

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

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

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**JANE DOE,**

*Plaintiff and Respondent,*

*vs.*

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

*Defendants and Appellant.*

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

**Trial Court Case No. 20STCV37498**

**Hon. Judge Christopher K. Lui**

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**APPELLANT ALKIVIADES DAVID APPENDIX  
VOLUME 2 of 6 [TABS 22-54; PAGES AA0329-AA0782]**

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**AA0329**

**TAB 22**

**AA0330**

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David W. Slayton,  
Executive Officer/Clerk of Court,  
By A. Lopez, Deputy Clerk

8 Attorneys for Defendant  
ALKIVIADES DAVID a.k.a. ALKI DAVID  
9

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

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

Case No. 20STCV37498  
*Unlimited Jurisdiction*

14 s,

Assigned to the Honorable Christopher K. L.  
Department: 76

15 v.

16 **REPLY TO OPPOSITION TO MOTION  
17 TO COMPEL FURTHER RESPONSES TO  
18 INTERROGATORIES AND REQUEST  
19 FOR SANCTIONS IN THE AMOUNT OF  
20 \$6,525; DECLARATION OF JILLIAN P.  
21 HARRIS**

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

*[Request for Judicial Notice filed concurrently  
herewith]*

22 s.

**Reservation No. 258401690947**  
Date: September 13, 2023  
Time: 8:30 a.m.

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

**I. PLAINTIFF SHOULD BE COMPELLED TO PROVIDE RESPONSES CONTAINING THE NAMES OF ALL HER DOCTORS AND ASSOCIATED INSTITUTIONS**

Personal attacks on Defendant Alkiviades David’s (“Defendant”) character by Plaintiff Jane Doe (“Plaintiff”), including hyperbolic statements about “manhood” and “misogyny,” do not obscure the basic limited premise of this Motion: to compel Plaintiff to provide the names of her doctors and associated institutions. This Motion does not seek access to Plaintiff’s medical records themselves. Defendant makes no secret of the fact that he may subpoena records from some of the doctors once identified—and those subpoenas will be narrowly tailored to request records only directly relevant to this lawsuit—but the propriety of future subpoenas and the privacy of the underlying records is not presently before the court.

To be clear, Defendant is entitled to full and complete responses to Special Interrogatory Nos. 34-35 seeking the names of *all* doctors and institutions that Plaintiff saw during the relevant time period. During the meet and confer process, Defendant offered to limit his request to primary care doctors, based solely on Plaintiff’s representations that: (1) Plaintiff did not seek any mental health treatment during the relevant time period<sup>1</sup> (except an expert retained by her counsel) and (2) that, except Planned Parenthood, the only doctors Plaintiff visited were a gastrointestinal doctor, a sinus doctor, and a primary care doctor during the relevant time period.<sup>2</sup> Harris Dec. ¶ 4. Defendant has since learned these representations by Plaintiff were false. Plaintiff made contrary statements about her health in different discovery responses served in her divorce case.

On October 8, 2020, approximately a month after filing this lawsuit, Plaintiff served the following response to a form interrogatory in her divorce action:

\_\_\_\_\_

<sup>1</sup> In this lawsuit, Plaintiff claims she experienced, and continues to experience, on-going extreme emotional and mental harm as a result of Defendant’s alleged actions that took place from 2015-2019. Harris Dec. Exh. 1; FAC generally. Thus, the relevant time period requested by Special Interrogatory Nos. 34-35 is from 2015 to the present.

<sup>2</sup> As a compromise, Defendant asked that Plaintiff provide a verified amended response confirming her attorney’s representations that she had only visited those three doctors and had not received mental health treatment. Defendant also requested that the response state that Plaintiff did not speak to any of those doctors about the allegations in her complaint. Plaintiff refused to provide such an amended response. Harris Dec. ¶ 5.

1 **I experienced emotional and physical trauma that took a serious toll on my**  
2 **health that eventually affected my immune system. In result, I went to hospital**  
3 **[sic] and doctors prescribed a series of medications. Due to depression, and**  
4 **health issues, I have lost the ability to hold a stable job. I have also been seeing a**  
5 **therapist.**

6 Request for Judicial Notice filed concurrently herewith (“RJN”) Exh. A, p. 35. The form  
7 interrogatories also attached a Schedule of Assets and Debts that identified outstanding debts from  
8 at least four medical institutions: Cedar Sinai Medical, St. Mary’s Medical, Long Beach Emergency  
9 Medical Group, and unspecified medical providers from Florida. RJN Exh. A, p. 39.

10 These divorce filings show that both of Plaintiff’s representations were false because: (1)  
11 Plaintiff obtained mental health treatment from a therapist, and (2) Plaintiff saw more than the three  
12 identified doctors, during the relevant time period of 2015 to the present. Defendant is entitled to the  
13 *names* of each of those doctors and institutions, as well as any others not mentioned her divorce  
14 papers. Plaintiff has no reasonable expectation of privacy in these names and such witness  
15 information is routine discovery.

16 Additionally, Defendant is entitled to these names because they are directly relevant to the  
17 lawsuit and Plaintiff has waived her privacy as to those conditions, specifically her mental  
18 condition, that she put at issue. Plaintiff put her mental condition at issue when she described her  
19 injuries like severe emotional distress, post-traumatic stress, and depression. Harris Dec. Exh. 1.  
20 divorce responses show that Plaintiff obtained treatment for mental and physical trauma, and  
21 depression, amongst other unspecified things. RJN Exh. A, p. 35. Because the divorce records show  
22 Plaintiff was treated during the relevant time period for the same conditions that she seeks damages  
23 for in this lawsuit, the associated medical information is directly relevant to whether Defendant was  
24 a proximate cause of those conditions.

25 Plaintiff also clearly visited a therapist during the relevant time period. RJN Exh. A, p. 35.  
26 therapist treats mental health, which is directly at issue here. Plaintiff cannot bury the therapist’s  
27 notes by claiming that they do not contain anything about Defendant when they clearly contain  
28 information about Plaintiff’s mental condition during the relevant time period. The name of this  
29 therapist, and any other mental health provider, must be provided in response to Special  
30 Interrogatory Nos. 34-35.

1           Additionally, Plaintiff put her ability to hold a job at issue when she claimed ongoing lost  
 2 wages as a result of Defendant’s actions. Harris Dec. Exh. 2. Her divorce response suggests  
 3 something else, other than Defendant, has affected her ability to work. RJN Exh. A, p. 39.  
 4 Defendant is entitled to discover what that is. Plaintiff’s false representation should not prevent  
 5 Defendant from obtaining discovery of all conditions directly at issue here. Thus, all doctors’ names  
 6 and associated institutions should be compelled and this Motion granted.

7       **II. THIS MOTION SEEKS ROUTINE DISCOVERY OF WITNESS NAMES, NOT**  
 8       **PLAINTIFF’S LIFETIME MEDICAL RECORDS**

9           This Motion seeks responses to interrogatories only—it does not seek copies of medical  
 10 records. This is routine discovery that Plaintiff must provide because she has no reasonable  
 11 expectation of privacy in the information. CCP § 2030.300 (interrogatories may be compelled where  
 12 responses are incomplete). To invoke the constitutional privacy protection, a party must make a  
 13 foundation showing that the information sought is in a protected zone of privacy and Plaintiff has  
 14 failed to meet this burden. While the California Constitution recognizes a right of privacy (Cal.  
 15 Const., art. I, § 1), the party asserting the right must make a threshold showing of: (1) a legally  
 16 protected privacy interest, (2) an objectively reasonable expectation of privacy given the  
 17 circumstances, and (3) a threatened intrusion that is serious. *Williams v. Sup. Ct.*, 3 Cal.5<sup>th</sup> 531, 535  
 18 (2017). A court need not balance the interests of the parties, nor further address the issue, when  
 19 there has been no threshold showing. *Id.* at 555.

20           Plaintiff refuses to provide the *names* of her doctors because Defendants will likely issue  
 21 (narrowly tailored) subpoenas to some of those doctors. But Plaintiff’s privacy interest in the  
 22 medical *records* themselves is not at issue in this Motion. The Opposition focuses on the medical  
 23 records and fails to make a foundational showing that names of the providers and institutions should  
 24 also be protected.

25           Plaintiff has no reasonable expectation of privacy in the names of her doctors and providing  
 26 those names does not intrude on her privacy. For example, it is no secret that most Americans visit a  
 27 primary care physician and Plaintiff herself has already represented that she has visited a primary  
 28 care doctor. *See* Harris Dec. ¶ 4. Providing the name of that doctor and associated institution reveals

1 no further information about the nature of Plaintiff's medical treatment than is already known.  
 2 Similarly, Plaintiff has no reasonable expectation of privacy when she has already identified various  
 3 institutions on a non-confidential Schedule of Assets and Debts in her divorce. *See* RJN Exh. A, p.  
 4 39.

5 Additionally, witness contact information is routine discovery. CCP § 2017.010 (a party may  
 6 discover the identity and location of witnesses having knowledge of any discoverable matter); *see*  
 7 *also Puerto v. Sup. Ct.*, 158 Cal. App. 4th 1242, 1249-1250 (2008). Because Plaintiff has failed to  
 8 establish the threshold requirements of a reasonable expectation of privacy in the names of her  
 9 doctors, and a threatened intrusion of that privacy, this Motion should be granted and no further  
 10 analysis is warranted.

11 It is specifically Plaintiff's refusal to provide this routine witness information that justifies  
 12 the imposition of discovery sanctions here. *See* CCP § 2030.300 (sanctions shall be imposed where  
 13 no substantial justification exists). Plaintiff raises the specter of an unlimited discovery of her  
 14 medical records but, in reality, Defendant seeks a narrow list of unprivileged witness names.  
 15 Plaintiff's resistance to providing this information is not reasonable in light of the present  
 16 procedural posture. The proper place for a privacy objection to the production of medical records  
 17 in opposition to a motion seeking the production of medical records. As a result of Plaintiff's  
 18 unreasonable failure to provide the discoverable information, Defendant has been forced to clog the  
 19 court's docket with this Motion, which will be undoubtedly be followed by a subsequent motion  
 20 connection with a subpoena for the medical records themselves.

21 Sanctions are further justified because of Plaintiff's bad faith representations during the meet  
 22 and confer process in which Plaintiff's counsel made untrue statements about Plaintiff's medical  
 23 treatment. At best, Plaintiff's counsel failed to conduct proper due diligence with respect to central  
 24 issues in the case, at worst he made knowingly false representations. These tactics are antithetical  
 25 the purpose of discovery and are further evidence that Plaintiff had no substantial justification for  
 26 refusing to provide full and complete responses to these interrogatories. *See Glenfed Dev. Corp. v.*  
 27 *Sup. Ct.*, 53 Cal. App. 4th 1113, 1119 (1997) ("California's pretrial discovery procedures are  
 28 designed to minimize the opportunities for fabrication and forgetfulness, and to eliminate the need

1 for guesswork about the other side’s evidence, with all doubts about discoverability resolved in  
 2 favor of disclosure.”). Plaintiff should be sanctioned accordingly and Defendant requests guidance  
 3 from the Court to avoid further unnecessary motion practice based on these same privacy issues.

4 **III. THE DOCTORS’ NAMES AND INSTITUTIONS ARE DISCOVERABLE BECAUSE**  
 5 **THEY ARE DIRECTLY RELEVANT TO THE ISSUES OF EXTREME**  
 6 **EMOTIONAL DISTRESS AND ABILITY TO WORK**

7 Even assuming *arguendo* that Plaintiff has a privacy right in connection with the names of  
 8 her medical providers and associated institutions (she does not), that information is still discoverable  
 9 because it is directly relevant to the lawsuit. Both parties agree that Plaintiff’s lifetime medical  
 10 history is not at issue simply because she filed this lawsuit. Motion 8:6-7; *see* Opp. 5-7. The parties  
 11 also agree that cases like *In Re Lifeschutz*, 2 Cal. 3d 415 (1970), *Britt v. Sup. Ct.*, 20 Cal. 3d 844  
 12 (1978), and *Vinson v. Sup. Ct.*, 43 Cal. 3d 833 (1987) control here. The disagreement lies as to what  
 13 Defendant is actually seeking (names of doctors and associated institutions only) and whether such  
 14 information is discoverable (it is based on lack of a privacy interest and direct relevance to the  
 15 lawsuit).

16 *Lifeschutz* held that a litigant waives the doctor-patient privilege as to all conditions placed  
 17 at issue in the lawsuit, but does not waive the privilege as to her entire medical history. 2 Cal. 3d  
 18 435. California’s high court upheld a psychotherapist’s jail sentence for contempt based on his  
 19 refusal to provide information about a patient’s treatment. *Id.* at 439. The plaintiff, a patient of Dr.  
 20 Lifeschutz, alleged the defendant assaulted him, causing him “physical injuries, pain, suffering and  
 21 severe mental and emotional distress.” *Id.* at 420. Dr. Lifeschutz refused to answer questions or  
 22 provide documents about his treatment of the plaintiff citing the doctor-patient privilege. *Lifeschutz*  
 23 found that the doctor could not refuse to provide this information because the patient-litigant  
 24 exception (CCP §1016) compels disclosure of those matters “directly relevant to the nature of the  
 25 specific ‘emotional or mental’ condition which the patient has voluntarily disclosed and tendered  
 26 his pleadings.” *Id.* at 431. Because the plaintiff alleged mental and emotional distress arising from  
 27 the assault, he placed his mental condition at issue and the patient-litigant exception applied. *Id.* at  
 28 435.

1 Similarly, *Britt* looked to *Lifeschutz* when reviewing of an expansive discovery order that  
2 allowed a defendant-airport operator to investigate the lifetime medical histories of plaintiff-  
3 homeowners without any limitations in time or scope. The homeowners sued the airport operator for  
4 diminution of property value, personal injuries, and emotional distress caused by the airport's noise,  
5 vibrations, air pollution, and smoke. *Britt*, 20 Cal. 3d at 849. The airport operator served  
6 interrogatories seeking the details of all physical and mental injuries, other than those caused by the  
7 airport, experienced by the homeowners, at any time during their lives. *Id.* at 850, n.1.

8 *Britt* relied on *Lifeschutz*'s analysis of the patient-litigant exception to the doctor-patient  
9 privilege and held that disclosure related to any mental or physical conditions at issue in the lawsuit  
10 could be compelled, but the homeowners' entire medical history "without regard to whether such  
11 conditions have any bearing on the present litigation" could not be compelled. *Id.* at 862-865. The  
12 patient-litigant exception did not automatically result in an overarching waiver of privilege. *Id.* at  
13 864. Instead, the scope of permissible inquiry depended on the nature of the injuries that the patient-  
14 litigant had brought before the court. *Id.* *Britt* emphasized that while the homeowners were entitled  
15 to retain the privacy of past unrelated medical treatment, they could not withhold information  
16 relating to any condition they put at issue in the lawsuit:

17 It should be understood, of course, that **insofar as a number of injuries or illnesses,**  
18 **some related and some unrelated to the airport operations, have contributed to**  
19 **a medical condition placed in issue by a plaintiff, defendant is entitled to obtain**  
20 **information as to all such injuries or illnesses.** Thus, for example, if a plaintiff  
21 claims that the airport operations have damaged his respiratory system, plaintiff  
22 would be obliged to **disclose all medical information relating to his respiratory**  
23 **condition and could not limit discovery simply to those airport-related incidents**  
24 which have allegedly impaired his condition.

25 *Id.* at 864, n.1 (emphasis added).

26 In the context of privacy rights, *Vinson* relied on *Britt* and reached a similar conclusion  
27 regarding the injury or condition at issue in the lawsuit and other potential causes of such an injury  
28 or condition. 43 Cal. 3d at 841. In that case, an employee's right of privacy did not prevent her from  
appearing for a mental examination because she put her mental state directly at issue when she  
claimed harassment and intentional infliction of emotional distress:

In the case at bar, plaintiff haled defendants into court and accused them of causing  
her various mental and emotional ailments. Defendants deny her charges. As a result,

1 the existence and extent of her mental injuries is indubitably in dispute. In addition,  
2 by asserting a causal link between her mental distress and defendants' conduct,  
3 plaintiff implicitly claims it was not caused by a preexisting mental condition,  
thereby raising the question of alternative sources for the distress. We thus conclude  
that her mental state is in controversy.

4 *Id.* Here, Defendant's request for witness information is consistent with *Lifeschutz, Britt, and*  
5 *Vinson*. Contrary to Plaintiff's characterization, the statement in the moving papers that "Defendant  
6 is entitled to explore whether other unrelated conditions are the proximate cause of her emotional  
7 distress" tracks *Lifeschutz, Britt, and Vinson*. Motion 7:8-9. This is not an untethered inquiry into the  
8 entire universe of Plaintiff's medical history. It is a specific request to obtain information that is  
9 directly relevant to the extent and causation of Plaintiff's emotional distress, which is expressly at  
10 issue, and essential to the fair resolution of the lawsuit.

11 *Britt's* respiratory illness example is illustrative. The *Britt* homeowner placed his respiratory  
12 condition at issue when claiming that the airport had caused damage to his respiratory system.  
13 Because he placed his respiratory condition at issue, the *Britt* homeowner could not limit the  
14 disclosure of medical information to only those airport-related incidents that impaired his  
15 respiratory condition, but rather he had to provide information as to *all such injuries or illnesses*  
16 *affecting his respiratory condition*.

17 Here, Plaintiff's attempt to limit discovery to only Defendant-related incidents is akin to the  
18 *Britt* homeowner's attempt to limit discovery to only airport-related incidents. Plaintiff placed her  
19 mental condition at issue when she claimed that Defendant's actions caused her "extreme emotion  
20 distress, mental anguish and discomfort" as well as "post-traumatic stress, depression, loss of  
21 appetite, nightmares, turbulent bouts of anger and rage." FAC ¶ 73; Harris Dec. Exh. 1. She claims  
22 the injury was "extremely severe and continues past the present day." Harris Dec. Exh. 1. Plaintiff  
23 attempts to limit discovery to only the medical visits that she now asserts were related to  
24 Defendants' actions but *Lifeschutz, Britt, and Vinson* require that Plaintiff provide all medical  
25 information relating to her mental condition not only that allegedly related to Defendant. *See Opp*  
26 *6:13-7:5, 9:9-11; Kirk Dec. ¶ 5-6*. This includes all doctors, including primary care physicians and  
27 therapists, she visited during the relevant time period, which will likely contain information related  
28 to her mental condition for a few reasons.

1 First, Defendant offered an expert declaration by Dr. Romanoff providing that evidence from  
2 Plaintiff's primary care physician is relevant and necessary to evaluating of Plaintiff's emotional  
3 distress. *See* Romanoff Dec. ¶ 4 filed concurrently with moving papers ("These records can provide  
4 independent objective evidence of the presence or absence of medical and/or psychological  
5 conditions and difficulties that can facilitate a more accurate reconstruction of a particular person's  
6 condition at that time" and "more accurate and clearer understanding of a person's current medical  
7 and/or psychological difficulties in the event that such difficulties are present"). Plaintiff offers no  
8 rebuttal to Dr. Romanoff's declaration. *See* Opp. generally.

9 Second, Plaintiff's own discovery responses in her divorce case demonstrate that she saw  
10 other doctors, including a therapist, for the same injuries and conditions which she attributing to  
11 Defendant and put at issue in this lawsuit. The divorce papers reference "depression and health  
12 issues" and "emotional and physical trauma" that resulted in hospital and multiple doctor visits. RJN  
13 Exh. A, p. 35. These mental health conditions could not have been caused by Defendant because  
14 Plaintiff explicitly stated, in her discovery responses in this lawsuit, that she only sought treatment  
15 for her Defendant-caused conditions during a single visit to Planned Parenthood. Harris Dec. Exh. 1.  
16 Thus, under *Lifeschutz, Britt, and Vinson*, all treatment referenced in the divorce filings is directly  
17 relevant to the issue of causation.

18 Plaintiff also asserts she cannot hold a stable job as a result of those non-Defendant-related  
19 injuries mentioned in her divorce lawsuit. RJN Exh. A, p. 35. At the same time, in this lawsuit, she  
20 seeks lost wages from Defendant and has claimed an inability to find comparable work for years.  
21 Harris Dec. Exh. 2. The fact that Plaintiff is claiming that depression and health issues have  
22 prevented her from working, makes discovery into those issues directly relevant. Defendant is  
23 entitled to discovery of whatever on-going health issues have affected Plaintiff's ability to hold a  
24 stable job, according to her divorce responses. *See* RJN Exh. A, p. 35.

25 Because Defendant is seeking only names, he is entitled to discovery of the names of *all*  
26 providers and institutions. This is particularly important because Plaintiff's divorce responses  
27 demonstrate she went to previously undisclosed institutions (Cedar Sinai Medical, St. Mary's  
28 Medical, Long Beach Emergency Medical Group, and unspecified medical institutions in Florida)

1 *Id.* at p. 39. Defendant is entitled to know what medical providers she visited at those institutions in  
 2 order to evaluate which records could be discoverable.

3 **IV. PLAINTIFF’S REPEATED CITATIONS TO BAD LAW SHOULD BE REJECTED**

4 Plaintiff also discusses *Mendez v. Sup. Ct.*, 206 Cal. App. 3d 557 (1988) in her Opposition.  
 5 In that case, a female employee of the sheriff’s department alleged a male deputy sexually assaulted  
 6 her. *Id.* at 561. The department and the deputy sought discovery of the employee’s sexual history  
 7 with other members of the department. *Id.* at 562. *Mendez* relied on the reasoning from *Lifeschutz*,  
 8 *Britt*, and *Vinson*, to conclude that while the employee had waived her privacy right with respect to  
 9 conditions at issue in the lawsuit, she did not waive her right to privacy in her sexual history simply  
 10 because she alleged emotional distress. *Id.* at 573. The deputy and department failed to allege any  
 11 connection between emotional distress and sexual history. *Id.* at 571-72.

12 *Mendez* does not support Plaintiff’s position in the case at bar. Defendant’s special  
 13 interrogatories do not seek information about Plaintiff’s sexual history. *See* Harris Dec. Exh. 1.

14 Most importantly, *Mendez* should not be regarded as authority for any position because it  
 15 not good law. *Mendez* was expressly disapproved in *Williams v. Sup. Ct.*, 3 Cal. 5th 531, n.8 (2011).  
 16 *Williams* also expressly disapproved of three other cases cited by Plaintiff: *Lantz v. Sup. Ct.*, 28 Cal.  
 17 App. 4th 1839 (1994), *Moskowitz v. Sup. Ct.*, 137 Cal. App. 3d 313, and *Board of Trustees v. Sup.*  
 18 *Ct.*, 119 Cal. App. 3d 516 (1981). *Id.* A fifth case Plaintiff cited, *Cutter v. Brownbridge*, 183 Cal.  
 19 App. 3d 836 (1986), was expressly disapproved in *Jacob B. v. Cnty. of Shasta*, 40 Cal. 4th 948, 99  
 20 (2007). All citations in the Opposition to these five disapproved cases should be rejected.

21 **V. CONCLUSION**

22 Defendant respectfully requests that this Court compel Plaintiff to provide full and complete  
 23 responses to Special Interrogatory Nos. 34-35 containing the names of all of Plaintiff’s doctors and  
 24 associated institutions during the relevant time period. Defendant further requests an award of  
 25 sanctions in favor of Defendant and against Plaintiff in the amount of \$6,525 for Plaintiff’s bad faith  
 26 refusal to provide routine witness information and her false representations during the meet and  
 27 confer process.

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DATED: September 6, 2023

GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP

By: /s/ Jillian P. Harris  
FRED D. HEATHER  
AARON P. ALLAN  
JILLIAN P. HARRIS  
Attorneys for Defendant ALKIVIADES DAVID

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

**DECLARATION OF JILLIAN P. HARRIS**

I, JILLIAN P. HARRIS, declare as follows:

1. I am an attorney licensed to practice before all of the courts in the State of California I am an individual and an associate of in the above-entitled action. I am an attorney at Glaser Weil Fink Howard Jordan & Shapiro, LLP, counsel for Defendant Alkiviades David (“Defendant”). I make this declaration in support of Defendant’s Reply to Opposition to Motion to Compel Further Responses to Interrogatories. I have personal knowledge of the facts set forth herein, and if called upon to testify thereto, I could and would competently do so under oath.

2. In this lawsuit, Plaintiff Jane Doe (“Plaintiff”) claims she experienced, and continues to experience, on-going extreme emotional and mental harm as a result of Defendant’s alleged actions that took place from 2015-2019. Thus, the relevant time period requested by Special Interrogatory Nos. 34-35 is from 2015 to the present. A true and correct copy of Plaintiff’s relevant response to Special Interrogatory, Set One addressing her on-going harm is attached hereto as **Exhibit 1**. This exhibit also contains Special Interrogatory Nos. 34-35 which are the subject of this Motion.

3. Plaintiff has also allegedly experienced various damages, including continued lost wages as a result of Defendant’s actions. A true and correct copy of Plaintiff’s relevant response Form Interrogatories-Employment addressing her unpaid wages and also identifying all the medical treatment she sought in connection with such harm (one visit to Planned Parenthood) is attached hereto as **Exhibit 2**.

4. Defendant is entitled to full and complete responses to Special Interrogatory Nos. 35 seeking the names of *all* doctors and institutions that Plaintiff saw during the relevant time period. During the meet and confer process, I offered in good faith to limit the interrogatories to only primary care doctors, based solely on Plaintiff’s counsel Justin Kirk’s representations during our August 7, 2023 call that: (1) Plaintiff did not seek any mental health treatment during the relevant time period (except an expert retained by her counsel) and (2) that, outside of Planned Parenthood, the only doctors Plaintiff visited were a gastrointestinal doctor, a sinus doctor, and a primary care doctor during the relevant time period.

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5. As a compromise, I asked that Plaintiff provide a verified amended response confirming Mr. Kirk’s representations that she had only visited those three doctors and had not received mental health treatment. I also requested that the response state that Plaintiff did not speak to any of those doctors about the allegations in her complaint. Mr. Kirk advised me that Plaintiff would not provide such an amended response. Attached hereto as **Exhibit 3** is the relevant portion of the parties’ email exchange.

6. I learned these representations by Plaintiff were false on August 22, 2023 when I reviewed documents filed in *In Re Marriage of Chouery* (LASC Case No. 19STFL0582) which is the divorce action in which Plaintiff is the Respondent.<sup>3</sup> I reviewed a document dated October 21, 2021 titled Further Reply Declaration of Jackie A. Abboud Re RFO to Compel and Re Respondent’s Non-Compliance with Court Orders (“Abboud Declaration”). Attached as Exhibit 6 to the Abboud Declaration are Petitioner’s Responses to Form Interrogatories along with a copy of Petitioner’s Schedule of Assets and Debts. A copy of the Abboud Declaration downloaded from the LASC website is attached to the concurrently filed Request for Judicial Notice as Exhibit A. The relevant portions are on pages 9, 35, and 39.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration is executed on September 6, 2023, at Los Angeles, California.

