may do to someone, something so vile and harmful, that it surely must be criminal conduct, yet no criminal charges have been sought or filed or charged against Defendant.

The dire tone and language used by the Plaintiff's counsel to describe exactly how despicable the Defendant allegedly is, cannot be seen as credible when no steps are taken to prevent such behavior, save for seeking monetary damages. If this was so certain a heinous crime against the Plaintiff, the first step would not be to seek civil judgment damage awards, it would be to file a criminal complaint. It is beyond ridiculous to believe that a wrongful termination case is the

Document received by the CA 2nd District Court of Appeal.

intended vessel to determine criminal conduct. The inconsistency between actions and words, is something the jury was most definitely not made aware of. 2

The foreclosure of the Defendant being able to cross examine witnesses, or to provide any objection to character evidence being used, didn't just violate his due process rights, they rendered the entire trial, an exercise in one-sided gamesmanship instead of justice. A case decided not on merit, but on trickery by two counsels who can't even remember to obey the basics of their ethics requirements given by the CA BAR in its professional rules, as they act as the majority of the evidence in the opposition via declarations they are not ethically to be making as they're acting as witnesses. It also makes their admitted conduct at trial, a consequence of not acting as court officer was required to do; they're required to uphold the law, not violate it for their own and their client's personal gain. Violating evidence code restrictions on admissibility of character evidence to secure the finding of guilt by the jury, and to ensure an excessive damage award was found, is exactly why character evidence is not permitted unless certain qualifiers have been met, which weren't in this case, as the Defendant wasn't even present to act in any way that would qualify as an exception. 10

In summary, because the opposition filed failed to address the actual basis of the incredibly disproportionate damage award, and further, failed to provide any substantiation for its reasonableness, relying the whole time on evidence by way of their declarations, which attorneys they should not be submitted per CA BAR Professional Rule 3.7, also admitting to use character evidence in violation of evidence code 1101, in order to secure a judgment of guilt and also to increase the damage award by use of prejudicial character evidence instead of objective medical evidence or other objective evidence, not related to other civil cases involving the Defendant, is a totality of circumstance, when including the intentional omission of notice to the Defendant via email or any other means, choosing instead to notice a non-entity, an alleged attorney for Defendant, who is in Greece, and does not have a CA BAR License, does just make for irregularities and excessive damage awards, but instead a maelstrom of questionable conduct and a most certain miscarriage of justice, by two counsels more concerned with excessive damage awards and winning then actual truth or justice, and failed to remember their duty to the law, and candor to this Honorable Court per CA BAR Professional Rule 3.3. 28

DATED: September 16, 2024.

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David Alkiviades, (Alki)  
Defendant In Pro Per

Document received by the CA 2nd District Court of Appeal.

**TAB 98**

**AA1451**

Document received by the CA 2nd District Court of Appeal.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 76

**20STCV37498**

**JANE DOE vs ALKIVIADES DAVID, et al.**

September 16, 2024

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via LACC)

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Dustin Moaven (via LACC) for Gary A. Dordick

For Defendant(s): Cecilia Preciado (In-Person) for James Glenn Bohm

Other Appearance Notes: Alkiviades David (via LACC)

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**NATURE OF PROCEEDINGS:** Hearing on Motion for New Trial of Defendant In Pro Per, Alkiviades David

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Dina Currado, CSR # 10908, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

After hearing oral argument, The Court takes the Hearing on Motion for New Trial of Defendant In Pro Per, Alkiviades David under submission.

The court to issue a written ruling.

**TAB 99**

**AA1453**

Document received by the CA 2nd District Court of Appeal.

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: James G. Bohm FIRM NAME: Bohm Wildish & Matsen, LLP STREET ADDRESS: 600 Anton Boulevard, Suite 640 CITY: COSTA MESA TELEPHONE NO.: 714-384-6500 EMAIL ADDRESS: ATTORNEY FOR (name): David Alkiviades, et al. (see attached)	STATE BAR NUMBER: 132430 STATE: CA ZIP CODE: 92626 FAX NO.: 714-384-6501	FOR COURT USE ONLY  <b>Electronically FILED by          Superior Court of California,          County of Los Angeles          9/16/2024 2:53 PM          David W. Slayton,          Executive Officer/Clerk of Court,          By L. Grodeland, Deputy Clerk</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: Jane Doe DEFENDANT/RESPONDENT: David Alkiviades, et al.		
<input checked="" type="checkbox"/> <b>NOTICE OF APPEAL</b> <input type="checkbox"/> <b>CROSS-APPEAL</b> <b>(UNLIMITED CIVIL CASE)</b>		CASE NUMBER: 20STCV37498

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.**

1. NOTICE IS HEREBY GIVEN that:

- a. (Name): David Alkiviades, et al. (see attached) appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):  
July 5, 2024
- c. The appeal is from the following order or judgment (check all that apply):
  - Judgment after jury trial
  - Judgment after court trial
  - Default judgment
  - Judgment after an order granting a summary judgment motion
  - Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
  - Judgment of dismissal after an order sustaining a demurrer
  - An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
  - An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)
  - Other (describe and specify the code section or other authority that authorizes this appeal): Judgment on Special Verdict
- d.  The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): \_\_\_\_\_ appeals.

\$100 PAID  
\$775 E-RCVD

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

3.  The judgment or order being appealed is attached (optional).

Date: 09/16/2024

James G. Bohm  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
\_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

Document received by the CA 2nd District Court of Appeal.

SHORT TITLE: Doe v. Alkiviades, et al.	CASE NUMBER: 20STCV37498
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ATTACHMENT (Number): 1a

(This Attachment may be used with any Judicial Council form.)

Defendants:

- (1) David Alkiviades a.k.a. Alki David
- (2) Filmon.TV, Inc.
- (3) Filmon.TV LA, Inc.
- (4) Filmon.TV Networks, Inc.
- (5) Hologram USA Entertainment, Inc.
- (6) Hologram USA Inc., a.k.a. Hologram USA Productions, Inc. a.k.a. Hologram USA Entertainment, Inc., a.k.a. Filmon.TV, Inc. a.k.a. Filmon.TV Networks, Inc., a.k.a. Filmon.TV LA, Inc.
- (7) Swissx Labs AG, Inc. a.k.a. Swissx Lounge a.k.a. Filmontv UK, LTD.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1  
(Add pages as required)

**TAB 100**

Document received by the CA 2nd District Court of Appeal.

**AA1456**

<b>PROOF OF SERVICE (Court of Appeal)</b> <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Personal Service	Electronically FILED by Superior Court of California, County of Los Angeles 9/16/2024 2:53 PM David W. Slayton, Executive Officer/Clerk of Court, By L. Grodeland, Deputy Clerk
<b>Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.</b>	
Case Name: Jane Doe v. David Alkiviades, et al. Court of Appeal Case Number: Superior Court Case Number: 20STCV37498	

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My  residence  business address is (*specify*): 600 Anton Blvd., Suite 640, COSTA MESA, CA 92626
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*): Notice of Appeal (Unlimited Civil Case)
  - a.  **Mail**. I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a)  **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b)  **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed: 09/16/2024
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name: Gary A. Dordick, Attorneys for Jane Doe
        - (ii) Address: Dordick Law Corp.  
1122 Wilshire Blvd  
Los Angeles, CA 90017
      - (b) Person served:
        - (i) Name: Gary A. Dordick, Attorneys for Jane Doe
        - (ii) Address: Dordick Law Corp.  
509 S. Beverly Drive  
Beverly Hills, CA 90212
      - (c) Person served:
        - (i) Name: Ebby S. Bakhtiar, Attorneys for Jane Doe
        - (ii) Address: Ebby S. Bakhtiar, PC  
3435 Wilshire Blvd, Ste 1669, Los Angeles, CA 90010
    - Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): COSTA MESA, CA

Case Name: Jane Doe v. David Alkiviades, et al.	Court of Appeal Case Number: Superior Court Case Number: 20STCV37498
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3. b.  **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

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

Date: 09/16/2024

Jade Doneza  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

Document received by the CA 2nd District Court of Appeal.

