

APPEAL NO. B341119
Consolidated Appeal No. B345361

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

JANE DOE,

Plaintiff and Respondent,

vs.

ALKIVIADES DAVID, an Individual, et al.

Defendants and Appellant.

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

Trial Court Case No. 20STCV37498

Hon. Judge Christopher K. Lui

**APPELLANT ALKIVIADES DAVID APPENDIX
VOLUME 5 of 6 [TABS 110-133; PAGES AA1500-AA1642]**

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

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

AA1500

TAB 110

AA1501

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

Superior Court of California
County of Los Angeles

Receipt EFM-2024-8975705.1

Date: 9/17/24 8:35 AM

Time: 9/17/24 8:35 AM

CASE # 20STCV37498

JANE DOE vs ALKIVIADES DAVID, et al.

Appeal Deposit for Clerk's Transcript: Prep of clks trans- GC 68926.1	100.00
Appeal - Trust Fee >\$25k and Appeal Deposit for Clerk's Transcript	775.00
Court Transaction Fee	2.25

Case Total: 877.25

Total Paid: 877.25

24LA01572145

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

AA1502

TAB 111

AA1503

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's Filed Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse Civil Appeals Unit 111 North Hill Street, Room 111A Los Angeles, CA 90012 (213) 830-0822		FILED LOS ANGELES SUPERIOR COURT September 23, 2024 DAVID W. SLAYTON, Executive Officer/Clerk of Court By: E. Morales, Deputy
TRIAL COURT CASE NAME: Jane Doe vs David Alkiviades, et al.		
PLAINTIFF	AND RESPONDENT	: Jane Doe
DEFENDANT	AND APPELLANT	: David Alkiviades, et al.
NOTICE OF FILING OF NOTICE OF APPEAL (CIVIL – UNLIMITED JURISDICTION)		TRIAL COURT CASE NUMBER: 20STCV37498
<input type="checkbox"/> Amended Notice		NOTICE OF APPEAL DATE: 09/16/2024

In compliance with California Rules of Court, Rule 8.100(e), this is to inform you that a Notice of Appeal
 Cross-Appeal in the above matter was filed on 09/16/2024 by James G. Bohm

NOTE: Pursuant to California Rules of Court, Rule 8.100(g), within 15 days after the superior court clerk sends the notification of the filing of the Notice of Appeal required by (e)(1), the appellant must serve and file in the reviewing court a completed *Civil Case Information Statement* (form APP-004), attaching a copy of the judgment or appealed order that shows the date it was entered.

Electronic Delivery of the Record on Appeal

In accordance with California Rules of Court, Rule 2.251(b), parties who electronically file the Notice of Appeal agreed to receive electronic service on their case at the time of submission. Therefore, parties who designate the Record on Appeal to be in the form of a Clerk's Transcript and/or Reporter's Transcript will receive their copy in electronic form. Parties will receive access to download the Record on Appeal using a link sent to the email address provided on the Notice of Appeal.

Parties may consent to receive an electronic Record on Appeal by electronically filing any documents in this matter or by completing the "Consent to Electronic Delivery of the Record on Appeal and Notice of Electronic Delivery Address" (form APP 142) and submitting it to Appeals_eDelivery@lacourt.org.

CERTIFICATE OF SERVICE

I, DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles, do hereby certify that I am not a party to the cause herein and that on this date, I served the **NOTICE OF FILING OF NOTICE OF APPEAL (CIVIL – UNLIMITED JURISDICTION)** by:

by placing the documents in separate envelopes addressed as shown below and then sealing the envelopes and depositing them, with postage fully prepaid thereon, for mailing in the United States Post Office mailbox at the courthouse in Los Angeles, California.

Sending a true copy of this notice via electronic mail to the e-mail addresses indicated below.

Document received by the CA2nd District Court of Appeal.

	James G. Bohm SBN 132430 Bohm Wildish & Matsen, LLP 600 Anton Boulevard, Suite 640 Costa Mesa, CA 92626
	Gary A. Dordick SBN 128008 Dustin Z. Moaven 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

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

DAVID W. SLAYTON, Executive Officer/Clerk of Court

DATE: 09/23/2024

BY: E. MORALES

, Deputy Clerk

TAB 112

AA1506

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's Filed Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse Civil Appeals Unit 111 North Hill Street, Room 111A Los Angeles, CA 90012 (213) 830-0822		FILED LOS ANGELES SUPERIOR COURT September 23, 2024 DAVID W. SLAYTON, Executive Officer/Clerk of Court By: E. Morales, Deputy
TRIAL COURT CASE NAME: Jane Doe vs Alkiviades David a.k.a. Alki David		
PLAINTIFF	AND RESPONDENT	: Jane Doe
DEFENDANT	AND APPELLANT	: Alkiviades David a.k.a. Alki David
NOTICE OF FILING OF NOTICE OF APPEAL (CIVIL – UNLIMITED JURISDICTION)		TRIAL COURT CASE NUMBER: 20STCV37498 U
<input type="checkbox"/> Amended Notice		NOTICE OF APPEAL DATE: 09/16/2024

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CERTIFICATE OF SERVICE

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by placing the documents in separate envelopes addressed as shown below and then sealing the envelopes and depositing them, with postage fully prepaid thereon, for mailing in the United States Post Office mailbox at the courthouse in Los Angeles, California.

Sending a true copy of this notice via electronic mail to the e-mail addresses indicated below.

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

COURT OF APPEAL, SECOND APPELLATE DISTRICT

<p>_____</p> <p style="text-align: right;">Plaintiff(s)</p> <p style="text-align: center;">vs</p> <p>_____</p> <p style="text-align: right;">Defendant(s)</p>	<p>CASE NUMBER: _____</p> <p>Notice of Appeal date: _____</p> <p style="text-align: center;">REQUEST FOR MEDIATION</p> <p style="text-align: center;"><i>(Return only if all parties agree to Mediation)</i></p>
---	---

The Court of Appeal, Second Appellate District, provides parties the opportunity to participate in its voluntary Settlement Conference and Mediation Program.

To:

If all parties agree, you may participate in an appellate mediation program administered by the Court of Appeal. Participation in the mediation program requires the agreement of all parties.

Appellant shall contact all parties to the appeal to determine if the parties agree to participate in the mediation conference program.

Record preparation will not be stayed during the pendency of the mediation program unless a stipulation signed by all the parties is filed with the Court of Appeal and order is granted.

ALL PARTIES AGREE TO PARTICIPATE IN A MEDIATION CONFERENCE.
Failure to participate in good faith may result in sanctions!
Your case will be assigned to a mediator within two weeks.

You MUST sign and return this form ONLY if all parties agree to mediation, to the address below and include a Proof of Service of this form on all parties.

Attorney Signature Date: _____

Attorney Type or Print Name Name of Party Represented

Return via e-mail to: 2d1.mediation@jud.ca.gov

or

via U.S. mail to: Court of Appeal, Second Appellate District
300 S. Spring Street, 2nd Floor, N. Tower
Los Angeles, CA 90013
Attn. Mediation

	James G. Bohm SBN 132430 Bohm Wildish & Matsen, LLP 600 Anton Boulevard, Suite 640 Costa Mesa, CA 92626
	Gary A. Dordick Dordick Law Corp. 1122 Wilshire Blvd Los Angeles, CA 90017
	Ebby S. Bakhtiar Ebby S. Bakhtiar, PC 3435 Wilshire Blvd, Ste 1669 Los Angeles, CA 90010

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

DAVID W. SLAYTON, Executive Officer/Clerk of Court

DATE: 09/23/2024

BY: E. MORALES

,Deputy Clerk

TAB 113

AA1510

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's Filed Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse Civil Appeals Unit 111 North Hill Street, Room 111A Los Angeles, CA 90012 (213) 830-0822		FILED LOS ANGELES SUPERIOR COURT September 23, 2024 DAVID W. SLAYTON, Executive Officer/Clerk of Court By: E. Morales, Deputy
TRIAL COURT CASE NAME: Jane Doe vs Alkiviades David a.k.a. Alki David, et al.		
PLAINTIFF	AND RESPONDENT	: Jane Doe
DEFENDANT	AND APPELLANT	: Alkiviades David a.k.a. Alki David, et al.
NOTICE OF FILING OF NOTICE OF APPEAL (CIVIL – UNLIMITED JURISDICTION)		TRIAL COURT CASE NUMBER: 20STCV37498 R
<input type="checkbox"/> Amended Notice		NOTICE OF APPEAL DATE: 09/16/2024

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CERTIFICATE OF SERVICE

I, DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles, do hereby certify that I am not a party to the cause herein and that on this date, I served the **NOTICE OF FILING OF NOTICE OF APPEAL (CIVIL – UNLIMITED JURISDICTION)** by:

by placing the documents in separate envelopes addressed as shown below and then sealing the envelopes and depositing them, with postage fully prepaid thereon, for mailing in the United States Post Office mailbox at the courthouse in Los Angeles, California.

Sending a true copy of this notice via electronic mail to the e-mail addresses indicated below.

Document received by the CA2nd District Court of Appeal.

	James G. Bohm SBN 132430 Bohm Wildish & Matsen, LLP 600 Anton Boulevard, Suite 640 Costa Mesa, CA 92626
	Gary A. Dordick SBN 128008 Dustin Z. Moaven 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

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

DAVID W. SLAYTON, Executive Officer/Clerk of Court

DATE: 09/23/2024

BY: E. MORALES

, Deputy Clerk

TAB 114

AA1513

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
9/25/2024 4:39 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 Under
14 Anonymity Due to Privacy and 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,

28 Defendants.

Case No.: 20STCV37498

**PLAINTIFF JANE DOE'S NOTICE OF
ACCEPTANCE OF CONDITIONALLY
ORDERED REDUCTION OF DAMAGES
PURSUANT TO CAL. CIV. PROC. CODE
§ 662.5**

*([Proposed] Amended Judgment on Special
Verdict Pursuant to Conditional Reduction of
Damages Per Cal. Civ. Proc. Code § 662.5
concurrently filed and served herewith.)*

Action Filed: September 30, 2020

26 //
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, pursuant to the Court's *Ruling Re:*
4 *Motion to Set Aside and Vacate Judgment* dated September 17, 2024 ("Ruling") conditionally
5 granting Defendant Alkivaides David's Motion to Set Aside and Vacate Judgment, will and hereby
6 does accept the Court's proposed reduction of compensatory damages to ten million dollars
7 (\$10,000,000.00) and proposed reduction of punitive damages to eighty million dollars
8 (\$80,000,000.00). The total verdict will therefore be in the amount of ninety million dollars
9 (\$90,000,000.00). Plaintiff accepts the conditionally ordered reduction of damages with the intent
10 to avoid the further burden of a new trial or appeal. If Defendant appeals the Court's September
11 17, 2024 Ruling on any grounds and thereby deprives Plaintiff of "the benefits [s]he has sought by
12 [her] consent to the remittitur," then Plaintiff does not waive her right to appeal the reduction of
13 non-economic and punitive damages. (*Miller v. Nat'l Am. Life Ins. Co.* (1976) 54 Cal. App. 3d
14 331, 345.)

15 DATED: September 23, 2024

DORDICK LAW CORPORATION

17
18 By: 

Gary A. Dordick, Esq.
Dustin Z. Moaven, Esq.
Attorneys for Plaintiff

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 September 25, 2024, I served the foregoing documents described
PLAINTIFF JANE DOE’S NOTICE OF ACCEPTANCE OF CONDITIONALLY ORDERED REDUCTION OF DAMAGES PURSUANT TO CAL. CIV. PROC. CODE § 662.5 on all parties in this action 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.

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

- () **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and 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 attached service list and providing them to a messenger service for service

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

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

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

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

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

17 (X) **BY ELECTRONIC SERVICE [E-MAIL]** I caused the documents to be sent to
18 the persons at the electronic notification addresses listed in the attached service
19 list. I did not receive, within a reasonable time after the transmission, any
20 electronic message or other indication that the transmission was unsuccessful.