/s/ Jillian P. Harris  
JILLIAN P. HARRIS

<sup>3</sup> I am aware of Plaintiff’s name based on her Ex Parte Application for a TRO filed on August 2, 2022 in this case. Plaintiff publicly revealed her identity in the exhibits to that application.

# EXHIBIT 1

AA0344

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

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6 **TEL:** (310) 551-0949 • **FAX:** (855) 299-4444

7 Attorneys for Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

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

12 )  
13 **PLAINTIFF,** )

14 vs. )

15 ALKIVIADES DAVID, an Individual, a.k.a.)  
16 ALKI DAVID; HOLOGRAM USA, INC., a )  
California Corporation, a.k.a. HOLOGRAM )  
17 USA PRODUCTIONS, INC., HOLOGRAM )  
USA ENTERTAINMENT, INC., FILMON.TV, )  
18 INC., FILMON.TV NETWORKS, INC. and )  
FILMON.TV LA, INC.; SWISSX LABS AG, )  
19 INC., a California Corporation, a.le.a. SWISSX )  
LOUNGE and FILMONTV UK, LTD.; and )  
DOES 1 through 150, Inclusive, )

20 **DEFENDANTS.** )  
21 )

CASE No.: 20STCV37498

**PLAINTIFF’S RESPONSES TO  
DEFENDANT ALKIVIADES  
DAVID’S SPECIAL  
INTERROGATORIES**

**SET NUMBER ONE (1)**

22 **PROPOUNDING PARTY : DEFENDANT ALKIVIADES DAVID**

23 **RESPONDING PARTY : PLAINTIFF JANE DOE**

24 **SET NUMBER : ONE (1)**

25 COMES NOW PLAINTIFF AND RESPONDS AS FOLLOWS:

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1 on Responding Party's understanding of the discovery, Responding Party responds as follows: By  
2 mid-April 2019, Alkiviades David owed Responding Party and her co-workers, a substantial amount  
3 of unpaid wages and/or commissions. In fact, Responding Party regularly received complaints from  
4 various vendors who were owed money. Responding Party's co-workers also complained to her on  
5 a routine basis about Alkiviades David ignoring them whenever they asked him about their pay. By  
6 or about late June 2019, Alkiviades David had become increasingly erratic and unpredictable with  
7 relation to his business decisions. At one point in time in or about late-May 2019, Alkiviades David  
8 summarily terminated a number of employees without warning or reason. Responding Party  
9 estimates that the amount of unpaid wages and commissions owed to her exceeds \$10,000.  
10 Additionally, Alkiviades David had also made several promises to Responding Party that he later  
11 refused to honor, including, but not limited to, promising to furnishing her with a company car for  
12 her employment-related travel needs. By or about the first week of July 2019, Responding Party  
13 learned from several co-workers that Alkiviades David had paid them the wages he owed, while she  
14 was still waiting to be paid for what he owed her. Responding Party thereafter confronted Alkiviades  
15 David about the pay he owed her, but he refused to pay her, thereby ending her employment.

16 However, since this Responding Party's investigation and discovery are continuing, this  
17 Responding Party does not have sufficient facts available to her, at this time, to furnish a complete  
18 response to this Interrogatory; therefore, this Responding Party hereby reserves the right to amend  
19 this response in the future, once additional information/facts have been discovered.

20 **SPECIAL INTERROGATORY NO. 33:**

21 Describe each INJURY (The term "INJURY" refers to any injury, illness, or disability, either  
22 physical or emotional, YOU claim to have suffered as a result of DEFENDANT'S conduct as alleged  
23 in the COMPLAINT) YOU contend suffered as a result of DEFENDANT'S conduct as alleged in  
24 YOUR COMPLAINT, including the parts of YOUR body injured, and any psychological harm, as  
25 well as the severity of the INJURY, and how long the INJURY lasted.

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1 **RESPONSE TO SPECIAL INTERROGATORY NO. 33:**

2 **OBJECTION.** This Interrogatory seeks information which is properly the subject of expert  
3 legal opinion as to which this Responding Party is not qualified or competent to render, thereby  
4 constituting premature discovery of expert witness opinion in violation of *Cal Code of Civ. Proc.*  
5 §§ 2034.210 - 2034.310. As it is well known, contention interrogatories, such as the instant  
6 Interrogatory, cannot be used to require a layperson, such as this Responding Party, to furnish  
7 responses to matters involving standard of care, causation, special skill, special knowledge, or  
8 special expertise on which expert testimony may be required at trial. (*See Bockrath v. Aldrich Chem.*  
9 *Co., Inc.* (1999) 21 Cal.4<sup>th</sup> 71, 84.) Finally, this Interrogatory is also compound, complex,  
10 conjunctive and/or disjunctive, containing multiple sub-parts in violation of *Cal Code of Civ. Proc.*  
11 § 2030.060(f). Nevertheless, subject to, and without waiving the foregoing objections, and based  
12 on Responding Party's understanding of the discovery, Responding Party responds as follows: The  
13 rape she was subjected to has caused Responding Party to suffer a great deal of emotional distress  
14 and anguish, humiliation, post-traumatic stress, depression, loss of appetite, nightmares, turbulent  
15 bouts of anger and rage, anxiety, sadness, fear and other forms of emotional distress, depending on  
16 the triggers that remind her of what she endured. This "injury" was extremely severe and continues  
17 past the present day. However, since this Responding Party's investigation and discovery are  
18 continuing, this Responding Party does not have sufficient facts available to her, at this time, to  
19 furnish a complete response to this Interrogatory; therefore, this Responding Party hereby reserves  
20 the right to amend this response in the future, once additional information/facts have been  
21 discovered.

22 **SPECIAL INTERROGATORY NO. 34:**

23 IDENTIFY every MEDICAL CARE PROVIDER (The term "MEDICAL CARE  
24 PROVIDER" includes all persons who provide any type of health care, mental health care, or  
25 rehabilitation care on a professional basis, such as physicians, surgeons, nurses, paramedics, physical  
26 therapists, rehabilitation therapists, chiropractors, podiatrists, psychiatrists, psychologists, and mental  
27 health counselors and therapists) who examined, diagnosed, treated, or otherwise provided  
28 MEDICAL CARE (The term "MEDICAL CARE" includes any medical care, aid, treatment,

1 comfort, diagnosis, prognosis, or examination by any medical care provider or other person for any  
2 INJURY, including any mental, emotional, or psychological illness) to YOU for the period April 1,  
3 2015 to the present.

4 **RESPONSE TO SPECIAL INTERROGATORY NO. 34:**

5 **OBJECTION.** Responding Party objects that the term “Medical Care Provider” is vague  
6 and ambiguous. As such, said Interrogatory is sufficiently unclear so as to lead to an improper  
7 response due to its ambiguity and vagueness. Responding Party further objects to this Interrogatory  
8 on the ground that it seeks the disclosure of information protected by Responding Party’s  
9 Constitutional Right to Privacy contained in Article 1, § 1 of the Constitution of the State of  
10 California. In this regard, California case authority proscribes fishing expeditions into a plaintiff’s  
11 medical records solely on the basis of speculation that something of interest may surface. (*See*  
12 *Vinson v. Sup.Ct.* (1987) 43 Cal.3d 833, 840; *Mendez v. Sup.Ct.* (1988) 206 Cal.App.3d 557, 571;  
13 *Tylo v. Sup.Ct.* (1997) 55 Cal.App.4<sup>th</sup> 1379, 1387.) In this regard, simply because this Responding  
14 Party has filed a lawsuit does not signal the his waiver of his right to privacy or the physician-patient  
15 privilege regarding unrelated matters. (*See, e.g., In Re Lifschutz* (1970) 2 Cal.3d 415, 435; *see also*  
16 *Britt vs. Sup.Ct.* (1978) 20 Cal.3d 844, 864; and *Vinson*, 43 Cal.3d at 841-842.) In fact, it has been  
17 concluded that the “[d]iscovery of constitutionally protected information is on a par with discovery  
18 of privileged information **and is more narrowly proscribed than traditional discovery.**” (*Tylo*,  
19 55 Cal.App.4<sup>th</sup> at 1387.) (Emphasis added.) Moreover, this Interrogatory also appears to  
20 impermissibly and prematurely seeks the identities of expert witnesses and expert witness materials.  
21 Accordingly, since the information sought by this Request is governed by *Code of Civ. Proc.* §§  
22 2034.210 - 2034.310, it is presently protected by the attorney work-product privilege. (*See*  
23 *Rodriguez v. McDonnell Douglas Corp.* (1978) 87 Cal.App.3d 626, 647-648; *Scotsman Mfg. v.*  
24 *Sup.Ct.* (1966) 242 Cal.App.2d 527, 530; *Williamson v. Sup.Ct.* (1978) 21 Cal.3d 829, 834; *Mack*  
25 *v. Sup.Ct.* (1968) 259 Cal.App.2d 7,10; *Nacht & Lewis Arch. vs. Sup.Ct.* (1996) 47 Cal.App.4<sup>th</sup> 214.)  
26 Nevertheless, subject to, and without waiving the foregoing objections, and assuming this  
27 Interrogatory is seeking non-expert witness related information and relating to the injuries  
28 Responding Party sustained, Responding Party responds as follows: Planned Parenthood, 1014 ½

1 N Vermont Ave, Los Angeles, CA 90029, (800) 576-5544. However, since this Responding Party's  
2 investigation and discovery are continuing, this Responding Party does not have sufficient facts  
3 available to her, at this time, to furnish a complete response to this Interrogatory; therefore, this  
4 Responding Party hereby reserves the right to amend this response in the future, once additional  
5 information/facts have been discovered.

6 **SPECIAL INTERROGATORY NO. 35:**

7 IDENTIFY each MEDICAL CARE INSTITUTION (The term "MEDICAL CARE  
8 INSTITUTION" includes hospitals, health care centers, rape crisis clinics, counseling centers,  
9 trauma centers, health maintenance organizations, rehabilitation facilities, medical clinics, and  
10 associations of MEDICAL CARE PROVIDERS in any form) in which or from which YOU received  
11 MEDICAL CARE for the INJURY.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 35:**

13 **OBJECTION.** Responding Party objects that the term "Medical Care Institution" is vague  
14 and ambiguous. As such, said Interrogatory is sufficiently unclear so as to lead to an improper  
15 response due to its ambiguity and vagueness. Moreover, this Interrogatory also appears to  
16 impermissibly and prematurely seeks the identities of expert witnesses and expert witness materials.  
17 Accordingly, since the information sought by this Request is governed by *Code of Civ. Proc.* §§  
18 2034.210 - 2034.310, it is presently protected by the attorney work-product privilege. (*See*  
19 *Rodriguez v. McDonnell Douglas Corp.* (1978) 87 Cal.App.3d 626, 647-648; *Scotsman Mfg. v.*  
20 *Sup.Ct.* (1966) 242 Cal.App.2d 527, 530; *Williamson v. Sup.Ct.* (1978) 21 Cal.3d 829, 834; *Mack*  
21 *v. Sup.Ct.* (1968) 259 Cal.App.2d 7,10; *Nacht & Lewis Arch. vs. Sup.Ct.* (1996) 47 Cal.App.4th 214.)  
22 Nevertheless, subject to, and without waiving the foregoing objections, and assuming this  
23 Interrogatory is seeking non-expert witness related information and relating to the injuries  
24 Responding Party sustained, Responding Party responds as follows: Planned Parenthood, 1014 1/2  
25 N Vermont Ave, Los Angeles, CA 90029, (800) 576-5544. However, since this Responding Party's  
26 investigation and discovery are continuing, this Responding Party does not have sufficient facts  
27 available to her, at this time, to furnish a complete response to this Interrogatory; therefore, this  
28 Responding Party hereby reserves the right to amend this response in the future, once additional

1 information/facts have been discovered.

3 LIVINGSTON • BAKHTIAR

5 Dated: 4/28/23

EBBY S. BAKHTIAR  
ATTORNEY FOR PLAINTIFF,  
JANE DOE

27 L•B  
28 LAW

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## VERIFICATION

I have read the foregoing PLAINTIFF'S RESPONSES TO DEFENDANT ALKIVIADES DAVID'S SPECIAL INTERROGATORIES, SET NUMBER ONE (1) and know its contents.

### CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my knowledge except as to those matters that are stated on information and belief, as to those matters I believe them to be true.

Executed on 7/20/2023, at Los Angeles, California.

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

JANE DOE  
Type or Print Name

DocuSigned by:  
  
BFEB8C8774246A...  
Signature

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# EXHIBIT 2

AA0352

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1 **EBBY S. BAKHTIAR, ESQ.** (SBN: 215032)  
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6 TEL: (310) 551-0949 • FAX: (855) 299-4444

7 Attorneys for Plaintiff

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

11 JANE DOE, an Adult Individual Suing Under  
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12 )  
13 PLAINTIFF, )

14 vs. )

15 ALKIVIADES DAVID, an Individual, a.k.a.)  
16 ALKI DAVID; HOLOGRAM USA, INC., a )  
California Corporation, a.k.a. HOLOGRAM )  
17 USA PRODUCTIONS, INC., HOLOGRAM )  
USA ENTERTAINMENT, INC., FILMON.TV, )  
18 INC., FILMON.TV NETWORKS, INC. and )  
FILMON.TV LA, INC.; SWISSX LABS AG, )  
19 INC., a California Corporation, a.le.a. SWISSX )  
LOUNGE and FILMONTV UK, LTD.; and )  
DOES 1 through 150, Inclusive, )

20 )  
21 DEFENDANTS. )

CASE No.: 20STCV37498

**PLAINTIFF’S RESPONSES TO  
DEFENDANT ALKIVIADES  
DAVID’S FORM  
INTERROGATORIES -  
EMPLOYMENT LAW**

**SET NUMBER ONE (1)**

22 **PROPOUNDING PARTY : ALKIVIADES DAVID**

23 **RESPONDING PARTY : JANE DOE**

24 **SET NUMBER : ONE (1)**

25 COMES NOW PLAINTIFF AND RESPONDS AS FOLLOWS:

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1 (c) Shannon Liss-Riordan and Anne Kramer, Lichten & Liss-Riordan, P.C., 729  
2 Boylston Street, Suite 2000, Boston, MA 02116, (617) 994-5800. However, since  
3 this Responding Party's investigation and discovery is continuing, this Responding  
4 Party does not have sufficient facts available to him, at this time, to furnish a  
5 complete response to this Interrogatory; therefore, this Responding Party hereby  
6 reserves the right to amend this response in the future, once additional  
7 information/facts have been discovered.

8 (d) Resolved. However, since this Responding Party's investigation and discovery is  
9 continuing, this Responding Party does not have sufficient facts available to him, at  
10 this time, to furnish a complete response to this Interrogatory; therefore, this  
11 Responding Party hereby reserves the right to amend this response in the future, once  
12 additional information/facts have been discovered.

13 **EMPLOYMENT FORM INTERROGATORY NO. 210.1:**

14 Do you attribute any loss of income, benefits, or earning capacity to any ADVERSE  
15 EMPLOYMENT ACTION? (If your answer is "no," do not answer Interrogatories 210.2 through  
16 210.6)

17 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 210.1:**

18 **OBJECTION.** This Interrogatory is excessively broad and unclear as to this propounding  
19 Defendant's definition of "Adverse Employment Action," as well as the terms "benefits" and  
20 "earning capacity," thereby requiring this Responding Party to speculate as to the propounding  
21 Defendant's intended meaning. As such, said Interrogatory is sufficiently unclear so as to lead to  
22 an improper response due to its ambiguity and vagueness. Additionally, this Interrogatory  
23 impermissibly seeks information which is properly the subject of expert opinion and testimony as  
24 to which this Responding Party is not qualified or competent to render, thereby constituting  
25 premature discovery of expert witness opinion in violation of *California Code of Civil Procedure*  
26 §§ 2034.210 - 2034.310. Subject to and without waiving any of its objections, to the extent that  
27 Responding Party understand the Interrogatory, Responding Party responds as follows: Yes.  
28 However, since this Responding Party's investigation and discovery is continuing, this Responding

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1 Party does not have sufficient facts available, at this time, to furnish a complete response to this  
2 Interrogatory; therefore, this Responding Party hereby reserves the right to amend this response in  
3 the future, once additional information/facts have been discovered.

4 **EMPLOYMENT FORM INTERROGATORY NO. 210.2:**

5 State the total amount of income, benefits, or earning capacity you have lost to date and how  
6 the amount was calculated.

7 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 210.2:**

8 **OBJECTION.** This Interrogatory is excessively broad and unclear as to the terms “benefits”  
9 and “earning capacity,” thereby requiring this Responding Party to speculate as to the propounding  
10 Defendant’s intended meaning. As such, said Interrogatory is sufficiently unclear so as to lead to  
11 an improper response due to its ambiguity and vagueness. Additionally, this Interrogatory  
12 impermissibly seeks information which is properly the subject of expert opinion and testimony as  
13 to which this Responding Party is not qualified or competent to render, thereby constituting  
14 premature discovery of expert witness opinion in violation of *California Code of Civil Procedure*  
15 §§ 2034.210 - 2034.310. Subject to and without waiving any of its objections, to the extent that  
16 Responding Party understand the Interrogatory, Responding Party responds as follows: Responding  
17 Party has not worked for FilmOn TV or Swiss X for approximately 44 months, so far. As her  
18 compensation at the time of her unlawful termination was \$25 per hour, her lost compensation  
19 (including, at minimum, 10 hours a week of overtime), is \$263,000. The foregoing does not account  
20 for the loss suffered by Responding Party with relation to her non-economic damages. However,  
21 since her unlawful termination from Swiss X, Responding Party has had several other smaller or  
22 part-time jobs in an effort to mitigate her losses. While Responding Party has not yet calculated the  
23 total value of the income derived from such jobs, she estimates that the total value of her efforts to  
24 mitigate her losses amounts to approximately \$50,000 to \$70,000 or less. This also does not account  
25 for the fact that the work she engaged in was not substantially similar to the work she did for  
26 Defendants. However, since this Responding Party’s investigation and discovery is continuing, this  
27 Responding Party does not have sufficient facts available, at this time, to furnish a complete response  
28 to this Interrogatory; therefore, this Responding Party hereby reserves the right to amend this

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1 response in the future, once additional information/facts have been discovered.

2 **EMPLOYMENT FORM INTERROGATORY NO. 210.3:**

3 Will you lose any income, benefits, or earning capacity in the future as a result of any  
4 ADVERSE EMPLOYMENT ACTION? If so state the total amount of income, benefits, or earning  
5 capacity you expect to lose, and how the amount was calculated.

6 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 210.3:**

7 **OBJECTION.** This Interrogatory is excessively broad and unclear as to this propounding  
8 Defendant's definition of "Adverse Employment Action," as well as the terms "benefits" and  
9 "earning capacity," thereby requiring this Responding Party to speculate as to the propounding  
10 Defendant's intended meaning. As such, said Interrogatory is sufficiently unclear so as to lead to  
11 an improper response due to its ambiguity and vagueness. Additionally, this Interrogatory  
12 impermissibly seeks information which is properly the subject of expert opinion and testimony as  
13 to which this Responding Party is not qualified or competent to render, thereby constituting  
14 premature discovery of expert witness opinion in violation of *Cal. Code of Civ. Proc.* §§ 2034.210  
15 -2034.310. Subject to and without waiving any of its objections, to the extent that Responding Party  
16 understand the Interrogatory, Responding Party responds as follows: Yes, but Responding Party has  
17 yet to retain the requisite experts needed to make this calculation. However, since this Responding  
18 Party's investigation and discovery is continuing, this Responding Party does not have sufficient  
19 facts available, at this time, to furnish a complete response to this Interrogatory; therefore, this  
20 Responding Party hereby reserves the right to amend this response in the future, once additional  
21 information/facts have been discovered.

22 **EMPLOYMENT FORM INTERROGATORY NO. 210.4:**

23 Have you attempted to minimize the amount of your lost income? If so, describe how; if not,  
24 explain why not.

25 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 210.4:**

26 **OBJECTION.** This Interrogatory is excessively broad and unclear as to the terms  
27 "minimize" and "lost income," thereby requiring this Responding Party to speculate as to the  
28 propounding Defendant's intended meaning. As such, said Interrogatory is sufficiently unclear so

1 as to lead to an improper response due to its ambiguity and vagueness. Additionally, this  
2 Interrogatory impermissibly seeks information which is properly the subject of expert opinion and  
3 testimony as to which this Responding Party is not qualified or competent to render, thereby  
4 constituting premature discovery of expert witness opinion in violation of *Cal. Code of Civil Proc.*  
5 §§ 2034.210 - 2034.310. Subject to and without waiving any of its objections, to the extent that  
6 Responding Party understand the Interrogatory, Responding Party responds as follows: Yes, by  
7 attempting to and securing employment. However, since this Responding Party's investigation and  
8 discovery is continuing, this Responding Party does not have sufficient facts available, at this time,  
9 to furnish a complete response to this Interrogatory; therefore, this Responding Party hereby reserves  
10 the right to amend this response in the future, once additional information/facts have been  
11 discovered.

12 **EMPLOYMENT FORM INTERROGATORY NO. 210.5:**

13 Have you purchased any benefits to replace any benefits to which you would have been  
14 entitled if the ADVERSE EMPLOYMENT ACTION had not occurred? If so, state the cost for each  
15 benefit purchased.

16 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 210.5:**

17 **OBJECTION.** This Interrogatory is excessively broad and unclear as to this propounding  
18 Defendant's definition of "Adverse Employment Action," as well as the term "benefits," thereby  
19 requiring this Responding Party to speculate as to the propounding Defendant's intended meaning.  
20 As such, said Interrogatory is sufficiently unclear so as to lead to an improper response due to its  
21 ambiguity and vagueness. Subject to and without waiving any of its objections, to the extent that  
22 Responding Party understand the Interrogatory, Responding Party responds as follows: No.  
23 However, since this Responding Party's investigation and discovery is continuing, this Responding  
24 Party does not have sufficient facts available, at this time, to furnish a complete response to this  
25 Interrogatory; therefore, this Responding Party hereby reserves the right to amend this response in  
26 the future, once additional information/facts have been discovered.

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1 **EMPLOYMENT FORM INTERROGATORY NO. 212.4:**

2 Did you receive any consultation or examination (except from expert witnesses covered by  
3 Code of Civil Procedure section 2034) or treatment from a HEALTH CARE PROVIDER for any  
4 injury you attribute to the ADVERSE EMPLOYMENT ACTION? If so, for each HEALTH CARE  
5 PROVIDER state:

- 6 (a) the name, ADDRESS, and telephone number;
- 7 (b) the type of consultation, examination, or treatment provided;
- 8 (c) the dates you received consultation, examination, or treatment; and
- 9 (d) the charges to date.

10 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 212.4:**

11 **OBJECTION.** This Interrogatory appears to impermissibly and prematurely seek the  
12 identities of expert witnesses and expert witness materials. Accordingly, since the information  
13 sought by this Request is governed by *Code of Civil Procedure* §§ 2034.210 - 2034.310, it is  
14 presently protected by the attorney work-product privilege. (*See Rodriguez v. McDonnell Douglas*  
15 *Corp.* (1978) 87 Cal.App.3d 626, 647-648; *Scotsman Mfg. v. Sup.Ct.* (1966) 242 Cal.App.2d 527,  
16 530; *Williamson v. Sup.Ct.* (1978) 21 Cal.3d 829, 834; *Mack v. Sup.Ct.* (1968) 259 Cal.App.2d 7,10;  
17 *Nacht & Lewis Arch. vs. Sup.Ct.* (1996) 47 Cal.App.4<sup>th</sup> 214.) This Interrogatory is also excessively  
18 broad and unclear as to this propounding Defendant's definition of "Adverse Employment Action,"  
19 thereby requiring this Responding Party to speculate as to the propounding Defendant's intended  
20 meaning. As such, said Interrogatory is sufficiently unclear so as to lead to an improper response  
21 due to its ambiguity and vagueness. Additionally, this Interrogatory seeks information that is equally  
22 available to this Propounding Defendant. Subject to and without waiving any of its objections, and  
23 assuming that this Interrogatory is seeking information about non-consulting expert witnesses, and  
24 to the extent that Responding Party understand the Interrogatory, Responding Party responds as  
25 follows: Yes.

- 26 → (a) Planned Parenthood, 1014 ½ N Vermont Ave, Los Angeles, CA 90029, (800) 576-  
27 5544. However, since this Responding Party's investigation and discovery is  
28 continuing, this Responding Party does not have sufficient facts available, at this

1 time, to furnish a complete response to this Interrogatory; therefore, this Responding  
2 Party hereby reserves the right to amend this response in the future, once additional  
3 information/facts have been discovered.

4 (b) Responding Party was examined and treated. However, since this Responding Party's  
5 investigation and discovery is continuing, this Responding Party does not have  
6 sufficient facts available, at this time, to furnish a complete response to this  
7 Interrogatory; therefore, this Responding Party hereby reserves the right to amend  
8 this response in the future, once additional information/facts have been discovered.

9 → (c) May 9, 2019. However, since this Responding Party's investigation and discovery is  
10 continuing, this Responding Party does not have sufficient facts available, at this  
11 time, to furnish a complete response to this Interrogatory; therefore, this Responding  
12 Party hereby reserves the right to amend this response in the future, once additional  
13 information/facts have been discovered.

14 (d) None. However, since this Responding Party's investigation and discovery is  
15 continuing, this Responding Party does not have sufficient facts available, at this  
16 time, to furnish a complete response to this Interrogatory; therefore, this Responding  
17 Party hereby reserves the right to amend this response in the future, once additional  
18 information/facts have been discovered.

19 **EMPLOYMENT FORM INTERROGATORY NO. 212.5:**

20 Have you taken any medication, prescribed or not, as a result of the injuries you attribute to  
21 the ADVERSE EMPLOYMENT ACTION? If so, for each medication state:

- 22 (a) the name of the medication;
- 23 (b) the name, ADDRESS, and telephone number of the PERSON who prescribed or  
24 furnished it;
- 25 (c) the date prescribed or furnished;
- 26 (d) the date you began and stopped taking it; and
- 27 (e) the cost to date.

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

1 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 212.5:**

2 **OBJECTION.** This Interrogatory appears to impermissibly and prematurely seek the  
3 identities of expert witnesses and expert witness materials. Accordingly, since the information  
4 sought by this Request is governed by *Code of Civil Procedure* §§ 2034.210 - 2034.310, it is  
5 presently protected by the attorney work-product privilege. (See *Rodriguez v. McDonnell Douglas*  
6 *Corp.* (1978) 87 Cal.App.3d 626, 647-648; *Scotsman Mfg. v. Sup.Ct.* (1966) 242 Cal.App.2d 527,  
7 530; *Williamson v. Sup.Ct.* (1978) 21 Cal.3d 829, 834; *Mack v. Sup.Ct.* (1968) 259 Cal.App.2d 7,10;  
8 *Nacht & Lewis Arch. vs. Sup.Ct.* (1996) 47 Cal.App.4<sup>th</sup> 214.) This Interrogatory is also excessively  
9 broad and unclear as to this propounding Defendant’s definition of “Adverse Employment Action,”  
10 thereby requiring this Responding Party to speculate as to the propounding Defendant’s intended  
11 meaning. As such, said Interrogatory is sufficiently unclear so as to lead to an improper response  
12 due to its ambiguity and vagueness. Additionally, this Interrogatory seeks information that is equally  
13 available to this Propounding Defendant. Subject to and without waiving any of its objections, and  
14 assuming that this Interrogatory is seeking information about non-consulting expert witnesses, and  
15 to the extent that Responding Party understand the Interrogatory, Responding Party responds as  
16 follows Yes.