**TAB 101**

**AA1459**

Document received by the CA 2nd District Court of Appeal.

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: James G. Bohm FIRM NAME: Bohm Wildish & Matsen, LLP STREET ADDRESS: 600 Anton Boulevard, Suite 640 CITY: COSTA MESA TELEPHONE NO.: 714-384-6500 EMAIL ADDRESS: ATTORNEY FOR (name): Alkiviades David a.k.a. Alki David	STATE BAR NUMBER: 132430 STATE: CA ZIP CODE: 92626 FAX NO.: 714-384-6501	FOR COURT USE ONLY  <b>Electronically FILED by          Superior Court of California,          County of Los Angeles          9/16/2024 4:45 PM          David W. Slayton,          Executive Officer/Clerk of Court,          By M. Jasper, Deputy Clerk</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: Jane Doe DEFENDANT/RESPONDENT: Alkiviades David a.k.a. Alki David		
<input checked="" type="checkbox"/> <b>NOTICE OF APPEAL</b> <input type="checkbox"/> <b>CROSS-APPEAL</b> (UNLIMITED CIVIL CASE)		CASE NUMBER: 20STCV37498

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.**

1. NOTICE IS HEREBY GIVEN that:

- a. (Name): Alkiviades David a.k.a. Alki David     appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):  
July 5, 2024
- c. The appeal is from the following order or judgment (check all that apply):
  - Judgment after jury trial
  - Judgment after court trial
  - Default judgment
  - Judgment after an order granting a summary judgment motion
  - Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
  - Judgment of dismissal after an order sustaining a demurrer
  - An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
  - An order or judgment under Code of Civil Procedure, § 904.1(a)(3)–(13)
  - Other (describe and specify the code section or other authority that authorizes this appeal): Judgment on Special Verdict
- d.  The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): \_\_\_\_\_ appeals.

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

3.  The judgment or order being appealed is attached (optional).

Date: 09/16/2024

James G. Bohm \_\_\_\_\_  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF PARTY OR ATTORNEY)

Document received by the CA 2nd District Court of Appeal.

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**FILED**  
Superior Court of California  
County of Los Angeles

07/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By:                     T. Le                     Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

JANE DOE, an Adult Individual Suing  
Under Anonymity Due to Privacy and  
Safety,

Plaintiff,

v.

ALKIVIADES DAVID, an Individual,  
a.k.a. ALKI DAVID,

Defendant.

Case No: 20STCV37498

(Assigned to the Hon. Christopher L. Lui,  
Dept. 76)

**~~PROPOSED~~ JUDGMENT ON  
SPECIAL VERDICT**

This action came on regularly for trial on June 13, 2024, in Department 76 of  
the above-entitled Court, the Honorable ~~Christopher L. Lui~~, Judge of the Superior  
Court, presiding. Attorneys Gary A. Dordick and Dustin Z. Moaven appeared for the  
Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”). No appearances were  
made on behalf of Defendant Alkiviades David.

Document received by the CA 2nd District Court of Appeal.

1 A jury of 12 persons was regularly impaneled and sworn and agreed to try the  
2 cause. Witnesses were sworn and testified. After hearing the evidence and arguments  
3 of counsel, the jury was duly instructed by the Court and the cause was submitted to  
4 the jury with directions to return a special verdict. The jury deliberated and thereafter  
5 returned into court with its special verdict on the issues submitted and the answers  
6 given thereto by the jury, which verdict was in words and figures as follows:

7  
8 We answer the questions submitted to us as follows:

9  
10 **COMPENSATORY DAMAGES**

11  
12 **Question No. 1:** What are Plaintiff Margerita Nicolas' total non-economic  
13 damages caused by the sexual battery and intentional infliction of emotional distress  
14 committed by Defendant ALKIVIADES DAVID?

15  
16 Past and future Non-Economic Loss, including physical pain, mental suffering  
17 loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional  
18 distress:

19 \$100,000,000.00

20  
21 Proceed to Question No. 2.

22 ///  
23 ///  
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Document received by the CA 2nd District Court of Appeals

1 **PUNITIVE DAMAGES**

2  
3 **Question No. 2:** Did Defendant ALKIVIADES DAVID engage in conduct  
4 with malice, oppression, or fraud?

5  
6 Yes  No

7  
8 If you answered yes to question 2, then answer question 3. If you answered no  
9 to question 2, stop here, answer no further questions, and have the presiding juror sign  
10 and date this form.

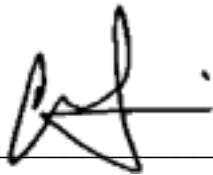
11  
12 **Question No. 3:** What amount of punitive damages, if any, do you award in  
13 favor of Plaintiff Margerita Nicolas and against Defendant ALKIVIADES DAVID?

14  
15 \$800,000,000.00

16  
17 It appears by reason of said special verdict that Plaintiff Margerita Nicolas (who  
18 originally filed as "Jane Doe") is entitled to judgment against Defendant Alkiviades  
19 David in the amount of \$900,000,000.00.

20 NOW, THEREFORE, IT IS SO ORDERED, ADJUDGED AND DECREED  
21 that Plaintiff Margerita Nicolas (who originally filed as "Jane Doe") shall have and  
22 recover from Defendant Alkiviades David the sum of \$900,000,000.00 with interest  
23 thereon at the rate of ten percent (10%) per annum from the date of the entry of this  
24 judgment until paid.

25  
26 DATED: 07/05/2024

27   
28 Hon. Christopher L. Lui  
Judge of the Superior Court

Document received by the EA 2nd District Court of Appeal.

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**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 509 S. Beverly Drive, Beverly Hills, CA 90212.

On June 18, 2024 served the foregoing documents described as **[PROPOSED] JUDGMENT ON SPECIAL VERDICT** on all parties in this action as follows.

**[SEE ATTACHED SERVICE LIST]**

**(X)** **BY UNITED STATES MAIL. As to Themis Sofos** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below and

**(X)** placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Beverly Hills, California.

**(X)** **BY ELECTRONIC SERVICE [E-MAIL]** Only by emailing the document(s) to the persons at the e-mail address(es). No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. We will provide a physical copy, upon request only, when we return to the office at the conclusion of the national emergency.

Executed on June 18, 2024 at Los Angeles, California.

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

  
SANDRA JIMENEZ



**TAB 102**

Document received by the CA 2nd District Court of Appeal.