21 Executed on September 25, 2024, at Beverly Hills, California.

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

24 
25 SANDRA JIMENEZ

1 **SERVICE LIST**

2 **Jane Doe v. David**

3 **Case No. 20STCV37498**

4
5 Ebbby 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 Email: ESB@LivingstonBakhtiar.com

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

13 James G. Bohm, Esq.
14 BOHM WILDISH & MATSEN, LLP
15 600 Anton Blvd., Suite 640
16 Costa Mesa, California 92626
17 Tel: (714) 384-6500
18 Fax: (714) 384-6501
19 Email: jbohm@aol.com
20 cpreciado@bohmwildish.com
21 clopez@bohmwildish.com
22 jdoneza@bohmwildish.com

23 ***Attorney for Defendant, ALKIVIADES DAVID, FILMON.TV, INC., FILMON.TV LA, INC.,***
24 ***FILMON.TV NETWORKS, INC., HOLOGRAM USA ENTERTAINMENT, INC.,***
25 ***HOLOGRAM USA INC., A.K.A. HOLOGRAM USA PRODUCTIONS, INC. A.K.A.***
26 ***HOLOGRAM USA ENTERTAINMENT, INC., A.K.A. FILMON.TV, INC. AKA FILMON.TV***
27 ***NETWORKS, INC., AKA FILMON.TV LA, INC., SWISSX LABS AG, INC. A.K.A. SWISSX***
28 ***LOUNGE A.K.A. FILMONTV UK, LTD.***

TAB 115

AA1519

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

1 James G. Bohm (SBN 132430)
jbohm@bohmwildish.com
2 Cecilia Preciado (SBN 159309)
BOHM WILDISH & MATSEN, LLP
3 600 Anton Blvd, Suite 640
Costa Mesa, California 92626
4 Tel: (714) 384-6500
Fax: (714) 384-6501

Electronically FILED by
Superior Court of California,
County of Los Angeles
10/04/2024 4:33 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By C. Soto, Deputy Clerk

5 Attorneys for ALKIVIADES DAVID

6
7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

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

Case No. 20STCV37498

12
13 Plaintiff,

**OBJECTION TO PLAINTIFF'S
"[PROPOSED] JUDGMENT ON SPECIAL
VERDICT PURSUANT TO
CONDITIONAL REDUCTION OF
DAMAGES PER CAL.CIV.PROC. CODE
SECTION 662.5"**

14 v.

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

(Defendant's [Proposed] Amended Judgment
On Special Verdict Pursuant to Conditional
Granting of Motion for New Trial on Issue of
Excessive Compensatory and Punitive
Damages concurrently filed and served
herewith.)

17 Defendants.
18
19
20
21

22 TO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, AND TO PLAINTIFF
23 AND HER ATTORNEYS OF RECORD:

24 Notice is hereby given that Defendant ALKIVIADES DAVID objects to Plaintiff's
25 "[Proposed] Amended Judgment on Special Verdict Pursuant to Conditional Reduction of Damages
26 per Cal.Civ.Proc.Code Section 662.5" and submits a proposed alternative Amended Judgment. A
27 true and correct copy of Defendant's proposed Judgment is attached hereto as Exhibit "1" and is
28 concurrently filed and served herewith.


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

1 Defendant objects to Plaintiff's Proposed Amended Judgment as reflected in his proposed
2 alternative Judgment including the following grounds:

- 3 (1) Plaintiff fails to properly characterize the motion filed by Defendant and the basis for the
4 Court's reduction of the damages. The motion filed by Defendant included a Motion for
5 New Trial. The trial court's ruling specifically provides that "Defendant Alkiviades
6 David's motion for a new trial on the issue of compensatory and punitive damages is
7 conditionally granted..."
- 8 (2) Plaintiff's proposed Judgment is incomplete as it fails to fully reflect what transpired
9 procedurally during the trial proceedings.
- 10 (3) Plaintiff's proposed Judgment is incomplete as it fails to identify the motion for directed
11 verdict that was brought by Plaintiff and granted on the issue of liability as well as the
12 dismissal of causes of action two through nine.

13
14 Dated: 10/04/2024

Bohm Wildish & Matsen, LLP

15
16 By: 
17 James G. Bohm, Esq.
18 Cecilia Preciado, Esq.
19 Attorneys for Defendant
20 ALKIVIADES DAVID

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

Exhibit “1”

AA1522

1 James G. Bohm (SBN 132430)
jbohm@bohmwildish.com
2 Cecilia Preciado (SBN 159309)
BOHM WILDISH & MATSEN, LLP
3 600 Anton Blvd, Suite 640
Costa Mesa, California 92626
4 Tel: (714) 384-6500
Fax: (714) 384-6501

5 Attorneys for ALKIVIADES DAVID

6
7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

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

12 Plaintiff,

13 v.

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

16 Defendants.
17
18

Case No. 20STCV37498

**[PROPOSED] AMENDED JUDGMENT
ON SPECIAL VERDICT PURSUANT TO
CONDITIONAL GRANTING OF
MOTION FOR NEW TRIAL ON ISSUE
OF EXCESSIVE COMPENSATORY AND
PUNITIVE DAMAGES**

19
20 This action came on regularly for a jury trial on June 13, 2024, June 14, 2024 and June 17,
21 2024 in Department 76 of the above-entitled Court, the Honorable Christopher K. Lui, Judge of the
22 Superior Court, presiding. Attorneys Gary A. Dordick and Dustin Z. Moaven appeared for the
23 Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”). There was no counsel Defendant
24 Alkiviades David present. Defendant David was in pro per. Defendant David was not present.
25 There was no telephone call to Mr. David to inquire of his whereabouts. The Court proceeded to a
26 jury trial without the Defendant David. There was no court reporter. The proceedings were not
27 electronically recorded.
28

1 On June 13, 2024, a jury of 12 persons was regularly impaneled and sworn and agreed to try
2 the cause.

3 On June 14, 2024, Plaintiff's oral motion to dismiss causes of action two through nine
4 without prejudice was granted. Three witnesses were sworn and testified.

5 On June 14, 2024, out of the presence of the jury, Plaintiff's motion for directed verdict as to
6 the First Cause of Action for sexual assault and battery and Tenth Cause of Action for Intentional
7 Infliction of Emotional Distress was granted as to liability only based on the ruling on the Motion to
8 Deem Admitted Requests for Admission issued on May 7, 2024 and testimony during trial.

9 After hearing the evidence presented by Plaintiff's counsel and arguments of Plaintiff's
10 counsel, and the granting of Plaintiff's motion for directed verdict on the issue of liability, the jury
11 was instructed by the Court on what was deemed to be established evidence, and was given other
12 instructions, and the cause was submitted to the jury on the issue of compensatory and punitive
13 damages only.

14 On July 17, 2024, the jury returned a special verdict on the special verdict form provided as
15 follows:

16 **COMPENSATORY DAMAGES**

17 Question No. 1: What are Plaintiff Margerita Nicolas' total non-economic damages caused
18 by the assault, sexual battery, and intentionally infliction of emotional distress committed by
19 Defendant ALKIVIADES DAVID?

20 Past and future Non-Economic Loss, including physical pain, mental suffering, loss of
21 enjoyment of life, inconvenience, grief, anxiety, humiliation, and economic distress:

22 \$100,000,000.00

23 Proceed to Question No. 2:

24 **PUNITIVE DAMAGES**

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

27 Yes No

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

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

5 \$800,000,000.00

6 On July 5, 2024, the Court entered Judgment in favor of Plaintiff Margerita Nicolas and
7 against Defendant ALKIVIADES DAVID in the amount of \$900,000,000.00 (nine hundred million
8 dollars).

9 On July 8, 2024, Defendant ALKIVIADES DAVID, in pro per, filed a Motion to Set Aside
10 and Vacate Judgment per C.C.P. Section 663; New Trial Pursuant to C.C.P. Section 659; Motion for
11 Liberal Pleading; Memorandum of Points and Authorities. Plaintiff filed an opposition on
12 September 5, 2024. Defendant ALKIVIADES DAVID, in pro per filed a Reply on September 16,
13 2024. The Court heard oral argument on the Motion to Set Aside and Vacate and Motion for New
14 Trial on September 16, 2024.

15 On September 17, 2024 the Court issued its “Ruling Re: Motion to Set Aside and Vacate
16 Judgment and for New Trial.” The Court ruled that:

17 “Defendant Alkiviades David’s motion for a new trial on the issue of compensatory and
18 punitive damages is conditionally GRANTED, unless Plaintiff within 30 days accepts a reduction in
19 compensatory damages to \$10 million, and the amount of punitive damages to \$80 million, which is
20 the amount the Court in its independent judgment determines from the evidence to be fair and
21 reasonable. (Civ.Proc.Code Section 662.5).”

22 On September 25, 2024, Plaintiff Margerita Nicolas served and submitted her written
23 acceptance of the Court’s reduction in compensatory damages to \$10 million and reduction of
24 punitive damages to \$80 million as well as a proposed amended judgment.

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NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

The Judgment in the amount of \$900,000,000.00 against Defendant ALKIVIADES DAVID previously entered in the above-entitled action is vacated pursuant to the Court’s ruling on Defendant ALKIVIADES DAVID’s Motion for New Trial on the ground of excessive damages.

The damages award in favor of Plaintiff Margerita Nicolas is reduced from \$900,000,000.00 (nine-hundred million dollars) to the amount of \$90,000,000.00 (ninety million dollars).

Plaintiff Margerita Nicolas shall have and recover from Defendant ALKIVIADES DAVID the sum of \$90,000,000.00 (ninety million dollars) consisting of \$10,000,000.00 (ten million dollars) in compensatory damages and \$80,000,000.00 (eighty million dollars) in punitive damages.

Dated: _____

Judge of the Superior Court

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

AA1526

TAB 116

AA1527

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

1 James G. Bohm (SBN 132430)
jbohm@bohmwildish.com
2 Cecilia Preciado (SBN 159309)
BOHM WILDISH & MATSEN, LLP
3 600 Anton Blvd, Suite 640
Costa Mesa, California 92626
4 Tel: (714) 384-6500
Fax: (714) 384-6501

Electronically FILED by
Superior Court of California,
County of Los Angeles
10/04/2024 6:13 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By D. Kim, Deputy Clerk

5 Attorneys for ALKIVIADES DAVID
6
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

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

Case No. 20STCV37498

12
13 Plaintiff,

PROOF OF SERVICE

14 v.

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

17 Defendants.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over 18 years of age and not a party to this action. My business address is 600 Anton Blvd, Suite 640, Costa Mesa, California 92626. On October 4, 2024, I served the following document(s):

- (1) OBJECTION TO PLAINTIFF’S “[PROPOSED] JUDGMENT ON SPECIAL VERDICT PURSUANT TO CONDITIONAL REDUCTION OF DAMAGES PER CAL.CIV.PROC. CODE SECTION 662.5”
(2) [PROPOSED] AMENDED JUDGMENT ON SPECIAL VERDICT PURSUANT TO CONDITIONAL GRANTING OF MOTION FOR NEW TRIAL ON ISSUE OF EXCESSIVE COMPENSATORY AND PUNITIVE DAMAGES

I served the above-referenced document(s) on the following person(s) in the following manner:

See attached service list.

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 PERSONAL SERVICE: I caused the above-referenced document(s) to be personally delivered to the person(s) at the address(es) above by close of business on _____.

BY OVERNIGHT MAIL: I am readily familiar with the practice of the Law Offices of Bohm Wildish & Matsen, LLP. for the collection and processing of correspondence for overnight delivery and known that the document(s) described herein will be deposited in a box or other facility regularly maintained by overnight mail service for overnight delivery.