17 (a) Metronidazole. 500 mg. However, since this Responding Party’s investigation and  
18 discovery is continuing, this Responding Party does not have sufficient facts  
19 available, at this time, to furnish a complete response to this Interrogatory; therefore,  
20 this Responding Party hereby reserves the right to amend this response in the future,  
21 once additional information/facts have been discovered.

22 → (b) Planned Parenthood, 1014 ½ N Vermont Ave, Los Angeles, CA 90029, (800) 576-  
23 5544. However, since this Responding Party’s investigation and discovery is  
24 continuing, this Responding Party does not have sufficient facts available, at this  
25 time, to furnish a complete response to this Interrogatory; therefore, this Responding  
26 Party hereby reserves the right to amend this response in the future, once additional  
27 information/facts have been discovered.

28 ///

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27  
28

1 (c) May 9, 2019. However, since this Responding Party's investigation and discovery is  
2 continuing, this Responding Party does not have sufficient facts available, at this  
3 time, to furnish a complete response to this Interrogatory; therefore, this Responding  
4 Party hereby reserves the right to amend this response in the future, once additional  
5 information/facts have been discovered.

6 (d) Twice orally for 7 days. However, since this Responding Party's investigation and  
7 discovery is continuing, this Responding Party does not have sufficient facts  
8 available, at this time, to furnish a complete response to this Interrogatory; therefore,  
9 this Responding Party hereby reserves the right to amend this response in the future,  
10 once additional information/facts have been discovered.

11 (e) None. However, since this Responding Party's investigation and discovery is  
12 continuing, this Responding Party does not have sufficient facts available, at this  
13 time, to furnish a complete response to this Interrogatory; therefore, this Responding  
14 Party hereby reserves the right to amend this response in the future, once additional  
15 information/facts have been discovered.

16 **EMPLOYMENT FORM INTERROGATORY NO. 212.6:**

17 Are there any other medical services not previously listed in response to Interrogatory 212.4  
18 (for example, ambulance, nursing, prosthetics) that you received for injuries attributed to the  
19 ADVERSE EMPLOYMENT ACTION? If so, for each service state:

- 20 (a) the nature;  
21 (b) the date;  
22 (c) the cost; and  
23 (d) the name, ADDRESS, and telephone number of each HEALTH CARE PROVIDER.

24 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 212.6:**

25 **OBJECTION.** This Interrogatory appears to impermissibly and prematurely seek the  
26 identities of expert witnesses and expert witness materials. Accordingly, since the information  
27 sought by this Request is governed by *Code of Civil Procedure* §§ 2034.210 - 2034.310, it is  
28 presently protected by the attorney work-product privilege. (*See Rodriguez v. McDonnell Douglas*

1 Corp. (1978) 87 Cal.App.3d 626, 647-648; *Scotsman Mfg. v. Sup.Ct.* (1966) 242 Cal.App.2d 527,  
2 530; *Williamson v. Sup.Ct.* (1978) 21 Cal.3d 829, 834; *Mack v. Sup.Ct.* (1968) 259 Cal.App.2d 7,10;  
3 *Nacht & Lewis Arch. vs. Sup.Ct.* (1996) 47 Cal.App.4<sup>th</sup> 214.) This Interrogatory is also excessively  
4 broad and unclear as to this propounding Defendant's definition of "Adverse Employment Action,"  
5 thereby requiring this Responding Party to speculate as to the propounding Defendant's intended  
6 meaning. As such, said Interrogatory is sufficiently unclear so as to lead to an improper response  
7 due to its ambiguity and vagueness. Additionally, this Interrogatory seeks information that is equally  
8 available to this Propounding Defendant. Subject to and without waiving any of its objections, and  
9 assuming that this Interrogatory is seeking information about non-consulting expert witnesses, and  
10 to the extent that Responding Party understand the Interrogatory, Responding Party responds as  
11 follows No. However, since this Responding Party's investigation and discovery is continuing, this  
12 Responding Party does not have sufficient facts available, at this time, to furnish a complete response  
13 to this Interrogatory; therefore, this Responding Party hereby reserves the right to amend this  
14 response in the future, once additional information/facts have been discovered.

15 **EMPLOYMENT FORM INTERROGATORY NO. 212.7:**

16 Has any HEALTH CARE PROVIDER advised that you may require future or additional  
17 treatment for any injuries that you attribute to the ADVERSE EMPLOYMENT ACTION? If so, for  
18 each injury state:

- 19 (a) the name, and ADDRESS of each HEALTH CARE PROVIDER;  
20 (b) the complaints for which the treatment was advised; and  
21 (c) the nature, duration, and estimated cost fo the treatment.

22 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 212.7:**

23 **OBJECTION.** This Interrogatory appears to impermissibly and prematurely seek the  
24 identities of expert witnesses and expert witness materials. Accordingly, since the information  
25 sought by this Request is governed by *Code of Civil Procedure* §§ 2034.210 - 2034.310, it is  
26 presently protected by the attorney work-product privilege. (See *Rodriguez v. McDonnell Douglas*  
27 *Corp.* (1978) 87 Cal.App.3d 626, 647-648; *Scotsman Mfg. v. Sup.Ct.* (1966) 242 Cal.App.2d 527,  
28 530; *Williamson v. Sup.Ct.* (1978) 21 Cal.3d 829, 834; *Mack v. Sup.Ct.* (1968) 259 Cal.App.2d 7,10;

1 *Nacht & Lewis Arch. vs. Sup.Ct.* (1996) 47 Cal.App.4<sup>th</sup> 214.) This Interrogatory is also excessively  
2 broad and unclear as to this propounding Defendant's definition of "Adverse Employment Action,"  
3 thereby requiring this Responding Party to speculate as to the propounding Defendant's intended  
4 meaning. As such, said Interrogatory is sufficiently unclear so as to lead to an improper response  
5 due to its ambiguity and vagueness. Additionally, this Interrogatory seeks information that is equally  
6 available to this Propounding Defendant. Subject to and without waiving any of its objections, and  
7 assuming that this Interrogatory is seeking information about non-consulting expert witnesses, and  
8 to the extent that Responding Party understand the Interrogatory, Responding Party responds as  
9 follows Not at this time. However, since this Responding Party's investigation and discovery is  
10 continuing, this Responding Party does not have sufficient facts available, at this time, to furnish a  
11 complete response to this Interrogatory; therefore, this Responding Party hereby reserves the right  
12 to amend this response in the future, once additional information/facts have been discovered.

13 **EMPLOYMENT FORM INTERROGATORY NO. 213.1:**

14 Are there any other damages that you attribute to the ADVERSE EMPLOYMENT ACTION?

15 If so, for each item of damage state:

- 16 (a) the nature;  
17 (b) the date it occurred;  
18 (c) the amount; and  
19 (d) the name, ADDRESS, and telephone number of each PERSON who has knowledge  
20 of the nature or amount of the damage.

21 **RESPONSE TO EMPLOYMENT FORM INTERROGATORY NO. 213.1:**

22 **OBJECTION.** This Interrogatory is excessively broad and unclear as to this propounding  
23 Defendant's definition of "Adverse Employment Action," as well as the term "damages," thereby  
24 requiring this Responding Party to speculate as to the propounding Defendant's intended meaning.  
25 As such, said Interrogatory is sufficiently unclear so as to lead to an improper response due to its  
26 ambiguity and vagueness. Additionally, this Interrogatory impermissibly seeks information which  
27 is properly the subject of expert opinion and testimony as to which this Responding Party is not  
28 qualified or competent to render, thereby constituting premature discovery of expert witness opinion

1 disclosure. Furthermore, this Interrogatory is excessively broad and unclear as to this propounding  
2 Defendant's definition of "Adverse Employment Action," thereby requiring this Responding Party  
3 to speculate as to the propounding Defendant's intended meaning. As such, said Interrogatory is  
4 sufficiently unclear so as to lead to an improper response due to its ambiguity and vagueness. Subject  
5 to and without waiving any of its objections, to the extent that Responding Party understand the  
6 Interrogatory, Responding Party responds as follows: No. However, since this Responding Party's  
7 investigation and discovery is continuing, this Responding Party does not have sufficient facts  
8 available, at this time, to furnish a complete. response to this Interrogatory; therefore, this  
9 Responding Party hereby reserves the right to amend this response in the future, once additional  
10 information/facts have been discovered.

LIVINGSTON • BAKHTIAR

Dated: 4/28/23

  
EBBY S. BAKHTIAR,  
ATTORNEY FOR PLAINTIFF,  
JANE DOE

L•B 27  
LAW 28

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

## VERIFICATION

I have read the foregoing PLAINTIFF'S RESPONSES TO DEFENDANT ALKIVIADES DAVID'S FORM INTERROGATORIES - EMPLOYMENT LAW, SET NUMBER ONE (1) and know its contents.

### CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my knowledge except as to those matters that are stated on information and belief, as to those matters I believe them to be true.

Executed on 7/20/2023, at Los Angeles, California.

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

JANE DOE  
Type or Print Name

DocuSigned by:  
  
BEFEB8C8774246A Signature

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

# EXHIBIT 3

AA0366

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

**From:** [Justin M. Kirk](#)  
**To:** [Jill Harris](#)  
**Cc:** [Aaron Allan](#); [Fred Heather](#); ["Sandra Jimenez"](#); ["Dustin Moaven"](#); ["Kim Anglin"](#); ["Jessica Huerta"](#); ["ESB"](#); ["Sandy"](#); ["Douglas Garcia"](#); ["Alex Munoz"](#); ["Celine Adran"](#)  
**Subject:** RE: Jane Doe v. David | Case No. 20STCV37498 | MEET AND CONFER RE: DEF DAVID ALKIVIADES' RESPONSES TO FIRST SET OF DISCOVERY  
**Date:** Wednesday, August 9, 2023 3:13:51 PM  
**Attachments:** [image003.png](#)  
[image006.png](#)

---

Hi Jill,

At this time, Plaintiff will not be calling any treating physicians in connection with her emotional/psychological injuries.

Plaintiff will not be providing anything further in regards to SROG Nos. 34-35.

Sincerely,  
Justin M. Kirk  
Attorney At Law

Livingston · Bakhtiar  
Equitable Plaza  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010  
Tel: 213-632-1550  
Fax: 213-632-3100  
[jmk@LivingstonBakhtiar.com](mailto:jmk@LivingstonBakhtiar.com)

\*\*\*\*\*

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---

**From:** Jill Harris <jharris@glaserweil.com>  
**Sent:** Monday, August 7, 2023 5:20 PM  
**To:** Justin M. Kirk <jmk@livingstonbakhtiar.com>  
**Cc:** Aaron Allan <aallan@glaserweil.com>; Fred Heather <fheather@glaserweil.com>; 'Sandra Jimenez' <sandra@dordicklaw.com>; 'Dustin Moaven' <dustin@dordicklaw.com>; 'Kim Anglin' <kim.anglin@dordicklaw.com>; 'Jessica Huerta' <jessica.huerta@dordicklaw.com>; 'ESB' <esb@livingstonbakhtiar.com>; 'Sandy' <sb@livingstonbakhtiar.com>; 'Douglas Garcia' <dag@livingstonbakhtiar.com>; 'Alex Munoz' <alex@dordicklaw.com>; 'Celine Adran' <celine@dordicklaw.com>  
**Subject:** RE: Jane Doe v. David | Case No. 20STCV37498 | MEET AND CONFER RE: DEF DAVID ALKIVIADES' RESPONSES TO FIRST SET OF DISCOVERY

Justin – I would add one more thing to the amended response:

**AA0367**

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*With the exception of Planned Parenthood, Plaintiff will not call any other treating medical professionals as witnesses at trial.*

Please provide the amended response by Wednesday or let me know your thoughts on the proposed language.

## Glaser Weil

**Jill Harris | Attorney**

10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067  
Main: 310.553.3000 | Direct: 310.282.6207 | Fax: 310.785.3507  
E-Mail: [jharris@glaserweil.com](mailto:jharris@glaserweil.com) | [www.glaserweil.com](http://www.glaserweil.com)



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---

**From:** Jill Harris  
**Sent:** Monday, August 7, 2023 5:10 PM  
**To:** Justin M. Kirk <[jmk@livingstonbakhtiar.com](mailto:jmk@livingstonbakhtiar.com)>  
**Cc:** Aaron Allan <[aallan@glaserweil.com](mailto:aallan@glaserweil.com)>; Fred Heather <[fheather@glaserweil.com](mailto:fheather@glaserweil.com)>; 'Sandra Jimenez' <[sandra@dordicklaw.com](mailto:sandra@dordicklaw.com)>; 'Dustin Moaven' <[dustin@dordicklaw.com](mailto:dustin@dordicklaw.com)>; 'Kim Anglin' <[kim.anglin@dordicklaw.com](mailto:kim.anglin@dordicklaw.com)>; 'Jessica Huerta' <[jessica.huerta@dordicklaw.com](mailto:jessica.huerta@dordicklaw.com)>; 'ESB' <[esb@livingstonbakhtiar.com](mailto:esb@livingstonbakhtiar.com)>; 'Sandy' <[sb@livingstonbakhtiar.com](mailto:sb@livingstonbakhtiar.com)>; 'Douglas Garcia' <[dag@livingstonbakhtiar.com](mailto:dag@livingstonbakhtiar.com)>; 'Alex Munoz' <[alex@dordicklaw.com](mailto:alex@dordicklaw.com)>; 'Celine Adran' <[celine@dordicklaw.com](mailto:celine@dordicklaw.com)>  
**Subject:** RE: Jane Doe v. David | Case No. 20STCV37498 | MEET AND CONFER RE: DEF DAVID ALKIVIADES' RESPONSES TO FIRST SET OF DISCOVERY

Hi Justin,

Below is my proposed language for your amended discovery responses:

*Plaintiff did not seek any psychological treatment during the period April 1, 2015 to the present. With the exception of Planned Parenthood, Plaintiff is not seeking damages in connection with any treatment she received from any medical professionals, including her family doctor, digestive doctor, or sinus doctor. With the exception of Planned Parenthood, Plaintiff did not speak with any medical professional about the events alleged in her First Amended Complaint.*

This also confirms our follow up conversation in which you indicated that Plaintiff would not provide the name of her family doctor based on privacy grounds. Defendant's position remains that, at the very least, the *name* of Plaintiff's doctor is discoverable and should also be included with the above language.

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Feel free to give me a call to discuss further.

# Glaser Weil

**Jill Harris | Attorney**

10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067  
Main: 310.553.3000 | Direct: 310.282.6207 | Fax: 310.785.3507  
E-Mail: [jharris@glaserweil.com](mailto:jharris@glaserweil.com) | [www.glaserweil.com](http://www.glaserweil.com)



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---

**From:** Justin M. Kirk <[jmk@livingstonbakhtiar.com](mailto:jmk@livingstonbakhtiar.com)>  
**Sent:** Monday, August 7, 2023 4:35 PM  
**To:** Jill Harris <[jharris@glaserweil.com](mailto:jharris@glaserweil.com)>  
**Cc:** Aaron Allan <[aallan@glaserweil.com](mailto:aallan@glaserweil.com)>; Fred Heather <[fheather@glaserweil.com](mailto:fheather@glaserweil.com)>; 'Sandra Jimenez' <[sandra@dordicklaw.com](mailto:sandra@dordicklaw.com)>; 'Dustin Moaven' <[dustin@dordicklaw.com](mailto:dustin@dordicklaw.com)>; 'Kim Anglin' <[kim.anglin@dordicklaw.com](mailto:kim.anglin@dordicklaw.com)>; 'Jessica Huerta' <[jessica.huerta@dordicklaw.com](mailto:jessica.huerta@dordicklaw.com)>; 'ESB' <[esb@livingstonbakhtiar.com](mailto:esb@livingstonbakhtiar.com)>; 'Sandy' <[sb@livingstonbakhtiar.com](mailto:sb@livingstonbakhtiar.com)>; 'Douglas Garcia' <[dag@livingstonbakhtiar.com](mailto:dag@livingstonbakhtiar.com)>; 'Alex Munoz' <[alex@dordicklaw.com](mailto:alex@dordicklaw.com)>; 'Celine Adran' <[celine@dordicklaw.com](mailto:celine@dordicklaw.com)>  
**Subject:** RE: Jane Doe v. David | Case No. 20STCV37498 | MEET AND CONFER RE: DEF DAVID ALKIVIADES' RESPONSES TO FIRST SET OF DISCOVERY

Hi Jill,

Just wanted to memorialize that we did have a telephone conversation regarding the matters you raised below. If you believe that based upon my explanation given over the phone that Plaintiff should further respond to RFP Nos. 34-35, please suggest some language and we can go from there.

Sincerely,  
Justin M. Kirk  
Attorney At Law

Livingston · Bakhtiar  
Equitable Plaza  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010  
Tel: 213-632-1550  
Fax: 213-632-3100  
[jmk@LivingstonBakhtiar.com](mailto:jmk@LivingstonBakhtiar.com)

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\*\*\*\*\*

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---

**From:** Jill Harris <[jharris@glaserweil.com](mailto:jharris@glaserweil.com)>  
**Sent:** Monday, August 7, 2023 4:10 PM  
**To:** Justin M. Kirk <[jmk@livingstonbakhtiar.com](mailto:jmk@livingstonbakhtiar.com)>  
**Cc:** Aaron Allan <[aallan@glaserweil.com](mailto:aallan@glaserweil.com)>; Fred Heather <[fheather@glaserweil.com](mailto:fheather@glaserweil.com)>; 'Sandra Jimenez' <[sandra@dordicklaw.com](mailto:sandra@dordicklaw.com)>; 'Dustin Moaven' <[dustin@dordicklaw.com](mailto:dustin@dordicklaw.com)>; 'Kim Anglin' <[kim.anglin@dordicklaw.com](mailto:kim.anglin@dordicklaw.com)>; 'Jessica Huerta' <[jessica.huerta@dordicklaw.com](mailto:jessica.huerta@dordicklaw.com)>; 'ESB' <[esb@livingstonbakhtiar.com](mailto:esb@livingstonbakhtiar.com)>; 'Sandy' <[sb@livingstonbakhtiar.com](mailto:sb@livingstonbakhtiar.com)>; 'Douglas Garcia' <[dag@livingstonbakhtiar.com](mailto:dag@livingstonbakhtiar.com)>; 'Alex Munoz' <[alex@dordicklaw.com](mailto:alex@dordicklaw.com)>; 'Celine Adran' <[celine@dordicklaw.com](mailto:celine@dordicklaw.com)>  
**Subject:** RE: Jane Doe v. David | Case No. 20STCV37498 | MEET AND CONFER RE: DEF DAVID ALKIVIADES' RESPONSES TO FIRST SET OF DISCOVERY

Hi Justin,

Thanks for taking the time to speak with me this afternoon. This confirms that you agreed to confer with your client about providing information for any psychological providers she has visited. As I explained on the call, given that Plaintiff is seeking damages for intentional infliction of emotional distress, as well as rape and sexual harassment, Plaintiff has put her mental state at issue in this case. Providing this clearly relevant information would reduce the number of issues that would need to be presented to the court.

Additionally, you agreed to speak with your client about providing some basic information that could potentially further reduce the need for court intervention such as: (1) confirming whether or not she obtained treatment from any providers except Planned Parenthood (no sense in arguing over information that does not exist), and (2) whether there are particular incidents or conditions that she feels are wholly irrelevant, such as records related to a car accident.

You agreed to get back to me about these issues by Wednesday. Feel free to give me a call if you would like to discuss further. Our goal is to avoid unnecessary motion practice and hope the parties can keep working together to achieve that.

Best,



**Jill Harris | Attorney**  
10250 Constellation Blvd., 19th Floor, Los Angeles, CA 90067  
Main: 310.553.3000 | Direct: 310.282.6207 | Fax: 310.785.3507  
E-Mail: [jharris@glaserweil.com](mailto:jharris@glaserweil.com) | [www.glaserweil.com](http://www.glaserweil.com)

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, 19<sup>th</sup> Floor, Los Angeles, California 90067.

On September 6, 2023, I served the foregoing document(s) described as:

1.	<b>REPLY TO OPPOSITION TO MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES AND REQUEST FOR SANCTIONS IN THE AMOUNT OF \$6,525; DECLARATION OF JILLIAN P. HARRIS; and</b>
2.	<b>REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REPLY TO OPPOSITION TO MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES</b>

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED LIST**

- (BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the office of the above named addressee(s).
- (BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court’s Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- (BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on September 6, 2023, at Los Angeles, California.

**Gwendolyn Edwards**

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**SERVICE LIST**

Gary A. Dordick, Esq.  
Dustin Moaven, Esq.  
DORDICK LAW CORPORATION  
509 South Beverly Drive  
Beverly Hills, CA 90212-4514  
Tel.: (310) 551-0949  
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[dustin@dordicklaw.com](mailto:dustin@dordicklaw.com)  
[sandra@dordicklaw.com](mailto:sandra@dordicklaw.com)  
[celine@dordicklaw.com](mailto:celine@dordicklaw.com)  
[alex@dordicklaw.com](mailto:alex@dordicklaw.com)

Attorneys for Plaintiff JANE DOE

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Justin M. Kirk, Esq.  
LIVINGSTON BAKHTIAR  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010  
Tel: (213) 632-1550  
Fax: (213) 632-3100  
Email: [esb@livingstonbakhtiar.com](mailto:esb@livingstonbakhtiar.com)  
[jmk@livingstonbakhtiar.com](mailto:jmk@livingstonbakhtiar.com)  
[sb@livingstonbakhtiar.com](mailto:sb@livingstonbakhtiar.com)  
[dag@livingstonbakhtiar.com](mailto:dag@livingstonbakhtiar.com)

Attorneys for Plaintiff JANE DOE

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**TAB 23**

**AA0373**

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1 FRED D. HEATHER - State Bar No. 110650  
fheather@glaserweil.com  
2 AARON P. ALLAN - State Bar No. 144406  
aallan@glaserweil.com  
3 JILLIAN P. HARRIS - State Bar No. 300119  
jharris@glaserweil.com  
4 GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP  
5 10250 Constellation Boulevard, 19th Floor  
Los Angeles, California 90067  
6 Telephone: (310) 553-3000  
Facsimile: (310) 556-2920  
7

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Superior Court of California,  
County of Los Angeles  
9/06/2023 8:59 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By A. Lopez, Deputy Clerk

8 Attorneys for Defendant  
ALKIVIADES DAVID a.k.a. ALKI DAVID  
9

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

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

14 Plaintiffs,

15 v.

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

22 Defendants.  
23  
24  
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27  
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Case No. 20STCV37498  
*Unlimited Jurisdiction*

Assigned to the Honorable Christopher K. L  
Department: 76

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF REPLY TO OPPOSITION  
TO MOTION TO COMPEL FURTHER  
RESPONSES TO INTERROGATORIES**

*[Reply to Opposition to Motion to Compel  
Further Reponses to Interrogatories filed  
concurrently herewith]*

**Reservation No. 258401690947**  
Date: September 13, 2023  
Time: 8:30 a.m.

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

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** Defendant Alkiviades David (“Defendant”) hereby respectfully  
3 requests that the Court take judicial notice, pursuant to California Evidence Code sections 452 and  
4 453 and California Rule of Court rules 3.1113(l) and 3.1306(c), of the following for consideration in  
5 support of his Reply to Opposition Motion to Compel Further Responses.

6 Pursuant to California Code of Evidence Section 452(d), Defendants request that the Court  
7 take judicial notice of the following facts:

8 1. On October 5, 2021, Jacke A. Abboud, Esq., Counsel for Petitioner in *In Re*  
9 *Marriage of Choubery* (LASC Case No. 19STFL0582) filed a Further Reply Declaration of Jackie  
10 A. Abboud Re RFO to Compel and Re Respondent’s Non-Compliance with Court Orders (“Abboud  
11 Declaration”). Attached as Exhibit 6 to the Abboud Declaration are Respondent’s Responses to  
12 Form Interrogatories along with a copy of Respondent’s Schedule of Assets and Debts. A copy of  
13 the Abboud Declaration downloaded from the LASC website is attached hereto as **Exhibit A**. The  
14 relevant portions are on pages 9, 35, and 39 of the attached pdf.

15  
16 DATED: September 6, 2023

GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP

17  
18 By: /s/ Jillian P. Harris  
19 FRED D. HEATHER  
20 AARON P. ALLAN  
21 JILLIAN P. HARRIS  
22 Attorneys for Defendant  
23 ALKIVIADES DAVID a.k.a. ALKI DAVID  
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# EXHIBIT A

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**JACKIE A. ABBOUD**  
A PROFESSIONAL LAW CORPORATION  
1999 AVENUE OF THE STARS  
SUITE 1100  
LOS ANGELES, CALIFORNIA 90067  
TEL (310) 407-5310 - FAX (310) 388-5311  
Jackie A. Abboud, SBN 212203

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

OCT 05 2021

Sherri R. Carter, Executive Officer/Clerk of Court  
By Brandi Marroquin, Deputy

Attorneys for Petitioner

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

In Re Marriage of: )  
Petitioner: ELIE CHOUEIRY )  
and )  
Respondent: MARGERITA ANNE )  
NICOLAS )

CASE NO. 19STFL05892  
**FURTHER REPLY DECLARATION OF  
JACKIE A. ABBOUD RE RFO TO  
COMPEL AND RE RESPONDENT'S  
NON-COMPLIANCE WITH THE  
COURT'S ORDERS**  
Date: October 14, 2021  
Time: 8:30 a.m.  
Dept.: 22  
Judicial Officer: Michael R. Powell

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10/06/21

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**DECLARATION OF JACKIE A. ABBOUD**

I, JACKIE A. ABBOUD, declare and state as follows:

1. I am an attorney licensed to practice in the State of California and am a member of JACKIE A. ABBOUD, APLC, attorneys for Petitioner, ELIE CHOUËIRY, in the within action. The facts herein stated are within my personal knowledge and I further affirmatively state that, if sworn as a witness, I could and would competently testify thereto.