**AA1466**

<b>PROOF OF SERVICE (Court of Appeal)</b> <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Personal Service	Electronically FILED by Superior Court of California, County of Los Angeles 9/16/2024 4:45 PM David W. Slayton, Executive Officer/Clerk of Court, By M. Jasper, Deputy Clerk
<b>Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.</b>	
Case Name: Jane Doe v. David Alkiviades, et al. Court of Appeal Case Number: Superior Court Case Number: 20STCV37498	

1. At the time of service I was at least 18 years of age and **not a party to this legal action**.
2. My  residence  business address is (*specify*): 600 Anton Blvd., Suite 640, COSTA MESA, CA 92626
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*): Notice of Appeal (Unlimited Civil Case)
  - a.  **Mail**. I mailed a copy of the document identified above as follows:
    - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
      - (a)  **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
      - (b)  **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
    - (2) Date mailed: 09/16/2024
    - (3) The envelope was or envelopes were addressed as follows:
      - (a) Person served:
        - (i) Name: Gary A. Dordick, Attorneys for Jane Doe
        - (ii) Address: Dordick Law Corp.  
1122 Wilshire Blvd  
Los Angeles, CA 90017
      - (b) Person served:
        - (i) Name: Gary A. Dordick, Attorneys for Jane Doe
        - (ii) Address: Dordick Law Corp.  
509 S. Beverly Drive  
Beverly Hills, CA 90212
      - (c) Person served:
        - (i) Name: Ebby S. Bakhtiar, Attorneys for Jane Doe
        - (ii) Address: Ebby S. Bakhtiar, PC  
3435 Wilshire Blvd, Ste 1669, Los Angeles, CA 90010
    - Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
  - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (city and state): COSTA MESA, CA

Case Name: Jane Doe v. David Alkiviades, et al.	Court of Appeal Case Number: Superior Court Case Number: 20STCV37498
--	--

3. b.  **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

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

Date: 09/16/2024

Jade Doneza  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

  
(SIGNATURE OF PERSON COMPLETING THIS FORM)

Document received by the CA 2nd District Court of Appeal.

**TAB 103**

Document received by the CA 2nd District Court of Appeal.

**AA1469**

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: James G. Bohm FIRM NAME: Bohm Wildish & Matsen, LLP STREET ADDRESS: 600 Anton Boulevard, Suite 640 CITY: COSTA MESA TELEPHONE NO.: 714-384-6500 EMAIL ADDRESS: ATTORNEY FOR (name): Alkiviades David a.k.a. Alki David, et al.	STATE BAR NUMBER: 132430 STATE: CA ZIP CODE: 92626 FAX NO.: 714-384-6501	FOR COURT USE ONLY  <b>Electronically FILED by          Superior Court of California,          County of Los Angeles          9/16/2024 10:51 PM          David W. Slayton,          Executive Officer/Clerk of Court,          By D. Narcizo Lima, Deputy Clerk</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse		
PLAINTIFF/PETITIONER: Jane Doe DEFENDANT/RESPONDENT: Alkiviades David a.k.a. Alki David, et al.		
<input checked="" type="checkbox"/> <b>NOTICE OF APPEAL</b> <input type="checkbox"/> <b>CROSS-APPEAL</b> <b>(UNLIMITED CIVIL CASE)</b>		CASE NUMBER: 20STCV37498

**Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases* (Judicial Council form APP-001-INFO) before completing this form. This form must be filed in the superior court, not in the Court of Appeal. A copy of this form must also be served on the other party or parties to this appeal. You may use an applicable Judicial Council form (such as APP-009 or APP-009E) for the proof of service. When this document has been completed and a copy served, the original may then be filed with the court with proof of service.**

1. NOTICE IS HEREBY GIVEN that:

- a. (Name): Defendants listed on attached appeals from a judgment or order in this case.
- b. The judgment or order was entered on (list the date or dates the judgment and each order being appealed were entered):  
July 5, 2024
- c. The appeal is from the following order or judgment (check all that apply):
  - Judgment after jury trial
  - Judgment after court trial
  - Default judgment
  - Judgment after an order granting a summary judgment motion
  - Judgment of dismissal under Code of Civil Procedure, §§ 581d, 583.250, 583.360, or 583.430
  - Judgment of dismissal after an order sustaining a demurrer
  - An order after judgment under Code of Civil Procedure, § 904.1(a)(2)
  - An order or judgment under Code of Civil Procedure, § 904.1(a)(3)-(13)
  - Other (describe and specify the code section or other authority that authorizes this appeal): Judgment on Special Verdict
- d.  The judgment or order being appealed directs payment of sanctions by an attorney for a party. The attorney (name): appeals.

\$100 PAID  
\$775 E-RCVD

2. For cross-appeals only:

- a. Date notice of appeal was filed in original appeal:
- b. Date superior court clerk mailed notice of original appeal:
- c. Court of Appeal case number (if known):

3.  The judgment or order being appealed is attached (optional).

Date: 09/16/2024

James G. Bohm  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY)

Document received by the CA 2nd District Court of Appeal.

SHORT TITLE: Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
--	-----------------------------

ATTACHMENT (Number): 1a

(This Attachment may be used with any Judicial Council form.)

Defendants:

- (1) Filmon.TV, Inc.
- (2) Filmon.TV LA, Inc.
- (3) Filmon.TV Networks, Inc.
- (4) Hologram USA Entertainment, Inc.
- (5) Hologram USA Inc., a.k.a. Hologram USA Productions, Inc. a.k.a. Hologram USA Entertainment, Inc., a.k.a. Filmon.TV, Inc. a.k.a. Filmon.TV Networks, Inc., a.k.a. Filmon.TV LA, Inc.
- (6) Swissx Labs AG, Inc. a.k.a. Swissx Lounge a.k.a. Filmontv UK, LTD.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1  
(Add pages as required)

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07/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By:                     T. Le                     Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

JANE DOE, an Adult Individual Suing  
Under Anonymity Due to Privacy and  
Safety,

Plaintiff,

v.

ALKIVIADES DAVID, an Individual,  
a.k.a. ALKI DAVID,

Defendant.

Case No: 20STCV37498

(Assigned to the Hon. Christopher L. Lui,  
Dept. 76)

**~~PROPOSED~~ JUDGMENT ON  
SPECIAL VERDICT**

This action came on regularly for trial on June 13, 2024, in Department 76 of  
the above-entitled Court, the Honorable ~~Christopher L. Lui~~, Judge of the Superior  
Court, presiding. Attorneys Gary A. Dordick and Dustin Z. Moaven appeared for the  
Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”). No appearances were  
made on behalf of Defendant Alkiviades David.

Document received by the CA 2nd District Court of Appeal.

1 A jury of 12 persons was regularly impaneled and sworn and agreed to try the  
2 cause. Witnesses were sworn and testified. After hearing the evidence and arguments  
3 of counsel, the jury was duly instructed by the Court and the cause was submitted to  
4 the jury with directions to return a special verdict. The jury deliberated and thereafter  
5 returned into court with its special verdict on the issues submitted and the answers  
6 given thereto by the jury, which verdict was in words and figures as follows:

7  
8 We answer the questions submitted to us as follows:

9  
10 **COMPENSATORY DAMAGES**

11  
12 **Question No. 1:** What are Plaintiff Margerita Nicolas' total non-economic  
13 damages caused by the sexual battery and intentional infliction of emotional distress  
14 committed by Defendant ALKIVIADES DAVID?