BY E-MAIL/ELECTRONIC TRANSMISSION: On October 4, 2024, I caused the above-referenced document(s) to be transmitted by electronic mail from jdoneza@bohmwildish.com to the e-mail address(es) of the addressee(s) pursuant to Rule 2.251 of the California Rules of Court. The transmission was complete and without error and I did not receive, within reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

ELECTRONIC SERVICE [e-Service] VIA FIRST LEGAL / FILE & SERVEEXPRESS / ONELEGAL: On Friday, October 4, 2024, I caused the above-referenced document(s) to be electronically served by submitting the electronic version of the document(s) to FIRST LEGAL / FILE & SERVEEXPRESS / ONELEGAL, through their web interface at www.FirstLegal.com / www.secure.fileandservexpress.com www.OneLegal.com, which caused the documents to be sent by electronic transmission to the addressee(s) listed on the service list. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct. Executed on October 4, 2024 at Costa Mesa, California.

Jade Doneza

Jade Doneza

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

Service List

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Gary A. Dordick
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1122 Wilshire Blvd.,
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Attorneys for Plaintiff

Gary@dordicklaw.com
Dustin@dordicklaw.com

Gary A. Dordick
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Beverly Hills, CA 90212

Attorneys for Plaintiff

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Dustin@dordicklaw.com

Ebby S. Bakhtiar
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Attorneys for Plaintiff

ESB@LivingstonBakhtiar.com

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

TAB 117

AA1531

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

1 James G. Bohm (SBN 132430)
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2 Cecilia Preciado (SBN 159309)
BOHM WILDISH & MATSEN, LLP
3 600 Anton Blvd, Suite 640
Costa Mesa, California 92626
4 Tel: (714) 384-6500
Fax: (714) 384-6501

Electronically FILED by
Superior Court of California,
County of Los Angeles
10/04/2024 4:33 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By C. Soto, Deputy Clerk

5 Attorneys for ALKIVIADES DAVID
6
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

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

Case No. 20STCV37498

12
13 Plaintiff,

PROOF OF SERVICE

14 v.

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

17 Defendants.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over 18 years of age and not a party to this action. My business address is 600 Anton Blvd, Suite 640, Costa Mesa, California 92626. On October 4, 2024, I served the following document(s):

- (1) OBJECTION TO PLAINTIFF’S “[PROPOSED] JUDGMENT ON SPECIAL VERDICT PURSUANT TO CONDITIONAL REDUCTION OF DAMAGES PER CAL.CIV.PROC. CODE SECTION 662.5”
(2) [PROPOSED] AMENDED JUDGMENT ON SPECIAL VERDICT PURSUANT TO CONDITIONAL GRANTING OF MOTION FOR NEW TRIAL ON ISSUE OF EXCESSIVE COMPENSATORY AND PUNITIVE DAMAGES

I served the above-referenced document(s) on the following person(s) in the following manner:

See attached service list.

[X] 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 PERSONAL SERVICE: I caused the above-referenced document(s) to be personally delivered to the person(s) at the address(es) above by close of business on _____.

[] BY OVERNIGHT MAIL: I am readily familiar with the practice of the Law Offices of Bohm Wildish & Matsen, LLP. for the collection and processing of correspondence for overnight delivery and known that the document(s) described herein will be deposited in a box or other facility regularly maintained by overnight mail service for overnight delivery.

[] BY E-MAIL/ELECTRONIC TRANSMISSION: On October 4, 2024, I caused the above-referenced document(s) to be transmitted by electronic mail from @bohmwildish.com to the e-mail address(es) of the addressee(s) pursuant to Rule 2.251 of the California Rules of Court. The transmission was complete and without error and I did not receive, within reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

[] ELECTRONIC SERVICE [e-Service] VIA FIRST LEGAL / FILE & SERVEEXPRESS / ONELEGAL: On Friday, October 4, 2024, I caused the above-referenced document(s) to be electronically served by submitting the electronic version of the document(s) to FIRST LEGAL / FILE & SERVEEXPRESS / ONELEGAL, through their web interface at www.FirstLegal.com / www.secure.fileandservexpress.com www.OneLegal.com, which caused the documents to be sent by electronic transmission to the addressee(s) listed on the service list. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct. Executed on October 4, 2024 at Costa Mesa, California.

Jade Doneza

Jade Doneza

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

Service List

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Gary A. Dordick
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1122 Wilshire Blvd.,
Los Angeles, CA 90017

Attorneys for Plaintiff

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Dordick Law Corp.
509 S. Beverly Drive,
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Attorneys for Plaintiff

Ebby S. Bakhtiar
Ebby S. Bakhtiar, PC
3435 Wilshire Blvd, Ste 1669
Los Angeles, CA 90010

Attorneys for Plaintiff

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

TAB 118

AA1535

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

1 James G. Bohm (SBN 132430)
jbohm@bohmwildish.com
2 Cecilia Preciado (SBN 159309)
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3 600 Anton Blvd, Suite 640
Costa Mesa, California 92626
4 Tel: (714) 384-6500
Fax: (714) 384-6501

5 Attorneys for ALKIVIADES DAVID

6
7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

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

12
13 Plaintiff,

14 v.

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

17 Defendants.
18

Case No. 20STCV37498

**[PROPOSED] AMENDED JUDGMENT
ON SPECIAL VERDICT PURSUANT TO
CONDITIONAL GRANTING OF
MOTION FOR NEW TRIAL ON ISSUE
OF EXCESSIVE COMPENSATORY AND
PUNITIVE DAMAGES**

19
20 This action came on regularly for a jury trial on June 13, 2024, June 14, 2024 and June 17,
21 2024 in Department 76 of the above-entitled Court, the Honorable Christopher K. Lui, Judge of the
22 Superior Court, presiding. Attorneys Gary A. Dordick and Dustin Z. Moaven appeared for the
23 Plaintiff Margerita Nicolas (who originally filed as “Jane Doe”). There was no counsel Defendant
24 Alkiviades David present. Defendant David was in pro per. Defendant David was not present.
25 There was no telephone call to Mr. David to inquire of his whereabouts. The Court proceeded to a
26 jury trial without the Defendant David. There was no court reporter. The proceedings were not
27 electronically recorded.
28

1 On June 13, 2024, a jury of 12 persons was regularly impaneled and sworn and agreed to try
2 the cause.

3 On June 14, 2024, Plaintiff's oral motion to dismiss causes of action two through nine
4 without prejudice was granted. Three witnesses were sworn and testified.

5 On June 14, 2024, out of the presence of the jury, Plaintiff's motion for directed verdict as to
6 the First Cause of Action for sexual assault and battery and Tenth Cause of Action for Intentional
7 Infliction of Emotional Distress was granted as to liability only based on the ruling on the Motion to
8 Deem Admitted Requests for Admission issued on May 7, 2024 and testimony during trial.

9 After hearing the evidence presented by Plaintiff's counsel and arguments of Plaintiff's
10 counsel, and the granting of Plaintiff's motion for directed verdict on the issue of liability, the jury
11 was instructed by the Court on what was deemed to be established evidence, and was given other
12 instructions, and the cause was submitted to the jury on the issue of compensatory and punitive
13 damages only.

14 On July 17, 2024, the jury returned a special verdict on the special verdict form provided as
15 follows:

16 **COMPENSATORY DAMAGES**

17 Question No. 1: What are Plaintiff Margerita Nicolas' total non-economic damages caused
18 by the assault, sexual battery, and intentionally infliction of emotional distress committed by
19 Defendant ALKIVIADES DAVID?

20 Past and future Non-Economic Loss, including physical pain, mental suffering, loss of
21 enjoyment of life, inconvenience, grief, anxiety, humiliation, and economic distress:

22 \$100,000,000.00

23 Proceed to Question No. 2:

24 **PUNITIVE DAMAGES**

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

27 Yes No

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

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

5 \$800,000,000.00

6 On July 5, 2024, the Court entered Judgment in favor of Plaintiff Margerita Nicolas and
7 against Defendant ALKIVIADES DAVID in the amount of \$900,000,000.00 (nine hundred million
8 dollars).

9 On July 8, 2024, Defendant ALKIVIADES DAVID, in pro per, filed a Motion to Set Aside
10 and Vacate Judgment per C.C.P. Section 663; New Trial Pursuant to C.C.P. Section 659; Motion for
11 Liberal Pleading; Memorandum of Points and Authorities. Plaintiff filed an opposition on
12 September 5, 2024. Defendant ALKIVIADES DAVID, in pro per filed a Reply on September 16,
13 2024. The Court heard oral argument on the Motion to Set Aside and Vacate and Motion for New
14 Trial on September 16, 2024.

15 On September 17, 2024 the Court issued its “Ruling Re: Motion to Set Aside and Vacate
16 Judgment and for New Trial.” The Court ruled that:

17 “Defendant Alkiviades David’s motion for a new trial on the issue of compensatory and
18 punitive damages is conditionally GRANTED, unless Plaintiff within 30 days accepts a reduction in
19 compensatory damages to \$10 million, and the amount of punitive damages to \$80 million, which is
20 the amount the Court in its independent judgment determines from the evidence to be fair and
21 reasonable. (Civ.Proc.Code Section 662.5).”

22 On September 25, 2024, Plaintiff Margerita Nicolas served and submitted her written
23 acceptance of the Court’s reduction in compensatory damages to \$10 million and reduction of
24 punitive damages to \$80 million as well as a proposed amended judgment.

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NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

The Judgment in the amount of \$900,000,000.00 against Defendant ALKIVIADES DAVID previously entered in the above-entitled action is vacated pursuant to the Court’s ruling on Defendant ALKIVIADES DAVID’s Motion for New Trial on the ground of excessive damages.

The damages award in favor of Plaintiff Margerita Nicolas is reduced from \$900,000,000.00 (nine-hundred million dollars) to the amount of \$90,000,000.00 (ninety million dollars).

Plaintiff Margerita Nicolas shall have and recover from Defendant ALKIVIADES DAVID the sum of \$90,000,000.00 (ninety million dollars) consisting of \$10,000,000.00 (ten million dollars) in compensatory damages and \$80,000,000.00 (eighty million dollars) in punitive damages.

Dated: _____

Judge of the Superior Court

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

AA1539

TAB 119

AA1540

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

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 09/17/2024 David W. Slayton, Executive Officer / Clerk of Court By: <u> T. Le </u> Deputy
PLAINTIFF/PETITIONER: Jane Doe	
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
CERTIFICATE OF MAILING	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.

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

CSR: None

Judicial Assistant: T. Le

ERM: None

Courtroom Assistant: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 09/17/2024 David W. Slayton, Executive Officer / Clerk of Court By: <u> T. Le </u> Deputy
PLAINTIFF/PETITIONER: Jane Doe	
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
CERTIFICATE OF MAILING	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.

SEP 17 2024

David W. Slayton, Executive Officer/Clerk of Court
By: T. Le, Deputy

HEARING DATE: **September 16, 2024**

JUDGMENT: July 5, 2024

CASE: **Jane Doe v. Alkiviades David, et al.**

CASE NO.: **20STCV37498**

**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.

AA1546

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

08/16/24

“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:

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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,

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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.¹

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

¹ 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.² 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

² 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,³ 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.”

³ 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.

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,⁴ 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.

⁴ 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.

9/17/24

DATE



CHRISTOPHER K. LUI
JUDGE, LOS ANGELES SUPERIOR COURT

09/17/2024

TAB 120

AA1557

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

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

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

19 Plaintiff,

20 vs.