**2. This Declaration SUPPLEMENTS the Declaration submitted on August 16, 2021.**

3. In submitting this Supplemental Declaration, I am requesting that the Court order Respondent to provide an Amended Response and produce the additional documents responsive to Petitioner’s Demand for Production of Documents, Set No. One, as well as issue sanctions against Respondent and/or her counsel of not less than \$3,300, for Respondent’s refusal to comply with her discovery obligations and her refusal to meaningfully meet and confer to settle the issues, in violation of the Court’s June 28<sup>th</sup> and August 20, 2021 Orders.

4. As the Court may recall, despite numerous requests, Respondent REFUSED to “meet and confer” as ordered by the Court by the August 6, 2021 deadline (and not even before the August 20, 2021 hearing).

**RESPONDENT’S OPPOSITION SHOULD NOT BE CONSIDERED BY THE COURT, AS IT IS IN VIOLATION OF CALIFORNIA RULES OF COURT, RULE 5.92**

5. Respondent’s opposition should be disregarded by the Court, as it is in violation of California Rules of Court, Rule 5.92(a)(1)(C), which requires a Responsive Declaration to Request for Order ( Form FL-320) to be used to respond to the orders sought in Form FL-300.

**THE COURT SHOULD GRANT PETITIONER’S MOTION TO COMPEL, AS RESPONDENT DID NOT MEET AND CONFER IN GOOD FAITH, DID NOT AMEND HER RESPONSE, NOR DID SHE PRODUCE FURTHER RESPONSIVE DOCUMENTS**

6. It appears that Respondent’s counsel **DOES NOT READ** any emails sent to him for weeks (if at all), and he does not review any documents filed and/or provided to him or served on him. It is obvious from Respondent’s Opposition that Mr. Shafie did not review the Declaration I submitted on August 16, 2021 (served on him on August 13, 2021), otherwise, Mr. Shafie would have known that the Motion to Compel is NOT MOOT. (Attached as **Exhibit “1”** is a copy my

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1 email confirming service of the Reply.)

2 7. Contrary to Mr. Shafie's claim, the documents produced by Mr. Keropian, were  
3 produced with Respondent's Schedule of Assets/Debts and her Responses to Form Interrogatories,  
4 Set No. One. Respondent's predecessor counsel did NOT respond at all to Petitioner's  
5 Demand for Production. I did not pursue a motion to compel at the time, as all discovery was  
6 placed on hold pending settlement negotiations. In addition, a global settlement was reached.

7 8. When Respondent reneged on the settlement agreement, and refused to sign the  
8 Judgment after 3 months, I re-propounded Respondent's Demand on April 11, 2021, with the  
9 understanding that UPDATED documents would be produced through April 23, 2021  
10 (current date of production). (Attached as Exhibit "2" is a copy of the 04/11/2021 email.)

11 **PETITIONER'S MOTION TO COMPEL IS NOT MOOT, AS RESPONDENT MUST**  
12 **PROVIDE UPDATED DOCUMENTS AND AMEND HER RESPONSE**

13 9. By way of reminder, I was unable (and continue to be unable) to open the substantially  
14 majority of the documents sent via email by Mr. Shafie (some of which I had NO ACCESS to, and  
15 I received an ERROR message regarding the rest). (See Exhibit "G" to 08/16/2021 Declaration.)

16 10. Moreover, Respondent did not produce any UPDATED documents. Based on what  
17 I could review, there were only TWO pages for year 2020 and ONE page for 2021. Mr. Shafie  
18 simply SCANNED and emailed to me the SAME OUTDATED documents (THAT I PROVIDED  
19 TO HIM at his request), which were produced by Mr. Keropian along with Respondent's responses  
20 to Petitioner's Form Interrogatories (in 10/2020). Even the documents produced by Mr. Keropian  
21 were OUTDATED and it appears they were provided by Respondent to her first counsel, Barry  
22 Fischer, who was suspended in May 2020.

23 **DOCUMENTS TO BE PRODUCED/AND THE AMENDED RESPONSE**

24 11. I have REPEATEDLY requested that Mr. Shafie produce UPDATED documents  
25 (not only in response to the Demand, but also in connection with the FCCRC), i.e, updated  
26 documents regarding Respondent's income (tax returns, paystubs, etc.), expenses, assets, debts,  
27 liabilities, bank statements, credit card statements, loans, etc. HE REFUSED. Updated documents  
28 are necessary to evaluate settlement of the issues and to meet and confer regarding a global

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1 settlement per this Court’s order. Pursuant to Family Code § 2102(a)(1), Respondent has a  
2 continuing duty to provide updated and augmented information regarding her earnings,  
3 assets, liabilities, etc. (See pages 3 & 4 of Exhibit “F”; pages 4 & 5 of Exhibit “G”; and pages 1,  
4 2 & 5 of Exhibit “II” attached to the 08/16/2021 Declaration.)

5 12. An AMENDED RESPONSE to Category Nos. 19, 20, and 21, must be provided, as  
6 Respondent has an interest in real property in Florida, and was receiving rental income during  
7 marriage. (Attached as Exhibit “3” is a document reflecting Respondent is a fee simple titleholder  
8 in a property in Florida from which she received income during the parties’ marriage.) It is also  
9 my understanding that Respondent has an interest in real property in Lebanon.

10 13. Respondent must produce UPDATED records (from January 1, 2020 to the present)  
11 responsive to categories Nos. 1 & 2 (i.e., her tax returns for 2019 and 2020 and records regarding  
12 her income); No. 13 (credit cards); No. 14 (debts & liabilities); and No. 15 (Bank Statements) -  
13 either pursuant to the discovery statutes or under FC§2102(a)(2) (in connection with the FCCRC).

14 14. In addition, Respondent is required to produce the documents responsive to Category  
15 Nos. 19, 20, & 21 (regarding real property), No. 32 (Gifts, i.e, from parents), No. 34 (Discharge of  
16 Debts), No. 40 (Reimbursement Claims), and No. 43 (loans/debts owed to Respondent) (which  
17 were addressed at page 5 of Exhibit “H” attached to 08/16/2021 Reply Declaration).

18 **RESPONDENT DID NOT MEET AND CONFER IN GOOD FAITH AT THE FCCRC**

19 15. In addition to the extensive efforts I made (set forth in my 08/16/2021 Declaration), I  
20 made additional extensive efforts since the August 20, 2021 hearing, until Mr. Shafie finally  
21 agreed to a “meet and confer” conference, which I scheduled immediately (for the following day)  
22 to accommodate Mr. Shafie (i.e., on September 21, 2021). (Attached as Exhibit “4” are  
23 ADDITIONAL emails sent to Mr. Shafie to schedule the conference.)

24 16. As Respondent REFUSED to produce any UPDATED RECORDS, it was  
25 impossible to meaningfully discuss any issues at the FCCRC. Mr. Shafie simply provided  
26 Respondent’s FL-150 (Income and Expense Declaration) at 2:30 p.m. -- DURING our  
27 conference (which commenced at 2:00 p.m.). (Attached as Exhibit “5” is Mr. Shafie’s 09/21/21  
28 email along with Respondent’s FL-150.)

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1 17. On page 1 of her FL-150, Respondent claimed that she was unemployed as of  
2 12/25/2019 except for ONE MONTH she was employed with Postmates. **Respondent's FL-150 is**  
3 **NOT CREDIBLE**, as it contradicts her income of \$8,000 for 12 months ending October 2020, as  
4 reflected on page 4 of her responses to Form Interrogatories (of which a copy along with the  
5 Schedule of Assets & Debts is attached hereto as **Exhibit "6."**)

6 18. At the FCCRC, we did not get to meet and confer regarding Petitioner's Demand for  
7 Production of Documents, **as Mr. Shafie TERMINATED the "meet and confer" conference,**  
8 when I started asking Respondent questions regarding her FL-150, employment, and the rental  
9 income from the Florida property.

10 19. On the other hand, **Petitioner attempted to "meet and confer" in good faith to**  
11 **resolve all issues.** In July 2021, I provided Mr. Shafie with copies of Petitioner's UPDATED  
12 Income and Expense Declaration (reflecting Petitioner's income, expenses, and updated credit card  
13 balances); Petitioner's 2020 Income Tax Returns; Schedule C for the business for years 2020 and  
14 202; and records regarding some of Petitioner's debts and debts for the business and ownership of  
15 the business. (By way of example only, see **Exhibit "C"** to August 16, 2021 Declaration.)

16 20. Despite providing Mr. Shafie with the foregoing documents, Mr. Shafie had NOT  
17 reviewed said documents prior to the FCCRC, terminated the FCCRC, AND REQUESTED THAT  
18 I RE-SEND HIM SAID DOCUMENTS.

19 21. Immediately after the zoom conference on 09/21/21, I re-sent Petitioner's Income and  
20 Expense Declaration, Schedules C regarding the business for 2020 and 2021, and documents  
21 reflecting personal and business debts of Petitioner. (Attached as **Exhibit "7"** are copies of my  
22 09/21/21 emails.) MR. SHAFIE IGNORED said records. In an email dated September 29, 2021, I  
23 asked Mr. Shafie if he had the opportunity to review the records and settle the case, it appeared that  
24 he had not even reviewed the records I re-sent him. (Attached as **Exhibit "8"** are copies of the  
25 emails I exchanged with Mr. Shafie.)

26 22. **AS OF THE LAST HEARING DATE (i.e., August 20, 2021), Mr. Shafie has NOT**  
27 **provided ANY updated documents and/or any additional documents responsive to**  
28 **Petitioner's Demand (except the inaccurate FL-150 during the zoom conference).** Nor has he

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1 attempted to meet and confer regarding the deficient documents and/or an amended response.  
 2 Instead, he TERMINATED the zoom conference when I asked Respondent about the income she  
 3 received from the Florida Property. Respondent has never disclosed the Florida Property and it is  
 4 not listed on her Schedule of Assets & Debts. (See **Exhibit "6"** hereto.)

5 23. Based on the foregoing and Respondent's counsel's REFUSAL TO MAKE  
 6 REASONABLE OR GOOD FAITH EFFORTS TO meet and confer, and his refusal to provide  
 7 UPDATED records, **it is obvious that Respondent and her counsel have REFUSED to meet**  
 8 **and confer in good faith, in VIOLATION of this Court's order and discovery statutes.**

9 **CONCLUSION AND REQUESTED RELIEF**

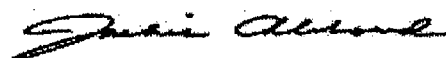
10 24. It is requested that the Court sanction Respondent and her counsel for their dilatory  
 11 conduct and Respondent's REFUSAL to comply with her discovery obligations in the sum of not  
 12 less than \$3,300 pursuant to the discovery statues and Family Code sections 1101 and 2107.

13 25. **Pursuant to Family Code § 2102(a)(1), Respondent has a continuing duty to**  
 14 **provide updated and augmented information regarding her earnings, assets, liabilities, etc.**

15 26. It, therefore, requested that the Court order Respondent to provide **updated records**  
 16 **(from January 1, 2020 to the present)** regarding her income, expenses, assets, debts, liabilities  
 17 (for years 2020 and 2021), including her 2019 and 2020 income tax returns, and the documents  
 18 supporting her reimbursement claims, so that we can meaningfully meet and confer. This can be  
 19 ordered in connection with the FCCRC or in response to Category Nos. 1 & 2, 13, 14 and 15.

20 27. It is also requested that the Court order Respondent to provide an **amended response** to  
 21 Category Nos. 19, 20, and 21, and to **produce the documents responsive** to Category Nos. 19,  
 22 20, 21, 32, 34, 40, and 43 (addressed at page 5 of **Exhibit "H"** to 08/16/21 Declaration).

23 28. I declare under penalty of perjury under the laws of the State of California that the  
 24 foregoing is true and correct. Executed on October 4, 2021, at Los Angeles, California.

25 

26  
 27 JACKIE A. ABBOUD, Declarant

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# EXHIBIT "1"

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### Choueiry v. Nicolas/Reply Declaration

Jackie Abboud <jackie@jackieabboudlaw.com>

Fri 8/13/2021 4:12 PM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Bcc: echoueiry23@live.com <echoueiry23@live.com>

 1 attachments (3 MB)

Declaration of Jackie A. Abboud.pdf;

Dear Mr. Shafie,

Attached please find Reply Declaration of Jackie A. Abboud, which was fax-filed today with the Court.

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

[jackie@jackieabboudlaw.com](mailto:jackie@jackieabboudlaw.com)

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# EXHIBIT "2"

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17:44:46 2021-10-04

## Choueiry Dissolution/Motion to Compel

Jackie Abboud <jackie@jackieabboudlaw.com>

Sun 4/11/2021 12:15 PM

To: ara keropian <arakeropian@gmail.com>

Cc: krikor@beverlyhillsattorneys.com <krikor@beverlyhillsattorneys.com>

Bcc: echoueiry23@live.com <echoueiry23@live.com>

 1 attachments (11 MB)

Demand for Production of Docs..pdf;

Dear Mr. Keropian and Mr. Mesropian,

To date, I have not received any response or any comments from you regarding the proposed Judgment that I sent you (which per the parties' agreement YOUR OFFICE was going to prepare). As I receive NO response from your office whatsoever, I proceeded with the preparation the Judgment. Even then, you have NOT even afforded me the courtesy of a response nor provided me with any proposed modifications nor the EXECUTED Judgment.

Therefore, I have to presume that we have no agreement and we are proceeding to trial.

Therefore, attached please find the Demand for Production of Documents, which was placed on hold based on your promises (for months) that we would settle the case. Either I receive an EXECUTED Judgment and Judgment documents no later than **5:00 p.m. on Friday, April 16, 2020**, or you are required to comply with the Demand for Production of Documents, producing the responsive documents to the current date for production (4/23/2021), and a response in compliance with the Code by 5:00 p.m. on **Friday, April 23, 2021**. Since you previously had many months to comply with the Demand, this timeframe should be adequate. If I do not receive the responsive documents and the written response by the foregoing deadline, I will be proceeding with the filing of a Motion to Compel.

With respect to the Judgment, I do not believe it requires any changes and you can HANDWRITE the few blanks and fill in your client's information.

Thank you.

**Jackie A. Abboud, Esq.**

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 1999 Avenue of the Stars, Suite 1100  
 Los Angeles, CA 90067  
 Tel: (310) 407-5310  
 Fax: (310) 388-5311  
[Jackie@jackieabboudlaw.com](mailto:Jackie@jackieabboudlaw.com)

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# EXHIBIT "3"

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AFTER RECORDING - RETURN TO:



CFN 20190035432

OR BK 30392 PG 0608  
RECORDED 01/31/2019 13:20:23  
Palm Beach County, Florida  
Sharon R. Bock, CLERK & COMPTROLLER  
Pg 0608; (1pg)

PERMIT NUMBER: \_\_\_\_\_

**NOTICE OF COMMENCEMENT**

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. DESCRIPTION OF PROPERTY (Legal description of the property & street address, if available) TAX FOLIO NO.: 38-43-44-1516-061-0110  
SUBDIVISION: Northlake worth in CB BLOCK: M TRACT: \_\_\_\_\_ LOT: 11 BLDG: \_\_\_\_\_ UNIT: \_\_\_\_\_  
Northlake worth Ct 11' BLK M

2. GENERAL DESCRIPTION OF IMPROVEMENT: Change garage to bedroom & HWH

3. OWNER INFORMATION OR LESSEE INFORMATION IF THE LESSEE CONTRACTED FOR THE IMPROVEMENT:

a. Name and address: Joseph M. & Lady Nicolas 526 1421 N. Palmway, Lake Worth, FL 33460

b. Interest in property: \_\_\_\_\_

c. Name and address of fee simple titleholder (if different from Owner listed above): Margherita Nicolas

4. a. CONTRACTOR'S NAME: Paul W. Bennett

Contractor's address: PO Box 1256 Lake Worth FL 33460 b. Phone number: 561 685 5850

5. SURETY (if applicable, a copy of the payment bond is attached):

a. Name and address: \_\_\_\_\_

b. Phone number: \_\_\_\_\_ c. Amount of bond, \$: \_\_\_\_\_

6. a. LENDER'S NAME: \_\_\_\_\_

Lender's address: \_\_\_\_\_ b. Phone number: \_\_\_\_\_

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13 (1) (a) 7, Florida Statutes:

a. Name and address: Margherita Nicolas 1421 N. Palmway Lake Worth, FL 33460

b. Phone numbers of designated persons: \_\_\_\_\_

8. a. In addition to himself or herself, Owner designates \_\_\_\_\_ of \_\_\_\_\_ to receive a copy of the Lienor's Notice as provided in Section 713.13 (1) (b), Florida Statutes.

b. Phone number of person or entity designated by Owner: \_\_\_\_\_

9. Expiration date of notice of commencement (the expiration date will be 1 year from the date of recording unless a different date is specified): \_\_\_\_\_, 20\_\_\_\_

**WARNING TO OWNER - ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.**

(Signature of Owner or Lessee, or Owner's or Lessee's Authorized Officer/Director/Partner/Manager)

x Margherita Nicolas  
(Print Name and Provide Signatory's Title/Office)

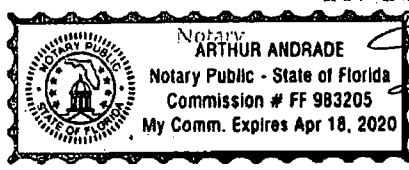
State of FL  
County of West Palm Beach

The foregoing instrument was acknowledged before me this 30 day of Jan, 20 19

by Margherita Nicolas as \_\_\_\_\_, (name of person) (type of authority, ... e.g. officer, trustee, attorney in fact)

for \_\_\_\_\_ (name of party on behalf of whom instrument was executed)

Personally Known \_\_\_\_\_ or Produced Identification  Type of Identification Produced USA Passport



(Signature of Notary Public)  
(Print, Type, or Stamp Commissioned Name of Notary Public)

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# EXHIBIT "4"

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10/06/21

**Re: Choueiry v. Nicolas/MEET & CONFER**

Jackie Abboud &lt;jackie@jackieabboudlaw.com&gt;

Mon 9/20/2021 3:04 PM

To: Behrouz Shafie &lt;behrouzshafie@gmail.com&gt;

Bcc: echoueiry23@live.com &lt;echoueiry23@live.com&gt;

WE ARE CONFIRMED for tomorrow at 2:00 p.m.

I will schedule the zoom meeting and email you the zoom link.

Please forward it to your client as well.

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

[Jackie@jackieabboudlaw.com](mailto:Jackie@jackieabboudlaw.com)

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**From:** Behrouz Shafie <behrouzshafie@gmail.com>**Sent:** Monday, September 20, 2021 2:47 PM**To:** Behrouz Shafie <behrouzshafie@gmail.com>; Jackie Abboud <jackie@jackieabboudlaw.com>**Subject:** Re: Choueiry v. Nicolas/MEET & CONFER

Yes our client is available 2 PM tomorrow

On Mon, Sep 20, 2021 at 2:43 PM Jackie Abboud &lt;jackie@jackieabboudlaw.com&gt; wrote:

Yes. WE NEED TO CONFIRM OUR CLIENTS' AVAILABILITY IMMEDIATELY.

Please let me know your client is available and I will confirm with my client.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100Los Angeles, CA 90067

10/06/21

17:44:46 2021-10-04

RAMON BIT A - 15

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Tel: (310) 407-5310  
Fax: (310) 388-5311  
[Jackie@jackieabboudlaw.com](mailto:Jackie@jackieabboudlaw.com)

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**From:** Behrouz Shafie <[behrouzshafie@gmail.com](mailto:behrouzshafie@gmail.com)>  
**Sent:** Monday, September 20, 2021 2:42 PM  
**To:** Jackie Abboud <[jackie@jackieabboudlaw.com](mailto:jackie@jackieabboudlaw.com)>  
**Subject:** Re: Choueiry v. Nicolas/MEET & CONFER

It will be a four-way correct

On Mon, Sep 20, 2021 at 2:40 PM Jackie Abboud <[jackie@jackieabboudlaw.com](mailto:jackie@jackieabboudlaw.com)> wrote:  
Dear Ms. Shafie,

To date, I have not received a response from you to my emails to "MEET AND CONFER" in attempt to REACH a GLOBAL SETTLEMENT of the ENTIRE case.

**By way of reminder THE DEADLINE to meet and confer is 09/24.**

I previously provided you with numerous dates. However, as of now, I am only available on the following dates: **09/21, 22, 2and 3. I am only available LATE AFTERNOON on 09/24 - at approximately 3:30 p.m. or later.**

Thank you.

**Jackie A. Abboud, Esq.**  
Jackie A. Abboud, APLC  
1999 Avenue of the Stars, Suite 1100  
Los Angeles, CA 90067  
Tel: (310) 407-5310  
Fax: (310) 388-5311  
[Jackie@jackieabboudlaw.com](mailto:Jackie@jackieabboudlaw.com)

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**From:** Jackie Abboud <jackie@jackieabboudlaw.com>  
**Sent:** Tuesday, September 7, 2021 10:30 AM  
**To:** Behrouz Shafie <behrouzshafie@gmail.com>  
**Subject:** Re: Choueiry v. Nicolas/MEET & CONFER

Dear Mr. Shafie,

PLEASE ADVISE WHEN YOU ARE AVAILABLE FOR THE COURT-ORDERED FOUR-WAY MEET AND CONFER CONFERENCE. I am available on the following dates: 09/09 (after 12:00 noon); 09/10, 09/13, 09/14, and 09/16.

I just settled two cases. I can make myself available any day for the entire week of September 20 (i.e., 09/20, 21, 22, 23, and 24th).

THE DEADLINE to meet and confer is 09/24.

Please do not wait to 09/23 to attempt to schedule the meet and confer conference - as you did last time.

Thank you.

**Jackie A. Abboud, Esq.**  
Jackie A. Abboud, APLC  
1999 Avenue of the Stars, Suite 1100  
Los Angeles, CA 90067  
Tel: (310) 407-5310  
Fax: (310) 388-5311  
jackie@jackieabboudlaw.com

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**From:** Jackie Abboud <jackie@jackieabboudlaw.com>  
**Sent:** Wednesday, September 1, 2021 11:05 AM

10/06/21

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

To: Behrouz Shafie <behrouzshafie@gmail.com>  
Subject: Choueiry v. Nicolas/MEET & CONFER

Mr. Shafie,

Thank you for the opposition.

However, it is late, and I will be requesting sanctions. You have been in the case since July 6th. You have had more than ample opportunity to file a timely response and to "meet and confer." In fact, to date, you have NOT attempted to "meet and confer" in good faith, and you have refused to provide UPDATED documents.

Please refer to my emails and the Supplemental Declaration that I filed to provide me with the necessary, updated documents.

THIS IS THE SECOND TIME THAT THE JUDGE HAD ORDERED US TO HAVE A FOUR-WAY "MEET AND CONFER". TO DO SO, YOU MUST PROVIDE UPDATED DOCUMENTS REGARDING YOUR CLIENTS' INCOME, ASSETS, AND CURRENT DEBTS OWED. If we reach settlement, I may waive the SANCTIONS in connection with the motion to compel. But we are not going to reach settlement if you are going to base settlement on the BASELESS claims made by your clients regarding the parties' non-existent assets.

Even without an ORDER from the Judge or a Motion to Compel, your client is REQUIRED BY LAW, to provide updated information pursuant to Family Code section 2102(a)(1), which provides as follows:

(a) From the date of separation to the date of the distribution of the community or quasi-community asset or liability in question, **each party is subject to the standards** provided in Section 721 , as to all activities that affect the assets and liabilities of the other party, including, but not limited to, the following activities:

- (1) The accurate and complete disclosure of all assets and liabilities in which the party has or may have an interest or obligation and all current earnings, accumulations, and expenses, including an immediate, full, and accurate update or augmentation to the extent there have been any material changes.

PLEASE ADVISE WHEN YOU ARE AVAILABLE FOR THE FOUR-WAY MEET AND CONFER ZOOM CONFERENCE. I am available on the following dates: 09/08, 09/09 (after 3:00 p.m. only); 09/10, 09/14, 09/16, 09/17.

Please let me know if any of the foregoing dates work for you.

Thank you.

10/06/21

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**Jackie A. Abboud, Esq.**

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Los Angeles, CA 90067  
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Jackie@jackieabboudlaw.com

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**From:** Behrouz Shafie <[behrouzshafie@gmail.com](mailto:behrouzshafie@gmail.com)>  
**Sent:** Wednesday, September 1, 2021 10:46 AM  
**To:** Jackie Abboud <[jackie@jackieabboudlaw.com](mailto:jackie@jackieabboudlaw.com)>; Behrouz Shafie <[behrouzshafie@gmail.com](mailto:behrouzshafie@gmail.com)>  
**Subject:** elie chicoury and margerita nicholas

Please find enclosed Nicholas opposition to motion to compel

--  
Please contact me with any questions or concerns.

Behrouz Shafie, Esq.  
BEHROUZ SHAFIE & ASSOCIATES  
1575 Westwood Blvd. Suite 200  
Los Angeles, California 90024  
Telephone (310) 201-8470  
Facsimile (310) 201-8472  
[behrouzshafie@gmail.com](mailto:behrouzshafie@gmail.com)

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Please contact me with any questions or concerns.

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Los Angeles, California 90024  
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behrouzshafie@gmail.com

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Please contact me with any questions or concerns.

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1575 Westwood Blvd. Suite 200  
Los Angeles, California 90024  
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Re: Choueiry/Nicolas Dissolution

Jackie Abboud <jackie@jackieabboudlaw.com>

Tue 8/31/2021 11:06 AM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Bcc: echoueiry23@live.com <echoueiry23@live.com>

Mr. Shafie,

Please respond to my email below.



Thank you.

Jackie A. Abboud, Esq.

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

Jackie@jackieabboudlaw.com

From: Jackie Abboud

Sent: Friday, August 20, 2021 3:25 PM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Subject: Choueiry/Nicolas Dissolution

Dear Mr. Shafie,

I hope you feel better, since I heard this morning that you were under the weather.

I will provide you with a copy of the Minute Order when it becomes available. However, the Judge ordered as follows this morning:

(1). The Judge issued \$1,000 in sanctions against Ara Keropian, as he neither submitted a declaration to oppose the OSC re sanctions nor did he appear to oppose the OSC re sanctions.

(2). The Judge indicated his tentative to grant the motion to compel.

(3). Due to your inability to attend today's hearing, the Judge reset the matter for hearing on October 14, 2021 at 8:30 a.m. (both on the Motion to Compel and the FCCRC).

(4). We are required to have a FOUR-WAY "meet and confer" conference (attended by the parties and counsel either by phone or zoom) on or before September 24, 2021, in an attempt to settle the entire case. In this regard, PLEASE REVIEW THE JUDGMENT which was sent to you on July 6, 2021.

On October 14, 2021, we must be prepared to discuss all matters which are pending and **he most likely with set the matter for trial.** In preparation for the FOUR-WAY, I anticipate to receive UPDATED documents regarding your client's current income, assets, debts (credit card balances), etc. In addition, your client should be able to support her claims regarding debts/obligations/reimbursements/loans/CP assets. Her BASELESS statements and claims alone, have no relevance. Similarly, her OPINION regarding the value of the business (WHICH IS OWNED

10/06/21

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ONLY 25% BY THE COMMUNITY) is meaningless. If we do not settle, we may need a forensic accountant to value the business. I have withheld the issuance of subpoenas, but may have to do so if we do not settle.