15  
16 Past and future Non-Economic Loss, including physical pain, mental suffering  
17 loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional  
18 distress:

19 \$100,000,000.00

20  
21 Proceed to Question No. 2.

22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

Document received by the CA 2nd District Court of Appeals

1 **PUNITIVE DAMAGES**

2  
3 **Question No. 2:** Did Defendant ALKIVIADES DAVID engage in conduct  
4 with malice, oppression, or fraud?

5  
6 Yes  No

7  
8 If you answered yes to question 2, then answer question 3. If you answered no  
9 to question 2, stop here, answer no further questions, and have the presiding juror sign  
10 and date this form.

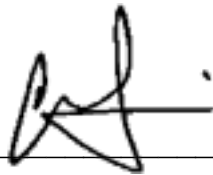
11  
12 **Question No. 3:** What amount of punitive damages, if any, do you award in  
13 favor of Plaintiff Margerita Nicolas and against Defendant ALKIVIADES DAVID?

14  
15 \$800,000,000.00

16  
17 It appears by reason of said special verdict that Plaintiff Margerita Nicolas (who  
18 originally filed as "Jane Doe") is entitled to judgment against Defendant Alkiviades  
19 David in the amount of \$900,000,000.00.

20 NOW, THEREFORE, IT IS SO ORDERED, ADJUDGED AND DECREED  
21 that Plaintiff Margerita Nicolas (who originally filed as "Jane Doe") shall have and  
22 recover from Defendant Alkiviades David the sum of \$900,000,000.00 with interest  
23 thereon at the rate of ten percent (10%) per annum from the date of the entry of this  
24 judgment until paid.

25  
26 DATED: 07/05/2024

27   
28 Hon. Christopher L. Lui  
Judge of the Superior Court

Document received by the 2nd District Court of Appeal.



**SERVICE LIST**

**Jane Doe v. David**

**Case No. 20STCV37498**

Ebby S. Bakhtiar, Esq.  
LIVINGSTON • BAKHTIAR  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010  
Tel: (213) 632-1550  
Fax: (213) 632-3100  
E-mail: ESB@LivingstonBakhtiar.com

***Co-Counsel for Plaintiff, JANE DOE***

Themistoklis Sofos, PhD  
SOFOS LAW FIRM  
Asklepiou Str. 6-8 GR 10680  
Athens, Greece  
Tel: +302103633322  
Fax: +302103636327  
E-mail: themis@sofos.com.gr

***Attorney for Defendant, ALKIVIADES DAVID***

**TAB 104**

**AA1477**

Document received by the CA 2nd District Court of Appeal.

<b>PROOF OF ELECTRONIC SERVICE (Court of Appeal)</b>	<b>Electronically FILED by Superior Court of California, County of Los Angeles 9/16/2024 10:51 PM David W. Slayton, Executive Officer/Clerk of Court, By D. Narcizo Lima, Deputy Clerk</b>
<b>Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read <i>Information Sheet for Proof of Service (Court of Appeal)</i> (form APP-009-INFO) before completing this form.</b>	
Case Name: Jane Doe v. Alkiviades David, et al. Court of Appeal Case Number: Superior Court Case Number: 20STCV37498	

1. At the time of service I was at least 18 years of age.
2. a. My  residence  business address is (*specify*): 600 Anton Blvd., Suite 640  
Costa Mesa, CA 92626
  - b. My electronic service address is (*specify*): cfile@bohmwildish.com
3. I electronically served the following documents (*exact titles*):  
Notice of Appeal (Unlimited Civil Case), Proof of Electronic Service
4. I electronically served the documents listed in 3. as follows:
  - a. Name of person served: Gary A. Dordick, Esq.  
On behalf of (*name or names of parties represented, if person served is an attorney*):  
Jane Doe
  - b. Electronic service address of person served: Gary@dordicklaw.com
  - c. On (*date*): 09/16/2024 The documents listed in 3. were served electronically on the persons and in the manner described in an attachment (*write "APP-009E, Item 4" at the top of the page*).

Continued on Attachment

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

Date: 09/16/2024

Jade Doneza

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

*Jade Doneza*

(SIGNATURE OF PERSON COMPLETING THIS FORM)

SHORT TITLE: Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
--	-----------------------------

ATTACHMENT (Number): 4

(This Attachment may be used with any Judicial Council form.)

Name: Dustin Z. Moaven, Esq.  
E-mail: Dustin@dordicklaw.com  
Attorneys for Plaintiff, JANE DOE

Name: Ebby S. Bakhtiar, Esq.  
E-mail: ESB@LivingstonBakhtiar.com  
Co-Counsel for Plaintiff, JANE DOE

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

Page 1 of 1  
(Add pages as required)

**TAB 105**

Document received by the CA 2nd District Court of Appeal.

**AA1480**

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>09/17/2024</b>
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Ruling on Submitted Matter Re: Motion to Set Aside and Vacate...) of 09/17/2024 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Gary A. Dordick  
Dordick Law Corporation  
509 South Beverly Drive  
Beverly Hills, CA 90212

James Glenn Bohm  
Bohm Wildish & Matsen, LLP  
600 Anton Blvd Ste 640  
Costa Mesa, CA 92626

Ebby S. Bakhtiar  
Livingston \* Bakhtiar  
3435 Wilshire Blvd.  
Ste 1669  
Los Angeles, CA 90010

David W. Slayton, Executive Officer / Clerk of Court

Dated: 09/17/2024

By: T. Le  
Deputy Clerk

Document received by the CA 2nd District Court of Appeal.

**TAB 106**

Document received by the CA 2nd District Court of Appeal.

**AA1482**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 76

**20STCV37498**

**JANE DOE vs ALKIVIADES DAVID, et al.**

September 17, 2024

3:45 PM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

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---

**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Ruling on Submitted Matter Re: Motion to Set Aside and Vacate Judgment and for New Trial;

The Court, having taken the matter under submission on 09/16/2024 for Hearing on Motion for New Trial of Defendant In Pro Per, Alkiviades David, now rules as follows:

**Defendant Alkiviades David's motion for a new trial on the issue of compensatory and punitive damages is conditionally GRANTED, unless Plaintiff within 30 days accepts a reduction in compensatory damages to \$10 million, and the amount of punitive damages to \$80 million, which is the amount the Court in its independent judgment determines from the evidence to be fair and reasonable. (Civ. Proc. Code, § 662.5.)**

**Otherwise, the motion to set aside and vacate the judgment is DENIED.**

The Court's ruling is fully reflected in the "Ruling Re: Motion to Set Aside and Vacate Judgment and for New Trial", which is signed and filed this date and incorporated herein by reference to the court file.

Clerk to give notice.

Certificate of Mailing is attached.

SEE NUNC PRO TUNC MINUTE ORDER OF 09/17/2024 4:00 PM

**TAB 107**

Document received by the CA 2nd District Court of Appeal.