21 ALKIVIADES DAVID, an Individual, a.k.a.
22 ALKI DAVID; HOLOGRAM USA, INC., a
23 California Corporation, a.k.a. HOLOGRAM
24 USA PRODUCTIONS, INC., HOLOGRAM
25 USA ENTERTAINMENT, INC.,
26 FILMON.TV, INC., FILMON.TV
27 NETWORKS, INC. and FILMON.TV LA,
28 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

**PLAINTIFF'S RESPONSE TO
DEFENDANT'S OBJECTIONS TO
[PROPOSED] AMENDED JUDGMENT
ON SPECIAL VERDICT PURSUANT TO
CONDITIONAL GRANTING OF MOTION
FOR NEW TRIAL ON ISSUE OF
EXCESSIVE COMPENSATORY AND
PUNITIVE DAMAGES**

Action Filed: September 30, 2020

//

1 TO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, AND TO ALL
2 PARTIES AND THEIR ATTORNEYS OF RECORD:

3 Plaintiff Jane Doe ("Plaintiff") hereby responds to Defendant Alkiviades David's
4 ("Defendant") objections to Plaintiff's [Proposed] Amended Judgment Pursuant to
5 Conditional Reduction of Damages:

6 1. Pursuant to Cal. Civ. Proc. Code § 662.5, concurrently with Plaintiff's
7 acceptance of the Court's reduction of damages outlined in its September 17, 2024
8 "Ruling Re: Motion to Set Aside and Vacate Judgment and for New Trial," Plaintiff served
9 and submitted a [Proposed] Amended Judgment on Special Verdict reflecting the
10 modified judgment amount.


11 2. Plaintiff's [Proposed] Amended Judgment properly reflects the verdict
12 reached by the jury and reduced by the Court.

13 3. Pursuant to Cal. Civ. Proc. Code § 628, Plaintiff's [Proposed] Amended
14 Judgment is legally sufficient as Plaintiff is not required to include the procedural history
15 of the case in the judgment. The law is well-settled that upon receipt of a verdict, an entry
16 must be made in the minutes of the court, specifying the time of trial, the names of the
17 jurors and witnesses, and setting out the verdict at length; and where a special verdict is
18 found, either the judgment rendered thereon, or if the case be reserved for argument or
19 further consideration, the order thus reserving it. The Court should direct the verdict of a
20 jury to be recorded as rendered by it. (*Moody v. McDonald* (1854) 4 Cal. 297, 297.)

21 4. Plaintiff objects to Defendant's [Proposed] Amended Judgment on the
22 grounds that it seeks to add procedural matters that are not properly part of the verdict.

23 Dated: October 9, 2024

DORDICK LAW CORPORATION

24
25 By: 
26 Gary A. Dordick, Esq.
27 Dustin Z. Moaven, Esq.
28 Attorneys for Plaintiff
JANE DOE

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]** I caused the documents to be
20 sent to the persons at the electronic notification addresses listed in the
21 attached service list. I did not receive, within a reasonable time after the
22 transmission, any electronic message or other indication that the
23 transmission was unsuccessful.

24 Executed on October 9, 2024 at Los Angeles, California.

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

27 
28 SANDRA JIMENEZ

1
2 **SERVICE LIST**

3 **Jane Doe v. David**

4 **Case No. 20STCV37498**

5
6 Ebby S. Bakhtiar, Esq.
7 LIVINGSTON • BAKHTIAR
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13 ***Co-Counsel for Plaintiff, JANE DOE***

14 James G. Bohm, Esq.
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20 Email: jbohm@aol.com
21 cpreciado@bohmwildish.com
22 clopez@bohmwildish.com
23 jdoneza@bohmwildish.com

24 ***Attorney for Defendants, ALKIVIADES DAVID, FILMON.TV, INC., FILMON.TV LA, INC., FILMON.TV NETWORKS, INC., HOLOGRAM USA ENTERTAINMENT, INC., HOLOGRAM USA INC., A.K.A. HOLOGRAM USA PRODUCTIONS, INC. A.K.A. HOLOGRAM USA ENTERTAINMENT, INC., A.K.A. FILMON.TV, INC. AKA FILMON.TV NETWORKS, INC., AKA FILMON.TV LA, INC., SWISSX LABS AG, INC. A.K.A. SWISSX LOUNGE A.K.A. FILMONTV UK, LTD.***

TAB 121

AA1563

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Alkiviades David Pro Per c/o Jolly Harboe Antigua Prim Min 5598+9CC, Queen Elizabeth HWY's Antigua & Barbuda TELEPHONE NO.: (310) 362-1650 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Pro Per	FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 10/10/2024 3:50 PM David W. Slayton, Executive Officer/Clerk of Court, By A. Lopez, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: STANLEY MOSK	CASE NUMBER: 20STCV37498
PLAINTIFF/PETITIONER: Jane Doe DEFENDANT/RESPONDENT: Alkiviades David	JUDICIAL OFFICER: Christopher Lu
NOTICE OF CHANGE OF ADDRESS OR OTHER CONTACT INFORMATION	DEPT.: LM2

1. Please take notice that, as of (date): September 6, 2024

- the following self-represented party or
- the attorney for:
 - a. plaintiff (name):
 - b. defendant (name): Alkiviades David
 - c. petitioner (name):
 - d. respondent (name):
 - e. other (describe):

has **changed his or her address** for service of notices and documents or other contact information in the above-captioned action.

A list of additional parties represented is provided in Attachment 1.

2. The **new address** or other contact information for (name): Alkiviades David is as follows:


- a. Street:
- b. City:
- c. Mailing address (if different from above): c/o Jolly Harboe Antigua Prim Min 5598+9CC, Queen Elizabeth HWY
- d. State and zip code: St. John's, Antigua & Barbuda
- e. Telephone number: (310) 362-1650
- f. Fax number (if available):
- g. E-mail address (if available): filmonpersonal@gmail.com

3. **All notices and documents** regarding the action should be sent to the above address.

Date: September 6, 2024

Alkiviades David

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

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

PLAINTIFF/PETITIONER: Jane Doe	CASE NUMBER:
DEFENDANT/RESPONDENT: Alkiviades David et al.	20STCU37498

**PROOF OF SERVICE BY FIRST-CLASS MAIL
NOTICE OF CHANGE OF ADDRESS OR OTHER CONTACT INFORMATION**

(NOTE: This page may be used for proof of service by first-class mail of the Notice of Change of Address or Other Contact Information. Please use a different proof of service, such as Proof of Service—Civil (form POS-040), if you serve this notice by a method other than first class-mail, such as by fax or electronic service. You cannot serve the Notice of Change of Address or Other Contact Information if you are a party in the action. The person who served the notice must complete this proof of service.)

- At the time of service, I was 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. My residence or business address is (*specify*):
County of Santa Barbara.
- I served a copy of the *Notice of Change of Address or Other Contact Information* by enclosing it in a sealed envelope addressed to the persons at the addresses listed in item 5 and (*check one*):
 - deposited the sealed envelope with the United States Postal Service with postage fully prepaid.
 - placed the sealed envelope for collection and for 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 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.

- The *Notice of Change of Address or Other Contact Information* was placed in the mail:
 - on (*date*): September 7, 2024
 - at (*city and state*): Santa Barbara, CA

5. The envelope was addressed and mailed as follows:

- | | |
|--|---|
| <ol style="list-style-type: none"> Name of person served:
Gary A. Doordick -Doordicl Law Corporation
Street address: 509 S. Beverly Drive
City: Beverly Hills
State and zip code: California 90212-4514 | <ol style="list-style-type: none"> Name of person served:

Street address:
City:
State and zip code: |
| <ol style="list-style-type: none"> Name of person served:
Ebby S. Bakhitar
Street address: 3435 Wilshire Blvd, Ste 1669
City: Los Angeles
State and zip code: CA 90010-2287 | <ol style="list-style-type: none"> Name of person served:

Street address:
City:
State and zip code: |

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

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

Date: September 7, 2024

Angie Johnston

(TYPE OR PRINT NAME OF DECLARANT)


 (SIGNATURE OF DECLARANT)

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

TAB 122

AA1566

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

PROOF OF ELECTRONIC SERVICE (Court of Appeal)	Electronically FILED by Superior Court of California, County of Los Angeles 10/16/2024 11:36 AM David W. Slayton, Executive Officer/Clerk of Court, By N. Carbajal, Deputy Clerk
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.	
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) (re partial new trial order), 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*): 10/14/2024

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: 10/14/2024

Jade Doneza
 (TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

▶ Jade Doneza
 (SIGNATURE OF PERSON COMPLETING THIS FORM)

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

SHORT TITLE: Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
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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

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

(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 123

AA1569

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

PROOF OF SERVICE (Court of Appeal) <input checked="" type="checkbox"/> Mail <input type="checkbox"/> Personal Service	Electronically FILED by Superior Court of California, County of Los Angeles 10/16/2024 11:36 AM David W. Slayton, Executive Officer/Clerk of Court, By N. Carbajal, Deputy Clerk
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.	
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 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) (regarding partial new trial order)
 - 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: 10/14/2024
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name: Gary A. Dordick, Attorney for Jane Doe
 - (ii) Address: Dordick Law Corp.
509 S. Beverly Drive
Beverly Hills, CA 90212
 - (b) Person served:
 - (i) Name: Ebby S. Bakhtiar, Attorney for Jane Doe
 - (ii) Address: Ebby S. Bakhtiar, PC
3435 Wilshire Blvd, Ste 1669, Los Angeles, CA 90010
 - (c) Person served:
 - (i) Name:
 - (ii) Address:

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

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

Case Name: Jane Doe v. Alkiviades David, 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: 10/14/2024

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 124

AA1572

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): James G. Bohm, Esq. SBN: 132430 Bohm Wildish & Matsen, LLP 600 ANTON BLVD., SUITE 640 TELEPHONE NO.: 714-384-6500 FAX NO. (Optional): 714-384-6501 E-MAIL ADDRESS (Optional): jbohm@aol.com ATTORNEY FOR (Name): Defendants Alkiviades David a.k.a. Alki David, et al.	FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 10/18/2024 5:53 PM David W. Slayton, Executive Officer/Clerk of Court, By N. Carbajal, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 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.	
NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)	Superior Court Case Number: 20STCV37498 " "
RE: Appeal filed on (date): September 16, 2024	Court of Appeal Case Number (if known):

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases (form APP-001)* before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

TO: Clerk of the Superior Court of California, County of (name of county): Los Angeles

NOTICE IS HEREBY GIVEN that (name): Defendants Alkiviades David a.k.a. Alki David, et al.

The Appellant Respondent in the above case elects to proceed with the following record on appeal:

(check only one)

1. (Appendix Only; no Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects to have no reporter's transcript. (Date and sign below. Do not use pages 2 and 3.)
2. (Appendix and Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects a reporter's transcript as designated on page 3. (Fill out only Section A on page 3. Do not use page 2.)
3. (Appendix and Agreed or Settled Statement)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects an agreed or settled statement in lieu of a reporter's transcript. (Fill out only Section B or C on page 3. Do not use page 2.)
4. (Clerk's Transcript Only; no Reporter's Transcript)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2. Do not use page 3.) **AND**
 - b. elects to have no reporter's transcript.
5. (Clerk's and Reporter's Transcripts)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2), **AND**
 - b. elects a reporter's transcript as designated on page 3. (Fill out only Section A on page 3.)
6. (Clerk's Transcript and Agreed or Settled Statement)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2), **AND**
 - b. elects an agreed or settled statement in lieu of a reporter's transcript. (Fill out only Section B or C on page 4.)

Date: 10/18/2024

James G. Bohm, Esq.
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY)

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

CASE NAME:

Jane Doe v. Alkiviades David, et al.

CASE NUMBER:

20STCV37498

NOTICE DESIGNATING CLERK'S TRANSCRIPT

(Cal. Rules of Court, rule 8.122)

I understand that if I do not pay for this transcript or obtain a waiver of costs (rule 3.50 et seq.), the transcript will not be prepared and, if I am the appellant, my appeal will be dismissed.

A. It is requested that the following documents in the superior court file be included in the clerk's transcript (*give the specific title of each document and the date of filing*):

(NOTE: Items 1–7 are required to be a part of the clerk's transcript and will automatically be included.)

Document TitleDate of Filing

1. Notice of appeal
2. Notice designating record on appeal (*this document*)
3. Judgment or order appealed from
4. Notice of entry of judgment (*if any*)
5. Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (*if any*)
6. Ruling on item 5
7. Register of actions (*if any*)
- 8.
- 9.

See additional pages

B. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT

I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*).