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC  
1999 Avenue of the Stars, Suite 1100  
Los Angeles, CA 90067  
Tel: (310) 407-5310  
Fax: (310) 388-5311  
[Jackie@jackieabboudlaw.com](mailto:Jackie@jackieabboudlaw.com)

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# EXHIBIT "5"

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17:44:46 2021-10-04

### MARGERITA NICOLAS INCOME AND EXPENSE FL 150

Behrouz Shafie <behrouzshafie@gmail.com>

Tue 9/21/2021 2:23 PM



To: Jackie Abboud <jackie@jackieabboudlaw.com>; Behrouz Shafie <behrouzshafie@gmail.com>

1 attachments (170 KB)

NICHOLAS FL 150 INCOME AND EXPENSE.pdf



--

Please contact me with any questions or concerns.

Behrouz Shafie, Esq.  
BEHROUZ SHAFIE & ASSOCIATES  
1575 Westwood Blvd. Suite 200  
Los Angeles, California 90024  
Telephone (310) 201-8470  
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FL-150

PARTY WITHOUT ATTORNEY OR ATTORNEY NAME: BARRY FISCHER 122412 FIRM NAME: BARRY'S LAW APC STREET ADDRESS: 280 SOUTH BEVERLY DRIVE SUITE 315 CITY: BEVERLY HILLS STATE: CA ZIP CODE: 90212 TELEPHONE NO.: (310) 280-9020 FAX NO.: (310) 280-9004 E-MAIL ADDRESS: bfischer@bfischerlaw.com ATTORNEY FOR (name): MARGERITA ANNE NICOLAS		FOR COURT USE ONLY          CASE NUMBER: 19STFL05892
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 NORTH HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		
PETITIONER: ELIE CHOUeirY RESPONDENT: MARGERITA ANNE NICOLAS OTHER PARTY/PARENT/CLAIMANT:		
<b>INCOME AND EXPENSE DECLARATION</b>		

1. Employment (Give information on your current job or, if you're unemployed, your most recent job.)

Attach copies of your pay stubs for last two months (black out Social Security numbers).	a. Employer: UNEMPLOYED
	b. Employer's address:
	c. Employer's phone number:
	d. Occupation:
	e. Date job started:
	f. If unemployed, date job ended: 12-25-2019, EXCEPT ONE MONTH FOR POSTMATES
	g. I work about _____ hours per week.
	h. I get paid \$ _____ gross (before taxes) <input type="checkbox"/> per month <input type="checkbox"/> per week <input type="checkbox"/> per hour.

(If you have more than one job, attach an 8 1/2-by-11-inch sheet of paper and list the same information as above for your other jobs. Write "Question 1 - Other Jobs" at the top.)

2. Age and education

- a. My age is (specify): 34
- b. I have completed high school or the equivalent:  Yes  No If no, highest grade completed (specify):
- c. Number of years of college completed (specify): 6 MONTHS  Degree(s) obtained (specify):
- d. Number of years of graduate school completed (specify): 2 YRS  Degree(s) obtained (specify): VISUAL ARTS
- e. I have:  professional/occupational license(s) (specify):  vocational training (specify): FILMMAKING/FILM PRODUCTION

3. Tax information

- a.  I last filed taxes for tax year (specify year): 2019
- b. My tax filing status is  single  head of household  married, filing separately  married, filing jointly with (specify name):
- c. I file state tax returns in  California  other (specify state):
- d. I claim the following number of exemptions (including myself) on my taxes (specify): 1

4. Other party's income. I estimate the gross monthly income (before taxes) of the other party in this case at (specify): \$ 10,000  
This estimate is based on (explain): INCOME FROM


HE OWNS AN ICE CREAM STORE IN WESTWOOD

(If you need more space to answer any questions on this form, attach an 8 1/2-by-11-inch sheet of paper and write the question number before your answer.) Number of pages attached: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the information contained on all pages of this form and any attachments is true and correct.

Date: 9/21/2021

MARGERITA ANNE NICOLAS  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

10/06/21

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FL-150

PETITIONER: <b>ETIE CHOUEIRY</b>	CASE NUMBER:
RESPONDENT: <b>MARGERITA ANNE NICOLAS</b>	<b>19STFL05892</b>
OTHER PARTY/PARENT/CLAIMANT:	

Attach copies of your pay stubs for the last two months and proof of any other income. Take a copy of your latest federal tax return to the court hearing. (Black out your Social Security number on the pay stub and tax return.)

5. Income (For average monthly, add up all the income you received in each category in the last 12 months and divide the total by 12.)

	Last month	Average monthly
a. Salary or wages (gross, before taxes)	\$ 0	0
b. Overtime (gross, before taxes)	\$ 0	0
c. Commissions or bonuses	\$ 0	0
d. Public assistance (for example: TANF, SSI, GA/GR) <input type="checkbox"/> currently receiving	\$ 0	0
e. Spousal support <input type="checkbox"/> from this marriage <input type="checkbox"/> from a different marriage <input type="checkbox"/> federally taxable*	\$ 0	0
f. Partner support <input type="checkbox"/> from this domestic partnership <input type="checkbox"/> from a different domestic partnership	\$ 0	0
g. Pension/retirement fund payments	\$ 0	0
h. Social Security retirement (not SSI)	\$ 0	0
i. Disability: <input type="checkbox"/> Social Security (not SSI) <input type="checkbox"/> State disability (SDI) <input type="checkbox"/> Private Insurance	\$ 0	0
j. Unemployment compensation	\$ 0	58.3
k. Workers' compensation	\$ 0	0
l. Other (military allowances, royalty payments) (specify): CAL FRESH	\$ 250	25.0

6. Investment income (Attach a schedule showing gross receipts less cash expenses for each piece of property.)

a. Dividends/interest	\$ 0	0
b. Rental property income	\$ 0	0
c. Trust income	\$ 0	0
d. Other (specify):	\$ 0	0

7. Income from self-employment, after business expenses for all businesses \$ 0 291

I am the  owner/sole proprietor  business partner  other (specify):

Number of years in this business (specify): 7 YEARS

Name of business (specify): POSTMATES

Type of business (specify): DELIVERY

Attach a profit and loss statement for the last two years or a Schedule C from your last federal tax return. Black out your Social Security number. If you have more than one business, provide the information above for each of your businesses.

8.  Additional income. I received one-time money (lottery winnings, inheritance, etc.) in the last 12 months (specify source and amount):

9.  Change in income. My financial situation has changed significantly over the last 12 months because (specify):  
I AM UNEMPLOYED AS OF 11/25/2019, EXCEPT FOR MINIMUM DAYS WORKING POSTMATES, LOSING UNEMPLOYMENT

10. Deductions

	Last month
a. Required union dues	\$ 0
b. Required retirement payments (not Social Security, FICA, 401(k), or IRA)	\$ 0
c. Medical, hospital, dental, and other health insurance premiums (total monthly amount)	\$ 0
d. Child support that I pay for children from other relationships	\$ 0
e. Spousal support that I pay by court order from a different marriage <input type="checkbox"/> federally tax deductible*	\$ 0
f. Partner support that I pay by court order from a different domestic partnership	\$ 0
g. Necessary job-related expenses not reimbursed by my employer (attach explanation labeled "Question 10g")	\$ 0

11. Assets

	Total
a. Cash and checking accounts, savings, credit union, money market, and other deposit accounts	\$ 600
b. Stocks, bonds, and other assets I could easily sell	\$ 0
c. All other property, <input type="checkbox"/> real and <input checked="" type="checkbox"/> personal (estimate fair market value minus the debts you owe)	\$ TBD

\* Check the box if the spousal support order or judgment was executed by the parties and the court before January 1, 2019, or if a court-ordered change maintains the spousal support payments as taxable income to the recipient and tax deductible to the payor.

10/06/21

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FL-150

PETITIONER: ELIE CHOUEIRY RESPONDENT: MARGERITA ANNE NICOLAS OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER: 19STFL05892
---	-----------------------------

12. The following people live with me:

Name	Age	How the person is related to me (ex: son)	That person's gross monthly income	Pays some of the household expenses?
a. JOSEPH NICOLASTBD	34	BROTHER	UNKNOWN	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b.				<input type="checkbox"/> Yes <input type="checkbox"/> No
c.				<input type="checkbox"/> Yes <input type="checkbox"/> No
d.				<input type="checkbox"/> Yes <input type="checkbox"/> No
e.				<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Average monthly expenses  Estimated expenses  Actual expenses  Proposed needs

a. Home:

(1)  Rent or  mortgage .....\$ 975

If mortgage:

(a) average principal: \$ 0

(b) average interest: \$ 0

(2) Real property taxes .....\$ 0

(3) Homeowner's or renter's insurance (if not included above) .....\$ 0

(4) Maintenance and repair .....\$ 0

b. Health-care costs not paid by insurance .....\$ 100

c. Child care .....\$ 0

d. Groceries and household supplies .....\$ 300

e. Eating out .....\$ 300

f. Utilities (gas, electric, water, trash) .....\$ 300

g. Telephone, cell phone, and e-mail .....\$ 223

h. Laundry and cleaning .....\$ 80

i. Clothes .....\$ 0

j. Education .....\$ 0

k. Entertainment, gifts, and vacation .....\$ 0

l. Auto expenses and transportation (insurance, gas, repairs, bus, etc.) .....\$ 445

m. Insurance (life, accident, etc.; do not include auto, home, or health insurance) .....\$ 0

n. Savings and investments .....\$ 0

o. Charitable contributions .....\$ 40

p. Monthly payments listed in item 14 (itemize below in 14 and insert total here) \$ 350

q. Other (specify): .....\$

r. TOTAL EXPENSES (a-q) (do not add in the amounts in a(1)(a) and (b)) \$ 3,113

s. Amount of expenses paid by others \$ 1,200

14. Installment payments and debts not listed above

Paid to	For	Amount	Balance	Date of last payment
CREDIT ONE	LIVING EXPENSE	\$ 100	\$ 1,400	08/1/2021
CREDIT ONE	LIVING EXPENSE	\$ 100	\$ 1,000	08/01/2021
AMAZON PRIME	LIVING EXPENSES	\$ 100	\$ 300	08/01/2021
COMMUNITY	LIVING EXPENSES	\$ 50	\$ 50	08/01/2021
		\$	\$	
		\$	\$	

15. Attorney fees (This is required if either party is requesting attorney fees.):

a. To date, I have paid my attorney this amount for fees and costs (specify): \$ 1,900

b. The source of this money was (specify): SAVINGS

c. I still owe the following fees and costs to my attorney (specify total owed): \$ 2,000

d. My attorney's hourly rate is (specify): 400

I confirm this fee arrangement.

Date: 9/21/2021

MARGERITA ANNE NICOLAS

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

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

10/06/21

FL-150

PETITIONER: ELIE CHOUEIRY RESPONDENT: MARGERITA ANNE NICOLAS OTHER PARTY/PARENT/CLAIMANT:	CASE NUMBER: 19STFL05892
---	-----------------------------

**CHILD SUPPORT INFORMATION**

(NOTE: Fill out this page only if your case involves child support.)

**16. Number of children**

- a. I have (specify number): \_\_\_\_\_ children under the age of 18 with the other parent in this case.
- b. The children spend \_\_\_\_\_ percent of their time with me and \_\_\_\_\_ percent of their time with the other parent.  
(If you're not sure about percentage or it has not been agreed on, please describe your parenting schedule here.)

**17. Children's health-care expenses**

- a.  I do  I do not have health insurance available to me for the children through my job.
- b. Name of insurance company:
- c. Address of insurance company:

d. The monthly cost for the children's health insurance is or would be (specify): \$ \_\_\_\_\_  
(Do not include the amount your employer pays.)

**18. Additional expenses for the children in this case**

	Amount per month
a. Child care so I can work or get job training .....	\$ _____
b. Children's health care not covered by insurance .....	\$ _____
c. Travel expenses for visitation .....	\$ _____
d. Children's educational or other special needs (specify below): .....	\$ _____

**19. Special hardships.** I ask the court to consider the following special financial circumstances

(attach documentation of any item listed here, including court orders):

	Amount per month	For how many months?
a. Extraordinary health expenses not included in 18b .....	\$ _____	_____
b. Major losses not covered by insurance (examples: fire, theft, other insured loss) .....	\$ _____	_____
c. (1) Expenses for my minor children who are from other relationships and are living with me .....	\$ _____	_____
(2) Names and ages of those children (specify):		

(3) Child support I receive for those children ..... \$ \_\_\_\_\_

The expenses listed in a, b and c create an extreme financial hardship because (explain):

**20. Other information I want the court to know concerning support in my case (specify):**

10/06/21

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**EXHIBIT "6"**

10/06/21

17:44:46 2021-10-04

1 Ara Keropian, Esq. (SBN 293663)  
 2 AJK Law Firm  
 3 5214 Kester Ave.  
 4 Sherman Oaks, CA 91411  
 5 Phone (818) 724-8880 | Fax (818) 979-7181  
 6 [arakeropian@gmail.com](mailto:arakeropian@gmail.com)  
 7 Attorney for Respondent

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

12 In Re Marriage of:

Case No.: 19STFL05892

13 ELIE CHOUEIRY,

14 Petitioner,

RESPONDENT'S RESPONSES TO FORM  
INTERROGATORIES FAMILY LAW (SET  
NO. ONE)

15 and

16 MARGERITA ANNE NICOLAS,

17 Respondent

21 PROPOUNDING PARTY: PETITIONER, ELIE CHOUEIRY

22 RESPONDING PARTY: RESPONDENT, MARGERITA ANNE NICOLAS

23 SET NO: ONE

25 COMES NOW RESPONDENT, MARGERITA ANNE NICOLAS, who hereby submits  
26 her Responses to Form Interrogatories, (Set No. One), as follow:

27 ///

28 RESPONDENT'S RESPONSES TO FORM INTERROGATORIES FAMILY LAW (SET NO. ONE) - 1  
CASE NO. 19STFL05892

10/06/21

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**PRELIMINARY STATEMENT**

Respondent has not completed her investigation and discovery related to this case. The Responses hereinbelow are based upon information and documentation presently available and known to Respondent and disclose only those matters and contentions which presently occur to Respondent. It is anticipated that further investigation, discovery, legal research, appraisals, and analyses will supply additional facts and information as well as establish new factual and legal contentions. The following Responses are, accordingly, given without prejudice or waiver of Respondent's right to produce evidence of subsequently discovered facts and documentation.

**I. RESPONSE TO INTERROGATORY NUMBER 1:**

- a. Margerita Anne Nicolas
- b. 400 S. Hobert Blvd. Apt. 107 Los Angeles, CA 90020
- c. No work Address
- d. \*\*\*-\*\*-2881
- e. No other

**II. RESPONSE TO INTERROGATORY NUMBER 2:**

Oral agreements were made before, and during marriage. To the best of my memory, these were promises made I currently recall:

- 1. Before marriage, my spouse agreed to pay two of my credit card debts. Agreement was made in September 2009, and he paid them. Amount was around \$1,800.
- 2. Before marriage, an agreement between my spouse and I was made in early 2009 that he will purchase me a car and a house in our name.
- 3. During marriage, my spouse promised to pay remaining balance of the wedding production services. Total was \$5,000. My mother contributed \$2,000 and my spouse claimed to have paid the rest, but I never received video. This was since 2010.
- 4. During marriage, my spouse borrowed \$4,000.00 from my savings to purchase inventory for his business and he promised to return payment with extra money back. This agreement was made in year 2011.

RESPONDENT'S RESPONSES TO FORM INTERROGATORIES FAMILY LAW (SET NO. ONE) - 2  
CASE NO. 19STFL05892

10/06/21

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- 1 5. During marriage, my spouse agreed to pay for two i-phones that were purchased on my
- 2 credit with AT&T. Agreement was made in December 2009, but it went to collections
- 3 unpaid. Amount was approximately \$500-\$800.
- 4 6. During marriage my spouse agreed to help pay for rent to our apartment at 400 S.
- 5 Hobart Blvd. in Los Angeles. The agreement was made in November 2013. The amount
- 6 at the time was \$845.00/month.
- 7 7. On January 11<sup>th</sup> 2013, an agreement was made that my spouse would be sending me
- 8 financial support while he was away in Lebanon.
- 9 8. On March 11<sup>th</sup>, 2016 I co-signed an agreement with my spouse on leasing a vehicle,
- 10 the KIA Soul, to help build my spouse's credit. The amount of vehicle lease is
- 11 \$11,187.36
- 12 9. In May 2018, my spouse and I came to an agreement to open a business together. My
- 13 spouse said it was 50 percent of his ownership, and I would be compensated operating
- 14 the store.
- 15 10. In approximately July of 2018, my spouse amended 2015-2017 tax returns and agreed
- 16 to pay all IRS debts.
- 17 11. In May 2018, my spouse promised he would pay full monthly rent accumulating to
- 18 \$900/month plus electric including all remaining debts owed.
- 19 12. An agreement was made in August 2018 that my spouse would pay the over mileage
- 20 fees on the KIA Soul 2016 lease.
- 21 13. An agreement was made in October 2018 that my spouse and I would be moving into
- 22 a new apartment and I would be managing the business.

22 **III. RESPONSE TO INTERROGATORY NUMBER 3:**

23 Capital One Case No. 19CHLC08482

24 **IV. RESPONSE TO INTERROGATORY NUMBER 4:**

25 Joseph Nicolas; 35 Brother  
26 Laudy Nicolas; 58 Mother

27  
28 RESPONDENT'S RESPONSES TO FORM INTERROGATORIES FAMILY LAW (SET NO. ONE) - 3  
CASE NO. 19STFL05892

10/06/21

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**V. RESPONSE TO INTERROGATORY NUMBER 5:**

None

**VI. RESPONSE TO INTERROGATORY NUMBER 6:**

Support received:

**Albert Nicolas; 32; Brother**

- \*January 2019: \$70
- \*February 2019: \$490
- \*March 2019: \$1,050
- \*April 2019: \$70
- \*May 2019: \$70
- \*June 2019: \$70
- \*July 2019: \$70
- \*August 2019: \$70
- \*September 2019: 0
- \*October 2019: \$70
- \*November 2019: \$70
- \*December 2019: \$25

**Joseph Nicolas; 35; Brother**

- \*February 2019: \$820
- \*May 2019: \$590
- \*June 2019: \$685
- \*August 2019: \$450
- \*September 2019: \$1,170
- \*October 2019: \$1,463
- \*November 2019: \$66
- \*December 2019: \$390

**Lorraine Nassif; 29; Cousin**

- \*September 2019: \$780

**John Nassif; 68; Godfather**

\$4,345

**TOTAL: \$12,784**

**VII. RESPONSE TO INTERROGATORY NUMBER 7:**

- Unemployment \$1,000.00
- Postmates \$8,000.00

**Total: \$9,000.00**

RESPONDENT'S RESPONSES TO FORM INTERROGATORIES FAMILY LAW (SET NO. ONE) - 4  
CASE NO. 19STFL05892

10/06/21

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

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**VIII. RESPONSE TO INTERROGATORY NUMBER 8:**

January 2017-June 2017 Unemployment \$6,834  
July 2017- \$3,000 Mom  
February 2017: \$5,000 Loan credit union  
July 2018: \$12,490 Western Union; withdrawn and paid to spouse.  
October 2018: Cash MoneyGram; \$4,400; withdrawn and paid to spouse  
September 2018: \$3,970 Work, Personal Assistant

**IX. RESPONSE TO INTERROGATORY NUMBER 9:**

Tax Returns (Attached)

**X. RESPONSE TO INTERROGATORY NUMBER 10:**

Schedule of Assets and Debts (Attached)

**XI. RESPONSE TO INTERROGATORY NUMBER 11:**

Trust Property Before Marriage held by Respondent's deceased father

**XII. RESPONSE TO INTERROGATORY NUMBER 12:**

On going for the purchase of Dip and Mix

**XIII. RESPONSE TO INTERROGATORY NUMBER 13:**

DIP N MIX  
TRAVEL N MEET

**XIV. RESPONSE TO INTERROGATORY NUMBER 14:**

SOCIAL SECURITY BENEFITS/ SPOUSAL SUPPORT

**XV. RESPONSE TO INTERROGATORY NUMBER 15:**

Yes.  
Sweated labour:  
Equalization payments  
Mom's Support \$12,000  
Family Friend's Support \$12,000.00

RESPONDENT'S RESPONSES TO FORM INTERROGATORIES FAMILY LAW (SET NO. ONE) - 5  
CASE NO. 19STFL05892

10/06/21

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

1 **XVI. RESPONSE TO INTERROGATORY NUMBER 16:**

2 Unknown at this time.

3  
4 **XVII. RESPONSE TO INTERROGATORY NUMBER 17:**

5 Medi-Cal, Car Insurance, Life Insurance

6 **XVIII. RESPONSE TO INTERROGATORY NUMBER 18:**

7 I experienced emotional and physical trauma that took a serious toll on my health that eventually  
8 affected my immune system. In result, I went to hospital and doctors prescribed a series of  
9 medications. Due to depression, and health issues, I have lost the ability to hold a stable job. I  
0 have also been seeing a therapist.

10 **XIX. RESPONSE TO INTERROGATORY NUMBER 19:**

11 None

12 **XX. RESPONSE TO INTERROGATORY NUMBER 20:**

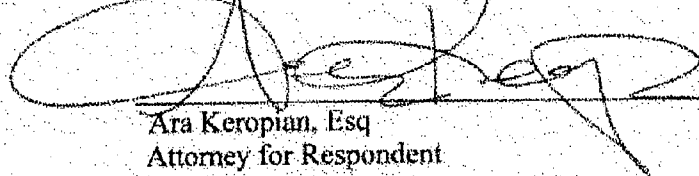
13 TBD

14 **XXI. RESPONSE TO INTERROGATORY NUMBER 21:**

15 None

17 Dated: October 8, 2020.

18 ARA KEROPIAN, ESQ.

19   
20 Ara Keropian, Esq  
21 Attorney for Respondent

10/06/21

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**THIS FORM SHOULD NOT BE FILED WITH THE COURT**

FL-142

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Ara Keropian, Esq. (SBN 293663 ) AJK Law Firm 5214 Kester Ave. Sherman Oaks, CA 91411		TELEPHONE NO.: 818-724-8880
ATTORNEY FOR (Name): Respondent		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles		
PETITIONER: Elie Choueiry RESPONDENT: Margarita Anna Nicolas		
<b>SCHEDULE OF ASSETS AND DEBTS</b> <input type="checkbox"/> Petitioner's <input checked="" type="checkbox"/> Respondent's		CASE NUMBER: 19STFL05892

— INSTRUCTIONS —

List all your known community and separate assets or debts. Include assets even if they are in the possession of another person, including your spouse. If you contend an asset or debt is separate, put P (for Petitioner) or R (for Respondent) in the first column (separate property) to indicate to whom you contend it belongs.

All values should be as of the date of signing the declaration unless you specify a different valuation date with the description. For additional space, use a continuation sheet numbered to show which item is being continued.

ITEM NO.	ASSETS DESCRIPTION	SEP. PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
1.	REAL ESTATE (Give street addresses and attach copies of deeds with legal descriptions and latest lender's statement.)  None			\$	\$
2.	HOUSEHOLD FURNITURE, FURNISHINGS, APPLIANCES (Identify.)  See Attachment 2 Furniture, Furnishing and Appliance		D/M	\$2,000.00	
3.	JEWELRY, ANTIQUES, ART, COIN COLLECTIONS, etc. (Identify.) Engagement Jewelry , Wedding Jewelry & Ring Hermes Bracelet	X X	Before Marr. D/m D/M	1500.00 6500.00 1000.00	

Page 1 of 4

10/06/21

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ITEM NO.	ASSETS DESCRIPTION	SEP. PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
4.	VEHICLES, BOATS, TRAILERS (Describe and attach copy of title document.) NA			\$	\$
5.	SAVINGS ACCOUNTS (Account name, account number, bank, and branch. Attach copy of latest statement.) Washington Mutual Bank of America Credit Libanese	X X	D/M	0 -400 TBD	
6.	CHECKING ACCOUNTS (Account name and number, bank, and branch. Attach copy of latest statement.) CHASE		D/M	0	
7.	CREDIT UNION, OTHER DEPOSIT ACCOUNTS (Account name and number, bank, and branch. Attach copy of latest statement.)				
8.	CASH (Give location.)				
9.	TAX REFUND				
10.	LIFE INSURANCE WITH CASH SURRENDER OR LOAN VALUE (Attach copy of declaration page for each policy.)				

**SCHEDULE OF ASSETS AND DEBTS**  
(Family Law)

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ITEM NO.	ASSETS DESCRIPTION	SEP. PROP	DATE ACQUIRED	CURRENT GROSS FAIR MARKET VALUE	AMOUNT OF MONEY OWED OR ENCUMBRANCE
11.	STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS <i>(Give certificate number and attach copy of the certificate or copy of latest statement.)</i>			\$	\$
12.	RETIREMENT AND PENSIONS <i>(Attach copy of latest summary plan documents and latest benefit statement.)</i>				
13.	PROFIT - SHARING, ANNUITIES, IRAS, DEFERRED COMPENSATION <i>(Attach copy of latest statement.)</i>				
14.	ACCOUNTS RECEIVABLE AND UNSECURED NOTES <i>(Attach copy of each.)</i>				
	LOANS MADE BY RESP TO PET, PE OWES SEE ATTACHMENT LOANS OWED	X		\$74,700.00	
15.	PARTNERSHIPS AND OTHER BUSINESS INTERESTS <i>(Attach copy of most current K-1 form and Schedule C.)</i>				
	DIP AN MIX LLC ICE CREAM STORE COMMUNITY PROPERTY		D/M	\$200,000	
16.	OTHER ASSETS				
	CLOTHING COSTUMES PROPS & ACCESSORIES		D/M	1,000.00	
	LAPTOPS	X	D/M	3,000.00	
	PHONES		D/M	300.00	
	COSEMTICS		D/M	300.00	
	CANON DSLR	X	D/M	300.00	
	PHOTOGRAPHY EQUIPMENT		D/M	300.00	
17.	TOTAL ASSETS FROM CONTINUATION SHEET				
18.	TOTAL ASSETS			\$ 290,200.00	\$

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

**SCHEDULE OF ASSETS AND DEBTS**  
(Family Law)

10/06/21

ITEM NO.	DEBTS—SHOW TO WHOM OWED	SEP. PROP.	TOTAL OWING	DATE INCURRED
19.	STUDENT LOANS (Give details.)		\$	
20.	TAXES (Give details.) Cal Franchise Tax Board IRS Taxes 2018		600.00 8,100.00	
21.	SUPPORT ARREARAGES (Attach copies of orders and statements.)			
22.	LOANS—UNSECURED (Give bank name and loan number and attach copy of latest statement.) California Credit Union		\$4,542.00	
23.	CREDIT CARDS (Give creditor's name and address and the account number. Attach copy of latest statement.) Credit One Bank 8563 Capital One Freedom Chase Card Capital One 1689 Chase Card 0664 Community Capital		735.00 3,300.00 2,352.00 2,442.00 990.00 259.00	
24.	OTHER DEBTS (Specify.): Medical Bills Florida Over Milegae on Kia Traffic Tickets Parking Citations Phone Ogero Lebanon Cal Credit Union Checking IC Sytem Att Cedar Sinai Medical Lending USA BMW St. Mary's Medical Long Beach Emergency Med. Grp.		2,550.00 4,000.00 1,200.00 350.00 1000.00 308.00 104.00 1,416.00 4,200.00 9,792.00 1,416.00 611.00	
25.	TOTAL DEBTS FROM CONTINUATION SHEET		\$50,267.00	
26.	TOTAL DEBTS			

27.  (Specify number): \_\_\_\_\_ pages are attached as continuation sheets.