**AA1484**

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>09/17/2024</b>
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le _____ Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Nunc Pro Tunc Order) of 09/17/2024 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Ebby S. Bakhtiar  
Livingston \* Bakhtiar  
3435 Wilshire Blvd.  
Ste 1669  
Los Angeles, CA 90010

Gary A. Dordick  
Dordick Law Corporation  
509 South Beverly Drive  
Beverly Hills, CA 90212

James Glenn Bohm  
Bohm Wildish & Matsen, LLP  
600 Anton Blvd Ste 640  
Costa Mesa, CA 92626

David W. Slayton, Executive Officer / Clerk of Court

Dated: 09/17/2024

By: T. Le  
Deputy Clerk

Document received by the CA 2nd District Court of Appeal.

**TAB 108**

**AA1486**

Document received by the CA 2nd District Court of Appeal.

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

**Civil Division**

Central District, Stanley Mosk Courthouse, Department 76

**20STCV37498**

**JANE DOE vs ALKIVIADES DAVID, et al.**

September 17, 2024

4:00 PM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Nunc Pro Tunc Order

It appearing to the Court that through inadvertence and/or clerical error, the minute order of 09/17/2024 in the above-entitled action does not properly reflect the Court's order. At the direction of the Judicial Officer, said minute order is corrected nunc pro tunc as of 09/17/2024, as follows:

By adding:

The Court sets the following:

Non-Appearance Case Review Re: Status of Acceptance is scheduled for 10/28/2024 at 11:00 AM in Department 76 at Stanley Mosk Courthouse.

No appearances are required on 10/28/2024.

Clerk to give notice.

Certificate of Mailing is attached.

**TAB 109**

**AA1488**

Document received by the CA 2nd District Court of Appeal.

**SEP 17 2024**

David W. Slayton, Executive Officer/Clerk of Court  
By: T. Le, Deputy

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HEARING DATE: **September 16, 2024**

JUDGMENT: July 5, 2024

CASE: **Jane Doe v. Alkiviades David, et al.**

CASE NO.: **20STCV37498**

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**RULING RE:  
MOTION TO SET ASIDE AND VACATE JUDGMENT AND FOR NEW TRIAL**

---

**MOVING PARTY:** Defendant Alkiviades David

**RESPONDING PARTY(S):** Plaintiff Jane Doe

Plaintiff alleged that she was sexually harassed and raped by Defendant David, for whom Plaintiff worked. Plaintiff was thereafter fired.

On July 5, 2024, the Court entered judgment against Defendant, who now seeks to set aside and vacate the judgment and for a new trial.

**RULING**

**Defendant Alkiviades David's motion for a new trial on the issue of compensatory and punitive damages is conditionally GRANTED, unless Plaintiff within 30 days accepts a reduction in compensatory damages to \$10 million, and the amount of punitive damages to \$80 million, which is the amount the Court in its independent judgment determines from the evidence to be fair and reasonable. (Civ. Proc. Code, § 662.5.)**

**Otherwise, the motion to set aside and vacate the judgment is DENIED.**

**ANALYSIS**

**Motion To Set Aside and Vacate Judgment and For New Trial**

On July 5, 2024, the Court entered judgment against Defendant, who now seeks to set aside and vacate the judgment and for a new trial.

The motion was not accompanied by a proof of service, as the Court noted in the August 16, 2024 minute order setting the hearing date (which was later continued to this date per August 27, 2024 minute order), as follows:

09/18/2024

Document received by the CA 2nd District Court of Appeal.

**AA1489**

On July 8, 2024, Defendant Alkiviades David filed two documents in this case: the first is entitled “MOTION TO SET ASIDE AND VACATE JUDGMENT PER C.C.P. 663; FOR NEW TRIAL PURSUANT TO C.C.P. 659; MOTION FOR LIBERAL PLEADING;” the second is entitled “OBJECTIONS TO TRIAL AND IRRIGULARITIES [SIC] IN CASE NO. 20STCV37498.” **The Court notes that neither of these documents bear a proof of service indicating that they were served on Plaintiff’s counsel.**

**The Court makes no finding whether Defendant’s filings are timely or otherwise satisfy the procedural requirements for a new trial motion.**

However, given the statutory time limit for ruling on new trial motions, the Court for scheduling purposes only will construe Defendant’s July 8, 2024 filings as a motion for new trial pursuant to Code of Civil Procedure section 659.

(August 16, 2024 Minute Order [bold emphasis added].)

In the opposition, Plaintiff argues that Defendant’s motion was never properly served on Plaintiff, and thus fails to comply with the mandatory notice and service requirements of Civ. Proc. Code, § 659, which provides, in pertinent part, as follows:

(a) The party intending to move for a new trial **shall file with the clerk and serve upon each adverse party** a notice of his or her intention to move for a new trial, designating the grounds upon which the motion will be made and whether the same will be made upon affidavits or the minutes of the court, or both, either:

(1) After the decision is rendered and before the entry of judgment.

(2) **Within 15 days of the date of mailing notice of entry of judgment by the clerk of the court pursuant to Section 664.5, or service upon him or her by any party of written notice of entry of judgment**, or within 180 days after the entry of judgment, **whichever is earliest**; provided, that upon the filing of the first notice of intention to move for a new trial by a party, each other party shall have 15 days after the service of that notice upon him or her to file and serve a notice of intention to move for a new trial.

(b) That notice of intention to move for a new trial shall be deemed to be a motion for a new trial on all the grounds stated in the notice. The times specified in paragraphs (1) and (2) of subdivision (a) shall not be extended by order or stipulation or by those provisions of Section 1013 that extend the time for exercising a right or doing an act where service is by mail.

(Civ. Proc. Code, § 659 [bold emphasis and underlining added].)

Here, Plaintiff served Defendant by mail (service address in Greece) with notice of entry of judgment on July 16, 2024. Notably, Civ. Proc. Code, § 1013(a), which normally extends the time to respond by 20 calendar days where the place of address is outside the United States

08/16/2024

“shall not apply to extend the time for filing notice of intention to move for new trial, notice of intention to move to vacate judgment pursuant to Section 663a, or notice of appeal.” (Civ. Proc. Code, § 1013.)

Here, Defendant filed the motion on July 8, 2024, but if it was never served, such mandatory service would be untimely and this motion must be denied on that procedural ground alone. On September 16, 2024, Defendant belatedly filed four separate proof of service forms, indicating (1) service of the motion by email to Plaintiff’s attorneys Gary Doordick [sic] and Ebby S. Bakhtair [sic] and Defendant’s former counsel Fred Heather on July 8, 2024; (2) service of the motion by U.S. mail to Plaintiff’s attorney Ebby S. Bakhtiar on July, 5, 2024; (3) service by U.S. Mail to Plaintiff’s attorney Gary Doordick [sic] on July 5, 2024; and (4) service by email to Plaintiff’s attorney Gary Doordick [sic] on August 31, 2024 (which would be untimely). The Court finds the September 16, 2024 filing of proofs of service to be suspicious, as they were filed only *after* Plaintiff’s counsel raised the issue of improper service of the motion. However, given that Plaintiff’s counsel simply asserts the conclusion that proper service was not made, the Court cannot resolve the dispute on the current record. Since an opposition was filed, the Court will address the issues raised in the motion.

Moreover, the notice of motion does not itself set forth any of the grounds for setting aside and vacating the judgment pursuant to Civ. Proc. Code, § 663, nor for a new trial pursuant to Civ. Proc. Code, 659.