Title of Administrative ProceedingDate or Dates

C. It is requested that the following EXHIBITS admitted into evidence or marked for identification be copied into the clerk's transcript on appeal (*check only one box*):

1. All Exhibits
2. Specific Exhibits (*give the exhibit number [for example, Plaintiff's #1, Defendant's B, Respondent's A], a brief description, and admission status.*):

Exhibit NumberDescriptionAdmission Status

See additional pages.

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
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NOTICE DESIGNATING ORAL PROCEEDINGS

A. REPORTER'S TRANSCRIPT (Cal. Rules of Court, rule 8.130) (check one):

I understand that if I do not pay for this transcript, it will not be prepared and, if I am the appellant, my appeal will be dismissed.

Please indicate which method you are using.

1. Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).
2. Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
3. Attached the reporter's written waiver of a deposit.
4. A certified transcript under rule 8.130(b)(3).
(To be lodged directly with the Court of Appeal, Second Appellate District.)

You must identify each proceeding you want included with the following information:

<u>Reporter's Name and contact information</u>	<u>Dept.</u>	<u>Date</u>	<u>Description</u>	<u>Prev. prepared?</u>
i. See Attachment "A"				<input type="checkbox"/> Yes <input type="checkbox"/> No
ii.				<input type="checkbox"/> Yes <input type="checkbox"/> No
iii.				<input type="checkbox"/> Yes <input type="checkbox"/> No
iv.				<input type="checkbox"/> Yes <input type="checkbox"/> No
v.				<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages.

5. I request that the reporters provide (check one):
 - a. My copy of the reporter's transcript in paper format.
 - b. My copy of the reporter's transcript in computer-readable format.
 - c. My copy of the reporter's transcript in paper format and a second copy in computer-readable format.
(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
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B. **AGREED STATEMENT** (check and complete either (a) or (b) below.)

- (a) I have attached an agreed statement to this notice.
- (b) All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.

C. **SETTLED STATEMENT UNDER RULE 8.137.** (You must check (a), (b) or (c) below.)

- (a) The oral proceedings in the superior court were not reported by a court reporter. (Identify proceedings below.)
- (b) The oral proceedings in the superior court were reported by a court reporter, but the appellant has an order waiving his or her court fees and is unable to pay for a reporter's transcript.
- (c) I am requesting to use a settled statement for reasons other than those listed in (a) or (b). (Identify proceedings below.) (You must attach the motion required under rule 8.137(b) to this form.)

You must identify each proceeding you want included with the following information:

	<u>Reporter's Name and contact information</u>	<u>Dept.</u>	<u>Date</u>	<u>Description</u>	<u>Prev. prepared?</u>
i.					<input type="checkbox"/> Yes <input type="checkbox"/> No
ii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iv.					<input type="checkbox"/> Yes <input type="checkbox"/> No
v.					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages.

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

ATTACHMENT A., PAGE 3: REPORTER'S TRANSCRIPT (CAL. RULES OF COURT, RULE 8.130)

REPORTER'S NAME AND CONTACT INFORMATION	DEPT.	DATE	DESCRIPTION	TRANSCRIPT PREVIOUSLY PREPARED (YES/NO)
Candice Myers CSR # 13086 758 Cienaga Drive Fullerton, CA 92835 (714) 423-7659 typerofterror@mac.com	76	5/7/2024	Hearing on Motion to Deem Requests for Admission Admitted against Alkiviades David	YES
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	9/16/2024	Hearing on Motion for New Trial; Motion to Set Aside and Vacate	YES
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	2/13/2024	Hearing- Vesco Hearing	NO
Kelli Norden, CSR # 7200 10320 Mississippi Avenue, Los Angeles, CA 90025 310-770-4211 kelli@kellinorden.com	76	2/09/2024	Hearing on Motion to be Relieved as Counsel (of Fred D. Heather of Glasser Weil Fink Howard Jordan & Shapiro, LLP)	YES
Jane Hong-Elsey, CSR #11975 19510 Van Buren # 364 Riverside, CA 92508 csrjane@hotmail.com	76	01/05/2024	Hearing (Vesco hearing)	NO
Ryan Wheeler CSR 313717 802 Stone Mountain Drive Conroe, Tx 77302 (760) 805-3974 Ryanwheeler91@yahoo.com	76	09/25/2023	Hearing (Vesco hearing)	NO
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	09/13/2023	Hearing on Motion to Compel Further Discovery Responses	YES

Ann M. Elmendorf, CSR # 8547 3979 East Blvd. Los Angeles, CA (310) 435-1852 annelmendorf@gmail.com	76	8/23/2023	Hearing on Motion to Compel	YES
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TAB 125

AA1579

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

1 James G. Bohm (SBN 132430)
2 jbohm@bohmwildish.com
3 Cecilia Preciado (SBN 159309)
4 BOHM WILDISH & MATSEN, LLP
5 600 Anton Blvd, Suite 640
6 Costa Mesa, California 92626
7 Tel: (714) 384-6500
8 Fax: (714) 384-6501

Electronically FILED by
Superior Court of California,
County of Los Angeles
10/18/2024 5:53 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By N. Carbajal, Deputy Clerk

Attorneys for ALKIVIADES DAVID

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

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

Case No. 20STCV37498 "U"

13 Plaintiff,

PROOF OF SERVICE

14 v.

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

17 Defendants.
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over 18 years of age and not a party to this action. My business address is 600 Anton Blvd, Suite 640, Costa Mesa, California 92626. On **October 18, 2024**, I served the following document(s):

(1) NOTICE DESIGNATING RECORD ON APPEAL

I served the above-referenced document(s) on the following person(s) in the following manner:

See attached service list.

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 PERSONAL SERVICE: I caused the above-referenced document(s) to be personally delivered to the person(s) at the address(es) above by close of business on _____.

BY OVERNIGHT MAIL: I am readily familiar with the practice of the Law Offices of Bohm Wildish & Matsen, LLP. for the collection and processing of correspondence for overnight delivery and known that the document(s) described herein will be deposited in a box or other facility regularly maintained by overnight mail service for overnight delivery.

BY E-MAIL/ELECTRONIC TRANSMISSION: On **October 18, 2024**, I caused the above-referenced document(s) to be transmitted by electronic mail from jdoneza@bohmwildish.com to the e-mail address(es) of the addressee(s) pursuant to Rule 2.251 of the California Rules of Court. The transmission was complete and without error and I did not receive, within reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

ELECTRONIC SERVICE [e-Service] VIA FIRST LEGAL / FILE & SERVEPRESS / ONELEGAL On **Monday, October 18, 2024**, I caused the above-referenced document(s) to be electronically served by submitting the electronic version of the document(s) to **FIRST LEGAL / FILE & SERVEPRESS / ONELEGAL**, through their web interface at www.FirstLegal.com / www.secure.fileandservexpress.com / www.OneLegal.com, which caused the documents to be sent by electronic transmission to the addressee(s) listed on the service list. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct. Executed on **October 18, 2024** at Costa Mesa, California.

Jade Doneza

Jade Doneza

Service List

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Gary A. Dordick
Dordick Law Corp.
509 S. Beverly Drive,
Beverly Hills, CA 90212

Attorneys for Plaintiff

Gary@dordicklaw.com
Dustin@dordicklaw.com

Ebby S. Bakhtiar
Ebby S. Bakhtiar, PC
3435 Wilshire Blvd, Ste 1669
Los Angeles, CA 90010

Attorneys for Plaintiff

ESB@LivingstonBakhtiar.com

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

TAB 126

AA1583

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): James G. Bohm, Esq. SBN: 132430 Bohm Wildish & Matsen, LLP 600 ANTON BLVD., SUITE 640 TELEPHONE NO.: 714-384-6500 FAX NO. (Optional): 714-384-6501 E-MAIL ADDRESS (Optional): jbohm@aol.com ATTORNEY FOR (Name): Defendants Alkiviades David a.k.a. Alki David, et al.	FOR COURT USE ONLY Electronically FILED by Superior Court of California, County of Los Angeles 10/18/2024 5:56 PM David W. Slayton, Executive Officer/Clerk of Court, By N. Carbajal, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 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.	
<p style="text-align: center;">NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)</p>	
RE: Appeal filed on (date): September 16, 2024	Superior Court Case Number: 20STCV37498 Court of Appeal Case Number (if known):

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases (form APP-001)* before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

TO: Clerk of the Superior Court of California, County of (name of county): Los Angeles

NOTICE IS HEREBY GIVEN that (name): Defendants Alkiviades David a.k.a. Alki David, et al.

The Appellant Respondent in the above case elects to proceed with the following record on appeal:

(check only one)

1. (Appendix Only; no Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects to have no reporter's transcript. (Date and sign below. Do not use pages 2 and 3.)
2. (Appendix and Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects a reporter's transcript as designated on page 3. (Fill out only Section A on page 3. Do not use page 2.)
3. (Appendix and Agreed or Settled Statement)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects an agreed or settled statement in lieu of a reporter's transcript. (Fill out only Section B or C on page 3. Do not use page 2.)
4. (Clerk's Transcript Only; no Reporter's Transcript)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2. Do not use page 3.) **AND**
 - b. elects to have no reporter's transcript.
5. (Clerk's and Reporter's Transcripts)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2), **AND**
 - b. elects a reporter's transcript as designated on page 3. (Fill out only Section A on page 3.)
6. (Clerk's Transcript and Agreed or Settled Statement)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2), **AND**
 - b. elects an agreed or settled statement in lieu of a reporter's transcript. (Fill out only Section B or C on page 4.)

Date: 10/18/2024

James G. Bohm, Esq.
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
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NOTICE DESIGNATING CLERK'S TRANSCRIPT
(Cal. Rules of Court, rule 8.122)

I understand that if I do not pay for this transcript or obtain a waiver of costs (rule 3.50 et seq.), the transcript will not be prepared and, if I am the appellant, my appeal will be dismissed.

A. It is requested that the following documents in the superior court file be included in the clerk's transcript (*give the specific title of each document and the date of filing*):

(NOTE: Items 1–7 are required to be a part of the clerk's transcript and will automatically be included.)

- | <u>Document Title</u> | <u>Date of Filing</u> |
|--|-----------------------|
| 1. Notice of appeal | |
| 2. Notice designating record on appeal (<i>this document</i>) | |
| 3. Judgment or order appealed from | |
| 4. Notice of entry of judgment (<i>if any</i>) | |
| 5. Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (<i>if any</i>) | |
| 6. Ruling on item 5 | |
| 7. Register of actions (<i>if any</i>) | |
| 8. | |
| 9. | |

See additional pages

B. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT

I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*).

<u>Title of Administrative Proceeding</u>	<u>Date or Dates</u>
---	----------------------

C. It is requested that the following EXHIBITS admitted into evidence or marked for identification be copied into the clerk's transcript on appeal (*check only one box*):

1. All Exhibits
2. Specific Exhibits (*give the exhibit number [for example, Plaintiff's #1, Defendant's B, Respondent's A], a brief description, and admission status.*):

<u>Exhibit Number</u>	<u>Description</u>	<u>Admission Status</u>
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See additional pages.

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
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NOTICE DESIGNATING ORAL PROCEEDINGS

A. REPORTER'S TRANSCRIPT (Cal. Rules of Court, rule 8.130) (check one):

I understand that if I do not pay for this transcript, it will not be prepared and, if I am the appellant, my appeal will be dismissed.

Please indicate which method you are using.

1. Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).
2. Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
3. Attached the reporter's written waiver of a deposit.
4. A certified transcript under rule 8.130(b)(3).
(To be lodged directly with the Court of Appeal, Second Appellate District.)

You must identify each proceeding you want included with the following information:

<u>Reporter's Name and contact information</u>	<u>Dept.</u>	<u>Date</u>	<u>Description</u>	<u>Prev. prepared?</u>
i. See Attachment "A"				<input type="checkbox"/> Yes <input type="checkbox"/> No
ii.				<input type="checkbox"/> Yes <input type="checkbox"/> No
iii.				<input type="checkbox"/> Yes <input type="checkbox"/> No
iv.				<input type="checkbox"/> Yes <input type="checkbox"/> No
v.				<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages.