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

Date: 10-8-2020

Margerita Anna Nicolas  
(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

**SCHEDULE OF ASSETS AND DEBTS**  
(Family Law)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

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10/06/21

# EXHIBIT "7"

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10/06/21

**Choueiry v. Nicolas/BACK RENT OWED re the BUSINESS**

Jackie Abboud <jackie@jackieabboudlaw.com>

Wed 9/22/2021 3:08 PM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Bcc: echoueiry23@live.com <echoueiry23@live.com>

📎 1 attachments (2 MB)

Rent owed by the business.jpg;

Dear Mr. Shafie,

Attached please find the agreement regarding the back-rent owed regarding the business.

I have provided you now with all the documents you need (MOST OF WHICH WERE PROVIDED TO YOU OVER TWO MONTHS AGO).

The Schedules C for the business for 2020 and 2021 are attached to my client's Inc. & Exp. Declaration which has been provided to you THREE times (including yesterday).

**PLEASE ADVISE FORTHWITH IF WE HAVE REACHED A SETTLEMENT and NO LATER THAN 5:00 p.m. this FRIDAY, September 24, 2021.**

If no settlement is forthcoming, I will proceed with the hearing on the Motion to Compel. There will be sanctions issued against your client.

In addition, if there is no settlement, ANY SETTLEMENT MONEY PREVIOUSLY OFFERED WILL BE SPENT ON ADDITIONAL DISCOVERY AND A FORENSIC ACCOUNTANT.

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

Jackie@jackieabboudlaw.com

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10/06/21

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

**BAC-OWED RENT/KChoueiry-Settlement Agreement And Mutual Release.pdf**

Jackie Abboud <jackie@jackieabboudlaw.com>

Tue 9/21/2021 4:03 PM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Bcc: echoueiry23@live.com <echoueiry23@live.com>

📎 1 attachments (142 KB)

121-Choueiry-Settlement Agreement And Mutual Release.pdf

Attached please find Mr. Choueiry's settlement Agreement with his former landlord after he was EVICTED from his apartment. IT REFLECTS THE BACK-OWED RENT to his landlord of approximately \$7,0000.

Mr. Choueiry is required to pay \$445.12/month to pay off the balance he owes of \$6,676.72. Due to his financial difficulties, Mr. Choueiry was not able to make the \$445.12 payment for the past several months.

**Your client is fully aware that Mr. Choueiry was evicted from his apartment, and is currently sharing an apartment with TWO other roommates (and is also sharing a bedroom with a roommate).**

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

Jackie@jackieabboudlaw.com

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10/06/21

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## Choueiry v. Nicolas/Business Operating Agreement/25% INTEREST IN THE BUSINESS/SETTLEMENT

Jackie Abboud <jackie@jackieabboudlaw.com>

Tue 9/21/2021 3:53 PM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Bcc: echoueiry23@live.com <echoueiry23@live.com>

 1 attachments (11 MB)

[Operating Agreement.Business.pdf](#)

Dear Mr. Shafie,

Attached please find the operating agreement reflecting that Mr. Choueiry has only a 75% interest in the business. Even the bank account for the business is owned 25% by Mr. Choueiry (as reflected on the last page of the attachment).

It is best to settle this case before any additional attorneys' fees and costs are incurred. If we are not going to settle in the next few days, I WILL COMMENCE DISCOVERY AND RETAIN A FORENSIC ACCOUNTANT TO VALUE THE BUSINESS. **ANY FUNDS OFFERED NOW FOR SETTLEMENT (which are, in any event, borrowed), WILL BE SPENT ON DISCOVERY AND THE FORENSIC ACCOUNTANT.**

**MOTION TO COMPEL:** In my emails to you last month, I requested that you address specific categories of the Demand as well as provide updated documents and an amended response as to some categories. You did not address those categories in your opposition nor have you provided any UPDATED documents.

Please advise if your client is willing to settle the case.

### Jackie A. Abboud, Esq.

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

[Jackie@jackieabboudlaw.com](mailto:Jackie@jackieabboudlaw.com)

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10/06/21

17:44:46 2021-10-04

**RAADHIB BIT A - 43**

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

**Fw: Electric bill**

Jackie Abboud &lt;jackie@jackieabboudlaw.com&gt;

Tue 9/21/2021 3:30 PM

To: Behrouz Shafie &lt;behrouzshafie@gmail.com&gt;

Bcc: echoueiry23@live.com &lt;echoueiry23@live.com&gt;

Dear Mr. Shafie,

Please find below the Department of Water and Power Bill reflecting an amount of \$5,335.92 owed by the business.

In an email I sent you a few minutes ago, I provided you with Petitioner's 2020 Tax Returns, 1Ed, and Schedule C for the business for 2020 and for 2021.

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

[Jackie@jackieabboudlaw.com](mailto:jackie@jackieabboudlaw.com)

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---

**From:** Elie Choueiry <echoueiry23@live.com>**Sent:** Tuesday, September 21, 2021 3:26 PM**To:** Jackie Abboud <jackie@jackieabboudlaw.com>**Subject:** Electric bill

10/06/21

17:44:46 2021-10-04

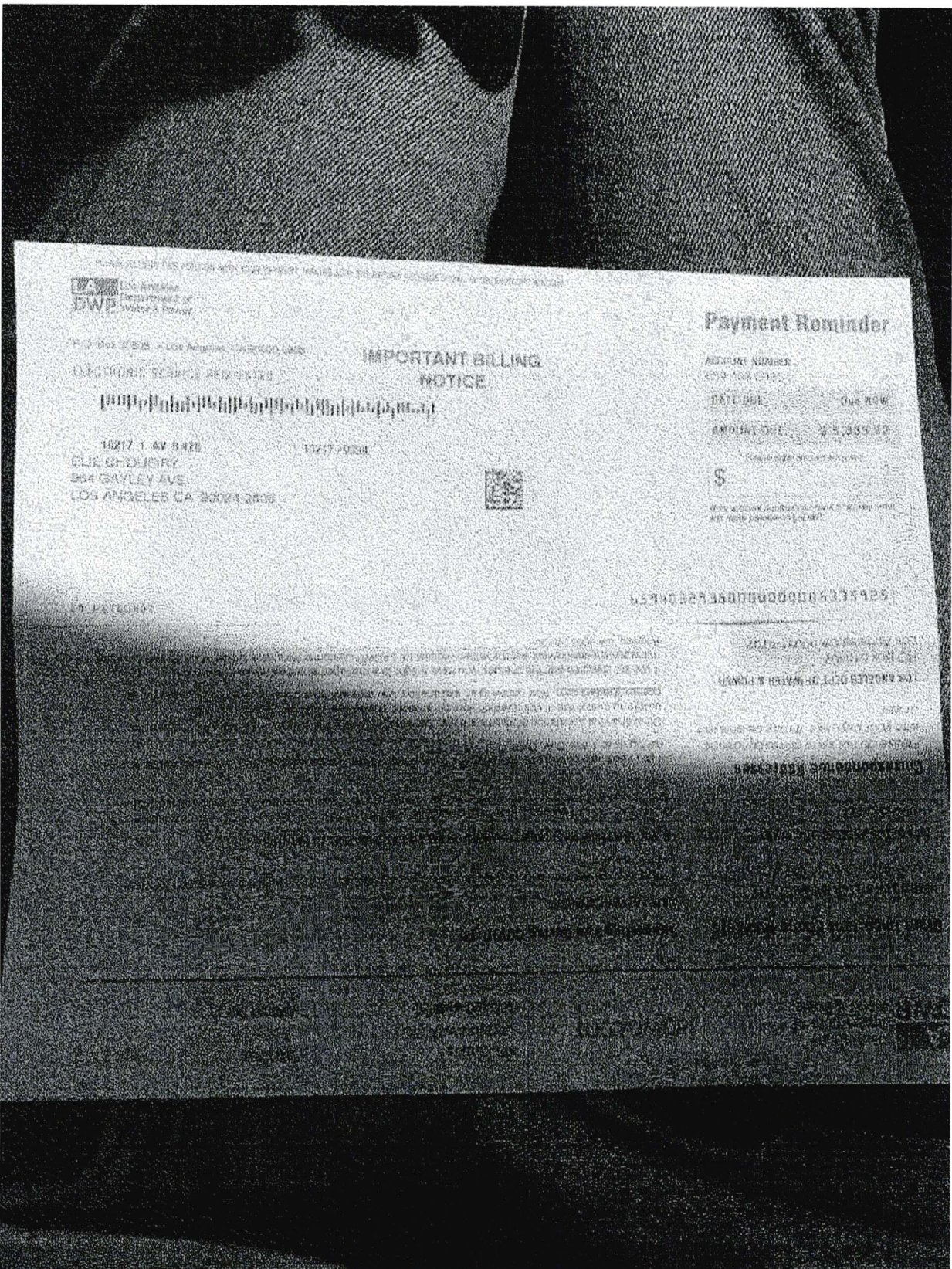
RAMBIT A - 44

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

# Best Available Image

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07/02/21



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

Sent from my iPhone

10/06/21

**Fw: Choueiry/Nicolas Dissolution - Income & Exp. Declaration-2020 Tax Returns**

Jackie Abboud &lt;jackie@jackieabboudlaw.com&gt;

Tue 9/21/2021 2:47 PM

To: Behrouz Shafie &lt;behrouzshafie@gmail.com&gt;

Bcc: echoueiry23@live.com &lt;echoueiry23@live.com&gt;

 3 attachments (5 MB)Tax return 2020.pdf; Income & Exp. Declaration.pdf; Peti's Preliminary Disclosure.Without Attachments.pdf;**From:** Jackie Abboud <jackie@jackieabboudlaw.com>**Sent:** Wednesday, August 4, 2021 5:31 PM**To:** Behrouz Shafie <behrouzshafie@gmail.com>**Subject:** Fw: Choueiry/Nicolas Dissolution - Income & Exp. Declaration-2020 Tax Returns

Mr. Shafie,

**Please my client's updated Income & Expense Declaration, which was SERVED ON YOU on July 14, 2021, as well as his Tax Returns for 2020.**

Obviously, you are not reviewing any of the emails that I have sent you.

My client's PDD was served on your client's predecessor counsel in November 15, 2019.

As a courtesy, I am attaching another copy (without attachments), as I do not have it scanned into my computer. However, all attachments were also produced in response to your client's Demand for Production of Documents.

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

Jackie@jackieabboudlaw.com

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**From:** Jackie Abboud

**Sent:** Wednesday, July 14, 2021 1:30 PM

**To:** Behrouz Shafie <behrouzshafie@gmail.com>

**Subject:** Choueiry/Nicolas Dissolution - Income & Exp. Declaration-2020 Tax Returns

Dear Mr. Shafie,

Pursuant to Code of Civil Procedure 1010.6(e)(1), I am serving you, via electronic service, with a copy of Petitioner's Income and Expense Declaration reflecting his debts, his unemployment income, the losses from the business, etc.

**Please confirm this is the email at which you will accept service of documents.**

In addition, attached please find a copy of Petitioner's Income tax returns for 2020.

Mr. Choueiry has in excess of \$41,000 in debts (exclusive of debts of the business). In addition, Mr. Choueiry has only a 25% interest in the business (which is operating at a loss, and will get worse during the summer season since UCLA is closed for the summer).

I am in receipt of your notice to consumer. **The records you requested will confirm Mr. Choueiry's DIRE financial circumstances.** The only funds he received were a couple of months ago (which he borrowed from several third parties) to pay your client the first installment of the settlement agreement. he was also to make a payment toward my fees (upon execution of the Judgment), which did not happen either.

Again, any time or attorneys' fees incurred regarding this case are nothing but a waste of time, money and resources.

Thank you.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

[Jackie@jackieabboudlaw.com](mailto:Jackie@jackieabboudlaw.com)

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10/06/21

17:44:46 2021-10-04

**EXHIBIT A - 48**

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

**Fw: LINK FOR ZOOM CONFERENCE TOMORROW (09/21/2021 - 2:00 p.m.)/Choueiry v. Nicolas**

Jackie Abboud <jackie@jackieabboudlaw.com>

Tue, 9/21/2021 2:35 PM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Dear Mr. Shafie,

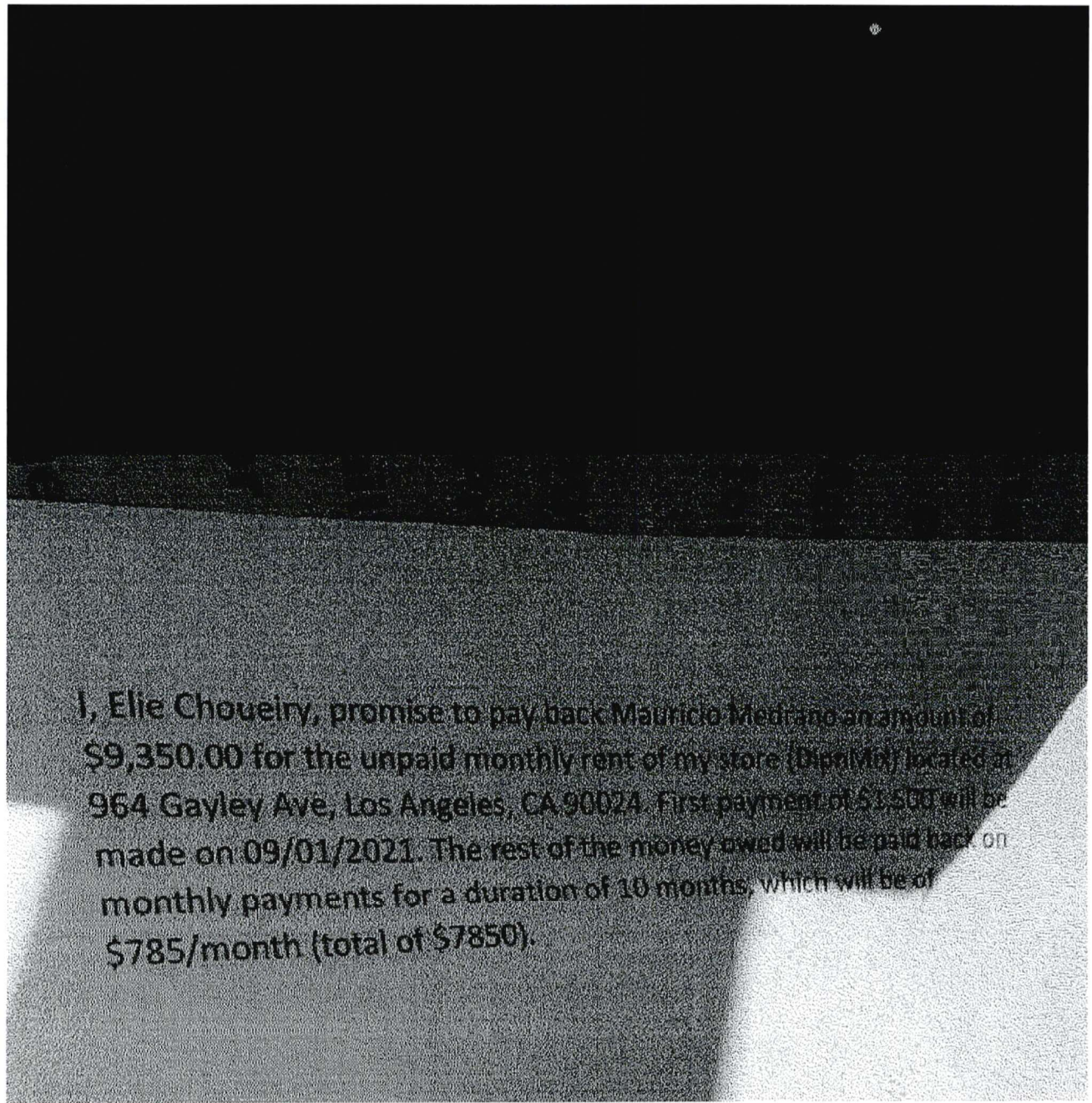
Please see below agreement re back rent owned on the business.

**From:** Elie Choueiry <echoueiry23@live.com>

**Sent:** Tuesday, September 21, 2021 2:33 PM

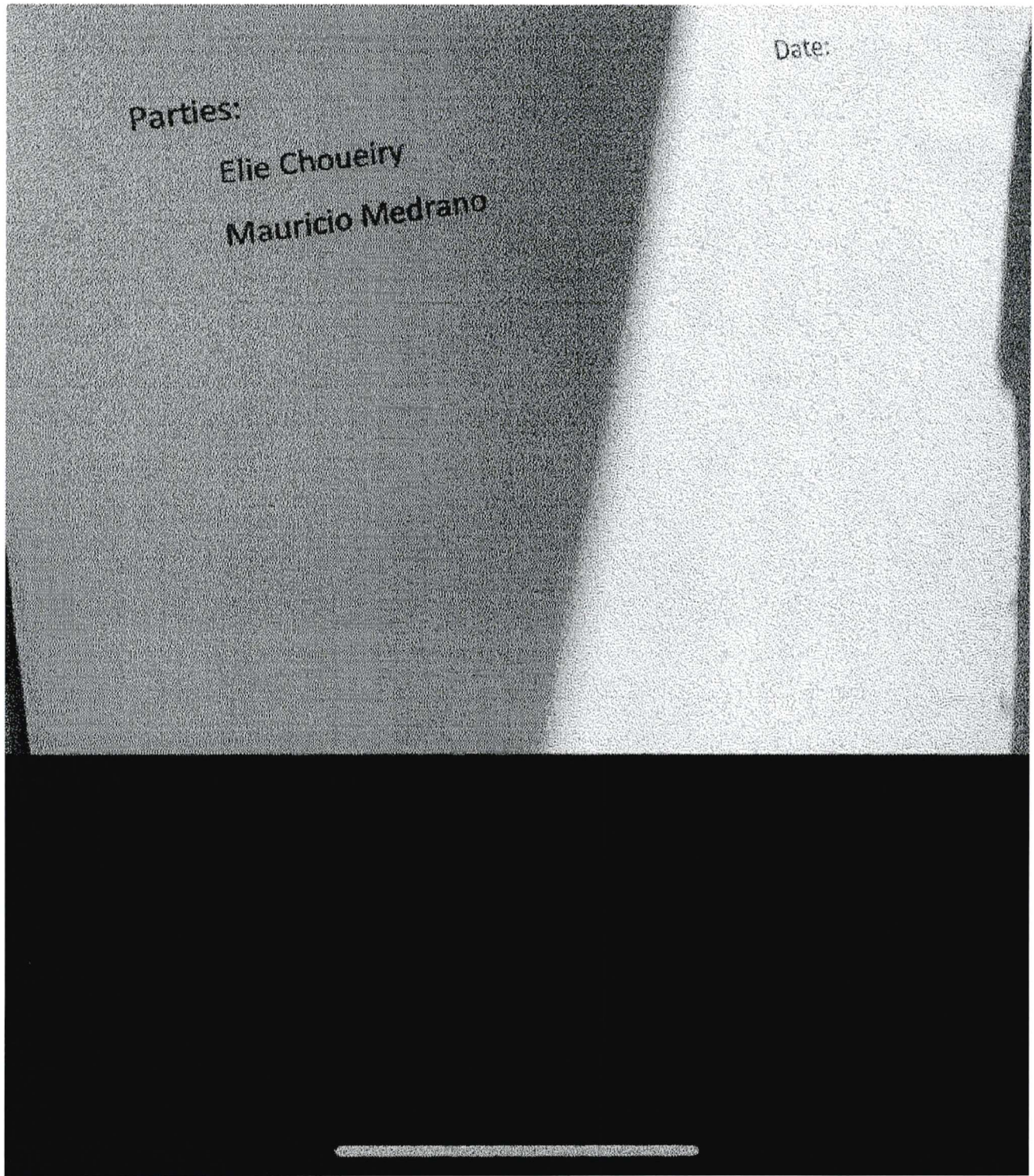
**To:** Jackie Abboud <jackie@jackieabboudlaw.com>

**Subject:** Re: LINK FOR ZOOM CONFERENCE TOMORROW (09/21/2021 - 2:00 p.m.)/Choueiry v. Nicolas



10/06/21

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



Sent from my iPhone

On Sep 20, 2021, at 5:15 PM, Jackie Abboud <jackie@jackieabboudlaw.com> wrote:

Mr. Shafie,

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

10/06/21

17:44:46 2021-10-04

# EXHIBIT "8"

10/06/21

17:44:46 2021-10-04

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

**Re: Choueiry v. Nicolas/Settlement**

Jackie Abboud <jackie@jackieabboudlaw.com>

Wed 9/29/2021 10:21 AM

To: Behrouz Shafie <behrouzshafie@gmail.com>

Bcc: echoueiry23@live.com <echoueiry23@live.com>

COUNSEL,

NOTHING WAS ATTACHED to my email!

It would help if you read ANYTHING THAT I SEND YOU.

I SENT YOU EVERYTHING YOU NEED FOR THE SECOND TIME RIGHT AFTER OUR SETTLEMENT CONFERENCE LAST WEEK (on **September 21, 2021**).

I WAS HOPING YOU WOULD HAVE READ THE INFORMATION **BEFORE** THE CONFERENCE, AND NOW, I WAS HOPING YOU WOULD HAVE READ IT **AFTER** I SENT IT TO YOU FOR THE SECOND TIME RIGHT AFTER OUR CONFERENCE LAST WEEK.

**PLEASE CHECK YOUR EMAILS, REVIEW THE EMAILS THAT I SENT YOU LAST WEEK RIGHT AFTER OUR CONFERENCE (ON SEPTEMBER 21, 2021), AND GET BACK TO ME REGARDING SETTLEMENT AND CONCLUDING THIS MATTER. THERE IS NOTHING TO FIGHT OVER.**

**REST ASSURED, I AM REQUESTING SANCTIONS.**

UNFORTUNATELY, IT IS YOUR CLIENT WHO IS GOING TO SUFFER AS A RESULT OF YOUR CONDUCT.

THANK YOU.

**Jackie A. Abboud, Esq.**

Jackie A. Abboud, APLC

1999 Avenue of the Stars, Suite 1100

Los Angeles, CA 90067

Tel: (310) 407-5310

Fax: (310) 388-5311

Jackie@jackieabboudlaw.com

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

10/06/21

**From:** Behrouz Shafie <behrouzshafie@gmail.com>  
**Sent:** Wednesday, September 29, 2021 10:10 AM  
**To:** Jackie Abboud <jackie@jackieabboudlaw.com>; Behrouz Shafie <behrouzshafie@gmail.com>  
**Subject:** Re: Choueiry v. Nicolas/Settlement

COUNSEL

NOTHING ATTACHED

--

Please contact me with any questions or concerns.

Behrouz Shafie, Esq.  
 BEHROUZ SHAFIE & ASSOCIATES  
 1575 Westwood Blvd. Suite 200  
 Los Angeles, California 90024  
 Telephone (310) 201-8470  
 Facsimile (310) 201-8472  
[behrouzshafie@gmail.com](mailto:behrouzshafie@gmail.com)

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This email and any attachments contain information from the Law Office of Behrouz Shafie and are intended solely for use of the named recipient or recipients. This email may contain privileged attorney/client communications or work product. Any dissemination of this email by anyone other than an intended recipient is strictly prohibited. If you are not an intended recipient, you are prohibited from any further viewing of the email or attachments. If you believe you have received this email in error, notify the sender immediately and permanently delete the email, any attachments, and all copies thereof from any drives or storage media and destroy any printouts of the email or attachments.

On Wed, Sep 29, 2021 at 8:02 AM Jackie Abboud <jackie@jackieabboudlaw.com> wrote:

Mr. Shafie,

AT YOUR REQUEST, I re-sent you the documents regarding my client's debts and the debts of the business, tax returns, Schedule C, Etc., (most of which were previously sent to you), so that you can evaluate the case and advise if a settlement can be reached.

Despite the foregoing, I have not heard from you regarding settlement.

To avoid unnecessary attorneys' fees and costs, please advise if a settlement has been reached.

Thank you.

**Jackie A. Abboud, Esq.**  
 Jackie A. Abboud, APLC

10/06/21

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**PROOF OF SERVICE**

I am over the age of eighteen years and not a party to the within action. My business address is 1999 Avenue of the Stars, Suite 1100, Los Angeles, California and my phone number is (310) 407-5310. On October 4, 2021, I served the within document(s) described as

**FURTHER REPLY DECLARATION OF JACKIE A. ABBOUD RE RFO TO COMPEL AND RE RESPONDENT'S NON-COMPLIANCE WITH THE COURT'S ORDERS**

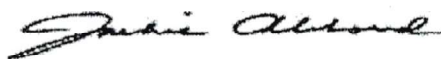
on the interested party(ies) as follows:

Behrouz Shafie, Esq.  
Behrouz Shafie & Associates  
1575 Westwood Blvd., Suite 200  
Los Angeles, CA 90024

- BY MAIL:** I placed said document in a sealed envelope to the addressee as set forth above, and deposited said envelope document in the United States mail, with postage fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.
- BY PERSONAL SERVICE:** I caused said document to be personally delivered in a sealed envelope to the addressee as set forth above.
- BY FEDERAL EXPRESS:** I delivered such document in a Federal Express envelope to the addressee set forth above, at a Federal Express deposit center (**Tracking #** \_\_\_\_\_).
- BY FACSIMILE:** I transmitted said document via facsimile to the office of the addressee at **(510-225-9761)**, pursuant to **Rule 2.306**. The facsimile machine I used complied with **Rule 2.301(3)** and no error was reported by the machine. Pursuant to **Rule 2.301(6)**, I caused the machine to print a transmission record, a copy of which is attached to this declaration.
- BY EMAIL TRANSMISSION:** I transmitted said document via email transmission to office of the addressee at behrouzshafie@gmail.com

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

Executed this 4<sup>th</sup> day of October, 2021 at Los Angeles, California.