Civ. Proc. Code, § 663 provides:

A judgment or decree, when based upon a decision by the court, or the special verdict of a jury, may, upon motion of the party aggrieved, be set aside and vacated by the same court, and another and different judgment entered, for either of the following causes, materially affecting the substantial rights of the party and entitling the party to a different judgment:

1. Incorrect or erroneous legal basis for the decision, not consistent with or not supported by the facts; and in such case when the judgment is set aside, the statement of decision shall be amended and corrected.
2. A judgment or decree not consistent with or not supported by the special verdict.

(Civ. Proc. Code, § 663.)

The verdict may be vacated and any other decision may be modified or vacated, in whole or in part, and a new or further trial granted on all or part of the issues, on the application of the party aggrieved, for any of the following causes, materially affecting the substantial rights of such party:

09/18/2024

1. Irregularity in the proceedings of the court, jury or adverse party, or any order of the court or abuse of discretion by which either party was prevented from having a fair trial.
2. Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict, or to a finding on any question submitted to them by the court, by a resort to the determination of chance, such misconduct may be proved by the affidavit of any one of the jurors.
3. Accident or surprise, which ordinary prudence could not have guarded against.
4. Newly discovered evidence, material for the party making the application, which he could not, with reasonable diligence, have discovered and produced at the trial.
5. Excessive or inadequate damages.
6. Insufficiency of the evidence to justify the verdict or other decision, or the verdict or other decision is against law.
7. Error in law, occurring at the trial and excepted to by the party making the application.

When a new trial is granted, on all or part of the issues, the court shall specify the ground or grounds upon which it is granted and the court's reason or reasons for granting the new trial upon each ground stated. A new trial shall not be granted upon the ground of insufficiency of the evidence to justify the verdict or other decision, nor upon the ground of excessive or inadequate damages, unless after weighing the evidence the court is convinced from the entire record, including reasonable inferences therefrom, that the court or jury clearly should have reached a different verdict or decision.

The order passing upon and determining the motion must be made and entered as provided in Section 660 and if the motion is granted must state the ground or grounds relied upon by the court, and may contain the specification of reasons. If an order granting such motion does not contain such specification of reasons, the court must, within 10 days after filing such order, prepare, sign and file such specification of reasons in writing with the clerk. The court shall not direct the attorney for a party to prepare either or both said order and said specification of reasons.

(Civ. Proc. Code, § 657.)

Defendant indicates that he only learned of a 900 million dollar judgment against him by sensational news media reporting. Defendant blames his former counsel, attorneys Fred Heather and Dana Cole, for failing to inform the Court that they were no longer representing Defendant,

09/18/2011 11:50

and for failing to file a motion to withdraw as counsel. Defendant's assertion regarding the actions and status of his former attorneys is factually incorrect. Attorney Dana Cole was not counsel of record for Defendant in this case. Defendant's former counsel, Fred Heather, filed a motion to be relieved as counsel on January 16, 2024, which the Court granted on February 9, 2024. That motion indicated that Defendant and his attorney in Greece, Themis Sofos, were served with the motion; the proof of service of the order granting the motion indicates that Mr. Sofos and Defendant were each served with the order. After that order was served, Mr. Sofos on March 1, 2024 remotely appeared at Defendant's deposition as an observer. Mr. Sofos therefore was aware of the status of the litigation, and was in communication with Defendant regarding the proceedings. As shown in the exchange of text messages between Plaintiff's counsel and Defendant on May 14, 2024, Plaintiff's counsel requested that Defendant participate in the preparation of trial documents, and Defendant responded with a series of profane and argumentative texts. (May 14, 2024 Declaration of Gary Dordick, Ex. 1.) It cannot reasonably be disputed that Defendant had actual notice of the impending trial, and did not take any steps to request a continuance or to arrange for participation in the trial.<sup>1</sup>

Defendant sets forth the following grounds for a new trial:

1. Excessive Damages Shocks Conscience & Must Be Set Aside.

Defendant argues that he has not been able to confront his accuser(s) or witness(es) at the jury trial, he was neither present for, nor noticed. Defendant argues that the special verdict including compensatory damages that are not believable by news media reports, stating the jury found \$100 million in compensatory damages, and \$800 million in punitive damages. Defendant argues because he was not present at trial, he does not know how Plaintiff could possibly have suffered \$100 million in compensatory damages.

The jury's returned a special verdict as follows:

Question No. 1: What are Plaintiff Margerita Nicolas' total non-economic damages caused by the sexual battery and intentional infliction of emotional distress committed by Defendant ALKIVIADES DAVID?

Past and future Non-Economic Loss, including physical pain, mental suffering, loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional distress:

\$100,000,000.00

Question No. 2: Did Defendant ALKIVIADES DAVID engage in conduct

---

<sup>1</sup> The Court also notes that as part of the fourth argument raised in his new trial motion, Defendant argues that he fired Fred Heather as his attorney in December 2023, (Motion at 8 & Ex. C) which was after the May 28, 2024 trial date had been set. After firing his attorneys, it was Defendant's responsibility to secure replacement counsel promptly if he did not wish to represent himself. Since he did not, he functionally elected to forge ahead towards trial without counsel. "[W]hen a litigant accepts the risks of proceeding without counsel, he or she is stuck with the outcome, and has no greater opportunity to cast off an unfavorable judgment than he or she would if represented by counsel." (*Burnete v. La Casa Dana Apartments* (2007) 148 Cal.App.4th 1262, 1267.)

with malice, oppression, or fraud?

Yes  No

Question No. 3: What amount of punitive damages, if any, do you award in favor of Plaintiff Margerita Nicolas and against Defendant ALKIVIADES DAVID?

\$800,000,000.00

The Court entered judgment as follows:

It appears by reason of said special verdict that Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”) is entitled to judgment against Defendant Alkiviades David in the amount of \$900,000,000.00.

NOW, THEREFORE, IT IS SO ORDERED, ADJUDGED AND DECREED that Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”) shall have and recover from Defendant Alkiviades David the sum of \$900,000,000.00 with interest thereon at the rate of ten percent (10%) per annum from the date of the entry of this judgment until paid.

While large jury awards naturally invite a degree of scrutiny, the fact that a verdict is large does not by itself indicate that the award is a result of passion or prejudice by the jury. The principles governing the Court’s consideration of a claim of excessive damages are well established:

In ruling on a motion for new trial for excessive damages, the trial court does not sit ‘in an appellate capacity but as an independent trier of fact.’ [Citation.] This role of fact finder is conferred on the trial court by Code of Civil Procedure section 662.5 which provides that if a new trial limited to the issue of damages would be proper after a jury trial, ‘the trial court may in its discretion: ... (b) If the ground for granting a new trial is excessive damages, make its order granting the new trial subject to the condition that the motion for a new trial is denied if the party in whose favor the verdict has been rendered consents to a reduction of so much thereof as the court *in its independent judgment determines from the evidence to be fair and reasonable.*’ (Italics supplied.)