5. I request that the reporters provide (check one):
 - a. My copy of the reporter's transcript in paper format.
 - b. My copy of the reporter's transcript in computer-readable format.
 - c. My copy of the reporter's transcript in paper format and a second copy in computer-readable format.
(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
--	-----------------------------

B. **AGREED STATEMENT** (check and complete either (a) or (b) below.)

- (a) I have attached an agreed statement to this notice.
- (b) All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.

C. **SETTLED STATEMENT UNDER RULE 8.137.** (You must check (a), (b) or (c) below.)

- (a) The oral proceedings in the superior court were not reported by a court reporter. (Identify proceedings below.)
- (b) The oral proceedings in the superior court were reported by a court reporter, but the appellant has an order waiving his or her court fees and is unable to pay for a reporter's transcript.
- (c) I am requesting to use a settled statement for reasons other than those listed in (a) or (b). (Identify proceedings below.) (You must attach the motion required under rule 8.137(b) to this form.)

You must identify each proceeding you want included with the following information:

	<u>Reporter's Name and contact information</u>	<u>Dept.</u>	<u>Date</u>	<u>Description</u>	<u>Prev. prepared?</u>
i.					<input type="checkbox"/> Yes <input type="checkbox"/> No
ii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iv.					<input type="checkbox"/> Yes <input type="checkbox"/> No
v.					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages.

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

ATTACHMENT A., PAGE 3: REPORTER'S TRANSCRIPT (CAL. RULES OF COURT, RULE 8.130)

REPORTER'S NAME AND CONTACT INFORMATION	DEPT.	DATE	DESCRIPTION	TRANSCRIPT PREVIOUSLY PREPARED (YES/NO)
Candice Myers CSR # 13086 758 Cienaga Drive Fullerton, CA 92835 (714) 423-7659 typerofterror@mac.com	76	5/7/2024	Hearing on Motion to Deem Requests for Admission Admitted against Alkiviades David	YES
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	9/16/2024	Hearing on Motion for New Trial; Motion to Set Aside and Vacate	YES
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	2/13/2024	Hearing- Vesco Hearing	NO
Kelli Norden, CSR # 7200 10320 Mississippi Avenue, Los Angeles, CA 90025 310-770-4211 kelli@kellinorden.com	76	2/09/2024	Hearing on Motion to be Relieved as Counsel (of Fred D. Heather of Glasser Weil Fink Howard Jordan & Shapiro, LLP)	YES
Jane Hong-Elsey, CSR #11975 19510 Van Buren # 364 Riverside, CA 92508 csrjane@hotmail.com	76	01/05/2024	Hearing (Vesco hearing)	NO
Ryan Wheeler CSR 313717 802 Stone Mountain Drive Conroe, Tx 77302 (760) 805-3974 Ryanwheeler91@yahoo.com	76	09/25/2023	Hearing (Vesco hearing)	NO
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	09/13/2023	Hearing on Motion to Compel Further Discovery Responses	YES

Ann M. Elmendorf, CSR # 8547 3979 East Blvd. Los Angeles, CA (310) 435-1852 annelmendorf@gmail.com	76	8/23/2023	Hearing on Motion to Compel	YES
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TAB 127

AA1590

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

"R"

1 James G. Bohm (SBN 132430)
2 jbohm@bohmwildish.com
3 Cecilia Preciado (SBN 159309)
4 BOHM WILDISH & MATSEN, LLP
5 600 Anton Blvd, Suite 640
6 Costa Mesa, California 92626
7 Tel: (714) 384-6500
8 Fax: (714) 384-6501

Electronically FILED by
Superior Court of California,
County of Los Angeles
10/18/2024 5:56 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By N. Carbajal, Deputy Clerk

Attorneys for ALKIVIADES DAVID

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

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

Case No. 20STCV37498

13 Plaintiff,

PROOF OF SERVICE

14 v.

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

17 Defendants.

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over 18 years of age and not a party to this action. My business address is 600 Anton Blvd, Suite 640, Costa Mesa, California 92626. On **October 18, 2024**, I served the following document(s):

(1) NOTICE OF DESIGNATING RECORD ON APPEAL

I served the above-referenced document(s) on the following person(s) in the following manner:

See attached service list.

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 PERSONAL SERVICE: I caused the above-referenced document(s) to be personally delivered to the person(s) at the address(es) above by close of business on _____.

BY OVERNIGHT MAIL: I am readily familiar with the practice of the Law Offices of Bohm Wildish & Matsen, LLP. for the collection and processing of correspondence for overnight delivery and known that the document(s) described herein will be deposited in a box or other facility regularly maintained by overnight mail service for overnight delivery.

BY E-MAIL/ELECTRONIC TRANSMISSION: On **October 18, 2024**, I caused the above-referenced document(s) to be transmitted by electronic mail from jdoneza@bohmwildish.com to the e-mail address(es) of the addressee(s) pursuant to Rule 2.251 of the California Rules of Court. The transmission was complete and without error and I did not receive, within reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

ELECTRONIC SERVICE [e-Service] VIA FIRST LEGAL / FILE & SERVEPRESS / ONELEGAL On **Monday, October 18, 2024**, I caused the above-referenced document(s) to be electronically served by submitting the electronic version of the document(s) to **FIRST LEGAL / FILE & SERVEPRESS / ONELEGAL**, through their web interface at www.FirstLegal.com / www.secure.fileandservexpress.com / www.OneLegal.com, which caused the documents to be sent by electronic transmission to the addressee(s) listed on the service list. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct. Executed on **October 18, 2024** at Costa Mesa, California.

Jade Doneza

Jade Doneza

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

Service List

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Gary A. Dordick
Dordick Law Corp.
509 S. Beverly Drive,
Beverly Hills, CA 90212

Attorneys for Plaintiff

Gary@dordicklaw.com
Dustin@dordicklaw.com

Ebby S. Bakhtiar
Ebby S. Bakhtiar, PC
3435 Wilshire Blvd, Ste 1669
Los Angeles, CA 90010

Attorneys for Plaintiff

ESB@LivingstonBakhtiar.com

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

TAB 128

AA1594

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's Filed Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse Civil Appeals Unit 111 North Hill Street, Room 111A Los Angeles, CA 90012 (213) 830-0822		FILED LOS ANGELES SUPERIOR COURT October 21, 2024 DAVID W. SLAYTON, Executive Officer/Clerk of Court By: E. Morales, Deputy
TRIAL COURT CASE NAME: Jane Doe vs Alkiviades David a.k.a. Alki David, et al.		
PLAINTIFF	AND RESPONDENT	: Jane Doe
DEFENDANT	AND APPELLANT	: Alkiviades David a.k.a. Alki David, et al.
NOTICE OF FILING OF NOTICE OF APPEAL (CIVIL – UNLIMITED JURISDICTION)		TRIAL COURT CASE NUMBER: 20STCV37498 R1
<input type="checkbox"/> Amended Notice		NOTICE OF APPEAL DATE: 10/16/2024

In compliance with California Rules of Court, Rule 8.100(e), this is to inform you that a Notice of Appeal Cross-Appeal in the above matter was filed on 10/16/2024 by James G. Bohm

NOTE: Pursuant to California Rules of Court, Rule 8.100(g), within 15 days after the superior court clerk sends the notification of the filing of the Notice of Appeal required by (e)(1), the appellant must serve and file in the reviewing court a completed *Civil Case Information Statement* (form APP-004), attaching a copy of the judgment or appealed order that shows the date it was entered.

Electronic Delivery of the Record on Appeal

In accordance with California Rules of Court, Rule 2.251(b), parties who electronically file the Notice of Appeal agreed to receive electronic service on their case at the time of submission. Therefore, parties who designate the Record on Appeal to be in the form of a Clerk's Transcript and/or Reporter's Transcript will receive their copy in electronic form. Parties will receive access to download the Record on Appeal using a link sent to the email address provided on the Notice of Appeal.

Parties may consent to receive an electronic Record on Appeal by electronically filing any documents in this matter or by completing the "Consent to Electronic Delivery of the Record on Appeal and Notice of Electronic Delivery Address" (form APP 142) and submitting it to Appeals_eDelivery@lacourt.org.

CERTIFICATE OF SERVICE

I, DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles, do hereby certify that I am not a party to the cause herein and that on this date, I served the **NOTICE OF FILING OF NOTICE OF APPEAL (CIVIL – UNLIMITED JURISDICTION)** by:

by placing the documents in separate envelopes addressed as shown below and then sealing the envelopes and depositing them, with postage fully prepaid thereon, for mailing in the United States Post Office mailbox at the courthouse in Los Angeles, California.

Sending a true copy of this notice via electronic mail to the e-mail addresses indicated below.

Document received by the CA2nd District Court of Appeal.

	James G. Bohm SBN 132430 Bohm Wildish & Matsen, LLP 600 Anton Blvd., Suite 640 Costa Mesa, CA 92626
	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

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

DAVID W. SLAYTON, Executive Officer/Clerk of Court

DATE: 10/21/2024

BY: E. MORALES

, Deputy Clerk

TAB 129

AA1597

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

<p>ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): James G. Bohm, Esq. SBN: 132430 Bohm Wildish & Matsen, LLP 600 ANTON BLVD., SUITE 640 TELEPHONE NO.: 714-384-6500 FAX NO. (Optional): 714-384-6501 E-MAIL ADDRESS (Optional): jbohm@aol.com ATTORNEY FOR (Name): Defendants Alkiviades David a.k.a. Alki David, et al.</p>	<p><i>FOR COURT USE ONLY</i></p> <p>Electronically FILED by Superior Court of California, County of Los Angeles 10/24/2024 7:17 PM David W. Slayton, Executive Officer/Clerk of Court, By M. Rojas, Deputy Clerk</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: Stanley Mosk Courthouse</p>	
<p>PLAINTIFF/PETITIONER: Jane Doe DEFENDANT/RESPONDENT: Alkiviades David a.k.a. Alki David, et al.</p>	
<p>NOTICE DESIGNATING RECORD ON APPEAL (UNLIMITED CIVIL CASE)</p>	
<p>RE: Appeal filed on (date): September 16, 2024</p>	<p>Superior Court Case Number: 20STCV37498 Court of Appeal Case Number (if known):</p>

Notice: Please read *Information on Appeal Procedures for Unlimited Civil Cases (form APP-001)* before completing this form. This form must be filed in the superior court, not in the Court of Appeal.

TO: Clerk of the Superior Court of California, County of (name of county): Los Angeles
 NOTICE IS HEREBY GIVEN that (name): Defendants Alkiviades David a.k.a. Alki David, et al.
 The Appellant Respondent in the above case elects to proceed with the following record on appeal:

(check only one)

1. (Appendix Only; no Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects to have no reporter's transcript. (Date and sign below. Do not use pages 2 and 3.)
2. (Appendix and Reporter's Transcript)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects a reporter's transcript as designated on page 3. (Fill out only Section A on page 3. Do not use page 2.)
3. (Appendix and Agreed or Settled Statement)
 - a. elects under rule 8.124 of the California Rules of Court to prepare own appendix in lieu of a court-prepared clerk's transcript, **AND**
 - b. elects an agreed or settled statement in lieu of a reporter's transcript. (Fill out only Section B or C on page 3. Do not use page 2.)
4. (Clerk's Transcript Only; no Reporter's Transcript)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2. Do not use page 3.) **AND**
 - b. elects to have no reporter's transcript.
5. (Clerk's and Reporter's Transcripts)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2), **AND**
 - b. elects a reporter's transcript as designated on page 3. (Fill out only Section A on page 3.)
6. (Clerk's Transcript and Agreed or Settled Statement)
 - a. elects under rule 8.122 of the California Rules of Court to proceed with a clerk's transcript as designated on page 2. (Fill out the clerk's transcript section on page 2), **AND**
 - b. elects an agreed or settled statement in lieu of a reporter's transcript. (Fill out only Section B or C on page 4.)