\_\_\_\_\_  
JACKIE A. ABBOUD

JACKIE A. ABBOUD  
A PROFESSIONAL LAW CORPORATION  
1999 AVENUE OF THE STARS, SUITE 1100  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE (310) 407-5310

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

10/06/21

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On September 6, 2023, I served the foregoing document(s) described as:

1.	<b>REPLY TO OPPOSITION TO MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES AND REQUEST FOR SANCTIONS IN THE AMOUNT OF \$6,525; DECLARATION OF JILLIAN P. HARRIS; and</b>
2.	<b>REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF REPLY TO OPPOSITION TO MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES</b>

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED LIST**

- (BY MAIL)** I am readily familiar with the business practice for collection and processing correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- (BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- (BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- (BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the office of the above-named addressee(s).
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

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

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Executed on September 6, 2023, at Los Angeles, California.



Gwendolyn Edwards

**SERVICE LIST**

Gary A. Dordick, Esq.  
Dustin Moaven, Esq.  
DORDICK LAW CORPORATION  
509 South Beverly Drive  
Beverly Hills, CA 90212-4514  
Tel.: (310) 551-0949  
Fax: (855) 299-4444  
Email: [gary@dordicklaw.com](mailto:gary@dordicklaw.com)  
[dustin@dordicklaw.com](mailto:dustin@dordicklaw.com)  
[sandra@dordicklaw.com](mailto:sandra@dordicklaw.com)  
[celine@dordicklaw.com](mailto:celine@dordicklaw.com)  
[alex@dordicklaw.com](mailto:alex@dordicklaw.com)

Attorneys for Plaintiff JANE DOE

Ebby S. Bakhtiar, Esq.  
Justin M. Kirk, Esq.  
LIVINGSTON BAKHTIAR  
3435 Wilshire Boulevard, Suite 1669  
Los Angeles, California 90010  
Tel: (213) 632-1550  
Fax: (213) 632-3100  
Email: [esb@livingstonbakhtiar.com](mailto:esb@livingstonbakhtiar.com)  
[jmk@livingstonbakhtiar.com](mailto:jmk@livingstonbakhtiar.com)  
[sb@livingstonbakhtiar.com](mailto:sb@livingstonbakhtiar.com)  
[dag@livingstonbakhtiar.com](mailto:dag@livingstonbakhtiar.com)

Attorneys for Plaintiff JANE DOE

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

**TAB 24**

**AA0433**

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

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>09/07/2023</b>
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: _____ T. Le Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Court Order Re: Stipulation and Protective Order - Re Disabil...) of 09/07/2023 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

Fred D. Heather  
Glaser Weil, LLP  
10250 Constellation Blvd.  
19th Floor  
Los Angeles, CA 90067

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

David W. Slayton, Executive Officer / Clerk of Court

Dated: 09/7/2023

By: T. Le  
Deputy Clerk

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

**TAB 25**

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

**AA0435**

**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 7, 2023

4:30 PM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

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---

**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Court Order Re: Stipulation and Protective Order - Re Disability Accommodation;

The Court has reviewed the parties' Stipulation and Protective Order - Re Disability Accommodation submitted on 08/30/2023.

Having considered the parties' stipulation and good cause appearing, the Court hereby approves the Stipulation and Protective Order.

The stipulation and order is signed and filed this date. A copy of the signed order is available on the Court's website.

All future dates are to remain on calendar as previously set.

Clerk is to give notice.

Certificate of Mailing is attached.

**TAB 26**

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

**AA0437**

1 FRED D. HEATHER - State Bar No. 110650  
 fheather@glaserweil.com  
 2 AARON P. ALLAN - State Bar No. 144406  
 aallan@glaserweil.com  
 3 JILLIAN P. HARRIS - State Bar No. 300119  
 jharris@glaserweil.com  
 4 GLASER WEIL FINK HOWARD  
 JORDAN & SHAPIRO LLP  
 5 10250 Constellation Boulevard, 19th Floor  
 Los Angeles, California 90067  
 6 Telephone: (310) 553-3000  
 Facsimile: (310) 556-2920  
 7 Attorneys for Defendant  
 ALKIVIADES DAVID a.k.a. ALKI DAVID

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

09/07/2023

David W. Slayton, Executive Officer / Clerk of Court

By:                     T. Le                     Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 10 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

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

Case No. 20STCV37498  
*Unlimited Jurisdiction*

14 s,

Assigned to the Honorable Christopher K. L...  
 Department: 76

15 v.

**STIPULATION AND PROTECTIVE  
 ORDER – RE DISABILITY  
 ACCOMMODATION**

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

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

21 s.

24 IT IS HEREBY STIPULATED by and between the Parties to *Doe v. David, et al.*, Plaintiff  
 25 Jane Doe and Defendant Alkiviades David, by and through their respective counsel of record, that  
 26 order to facilitate the exchange of information and documents which may be subject to  
 27 confidentiality limitations on disclosure due to federal laws, state laws, and privacy rights, the  
 28 Parties stipulate as follows:

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

1 1. In this Stipulation and Protective Order, the words set forth below shall have the  
2 following meanings:

3 a. "Proceeding" means the Vesco Hearing on Defendant David's request for a  
4 disability accommodation in the above-entitled action, *Jane Doe v. Alkiviades David, et al.*, Los  
5 Angeles Superior Court Case No. 20STCV37498, and as scheduled by the Court as a result of  
6 Defendant David's request for the same initially made to the LASC ADA Coordinator on June 5,  
7 2023 and updated on August 24, 2023.

8 b. "Court" means Department 76 of the Los Angeles Superior Court, the Hon.  
9 Christopher K. Lui presiding, or any other judge to which this Proceeding may be assigned,  
10 including Court staff participating in such proceedings.

11 c. "Confidential" means any information which is in the possession of a  
12 Designating Party who believes in good faith that such information is entitled to confidential  
13 treatment under applicable law.

14 d. "Confidential Materials" means any Documents, Testimony or Information  
15 defined below at Paragraph 2.

16 e. "Designating Party" means the Party that designates Materials as  
17 "Confidential."

18 f. "Disclose" or "Disclosed" or "Disclosure" means to reveal, divulge, give,  
19 make available Materials, or any part thereof, or any information contained therein.

20 g. "Documents" means (i) any "Writing," "Original," and "Duplicate" as those  
21 terms are defined by California Evidence Code Sections 250, 255, and 260, which have been  
22 produced in discovery in this Proceeding by any person, and (ii) any copies, reproductions, or  
23 summaries of all or any part of the foregoing.

24 h. "Information" means the content of Documents or Testimony.

25 i. "Testimony" means all depositions, declarations or other testimony taken or  
26 used in this Proceeding.

27 2. Upon the Court's endorsement of this stipulated protective order, the following are  
28 be deemed "Confidential":

1 a. All Documents and Information filed or Testimony made in the Proceeding in  
2 support of Defendant Alkiviades David’s request for disability accommodations initially provided to  
3 the LASC ADA Coordinator on June 5, 2023 and updated on August 24, 2023.

4 3. The entry of this Stipulation and Protective Order does not alter, waive, modify, or  
5 abridge any right, privilege or protection otherwise available to any Party with respect to the  
6 discovery of matters, including but not limited to any Party’s right to assert the attorney-client  
7 privilege, the attorney work product doctrine, or other privileges, or any Party’s right to contest any  
8 such assertion.

9 4. Any Documents, Testimony or Information to be designated as “Confidential” must  
10 be clearly so designated before the Document, Testimony or Information is Disclosed or produced.  
11 The parties may agree that the case name and number are to be part of the “Confidential”  
12 designation. The “Confidential” designation should not obscure or interfere with the legibility of the  
13 designated Information.

14 a. For Documents (apart from transcripts of depositions or other pretrial or trial  
15 proceedings), the Designating Party must affix the legend “Confidential” on each page of any  
16 Document containing such designated Confidential Material.

17 b. For Testimony given in depositions the Designating Party may either:

18 i. identify on the record, before the close of the deposition, all  
19 “Confidential” Testimony, by specifying all portions of the Testimony that qualify as  
20 “Confidential;” or

21 ii. designate the entirety of the Testimony at the deposition as  
22 “Confidential” (before the deposition is concluded) with the right to identify more specific portions  
23 of the Testimony as to which protection is sought within 30 days following receipt of the deposition  
24 transcript. In circumstances where portions of the deposition Testimony are designated for  
25 protection, the transcript pages containing “Confidential” Information may be separately bound by  
26 the court reporter, who must affix to the top of each page the legend “Confidential,” as instructed  
27 by the Designating Party.

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c. For Information produced in some form other than Documents, and for any other tangible items, including, without limitation, compact discs or DVDs, the Designating Party must affix in a prominent place on the exterior of the container or containers in which the Information or item is stored the legend "Confidential." If only portions of the Information or item warrant protection, the Designating Party, to the extent practicable, shall identify the "Confidential" portions.

5. The inadvertent production by any of the undersigned Parties or non-Parties to the Proceedings of any Document, Testimony or Information during discovery in this Proceeding without a "Confidential" designation, shall be without prejudice to any claim that such item is "Confidential" and such Party shall not be held to have waived any rights by such inadvertent production. In the event that any Document, Testimony or Information that is subject to a "Confidential" designation is inadvertently produced without such designation, the Party that inadvertently produced the document shall give written notice of such inadvertent production within twenty (20) days of discovery of the inadvertent production, together with a further copy of the subject Document, Testimony or Information designated as "Confidential" (the "Inadvertent Production Notice"). Upon receipt of such Inadvertent Production Notice, the Party that received the inadvertently produced Document, Testimony or Information shall promptly destroy the inadvertently produced Document, Testimony or Information and all copies thereof, or, at the expense of the producing Party, return such together with all copies of such Document, Testimony or Information to counsel for the producing Party and shall retain only the "Confidential" designated Materials. Should the receiving Party choose to destroy such inadvertently produced Document, Testimony or Information, the receiving Party shall notify the producing Party in writing of such destruction within ten (10) days of receipt of written notice of the inadvertent production. This provision is not intended to apply to any inadvertent production of any Information protected by attorney-client or work product privileges. In the event that this provision conflicts with any applicable law regarding waiver of confidentiality through the inadvertent production of Documents, Testimony or Information, such law shall govern.

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1           6.       In the event that counsel for a Party receiving Documents, Testimony or Information  
 2 in discovery designated as “Confidential” objects to such designation with respect to any or all of  
 3 such items, said counsel shall advise counsel for the Designating Party, in writing, of such  
 4 objections, the specific Documents, Testimony or Information to which each objection pertains, and  
 5 the specific reasons and support for such objections (the “Designation Objections”). Counsel for the  
 6 Designating Party shall have thirty (30) days from receipt of the written Designation Objections to  
 7 either (a) agree in writing to de-designate Documents, Testimony or Information pursuant to any or  
 8 all of the Designation Objections and/or (b) file a motion with the Court seeking to uphold any or all  
 9 designations on Documents, Testimony or Information addressed by the Designation Objections  
 10 (the “Designation Motion”). Pending a resolution of the Designation Motion by the Court, any and  
 11 all existing designations on the Documents, Testimony or Information at issue in such Motion shall  
 12 remain in place. The Designating Party shall have the burden on any Designation Motion of  
 13 establishing the applicability of its “Confidential” designation. In the event that the Designation  
 14 Objections are neither timely agreed to nor timely addressed in the Designation Motion, then such  
 15 Documents, Testimony or Information shall be de-designated in accordance with the Designation  
 16 Objection applicable to such material.

17           7.       Access to and/or Disclosure of Confidential Materials designated as “Confidential”  
 18 shall be permitted only to the following persons:  
 19                   a.       The Parties;  
 20                   b.       the Court;  
 21                   c.       (1) Attorneys of record in the Proceedings and their affiliated attorneys,  
 22 paralegals, clerical and secretarial staff employed by such attorneys who are actively involved in the  
 23 Proceedings and are not employees of any Party. (2) In-house counsel to the undersigned Parties and  
 24 the paralegal, clerical and secretarial staff employed by such counsel. Provided, however, that each  
 25 on-lawyer given access to Confidential Materials shall be advised that such Materials are being  
 26 Disclosed pursuant to, and are subject to, the terms of this Stipulation and Protective Order and that  
 27 they may not be Disclosed other than pursuant to its terms;

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1 d. those officers, directors, partners, members, employees and agents of all non-  
2 designating Parties that counsel for such Parties deems necessary to aid counsel in the prosecution  
3 and defense of this Proceeding; provided, however, that prior to the Disclosure of Confidential  
4 Materials to any such officer, director, partner, member, employee or agent, counsel for the Party  
5 making the Disclosure shall deliver a copy of this Stipulation and Protective Order to such person,  
6 shall explain that such person is bound to follow the terms of such Order, and shall secure the  
7 signature of such person on a statement in the form attached hereto as Exhibit A;

8 e. court reporters in this Proceeding (whether at depositions, hearings, or any  
9 other proceeding);

10 f. any deposition, trial or hearing witness in the Proceeding who previously has  
11 had access to the Confidential Materials, or who is currently or was previously an officer, director,  
12 partner, member, employee or agent of an entity that has had access to the Confidential Materials;

13 g. any deposition or non-trial hearing witness in the Proceeding who previously  
14 did not have access to the Confidential Materials; provided, however, that each such witness given  
15 access to Confidential Materials shall be advised that such Materials are being Disclosed pursuant  
16 to, and are subject to, the terms of this Stipulation and Protective Order and that they may not be  
17 Disclosed other than pursuant to its terms;

18 h. mock jury participants, provided, however, that prior to the Disclosure of  
19 Confidential Materials to any such mock jury participant, counsel for the Party making the  
20 Disclosure shall deliver a copy of this Stipulation and Protective Order to such person, shall explain  
21 that such person is bound to follow the terms of such Order, and shall secure the signature of such  
22 person on a statement in the form attached hereto as Exhibit A.

23 i. outside experts or expert consultants consulted by the undersigned Parties  
24 their counsel in connection with the Proceeding, whether or not retained to testify at any oral  
25 hearing; provided, however, that prior to the Disclosure of Confidential Materials to any such expert  
26 or expert consultant, counsel for the Party making the Disclosure shall deliver a copy of this  
27 Stipulation and Protective Order to such person, shall explain its terms to such person, and shall  
28 secure the signature of such person on a statement in the form attached hereto as Exhibit A. It shall

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1 be the obligation of counsel, upon learning of any breach or threatened breach of this Stipulation  
2 and Protective Order by any such expert or expert consultant, to promptly notify counsel for the  
3 Designating Party of such breach or threatened breach; and

4 j. any other person that the Parties' agree to in writing.

5 8. Confidential Materials shall be used by the persons receiving them only for the  
6 purposes of preparing for, conducting, participating in the conduct of, and/or prosecuting and/or  
7 defending the Proceeding, and not for any business or other purpose whatsoever.

8 9. Any Party to the Proceeding (or other person subject to the terms of this Stipulation  
9 and Protective Order) may ask the Court, after appropriate notice to the other Parties to the  
10 Proceeding, to modify or grant relief from any provision of this Stipulation and Protective Order.  
11 The Parties further stipulate that any request by any Party to modify or grant relief from any  
12 provision of this Stipulation and Protective Order will be heard on shortened notice or by ex parte  
13 application pursuant to the Court's discretion and availability to hear the matter.

14 10. Entering into, agreeing to, and/or complying with the terms of this Stipulation and  
15 Protective Order shall not:

16 a. operate as an admission by any person that any particular Document,  
17 Testimony or Information marked "Confidential" contains or reflects trade secrets, proprietary,  
18 confidential or competitively sensitive business, commercial, financial or personal information; or

19 b. prejudice in any way the right of any Party (or any other person subject to  
20 terms of this Stipulation and Protective Order):

21 i. to seek a determination by the Court of whether any particular  
22 Confidential Material should be subject to protection as "Confidential" under the terms of this  
23 Stipulation and Protective Order; or

24 ii. to seek relief from the Court on appropriate notice to all other Parties  
25 to the Proceeding from any provision(s) of this Stipulation and Protective Order, either generally  
26 as to any particular Document, Material or Information.

27 11. Any Party to the Proceeding who has not executed this Stipulation and Protective  
28 Order as of the time it is presented to the Court for signature may thereafter become a Party to this

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1 Stipulation and Protective Order by its counsel’s signing and dating a copy thereof and filing the  
2 same with the Court, and serving copies of such signed and dated copy upon the other Parties to this  
3 Stipulation and Protective Order.

4 12. Any Information that may be produced by a non-Party witness in discovery in the  
5 Proceeding pursuant to subpoena or otherwise may be designated by such non-Party as  
6 “Confidential” under the terms of this Stipulation and Protective Order, and any such designation by  
7 a non-Party shall have the same force and effect, and create the same duties and obligations, as if  
8 made by one of the undersigned Parties hereto. Any such designation shall also function as a  
9 consent by such producing Party to the authority of the Court in the Proceeding to resolve and  
10 conclusively determine any motion or other application made by any person or Party with respect to  
11 such designation, or any other matter otherwise arising under this Stipulation and Protective Order.

12 13. If any person subject to this Stipulation and Protective Order who has custody of any  
13 Confidential Materials receives a subpoena or other process (“Subpoena”) from any government or  
14 other person or entity demanding production of Confidential Materials, the recipient of the  
15 Subpoena shall promptly give notice of the same by electronic mail transmission, followed by either  
16 express mail or overnight delivery to counsel of record for the Designating Party, and shall furnish  
17 such counsel with a copy of the Subpoena. Upon receipt of this notice, the Designating Party may  
18 in its sole discretion and at its own cost, move to quash or limit the Subpoena, otherwise oppose  
19 production of the Confidential Materials, and/or seek to obtain confidential treatment of such  
20 Confidential Materials from the subpoenaing person or entity to the fullest extent available under  
21 law. The recipient of the Subpoena may not produce any Documents, Testimony or Information  
22 pursuant to the Subpoena prior to the date specified for production on the Subpoena.

23 14. Nothing in this Stipulation and Protective Order shall be construed to preclude either  
24 Party from asserting in good faith that certain Confidential Materials require additional protection.  
25 The Parties shall meet and confer to agree upon the terms of such additional protection.

26 15. If, after execution of this Stipulation and Protective Order, any Confidential  
27 Materials submitted by a Designating Party under the terms of this Stipulation and Protective Order  
28 is Disclosed by a non-Designating Party to any person other than in the manner authorized by this

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1 Stipulation and Protective Order, the non-Designating Party responsible for the Disclosure shall  
2 bring all pertinent facts relating to the Disclosure of such Confidential Materials to the immediate  
3 attention of the Designating Party.

4 16. This Stipulation and Protective Order is entered into without prejudice to the right of  
5 any Party to knowingly waive the applicability of this Stipulation and Protective Order to any  
6 Confidential Materials designated by that Party. If the Designating Party uses Confidential Materials  
7 in a non-Confidential manner, then the Designating Party shall advise that the designation no longer  
8 applies.

9 17. Where any Confidential Materials, or Information derived from Confidential  
10 Materials, is included in any motion or other proceeding governed by California Rules of Court,  
11 Rules 2.550 and 2.551, the party shall follow those rules. With respect to discovery motions or other  
12 proceedings not governed by California Rules of Court, Rules 2.550 and 2.551, the following shall  
13 apply: If Confidential Materials or Information derived from Confidential Materials are submitted  
14 or otherwise disclosed to the Court in connection with discovery motions and proceedings, the same  
15 shall be separately filed under seal with the clerk of the Court in an envelope marked:  
16 "CONFIDENTIAL – FILED UNDER SEAL PURSUANT TO PROTECTIVE ORDER AND  
17 WITHOUT ANY FURTHER SEALING ORDER REQUIRED."

18 18. The Parties shall meet and confer regarding the procedures for use of Confidential  
19 Materials at trial and shall move the Court for entry of an appropriate order.

20 19. Nothing in this Stipulation and Protective Order shall affect the admissibility into  
21 evidence of Confidential Materials, or abridge the rights of any person to seek judicial review or  
22 pursue other appropriate judicial action with respect to any ruling made by the Court concerning  
23 issue of the status of Protected Material.

24 20. This Stipulation and Protective Order shall continue to be binding after the  
25 conclusion of this Proceeding and all subsequent proceedings arising from this Proceeding, except  
26 that a Party may seek the written permission of the Designating Party or may move the Court for  
27 relief from the provisions of this Stipulation and Protective Order. To the extent permitted by law,  
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1 the Court shall retain jurisdiction to enforce, modify, or reconsider this Stipulation and Protective  
2 Order, even after the Proceeding is terminated.

3 21. Upon written request made within thirty (30) days after the settlement or other  
4 termination of the Proceeding, the undersigned Parties shall have thirty (30) days to either (a)  
5 promptly return to counsel for each Designating Party all Confidential Materials and all copies  
6 thereof (except that counsel for each Party may maintain in its files, in continuing compliance with  
7 the terms of this Stipulation and Protective Order, all work product, and one copy of each pleading  
8 filed with the Court and one copy of each deposition together with the exhibits marked at the  
9 deposition, (b) agree with counsel for the Designating Party upon appropriate methods and  
10 certification of destruction or other disposition of such Confidential Materials, or (c) as to any  
11 Documents, Testimony or other Information not addressed by sub-paragraphs (a) and (b), file a  
12 motion seeking a Court order regarding proper preservation of such Materials. To the extent  
13 permitted by law the Court shall retain continuing jurisdiction to review and rule upon the motion  
14 referred to in sub-paragraph (c) herein.

15 22. After this Stipulation and Protective Order has been signed by counsel for all Parties,  
16 it shall be presented to the Court for entry. Counsel agree to be bound by the terms set forth herein  
17 with regard to any Confidential Materials that have been produced before the Court signs this  
18 Stipulation and Protective Order.

19 23. The Parties and all signatories to the Certification attached hereto as Exhibit A agree  
20 to be bound by this Stipulation and Protective Order pending its approval and entry by the Court. In  
21 the event that the Court modifies this Stipulation and Protective Order, or in the event that the Court  
22 enters a different Protective Order, the Parties agree to be bound by this Stipulation and Protective  
23 Order until such time as the Court may enter such a different Order. It is the Parties' intent to be  
24 bound by the terms of this Stipulation and Protective Order pending its entry so as to allow for  
25 immediate production of Confidential Materials under the terms herein.

26 This Stipulation and Protective Order may be executed in counterparts.

27 *[SIGNATURES ON FOLLOWING PAGE]*

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**DORDICK LAW CORPORATION  
LIVINGSTON BAKHTIAR**

Dated: August 30, 2023

By:   
Attorneys for Plaintiff Jane Doe

**GLASER WEIL FINK HOWARD JORDAN &  
SHAPIRO LLP**

Dated: August 30, 2023

By: /s/Jillian P. Harris  
Attorneys for Defendant Alkiviades David

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**ORDER**

GOOD CAUSE APPEARING, the Court hereby approves this Stipulation and Protective Order.

IT IS SO ORDERED.

Dated: 09/07/2023



A handwritten signature in black ink, appearing to read "Christopher K. Lui".

THE HONORABLE Christopher K. Lui / Judge

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**EXHIBIT A**

**CERTIFICATION RE CONFIDENTIAL DISCOVERY MATERIALS**

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I hereby acknowledge that I, \_\_\_\_\_ [NAME], \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ [POSITION AND EMPLOYER], am about to receive  
Confidential Materials supplied in connection with the Proceeding, (INSERT CASE NO.). I certify  
that I understand that the Confidential Materials are provided to me subject to the terms and  
restrictions of the Stipulation and Protective Order filed in this Proceeding. I have been given a copy  
of the Stipulation and Protective Order; I have read it, and I agree to be bound by its terms.

I understand that Confidential Materials, as defined in the Stipulation and Protective Order,  
including any notes or other records that may be made regarding any such materials, shall not be  
Disclosed to anyone except as expressly permitted by the Stipulation and Protective Order. I will not  
copy or use, except solely for the purposes of this Proceeding, any Confidential Materials obtained  
pursuant to this Protective Order, except as provided therein or otherwise ordered by the Court in  
the Proceeding.

I further understand that I am to retain all copies of all Confidential Materials provided to me  
in the Proceeding in a secure manner, and that all copies of such Materials are to remain in my  
personal custody until termination of my participation in this Proceeding, whereupon the copies of  
such Materials will be returned to counsel who provided me with such Materials.

I declare under penalty of perjury, under the laws of the State of California, that the  
foregoing is true and correct. Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_

DATED: \_\_\_\_\_ BY: \_\_\_\_\_

Signature

Title

Address

City, State, Zip

Telephone Number

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On August 29, 2023, I served the foregoing document(s) described as:


**STIPULATION AND PROTECTIVE ORDER – RE DISABILITY ACCOMMODATION**

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED LIST**

- (BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- (BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- (BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- (BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the office of the above named addressee(s).
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on August 29, at Los Angeles, California.

  
\_\_\_\_\_  
Gwendolyn Edwards

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**SERVICE LIST**

Gary A. Dordick, Esq.  
Dustin Moaven, Esq.  
DORDICK LAW CORPORATION  
509 South Beverly Drive  
Beverly Hills, CA 90212-4514  
Tel.: (310) 551-0949  
Fax: (855) 299-4444  
Email: [gary@dordicklaw.com](mailto:gary@dordicklaw.com)  
[dustin@dordicklaw.com](mailto:dustin@dordicklaw.com)  
[sandra@dordicklaw.com](mailto:sandra@dordicklaw.com)  
[celine@dordicklaw.com](mailto:celine@dordicklaw.com)  
[alex@dordicklaw.com](mailto:alex@dordicklaw.com)

**Attorneys for Plaintiff JANE DOE**

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[jmk@livingstonbakhtiar.com](mailto:jmk@livingstonbakhtiar.com)  
[sb@livingstonbakhtiar.com](mailto:sb@livingstonbakhtiar.com)  
[dag@livingstonbakhtiar.com](mailto:dag@livingstonbakhtiar.com)

**Attorneys for Plaintiff JANE DOE**

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**TAB 27**

**AA0453**

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**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 13, 2023

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via Teams)

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Tang Nguyen (via Teams) for Gary A. Dordick

For Defendant(s): Fred D. Heather (via Teams), Jill P. Harris (via Teams) and Aaron Allan (via Teams)

Other Appearance Notes:

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**NATURE OF PROCEEDINGS:** Hearing on Motion to Compel Further Discovery Responses of Defendant Alkiviades David aka Alki David, to Interrogatories and Request for Sanctions [Res. ID# 258401690947]

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Dina Currado, CSR # 10908, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

The Court's tentative ruling is posted online for the parties/counsel to review.

Defendant submits to the tentative ruling of the Court.