(*West v. Johnson & Johnson Prods., Inc.* (1985) 174 Cal.App.3d 831, 876 (quoting *Grimshaw v. Ford Motor Co.* (1981) 119 Cal.App.3d 757, 823 (overruled on other grounds, *Kim v. Toyota Motor Corp.* (2018) 6 Cal.5th 21.)) In this context, “[t]he trial judge sits as an independent trier of fact on a motion for new trial, and may disbelieve witnesses, reweigh evidence and draw reasonable inferences contrary to those drawn by the jury.” (*Stevens v. Owens-Corning Fiberglas Corp.* (1996) 49 Cal.App.4th 1645, 1656.) The “application of the ‘passion and prejudice’ standard does not occur in a vacuum, but is measured against the identical criteria utilized by the jury: reprehensibility of defendant’s misdeeds, the ratio between the compensatory

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and punitive damages, and the relationship between the punitive damages and defendant's net worth." (*Las Palmas Assocs. v. Las Palmas Center Assocs.* (1991) 235 Cal.App.3d 1220, 1258.)

Upon due consideration and weighing the evidence, the Court is convinced from the entire record, including reasonable inferences therefrom (Code Civ. Proc. § 657), that the jury clearly should have reached a different verdict as to past and future non-economic damages for physical pain, mental suffering, loss of enjoyment of life, inconvenience, grief, anxiety, humiliation, and emotional distress arising from the sexual battery and intentional infliction of emotional distress.

In the instant case, Plaintiff alleged and testified to a pattern of workplace harassment that culminated in an instance of rape, which is an obviously heinous act causing physical and emotional injuries for which Plaintiff should be justly compensated. Plaintiff's therapist, Dr. Craig Snyder, testified to the ongoing serious distress that Plaintiff has faced and will continue to face due to conditions he diagnosed: Post Traumatic Stress Disorder and Major Depressive Disorder. These are not minor emotional injuries. The Court found the testimony of Plaintiff and her therapist to be credible. Nevertheless, the Court finds that the damages awarded by the jury—\$100 million in compensatory damages and \$800 million in punitive damages—“shocks the conscience and virtually compels the conclusion the award is attributable to passion or prejudice.” (*LA Invs., LLC v. Spix* (2022) 75 Cal.App.5th 1044, 1063.)

The Court finds that Plaintiff's evidence does not support an award of \$100 million in compensatory damages. While the evidence did indicate that Plaintiff suffered life-altering emotional and physical consequences from Defendant's conduct, an award of \$100 million in noneconomic damages is excessive. Because the issue of punitive damages was not bifurcated, the jury made its determination of noneconomic compensatory damages after it heard evidence of Defendant's net worth, that plaintiffs in other cases had obtained multimillion dollar verdicts against Defendant, and that Defendant had publicly ridiculed the plaintiffs in other cases. This evidence, received without objection (since Defendant chose not to appear), was relevant to punitive damages. However, this evidence likely aroused the passion of jurors and incurably affected their determination of compensatory damages, such that their determination of noneconomic damages was based not only on the testimony of Plaintiff and Dr. Snyder about Plaintiff's emotional and physical injuries, but also on evidence of Defendant's economic power, mistreatment of other women, and history of losing multimillion dollar verdicts. The Court finds that the evidence supports a finding of \$10 million in compensatory damages. The Court's finding of \$80 million dollars as an appropriate amount of punitive damages would preserve the jury's 8-to-1 punitive damages ratio, which is within the constitutionally acceptable limits. (*Bankhead v. ArvinMeritor, Inc.* (2012) 205 Cal.App.4th 68, 88-91 [holding that a single-digit ratio of punitive to compensatory damages is constitutionally acceptable].)

As such, the Defendant's motion for a new trial on the issue compensatory and punitive damages is conditionally GRANTED, unless Plaintiff accepts within 30 days a reduction in compensatory damages to \$10 million, and the amount of punitive damages to \$80 million, which is the amount the Court in its independent judgment determines from the evidence to be fair and reasonable. (Civ. Proc. Code, § 662.5.)

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2. Unequal Imposition of the Law.

Defendant argues that it inherently implies unequal imposition of the law, as one of the largest damages ever in California, upon a billionaire. Defendant argues that sexual assault damages are never this large and violates equal protection.

The Court finds that this argument is addressed in the Court's ruling reducing compensatory and punitive damages.

3. Due Process Violation, Lack of Meaningful Adversarial Process Essential

Defendant argues that a violation of due process occurred because he was not served any proposed jury instructions and, indeed, was not aware the trial was taking place in his absence.<sup>2</sup> Defendant argues that only recently he became aware that after the May 15, 2024 hearing, Defendant's former attorney, Fred Heather attempted to blackmail Defendant's mother via email demands, based upon an upcoming trial, not disclosing any dates, and the attorney's perceptions of the demeanor of the judge. (Motion, Exhibit B.)

(a) **In superior courts either party may bring an issue to trial or to a hearing, and, in the absence of the adverse party, unless the court, for good cause, otherwise directs, may proceed with the case and take a dismissal of the action, or a verdict, or judgment, as the case may require; provided, however, if the issue to be tried is an issue of fact, proof shall first be made to the satisfaction of the court that the adverse party has had 15 days' notice of such trial or five days' notice of the trial in an unlawful detainer action as specified in subdivision (b). If the adverse party has served notice of trial upon the party seeking the dismissal, verdict, or judgment at least five days prior to the trial, the adverse party shall be deemed to have had notice.**

(b) **The notice to the adverse party required by subdivision (a) shall be served by mail on all the parties by the clerk of the court not less than 20 days prior to the date set for trial. In an unlawful detainer action where notice is served by mail that service shall be mailed not less than 10 days prior to the date set for trial. If notice is not served by the clerk as required by this subdivision, it may be served by mail by any party on the adverse party not less than 15 days prior to the date set for trial, and in an unlawful detainer action where notice is served by mail that service shall be mailed not less than 10 days prior to the date set for trial. The time provisions of Section 1013 shall not serve to extend the notice of trial requirements under this subdivision for unlawful detainer actions. If notice is served by the clerk, proof thereof may be made by introduction into evidence of the clerk's certificate pursuant to subdivision (3) of Section 1013a or other competent evidence. If notice is served by a party, proof may be made by**

<sup>2</sup> As noted above, Plaintiff's counsel sent a text message to Defendant on May 14, 2024, requesting that he complete the pre-trial documents, to which Defendant responded "F\*\*\* off idiot. Read the law," "You are a dumb f\*\*\*," and "you are going to prison a\*\*\*\*\*k." (May 14, 2024 Dordick Decl., Ex 1.)

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**introduction into evidence of an affidavit or certificate pursuant to subdivision (1) or (2) of Section 1013a or other competent evidence.** The provisions of this subdivision are exclusive.

(Civ. Proc. Code, § 594 [bold emphasis added].)

Here, trial commenced on June 13, 2024, and the minute order reflects: “There are no appearances by or for Defendant nor any communication with the Court as to why there are no appearances this date.” Plaintiff’s counsel has submitted a declaration that Plaintiff gave notice to Defendant’s newly-retained counsel, Sofos, of the trial date, at least 15 days prior. (*See* Declaration of Dustin Z. Moaven, ¶¶ 8, 9, 11 - 15; Exhs. 1 – 6). Importantly, attorney Moaven states:

16. From approximately May 15, 2024 through June 11, 2024, the Court continued the trial in this matter a few times due to an ongoing trial in its courtroom.

17. On June 11, 2024, the Court continued the trial in this matter to June 13, 2024. That same day, I notified Defendant of the new June 13, 2024 trial date by emailing Mr. Sofos. A true and correct copy of this June 11, 2024 email is attached hereto as Exhibit 7.