Date: 10/18/2024

James G. Bohm, Esq.
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY)

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
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NOTICE DESIGNATING CLERK'S TRANSCRIPT
(Cal. Rules of Court, rule 8.122)

I understand that if I do not pay for this transcript or obtain a waiver of costs (rule 3.50 et seq.), the transcript will not be prepared and, if I am the appellant, my appeal will be dismissed.

A. It is requested that the following documents in the superior court file be included in the clerk's transcript (*give the specific title of each document and the date of filing*):

(NOTE: Items 1–7 are required to be a part of the clerk's transcript and will automatically be included.)

<u>Document Title</u>	<u>Date of Filing</u>
1. Notice of appeal	
2. Notice designating record on appeal (<i>this document</i>)	
3. Judgment or order appealed from	
4. Notice of entry of judgment (<i>if any</i>)	
5. Notice of intention to move for new trial or motion to vacate the judgment, for judgment notwithstanding the verdict, or for reconsideration of an appealed order (<i>if any</i>)	
6. Ruling on item 5	
7. Register of actions (<i>if any</i>)	
8.	
9.	

See additional pages

B. RECORD OF AN ADMINISTRATIVE PROCEEDING TO BE TRANSMITTED TO THE REVIEWING COURT

I request that the clerk transmit to the reviewing court under rule 8.123 the record of the following administrative proceeding that was admitted into evidence, refused, or lodged in the superior court (*give the title and date or dates of the administrative proceeding*).

<u>Title of Administrative Proceeding</u>	<u>Date or Dates</u>
---	----------------------

C. It is requested that the following EXHIBITS admitted into evidence or marked for identification be copied into the clerk's transcript on appeal (*check only one box*):

- All Exhibits
- Specific Exhibits (*give the exhibit number [for example, Plaintiff's #1, Defendant's B, Respondent's A], a brief description, and admission status.*):

<u>Exhibit Number</u>	<u>Description</u>	<u>Admission Status</u>
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See additional pages.

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
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NOTICE DESIGNATING ORAL PROCEEDINGS

A. **REPORTER'S TRANSCRIPT** (Cal. Rules of Court, rule 8.130) (*check one*):

I understand that if I do not pay for this transcript, it will not be prepared and, if I am the appellant, my appeal will be dismissed.

Please indicate which method you are using.

1. Deposited the approximate cost of transcribing the designated proceedings with this notice as provided in rule 8.130(b)(1).
2. Attached a copy of a Transcript Reimbursement Fund application filed under rule 8.130(c)(1).
3. Attached the reporter's written waiver of a deposit.
4. A certified transcript under rule 8.130(b)(3).
(To be lodged directly with the Court of Appeal, Second Appellate District.)

You must identify each proceeding you want included with the following information:

<u>Reporter's Name and contact information</u>	<u>Dept.</u>	<u>Date</u>	<u>Description</u>		<u>Prev. prepared?</u>
i. See Attachment "A"					<input type="checkbox"/> Yes <input type="checkbox"/> No
ii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iv.					<input type="checkbox"/> Yes <input type="checkbox"/> No
v.					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages.

5. I request that the reporters provide (*check one*):
 - a. My copy of the reporter's transcript in paper format.
 - b. My copy of the reporter's transcript in computer-readable format.
 - c. My copy of the reporter's transcript in paper format and a second copy in computer-readable format.
(Code Civ. Proc., § 271; Cal. Rules of Court, rule 8.130(f)(4).)

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

CASE NAME: Jane Doe v. Alkiviades David, et al.	CASE NUMBER: 20STCV37498
---	------------------------------------

B. **AGREED STATEMENT** (check and complete either (a) or (b) below.)

- (a) I have attached an agreed statement to this notice.
- (b) All the parties have agreed in writing (stipulated) to try to agree on a statement. (You must attach a copy of this stipulation.) I understand that, within 40 days after I file the notice of appeal, I must file either the agreed statement or a notice indicating the parties were unable to agree on a statement and a new notice designating the record on appeal.

C. **SETTLED STATEMENT UNDER RULE 8.137.** (You must check (a), (b) or (c) below.)

- (a) The oral proceedings in the superior court were not reported by a court reporter. (Identify proceedings below.)
- (b) The oral proceedings in the superior court were reported by a court reporter, but the appellant has an order waiving his or her court fees and is unable to pay for a reporter's transcript.
- (c) I am requesting to use a settled statement for reasons other than those listed in (a) or (b). (Identify proceedings below.) (You must attach the motion required under rule 8.137(b) to this form.)

You must identify each proceeding you want included with the following information:

	<u>Reporter's Name and contact information</u>	<u>Dept.</u>	<u>Date</u>	<u>Description</u>	<u>Prev. prepared?</u>
i.					<input type="checkbox"/> Yes <input type="checkbox"/> No
ii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iii.					<input type="checkbox"/> Yes <input type="checkbox"/> No
iv.					<input type="checkbox"/> Yes <input type="checkbox"/> No
v.					<input type="checkbox"/> Yes <input type="checkbox"/> No

See additional pages.

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

ATTACHMENT A., PAGE 3: REPORTER'S TRANSCRIPT (CAL. RULES OF COURT, RULE 8.130)

REPORTER'S NAME AND CONTACT INFORMATION	DEPT.	DATE	DESCRIPTION	TRANSCRIPT PREVIOUSLY PREPARED (YES/NO)
Candice Myers CSR # 13086 758 Cienaga Drive Fullerton, CA 92835 (714) 423-7659 typerofterror@mac.com	76	5/7/2024	Hearing on Motion to Deem Requests for Admission Admitted against Alkiviades David	YES
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	9/16/2024	Hearing on Motion for New Trial; Motion to Set Aside and Vacate	YES
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	2/13/2024	Hearing- Vesco Hearing	NO
Kelli Norden, CSR # 7200 10320 Mississippi Avenue, Los Angeles, CA 900025 310-770-4211 kelli@kellinorden.com	76	2/09/2024	Hearing on Motion to be Relieved as Counsel (of Fred D. Heather of Glasser Weil Fink Howard Jordan & Shapiro, LLP)	YES
Jane Hong-Else, CSR #11975 19510 Van Buren # 364 Riverside, CA 92508 csrjane@hotmail.com	76	01/05/2024	Hearing (Vesco hearing)	NO
Ryan Wheeler CSR 313717 802 Stone Mountain Drive Conroe, Tx 77302 (760) 805-3974 Ryanwheeler91@yahoo.com	76	09/25/2023	Hearing (Vesco hearing)	NO
Dina Currado, CSR # 10908 2441 Brooke Willow Blvd., Knoxville, TN 37932 (661)675-5688 dinacurrado@gmail.com	76	09/13/2023	Hearing on Motion to Compel Further Discovery Responses	YES

Ann M. Elmendorf, CSR # 8547 3979 East Blvd. Los Angeles, CA (310) 435-1852 annelmendorf@gmail.com	76	8/23/2023	Hearing on Motion to Compel	YES
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TAB 130

AA1604

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

1 James G. Bohm (SBN 132430)
2 jbohm@bohmwildish.com
3 Cecilia Preciado (SBN 159309)
4 BOHM WILDISH & MATSEN, LLP
5 600 Anton Blvd, Suite 640
6 Costa Mesa, California 92626
7 Tel: (714) 384-6500
8 Fax: (714) 384-6501

Electronically FILED by
Superior Court of California,
County of Los Angeles
10/24/2024 7:17 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By M. Rojas, Deputy Clerk

Attorneys for ALKIVIADES DAVID

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

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

13 Plaintiff,

14 v.

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

17 Defendants.

Case No. 20STCV37498

PROOF OF SERVICE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am over 18 years of age and not a party to this action. My business address is 600 Anton Blvd, Suite 640, Costa Mesa, California 92626. On **October 18, 2024**, I served the following document(s):

(1) NOTICE OF DESIGNATING RECORD ON APPEAL

I served the above-referenced document(s) on the following person(s) in the following manner:

See attached service list.

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 PERSONAL SERVICE: I caused the above-referenced document(s) to be personally delivered to the person(s) at the address(es) above by close of business on _____.

BY OVERNIGHT MAIL: I am readily familiar with the practice of the Law Offices of Bohm Wildish & Matsen, LLP. for the collection and processing of correspondence for overnight delivery and known that the document(s) described herein will be deposited in a box or other facility regularly maintained by overnight mail service for overnight delivery.

BY E-MAIL/ELECTRONIC TRANSMISSION: On **October 18, 2024**, I caused the above-referenced document(s) to be transmitted by electronic mail from jdoneza@bohmwildish.com to the e-mail address(es) of the addressee(s) pursuant to Rule 2.251 of the California Rules of Court. The transmission was complete and without error and I did not receive, within reasonable time after transmission, any electronic message or other indication that the transmission was unsuccessful.

ELECTRONIC SERVICE [e-Service] VIA FIRST LEGAL / FILE & SERVEEXPRESS / ONELEGAL On **Monday, October 18, 2024**, I caused the above-referenced document(s) to be electronically served by submitting the electronic version of the document(s) to **FIRST LEGAL / FILE & SERVEEXPRESS / ONELEGAL**, through their web interface at www.FirstLegal.com / www.secure.fileandservexpress.com / www.OneLegal.com, which caused the documents to be sent by electronic transmission to the addressee(s) listed on the service list. The transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above statements are true and correct. Executed on **October 18, 2024** at Costa Mesa, California.

Jade Doneza

Jade Doneza

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

Service List

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Gary A. Dordick
Dordick Law Corp.
509 S. Beverly Drive,
Beverly Hills, CA 90212

Attorneys for Plaintiff

Gary@dordicklaw.com
Dustin@dordicklaw.com

Ebby S. Bakhtiar
Ebby S. Bakhtiar, PC
3435 Wilshire Blvd, Ste 1669
Los Angeles, CA 90010

Attorneys for Plaintiff

ESB@LivingstonBakhtiar.com

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

TAB 131

AA1608

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 10/28/2024
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le _____ Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
CERTIFICATE OF MAILING	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 (Non-Appearance Case Review Re: Status of Acceptance) of 10/28/2024 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: 10/30/2024

By: T. Le
Deputy Clerk

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

TAB 132

AA1610

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.

October 28, 2024

11:00 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Non-Appearance Case Review Re: Status of Acceptance

The matter is not called for hearing.

After review of the case file, the Court finds that a Notice of Acceptance of Conditionally Ordered Reduction of Damages Pursuant to Cal. Code Civ. Proc. § 662.5 was filed by Plaintiff on 09/25/2024.

Defendant Alkiviades David's Motion to Set Aside and Vacate Judgment is DENIED.

Clerk to give notice.

Certificate of Mailing is attached.

TAB 133

AA1612

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 Email: Dustin@dordicklaw.com

In Association With

6 Ebby S. Bakhtiar, Esq. S/B# 215032
7 LIVINGSTON • BAKHTIAR
8 3435 Wilshire Boulevard, Suite 1669
9 Los Angeles, California 90010
10 Tel: (213) 632-1550 • Fax: (213) 632-3100
11 Attorneys For Plaintiff

Electronically FILED by
Superior Court of California,
County of Los Angeles
11/26/2024 2:29 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By C. Soto, Deputy Clerk

11 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
12
13 FOR THE COUNTY OF LOS ANGELES

14 JANE DOE, an Adult Individual Suing Under
15 Anonymity Due to Privacy and Safety,
16
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

(Case Assigned for All Purposes to Hon.
Christopher K. Lui, Dept. 76)

**DECLARATION OF DUSTIN Z.
MOAVEN REGARDING REQUEST FOR
ENTRY OF AMENDED JUDGMENT
PURSUANT TO CAL. CIV. PROC. CODE
§662.5(c)**

*[Plaintiff's Proposed Amended Judgment on
Special Verdict Pursuant to Conditional
Reduction of Damages Per Cal. Civ. Proc.
Code § 662.5 concurrently filed herewith.]*

1 **DECLARATION OF DUSTIN Z. MOAVEN**

2 I, Dustin Z. Moaven, declare and state as follows:

3 1. I am an attorney at law duly admitted to practice in all the courts of the State of
4 California. I am an attorney with Dordick Law Corporation, attorneys of record for Plaintiff in
5 this action. I have personal knowledge of the matters stated herein and, if called as a witness, I
6 could competently testify thereto.