18. In addition to the above, from approximately January 2024 to June 2024, I and other attorneys from my office had multiple telephone conversations with both Mr. Sofos and Defendant’s former counsel Glaser Weil regarding the upcoming trial, including specific conversations about the trial date.

(Moaven Decl., ¶¶ 16 – 18.)

Although Plaintiff’s counsel refers to Mr. Sofos as Defendant’s attorney, Mr. Sofos did not make an appearance at any proceeding before the Court, did not file a notice of substitution of counsel or notice of appearance, and does not appear to be licensed in the United States. However, even if Mr. Sofos was not acting as an attorney in this litigation,<sup>3</sup> his participation renders him an agent of Defendant for purposes of notice. The foregoing shows that Defendant and Mr. Sofos were kept apprised at least 15 days prior to the trial date, which was being continued on an ongoing basis. Defendant is charged with constructive knowledge—if not actual knowledge—by virtue of the above notices.

As such, this does not form a basis for a new trial.

4. Former Counsel Misconduct “Prophylactic to Fair Litigation.”

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<sup>3</sup> Since Mr. Sofos attended at Defendant’s deposition and attempted to assist or advise him during heated moments in the questioning, it could be argued that he was acting as functional equivalent to an attorney. However he might have been perceived by Plaintiff’s counsel, the Court does not consider Mr. Sofos to be counsel for Defendant.

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Defendant argues that he fired his counsel in December of 2023, citing Exhibit C to the motion, described as a December 18, 2023 email Terminating Contract for Counsel's Services. Defendant contends that in May 2024, his then-former attorney Fred Heather, attempted to blackmail the Defendant's elderly other as well as Defendant, into acquiescence by joint signatures to waive conflicts of interest, new retainer agreement and payment by a third party, also demanding an apology for being fired, due to Defendant's commentary about the lackluster job performance.

Taking note of the fact that Defendant contends that he fired his former attorneys in December 2023, their actions after being relieved as counsel of record are extrinsic to the trial. Thus, even if Defendant's allegations were proven,<sup>4</sup> they would not constitute a basis for a new trial under Civ. Proc. Code, § 657.

This ground does not constitute a basis for a new trial.

5. Americans with Disabilities Act Violation, No Accommodations.

Defendant argues that for the conduct of the case to be valid in terms of lawful due process, the Defendant must not be prejudiced by way of disability. These protections are enshrined in the Americans with Disabilities Act. Defendant states that he was not even evaluated for ADA Accommodations, and that former Counsel Fred Heather and Dana Cole failed to submit any pleadings or judicial counsel forms necessary, to secure Defendants' ADA Accommodations.

Defendant's former attorney Fred Heather did file an ADA Accommodation request in this case, and the Court held several hearings at which Mr. Heather provided the Court with status updates and iterative proposals with regard to accommodations for the taking of Defendant's deposition and for trial. However, Mr. Heather filed a motion to be relieved as counsel before the Court made any definitive rulings on accommodations, and before Defendant provided a complete record of Defendant's medical condition and ongoing treatment in support of the request. (See February 5, 2024 Status Report of Counsel Concerning Updated ADA Request for Accommodation.) The issue of ADA accommodations was never raised with the Court after the February 9, 2024 hearing on Defendant's counsel's motion to be relieved. Defendant did not pursue a ruling on ADA accommodations regarding his deposition before sitting for the deposition, and did not seek to postpone the deposition so that he could provide the Court with a full medical record and final proposal for accommodations so that the issue could be decided before the deposition. Since the parties apparently scheduled and completed Defendant's deposition without any involvement by the Court, the ADA accommodation request was waived with regard to the deposition. Since Defendant did not appear at or otherwise participate in the trial, any request for accommodations at trial was moot.

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<sup>4</sup> The Court makes no finding regarding the truth or falsity of Defendant's allegations, and simply finds that the alleged post-firing actions of Defendant's former attorneys, on matters that do not relate to the proceedings before the jury, do not form a basis for a new trial.

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At any rate, a failure to accommodate under ADA does not constitute a basis for a new trial under Civ. Proc. Code, § 657. Moreover, Defendant has not presented any evidence of how any disability prevented him from having a trial that comported with due process.

This ground does not constitute a basis for a new trial.

Aside from the conditional grant of a new trial on the issue of damages, the motion to set aside and vacate the judgment is DENIED.

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DATE



CHRISTOPHER K. LUI  
JUDGE, LOS ANGELES SUPERIOR COURT

09/17/2024

**PROOF OF SERVICE**

I am over age 18 and am not a party to this action. I am employed in Costa Mesa, California. My business address is:

600 Anton Blvd., Suite 640, Costa Mesa, CA 92626  
Phone: (714) 384-6500  
Fax: (714) 384-6501

On December 10, 2025 I served this document:

**APPELLANT ALKIVIADES DAVID APPENDIX  
VOLUME 4 of 6 [TABS 81-109; PAGES AA1226-AA1499]**

I served this document on the following persons:

**SERVICE LIST**

<p>Gary A. Dordick, Esq. Dustin Z. Moaven, Esq. Brittney Ghadoushi, Esq. <b>DORDICK LAW CORPORATION</b> 1122 Wilshire Blvd. Los Angeles, CA 90017 T: (310) 551-0949 F: 855-299-4444 <a href="mailto:Gary@dordicklaw.com">Gary@dordicklaw.com</a>; <a href="mailto:DZMeservice@dordicklaw.com">DZMeservice@dordicklaw.com</a>; <a href="mailto:brittney@dordicklaw.com">brittney@dordicklaw.com</a> ; <a href="mailto:gustavo.gonzalez@dordicklaw.com">gustavo.gonzalez@dordicklaw.com</a>;</p>	<p><i>Attorneys for Plaintiff and Respondent, JANE DOE</i></p>
<p>Ebby S. Bakhtiar, Esq. <b>LIVINGSTON • BAKHTIAR</b> 3435 Wilshire Boulevard, Suite 1669 Los Angeles, CA 90010 T: (213) 632-1550 F: (213) 632-3100 <a href="mailto:esb@lb-lawyers.com">esb@lb-lawyers.com</a>;</p>	<p><i>Attorneys for Plaintiff and Respondent, JANE DOE</i></p>
<p><b>Superior Court of Los Angeles County Appeal Brief</b> <a href="mailto:appellatebriefs@lacourt.org">appellatebriefs@lacourt.org</a>;</p>	<p>*By E-Mail*</p>

Document received by the CA 2nd District Court of Appeal.

I served these documents in the following manner:

(BY U.S. MAIL): I enclosed this/these document(s) in a sealed envelope or package addressed to the person(s) at the address(es) above and placed the envelope for collection and mailing following our ordinary business practices. I am readily familiar with our firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Costa Mesa, California.

(BY ELECTRONIC MAIL): I served the forgoing document electronically to all parties registered to this case at [tf3.truefiling.com](http://tf3.truefiling.com)

I declare under penalty of perjury under the laws of the Stat of California that the above statements are true and correct. Executed on December 10, 2025 at Costa Mesa, California

*Antonia Leseth*

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Antonia Leseth

Document received by the CA 2nd District Court of Appeal.