7 2. I make this declaration in support of Plaintiff Jane Doe’s request for the Court to
8 enter Plaintiff’s *Proposed Amended Judgment on Special Verdict Pursuant to Conditional*
9 *Reduction of Damages Per Cal. Civ. Proc. Code § 662.5* (“Proposed Amended Judgment”)
10 (concurrently filed herewith) following Plaintiff’s acceptance of the Court’s conditional
11 reduction of damages.

12 3. This action came on regularly for trial on June 13, 2024, in Department 76 of the
13 above-entitled Court, the Honorable Christopher K. Lui of the Superior Court, presiding. A jury
14 of 12 persons was regularly impaneled and sworn and agreed to try the cause. Witnesses were
15 sworn and testified. After hearing the evidence and arguments of counsel, the jury was duly
16 instructed by the Court and the cause was submitted to the jury with directions to return a special
17 verdict. The jury deliberated and thereafter returned into court with its special verdict. By reason
18 of said special verdict, Plaintiff Jane Doe was entitled to judgement against Defendant Alkiviades
19 David (“Defendant”) in the amount of \$900,000,000.00.

20 4. Accordingly, on or about July 5, 2024, the Court entered judgment in favor of
21 Plaintiff and against Defendant in the amount of \$900,000,000.00 (“Judgment on Special
22 Verdict”). A true and correct copy of the Judgment on Special Verdict is attached hereto as
23 **Exhibit A.**

24 5. On or about July 8, 2024, Defendant filed a *Motion to Set Aside and Vacate*
25 *Judgment* (“Motion for New Trial”).

26 6. On September 17, 2024, the Court issued its *Ruling Re: Motion to Set Aside and*
27 *Vacate Judgment* (“Ruling”), in which the Court conditionally granted the Motion for New Trial
28 unless, within 30 days of the issuance of the Ruling, Plaintiff consented to the reduction of

1 compensatory damages to \$10,000,000.00 and the reduction of punitive damages to
2 \$80,000,000.00. A true and correct copy of the Ruling is attached hereto as **Exhibit B**.

3 7. Pursuant to Cal. Civ. Proc. Code §662.5, on or about September 24, 2024, Plaintiff
4 accepted the conditionally ordered reduction of damages outlined in the Court’s Ruling by filing
5 and serving both (1) *Plaintiff’s Notice of Acceptance of Conditionally Ordered Reduction of*
6 *Damages* (“Notice of Acceptance of Remittitur”), and (2) *Plaintiff’s Proposed Amended*
7 *Judgment on Special Verdict Pursuant to Conditional Reduction of Damages Per Cal. Civ. Proc.*
8 *Code § 662.5* (“Proposed Amended Judgment”). A true and correct copy of Plaintiff’s Notice of
9 Acceptance of Remittitur is attached hereto as **Exhibits C**.

10 8. On October 28, 2024, the Court issued a minute order finding that Plaintiff
11 complied with the Ruling by filing her Notice of Acceptance of Remittitur on September 25,
12 2024, and, consequently, denying Defendant’s Motion for New Trial (“October 28, 2024 Minute
13 Order”). A true and correct copy of the October 28, 2024 Minute Order is attached hereto as
14 **Exhibit D**.

15 9. Having complied with both the Court’s Ruling and the procedural requirements
16 of Cal. Civ. Proc. Code §§662.5(a)(2) and (c), Plaintiff hereby respectfully requests the Court
17 enter Plaintiff’s Proposed Amended Judgment, which is concurrently filed herewith.

18 I declare that the foregoing is true and correct under penalty of perjury, pursuant to the
19 laws of the State of California.

20 Executed on November 26, 2024 in Los Angeles, California.

21
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23 By: 
24 Dustin Z. Moaven
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EXHIBIT A

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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.

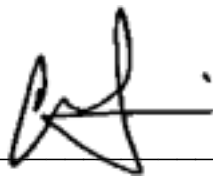
11
12 **Question No. 3:** What amount of punitive damages, if any, do you award in
13 favor of Plaintiff Margerita Nicolas and against Defendant ALKIVIADES DAVID?

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.

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EXHIBIT B

SEP 17 2024

David W. Slayton, Executive Officer/Clerk of Court

By: T. Le, Deputy

HEARING DATE: **September 16, 2024**

JUDGMENT: July 5, 2024

CASE: **Jane Doe v. Alkiviades David, et al.**

CASE NO.: **20STCV37498**

**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:

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

AA1621

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

“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. Bakhtiar [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:

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,

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.¹

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

¹ 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

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

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.)

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.² 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

² 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.)

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,³ 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.”

³ 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.

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,⁴ 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.

⁴ 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.

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.

9/17/24

DATE



CHRISTOPHER K. LUI
JUDGE, LOS ANGELES SUPERIOR COURT

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EXHIBIT C

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
9/25/2024 4:39 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 Under
14 Anonymity Due to Privacy and 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,

28 Defendants.

Case No.: 20STCV37498

**PLAINTIFF JANE DOE'S NOTICE OF
ACCEPTANCE OF CONDITIONALLY
ORDERED REDUCTION OF DAMAGES
PURSUANT TO CAL. CIV. PROC. CODE
§ 662.5**

*([Proposed] Amended Judgment on Special
Verdict Pursuant to Conditional Reduction of
Damages Per Cal. Civ. Proc. Code § 662.5
concurrently filed and served herewith.)*

Action Filed: September 30, 2020

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

3 **PLEASE TAKE NOTICE** that Plaintiff Jane Doe, pursuant to the Court's *Ruling Re:*
4 *Motion to Set Aside and Vacate Judgment* dated September 17, 2024 ("Ruling") conditionally
5 granting Defendant Alkivaides David's Motion to Set Aside and Vacate Judgment, will and hereby
6 does accept the Court's proposed reduction of compensatory damages to ten million dollars
7 (\$10,000,000.00) and proposed reduction of punitive damages to eighty million dollars
8 (\$80,000,000.00). The total verdict will therefore be in the amount of ninety million dollars
9 (\$90,000,000.00). Plaintiff accepts the conditionally ordered reduction of damages with the intent
10 to avoid the further burden of a new trial or appeal. If Defendant appeals the Court's September
11 17, 2024 Ruling on any grounds and thereby deprives Plaintiff of "the benefits [s]he has sought by
12 [her] consent to the remittitur," then Plaintiff does not waive her right to appeal the reduction of
13 non-economic and punitive damages. (*Miller v. Nat'l Am. Life Ins. Co.* (1976) 54 Cal. App. 3d
14 331, 345.)

15 DATED: September 23, 2024

DORDICK LAW CORPORATION

17
18 By: 

Gary A. Dordick, Esq.
Dustin Z. Moaven, Esq.
Attorneys for Plaintiff

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

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

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

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

17 (X) **BY ELECTRONIC SERVICE [E-MAIL]** I caused the documents to be sent to
18 the persons at the electronic notification addresses listed in the attached service
19 list. I did not receive, within a reasonable time after the transmission, any
20 electronic message or other indication that the transmission was unsuccessful.

21 Executed on September 25, 2024, at Beverly Hills, California.

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

24 
25 SANDRA JIMENEZ

1 **SERVICE LIST**

2 **Jane Doe v. David**

3 **Case No. 20STCV37498**

4
5 Ebbby 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 Email: ESB@LivingstonBakhtiar.com

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

13 James G. Bohm, Esq.
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15 600 Anton Blvd., Suite 640
16 Costa Mesa, California 92626
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18 Fax: (714) 384-6501
19 Email: jbohm@aol.com
20 cpreciado@bohmwildish.com
21 clopez@bohmwildish.com
22 jdoneza@bohmwildish.com

23 ***Attorney for Defendant, ALKIVIADES DAVID, FILMON.TV, INC., FILMON.TV LA, INC.,***
24 ***FILMON.TV NETWORKS, INC., HOLOGRAM USA ENTERTAINMENT, INC.,***
25 ***HOLOGRAM USA INC., A.K.A. HOLOGRAM USA PRODUCTIONS, INC. A.K.A.***
26 ***HOLOGRAM USA ENTERTAINMENT, INC., A.K.A. FILMON.TV, INC. AKA FILMON.TV***
27 ***NETWORKS, INC., AKA FILMON.TV LA, INC., SWISSX LABS AG, INC. A.K.A. SWISSX***
28 ***LOUNGE A.K.A. FILMONTV UK, LTD.***

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EXHIBIT D

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.

October 28, 2024

11:00 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Non-Appearance Case Review Re: Status of Acceptance

The matter is not called for hearing.

After review of the case file, the Court finds that a Notice of Acceptance of Conditionally Ordered Reduction of Damages Pursuant to Cal. Code Civ. Proc. § 662.5 was filed by Plaintiff on 09/25/2024.

Defendant Alkiviades David's Motion to Set Aside and Vacate Judgment is DENIED.

Clerk to give notice.

Certificate of Mailing is attached.

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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 November 26, 2024 served the foregoing documents described as **DECLARATION OF DUSTIN Z. MOAVEN REGARDING REQUEST FOR ENTRY OF AMENDED JUDGMENT PURSUANT TO CAL. CIV. PROC. CODE §662.5(c)** on all parties in this action 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.

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

- () **BY OVERNIGHT DELIVERY.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and 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 attached service list and providing them to a messenger service for service

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

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

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

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

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

17 (X) **BY ELECTRONIC SERVICE [E-MAIL]** I caused the documents to be sent to
18 the persons at the electronic notification addresses listed in the attached service
19 list. I did not receive, within a reasonable time after the transmission, any
20 electronic message or other indication that the transmission was unsuccessful.

21 Executed on November 26, 2024 at Los Angeles, California.

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

24 *Chanel Brown*
25 _____
26 CHANEL BROWN
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SERVICE LIST

Jane Doe v. David

Case No. 20STCV37498

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cpreciado@bohmwildish.com
clopez@bohmwildish.com
jdoneza@bohmwildish.com

Attorney for Defendants, ALKIVIADES DAVID, FILMON.TV, INC., FILMON.TV LA, INC., FILMON.TV NETWORKS, INC., HOLOGRAM USA ENTERTAINMENT, INC., HOLOGRAM USA INC., A.K.A. HOLOGRAM USA PRODUCTIONS, INC. A.K.A. HOLOGRAM USA ENTERTAINMENT, INC., A.K.A. FILMON.TV, INC. AKA FILMON.TV NETWORKS, INC., AKA FILMON.TV LA, INC., SWISSX LABS AG, INC. A.K.A. SWISSX LOUNGE A.K.A. FILMONTV UK, LTD.

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 5 of 6 [TABS 110-133; PAGES AA1500-AA1642]

I served this document on the following persons:

SERVICE LIST

<p>Gary A. Dordick, Esq. Dustin Z. Moaven, Esq. Brittney Ghadoushi, Esq. DORDICK LAW CORPORATION 1122 Wilshire Blvd. Los Angeles, CA 90017 T: (310) 551-0949 F: 855-299-4444 Gary@dordicklaw.com; DZMeservice@dordicklaw.com; brittney@dordicklaw.com ; gustavo.gonzalez@dordicklaw.com;</p>	<p><i>Attorneys for Plaintiff and Respondent, JANE DOE</i></p>
<p>Ebby S. Bakhtiar, Esq. LIVINGSTON • BAKHTIAR 3435 Wilshire Boulevard, Suite 1669 Los Angeles, CA 90010 T: (213) 632-1550 F: (213) 632-3100 esb@lb-lawyers.com;</p>	<p><i>Attorneys for Plaintiff and Respondent, JANE DOE</i></p>
<p>Superior Court of Los Angeles County Appeal Brief appellatebriefs@lacourt.org;</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

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

Antonia Leseth

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