After hearing oral argument, the Court adopts its tentative ruling as the order of the Court as follows:

**RULING**

**Defendant Alkiviades David a.k.a. Alki David's motion to compel further responses to special interrogatories Nos. 34 and 35 is GRANTED in part. Plaintiff must respond within 20 days as to the period November 2015 to the present.**

**Defendant's request for sanctions against Plaintiff only is GRANTED in the reduced amount of \$2,175. Sanctions are to be paid to Defendant's counsel within 20 days.**

**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.**

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8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via Teams)

ERM: None

Deputy Sheriff: None

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ANALYSIS

Motions To Compel Further Responses To Interrogatories

Request For Judicial Notice

Defendant requests that the Court take judicial notice of the following:

1. On October 5, 2021, Jacke A. Abboud, Esq., Counsel for Petitioner in In Re Marriage of Chouierey (LASC Case No. 19STFL0582) filed a Further Reply Declaration of Jackie A. Abboud Re RFO to Compel and Re Respondent's Non-Compliance with Court Orders ("Abboud Declaration"). Attached as Exhibit 6 to the Abboud Declaration are Respondent's Responses to Form Interrogatories along with a copy of Respondent's Schedule of Assets and Debts. A copy of the Abboud Declaration downloaded from the LASC website is attached hereto as Exhibit A. The relevant portions are on pages 9, 35, and 39 of the attached pdf.

The request is DENIED. This document is not relevant to this motion.

The Court need only take judicial notice of relevant materials. (Mangini v. R.J. Reynolds Tobacco Co. (1994) 7 Cal.4th 1057, 1063, overruled in part on other grounds noted in In re Tobacco Cases II (2007) 41 Cal.4th 1257, 1276.) The Court may deny a request for judicial notice of material unnecessary to its decision. (Rivera v. First DataBank, Inc. (2010) 187 Cal.App.4th 709, 713.)

Discussion

Defendant moves to compel further responses to special interrogatories propounded upon Plaintiff, and requests the imposition of sanctions.

Civ. Proc. Code, § 2030.300 provides:

(a) On receipt of a response to interrogatories, the propounding party may move for an order compelling a further response if the propounding party deems that any of the following apply:

(1) An answer to a particular interrogatory is evasive or incomplete.

(2) An exercise of the option to produce documents under Section 2030.230 is unwarranted or the required specification of those documents is inadequate.

**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 13, 2023

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via Teams)

ERM: None

Deputy Sheriff: None

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(3) An objection to an interrogatory is without merit or too general.

(b)

(1) A motion under subdivision (a) shall be accompanied by a meet and confer declaration under Section 2016.040.

(2) In lieu of a separate statement required under the California Rules of Court, the court may allow the moving party to submit a concise outline of the discovery request and each response in dispute.

(c) Unless notice of this motion is given within 45 days of the service of the verified response, or any supplemental verified response, or on or before any specific later date to which the propounding party and the responding party have agreed in writing, the propounding party waives any right to compel a further response to the interrogatories.

(d) The court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against any party, person, or attorney who unsuccessfully makes or opposes a motion to compel a further response to interrogatories, unless it finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

(e) If a party then fails to obey an order compelling further response to interrogatories, the court may make those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction under Chapter 7 (commencing with Section 2023.010). In lieu of, or in addition to, that sanction, the court may impose a monetary sanction under Chapter 7 (commencing with Section 2023.010).

(Civ. Proc. Code § 2030.300.)

This motion was filed and served on August 21, 2023, which is within the 45-day deadline measured from Plaintiff's service of supplemental responses on July 20, 2023.

Defendant's counsel engaged in sufficient meet and confer efforts prior to ringing this motion. (See Declaration of Jillian P. Harris, ¶¶ 6 – 10; Exhs. F & G.)

The Court will address the special interrogatories set forth in the separate statement:

**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 13, 2023

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via Teams)

ERM: None

Deputy Sheriff: None

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\* Special Interrogatories Nos. 34, 35: GRANTED in part.

Defendant is entitled to discovery the identity of witnesses. Plaintiff must respond within 20 days as to the period November 2015 to the present. Plaintiff alleges that she was hired in November 2015, and soon thereafter, AD snuck up behind her and cut off a lock of her hair. (1AC, ¶¶ 26, 27.)

“Discovery may be obtained of the identity and location of persons having knowledge of any discoverable matter. . . .” (Code Civ. Proc., § 2017.010.)

Indeed, our discovery system is founded on the understanding that parties use discovery to obtain names and contact information for possible witnesses as the starting point for further investigations: “The Civil Discovery Act also provides that a party may obtain information by the use of various methods, including oral and written depositions. (Code Civ. Proc., § 2020.010, subd. (a).) The party's ability to subpoena witnesses presumes that he has the witnesses' contact information.” (Dixon, at p. 443.)

(Puerto v. Superior Court (2008) 158 Cal.App.4th 1242, 1249.)

“[A] percipient witness's willingness to participate in civil discovery has never [\*1252] been considered relevant—witnesses may be compelled to appear and testify whether they want to or not.” (Puerto v. Superior Court (2008) 158 Cal. App. 4th 1242, 1251-52.)

Further, to the extent Plaintiff’s medical records might be protected from discovery, Plaintiff must still identify such documents:

In short, a responding party may object to an interrogatory that seeks privileged information by clearly stating the objection and the particular privilege invoked. But the existence of a document containing privileged information is not privileged. (Smith v. Superior Court (1961) 189 Cal. App. 2d 6, 12 [11 Cal. Rptr. 165]; see also, Mitchell v. Superior Court (1984) 37 Cal.3d 591, 601–602 [208 Cal. Rptr. 886, 691 P.2d 642].) Interrogatories may be used to discover the existence of documents in the other party’s possession. (See e.g., Fellows v. Superior Court (1980) 108 Cal. App. 3d 55, 59–60 [166 Cal. Rptr. 274].) If an interrogatory asks the responding party to identify a document, an adequate response must include a description of the document. (Deyo v. Kilbourne (1978) 84 Cal. App. 3d 771, 783 [149 Cal. Rptr. 499].) Thus, we agree with petitioners that a “privilege log” is unnecessary with regard to answering interrogatories seeking the identification of documents. (See Smith v. Superior Court, supra, 189 Cal. App. 2d at p. 12.)

**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 13, 2023

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via Teams)

ERM: None

Deputy Sheriff: None

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(Hernandez v. Superior Court (2003) 112 Cal.App.4th 285, 293.)

If Defendant thereafter seeks production of those medical records that are unrelated to Plaintiff's alleged emotional distress, then Plaintiff may object and bring a motion for a protective order or to quash the deposition subpoenas as to the documents that Defendant seeks. That is an issue to be taken up another day.

Plaintiff's objection on the ground of vagueness and ambiguity is **OVERRULED** as without merit.

Plaintiff's objection on the ground of privacy is **OVERRULED**.

A plaintiff is recognized as waiving physician-patient and psychotherapist-patient privileges to the extent he or she has put his or her medical or psychological condition in issue in a lawsuit. (Evid. Code, §§ 996, 1016; In re Lifschutz (1970) 2 Cal.3d 415, 435 [85 Cal. Rptr. 829, 467 P.2d 557].)

(Oiyee v. Fox (2012) 211 Cal.App.4th 1036, 1068.)

Here, because of the waiver of Plaintiff's privacy rights as to emotional distress she suffered from Defendant's alleged conduct by placing such at issue. (See 1AC, ¶¶ 73, 78, 84, 90, 96, 102, 107, 112, 118, 123.)

Defendant only seeks identification of treating medical providers. It is not until Defendant seeks production of documents that the Court must then conduct the privacy balancing test set forth in Williams.

The California Supreme Court has held that a compelling interest or compelling need is not always required in order to discover private information—the Court must consider the factors articulated in Hill v. National Collegiate Athletic Assn. (1994) 7 Cal.4th 1 to determine the seriousness of the privacy invasion and the strength of the countervailing interest required to overcome that invasion. (Williams v. Superior Court (2017) 3 Cal.5th 531.)

In ruling upon a privacy objection in the context of discovery, the party asserting a privacy right must establish a legally protected privacy interest. (Williams, supra, 3 Cal.5th at 552.) The party asserting a privacy right must also establish an objectively reasonable expectation of privacy in the given circumstances. (Id.) Further, the party asserting a privacy right must establish a

**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 13, 2023

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via Teams)

ERM: None

Deputy Sheriff: None

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threatened intrusion that is serious. (Id.) The Court need not proceed to the fourth step of balancing competing interests if all three of the above are not satisfied. (Id. at 555.) If the Court reaches the fourth step, the Court must balance these competing considerations: The party seeking information may raise whatever legitimate and important countervailing interests disclosure serves. (Id. at 552.) The party seeking protection may identify feasible alternatives that serve the same interests or protective measures that would diminish the loss of privacy. (Id.) Courts may not require the party seeking discovery to demonstrate a “compelling state interest” or “compelling need[1]” simply because discovery of any facially private information is sought. (Id. at 556-57.)

Plaintiff’s objection on the ground that the interrogatory seeks identities of expert witnesses and expert witness materials is **OVERRULED**. The interrogatory seeks identification of percipient witnesses, not expert witnesses.

Plaintiff’s objection the ground of attorney work-product privilege is **OVERRULED**. Plaintiff’s attorney did not prepare the medical records.

Defendant’s request for sanctions against Plaintiff only[2] (see Notice of Motion at Page 2:13) is **GRANTED** in the reduced amount of \$2,175 (3 total hours at \$725/hour—see Declaration of Jillian P. Harris, ¶ 10.) Sanctions are to be paid to Defendant’s counsel within 20 days.

Footnotes:

[1] In this regard, Plaintiff’s repeated argument that Defendants must show a compelling need for the discovery is based on authority which has been overruled.

[2]

CCP § 2023.040 provides:

A request for a sanction shall, in the notice of motion, identify every person, party, and attorney against whom the sanction is sought, and specify the type of sanction sought. The notice of motion shall be supported by a memorandum of points and authorities, and accompanied by a declaration setting forth facts supporting the amount of any monetary sanction sought.

(Civ. Proc. Code, § 2023.040.)

**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 13, 2023

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via Teams)

ERM: None

Deputy Sheriff: None

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Moving party to give notice.

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

**TAB 28**

**AA0461**

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 25, 2023

1:30 PM

Judge: Honorable Christopher K. Lui

Judicial Assistant: Reyna Navarro

Courtroom Assistant: Diana Deleon

CSR: Ryan Wheeler, CSR3 13717

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Dustin Moaven (via Teams) for Ebby S. Bakhtiar

For Defendant(s): Fred D. Heather and Aaron Allan (via Teams)

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**NATURE OF PROCEEDINGS:** Hearing - Other Vesco Hearing

The matter is called for hearing.

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Ryan Wheeler, CSR3 13717, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

On the Court's own motion, the Hearing - Other Vesco Hearing scheduled for 09/25/2023 is continued to 01/05/2024 at 01:30 PM in Department 76 at Stanley Mosk Courthouse.

Notice is waived.

**TAB 29**

**AA0463**

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

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	<b>FILED</b> Superior Court of California County of Los Angeles <b>09/27/2023</b>
PLAINTIFF/PETITIONER: Jane Doe	David W. Slayton, Executive Officer / Clerk of Court By: <u>          R. Navarro          </u> Deputy
DEFENDANT/RESPONDENT: Alkiviades David, et al.	
<b>CERTIFICATE OF MAILING</b>	CASE NUMBER: 20STCV37498

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Ruling on Submitted Matter) of 09/27/2023 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

Filmon.TV LA, Inc.

Filmon.TV Networks, Inc.

Filmon.TV, Inc.

Thomas Vincent Girardi  
Girardi & Keese  
1126 Wilshire Blvd  
Los Angeles, CA 90017

Fred D. Heather  
Glaser Weil, LLP  
10250 Constellation Blvd.  
19th Floor  
Los Angeles, CA 90067

Hologram USA Entertainment, Inc.

Hologram USA, Inc.

Swissx Labs AG, Inc.

David W. Slayton, Executive Officer / Clerk of Court

Dated: 09/27/2023

By:           R. Navarro            
Deputy Clerk

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

SHORT TITLE: JANE DOE vs ALKIVIADES DAVID, et al.

CASE NUMBER: 20STCV37498

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

**TAB 30**

**AA0466**

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 27, 2023

3:55 PM

Judge: Honorable Christopher K. Lui

Judicial Assistant: Reyna Navarro

Courtroom Assistant: None

CSR: None

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

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**NATURE OF PROCEEDINGS:** Ruling on Submitted Matter

The Court, having taken the matter under submission on 08/23/2023 for Hearing on Motion to Compel of Defendant, Alkiviades David aka Alki David, Deposition of Plaintiff [Res. ID# 830157265264], now rules as follows:

The Court's ruling is fully reflected in the "Ruling: Motion to Compel Deposition of Plaintiff [consisting of 4 pages]", which is signed and filed this date and incorporated herein by reference to the court file. A copy of the Court's ruling is sent to the parties via U.S. mail along with a copy of this minute order.

Certificate of Mailing is attached.

**TAB 31**

**AA0468**

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

**SEP 27 2023**

David W. Slayton, Executive Officer/Clerk of Court

HEARING DATE: **August 23, 2023**

By: **R. Navarro, Deputy**  
TRIAL: May 28, 2024

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

CASE NO.: **20STCV37498**

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**MOTION TO COMPEL DEPOSITION OF PLAINTIFF**

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**MOVING PARTY:** Defendant Alkiviades David a.k.a. Alki David

**RESPONDING PARTY(S):** Plaintiff Jane Doe

Plaintiff alleges that she was sexually harassed and raped by Defendant David, for whom Plaintiff worked. Plaintiff was thereafter fired.

Defendant Alkiviades David a.k.a. Alki David moves to compel the deposition of Plaintiff.

**RULING**

**Defendant Alkiviades David a.k.a. Alki David's motion to compel Plaintiff's deposition is GRANTED. However, no order will issue regarding production of documents.**

**Defendant did not request sanctions.**

**ANALYSIS**

**Motions To Compel Deposition**

**Request For Judicial Notice**

Defendant's request that the Court take judicial notice of the fact that Filmon.TV Inc. is not in good standing and has been suspended by the California Franchise Tax Board since August 1, 2019 is DENIED as not relevant to this motion. The Court need only take judicial notice of relevant materials. (*Mangini v. R.J. Reynolds Tobacco Co.* (1994) 7 Cal.4th 1057, 1063, overruled in part on other grounds noted in *In re Tobacco Cases II* (2007) 41 Cal.4th 1257, 1276.) The Court may deny a request for judicial notice

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

**AA0469**

09/29/2023

of material unnecessary to its decision. (*Rivera v. First DataBank, Inc.* (2010) 187 Cal.App.4th 709, 713.)

Plaintiff's request that the Court take judicial notice of the statements of information for FilmOn.TV and Hologram USA, Inc. is DENIED as not relevant to this motion.

Discussion

Defendant Alkiviades David a.k.a. Alki David moves to compel the deposition of Plaintiff.

CCP § 2025.450 provides in pertinent part as follows:

(a) If, after service of a deposition notice, a party to the action or an officer, director, managing agent, or employee of a party, or a person designated by an organization that is a party under Section 2025.230, without having served a valid objection under Section 2025.410, fails . . . to proceed with it, . . . the party giving the notice may move for an order compelling the deponent's attendance and testimony, . . .

(b) A motion under subdivision (a) shall comply with both of the following:

(1) The motion shall set forth specific facts showing good cause justifying the production for inspection of any document, electronically stored information, or tangible thing described in the deposition notice.

(2) The motion shall be accompanied by a meet and confer declaration under Section 2016.040, or, when the deponent fails to attend the deposition and produce the documents, electronically stored information, or things described in the deposition notice, by a declaration stating that the petitioner has contacted the deponent to inquire about the nonappearance.

...

(g)

(1) If a motion under subdivision (a) is granted, the court shall impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) in favor of the party who noticed the deposition and against the deponent or the party with whom the deponent is affiliated, unless the court finds that the one subject to the sanction acted with substantial justification or that other circumstances make the imposition of the sanction unjust.

...

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

09/20/2023

(h) If that party or party-affiliated deponent then fails to obey an order compelling attendance, testimony, and production, the court may make those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction under Chapter 7 (commencing with Section 2023.010) against that party deponent or against the party with whom the deponent is affiliated. In lieu of, or in addition to, this sanction, the court may impose a monetary sanction under Chapter 7 (commencing with Section 2023.010) against that deponent or against the party with whom that party deponent is affiliated, and in favor of any party who, in person or by attorney, attended in the expectation that the deponent's testimony would be taken pursuant to that order.

...

(Civ. Proc. Code, § 2025.450.)

Plaintiff has refused to appear for her deposition despite being served with a Second Amended Notice of Plaintiff's deposition. (Declaration of Jillian P. Harris, ¶ 8; Exh. 8.)

Defendant's counsel engaged in sufficient meet and confer efforts, as required by Civ. Proc. Code, § 2025.450(b)(2). (Harris Decl., ¶¶ 11, 12.)

Civ. Proc. Code, § 2025.280(a) provides:

(a) The service of a deposition notice under Section 2025.240 is **effective to require** any deponent who is a party to the action or an officer, director, managing agent, or employee of a party to attend and to testify, as well as to produce any document, electronically stored information, or tangible thing for inspection and copying.

(Civ. Proc. Code, § 2025.280(a)[bold emphasis added].)

Defendant is entitled to an order compelling Plaintiff to appear for her deposition. Plaintiff cannot condition the right of Defendant to take her deposition upon her taking Defendant's deposition first, absent a protective order obtained via noticed motion.

Civ. Proc. Code, § 2019.020 provides:

(a) Except as otherwise provided by a rule of the Judicial Council, a local court rule, or a local uniform written policy, the methods of discovery may be used in any sequence, and the fact that a party is conducting discovery, whether by deposition or another method, shall not operate to delay the discovery of any other party.

(b) Notwithstanding subdivision (a), on motion and for good cause shown, the court may establish the sequence and timing of discovery for the convenience of parties and witnesses and in the interests of justice.

(Civ. Proc. Code, § 2019.020.)


Further, there is no basis for the Court to order Defendant to appear for his deposition by way of a request made in Plaintiff's Opposition to the motion to compel Plaintiff's deposition.<sup>1</sup>

However, Defendant is not entitled to an order compelling production of the 10 categories of documents specified in the deposition notice, because Defendant did not "set forth specific facts showing good cause justifying the production for inspection of any document, electronically stored information, or tangible thing described in the deposition notice." (Civ. Proc. Code, § 2025.450(b)(2).)

Accordingly, the motion to compel Plaintiff's deposition is GRANTED. However, no order will issue regarding production of documents.

Defendant did not request sanctions.

9/27/23  
DATE

  
CHRISTOPHER K. LUI  
JUDGE, LOS ANGELES SUPERIOR COURT  
CHRISTOPHER K. LUI

<sup>1</sup> The Court notes that Plaintiff has filed a motion to compel the deposition of Defendant in his capacity as an officer of Defendants Filmon.tv and Hologram USA, Inc., which motion is scheduled for hearing on February 20, 2024. The Court previously denied Plaintiff's ex parte application to advance the hearing on that motion. Given the current status of discovery, and in light of the fact that Defendants Filmon.tv and Hologram USA, Inc. have both been defaulted, the Court finds no basis to advance the hearing on that motion or to implement some other case management tool with regard to sequencing of discovery.

**TAB 32**

**AA0473**

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



**AA0475**

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



**AA0477**

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

**TAB 33**

**AA0478**

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.**

January 5, 2024

1:30 PM

Judge: Honorable Christopher K. Lui

CSR: Jane Hong-Elsey, CSR # 11975 (via LACC)

Judicial Assistant: T. Le

ERM: None

Courtroom Assistant: S. Sato

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Dustin Moaven (via LACC) for Gary A. Dordick

For Defendant(s): Fred D. Heather (via LACC)

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**NATURE OF PROCEEDINGS:** Hearing - Other Vesco Hearing

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Jane Hong-Elsey, CSR # 11975, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

The Court and counsel confer regarding the status of the case.

On the Court's own motion, the Motion for Order Compelling Defendant Filmon.tv and Hologram USA, Inc.'s Corporate Officer, Alkiviades David, to Appear at Deposition and to Produce Documents and Request for Monetary Sanctions [Res. ID #4555] is placed off-calendar without prejudice.

After conferring with the parties, the Court orders as follows:

The Hearing - Other Vesco Hearing is continued to 02/13/2024 at 11:30 AM in Department 76 at Stanley Mosk Courthouse. Defense counsel is ordered to serve and file a status medical update regarding defendant's treatment by 02/05/2024. Plaintiff's counsel is ordered to file a response by 02/09/2024. The parties are to lodge a courtesy copy in department 76 once filed.

An Informal Discovery Conference (IDC) is scheduled for 02/13/2024 at 11:30 AM in Department 76 at Stanley Mosk Courthouse.

The parties are ordered to file a joint statement of the discovery in dispute at least 5 days prior to the Informal Discovery Conference.

**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.**

January 5, 2024

1:30 PM

Judge: Honorable Christopher K. Lui

CSR: Jane Hong-Elsey, CSR # 11975 (via  
LACC)

Judicial Assistant: T. Le

ERM: None

Courtroom Assistant: S. Sato

Deputy Sheriff: None

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Notice is waived.

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

**TAB 34**

**AA0481**

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <b>Fred D. Heather (SBN: 110650)</b> <b>Glaser Weil Fink Howard Jordan &amp; Shapiro LLP</b> <b>10250 Constellation Blvd., 19th Floor</b> <b>Los Angeles, CA 90067</b> TELEPHONE NO.: 310-553-3000 FAX NO.: 310-556-2920 ATTORNEY FOR (Name): <b>Defendant Alkiviades David</b>	FOR COURT USE ONLY  <b>Electronically FILED by</b> <b>Superior Court of California,</b> <b>County of Los Angeles</b> <b>1/16/2024 4:06 PM</b> <b>David W. Slayton,</b> <b>Executive Officer/Clerk of Court,</b> <b>By P. Muro, Deputy Clerk</b>
NAME OF COURT: <b>Superior Court of California, County of Los Angeles</b> STREET ADDRESS: <b>111 N. Hill St.</b> MAILING ADDRESS: <b>111 N. Hill St.</b> CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk</b>	CASE NUMBER: <b>20STCV37498</b>
CASE NAME: <b>Jane Doe v. Alkiviades David et al.</b>	HEARING DATE: <b>February 9, 2024</b> DEPT.: <b>76</b> TIME: <b>8:30AM</b> BEFORE HON.: <b>Christopher K. Lui</b> DATE ACTION FILED: <b>Sept. 30, 2020</b> TRIAL DATE: <b>May 28, 2024</b>
<b>NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL—CIVIL</b>	

TO (name and address of client): **Defendant Alkiviades David**  
**c/o Themis Sofos, Sofos & Partners, Asklepiou Str. 6-8 GR 10680 Athens/Greece**

- PLEASE TAKE NOTICE that (name of withdrawing attorney): **Glaser Weil Fink Howard Jordan & Shapiro, LLP** moves under California Code of Civil Procedure section 284(2) and California Rules of Court, rule 3.1362, for an order permitting the attorney to be relieved as attorney of record in this action or proceeding.
- A hearing on this motion to be relieved as counsel will be held as follows:

a.	Date: <b>February 9, 2024</b>	Time: <b>8:30AM</b>	Dept.: <b>76</b>	Room: <b>734</b>
----	-------------------------------	---------------------	------------------	------------------

b. The address of the court:  same as noted above  other (specify):

- This motion is supported by the accompanying declaration, the papers and records filed in this action or proceeding, and the following additional documents or evidence (specify):  
**N/A**

(This motion does not need to be accompanied by a memorandum of points and authorities. Cal. Rules of Court, rule 3.1362.)

- The client presently represented by the attorney is
 

a. <input checked="" type="checkbox"/> an individual. b. <input type="checkbox"/> a corporation. c. <input type="checkbox"/> a partnership. d. <input type="checkbox"/> an unincorporated association. e. <input type="checkbox"/> a guardian. f. <input type="checkbox"/> a conservator.	g. <input type="checkbox"/> a trustee. h. <input type="checkbox"/> a personal representative. i. <input type="checkbox"/> a probate fiduciary. j. <input type="checkbox"/> a guardian ad litem. k. <input type="checkbox"/> other (specify):
--	--

(Continued on reverse)

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 TO CLIENT**

**If this motion to be relieved as counsel is granted, your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:**

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

**If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.**

5. If this motion is granted and a client is representing himself or herself, the client will be solely responsible for the case.

**NOTICE TO CLIENT WHO WILL BE UNREPRESENTED**

**If this motion to be relieved as counsel is granted, you will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.**

6. If this motion is granted, the client must keep the court informed of the client's current address.

**NOTICE TO CLIENT WHO WILL BE UNREPRESENTED**

**If this motion to be relieved as counsel is granted, the court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.**

Date: January 16, 2024

Fred D. Heather  
\_\_\_\_\_  
(TYPE OR PRINT NAME)

  
\_\_\_\_\_  
(SIGNATURE OF ATTORNEY)

Attorney for (name): Alkiviades David

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



## Make a Reservation

JANE DOE vs ALKIVIADES DAVID, et al.

Case Number: 20STCV37498 Case Type: Civil Unlimited Category: Wrongful Termination

Date Filed: 2020-09-30 Location: Stanley Mosk Courthouse - Department 76

### Reservation

Case Name: JANE DOE vs ALKIVIADES DAVID, et al.	Case Number: 20STCV37498
Type: Motion to Be Relieved as Counsel	Status: RESERVED
Filing Party: Alkiviades David (Defendant)	Location: Stanley Mosk Courthouse - Department 76
Date/Time: 02/09/2024 8:30 AM	Number of Motions: 1
Reservation ID: 283037894692	Confirmation Code: CR-YTHWIDQBGEASGPSBU

### Fees

Description	Fee	Qty	Amount
Motion to Be Relieved as Counsel	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
<b>TOTAL</b>			<b>\$61.65</b>

### Payment

Amount: \$61.65	Type: Visa
Account Number: XXXX2188	Authorization: 017165
Payment Date: 1969-12-31	

- [Print Receipt](#)
- [Reserve Another Hearing](#)
- [View My Reservations](#)

1 FRED D. HEATHER - State Bar No. 110650  
 fheather@glaserweil.com  
 2 AARON P. ALLAN - State Bar No. 144406  
 aallan@glaserweil.com  
 3 JILLIAN P. HARRIS - State Bar No. 300119  
 jharris@glaserweil.com  
 4 GLASER WEIL FINK HOWARD  
 5 JORDAN & SHAPIRO LLP  
 10250 Constellation Boulevard, 19th Floor  
 6 Los Angeles, California 90067  
 7 Telephone: (310) 553-3000  
 Facsimile: (310) 556-2920  
 8  
 Attorneys for Defendant  
 9 ALKIVIADES DAVID a.k.a. ALKI DAVID

10  
 11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 12 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

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

16 Plaintiffs,

17 v.

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

24 Defendants.

Case No. 20STCV37498  
*Unlimited Jurisdiction*

Assigned to the Honorable Christopher K. L  
 Department: 76

**PROOF OF SERVICE RE  
 NOTICE OF MOTION AND MOTION  
 TO BE RELIEVED AS COUNSEL;  
 DECLARATION IN SUPPORT OF  
 ATTORNEY'S MOTION TO BE  
 RELIEVED AS COUNSEL; [PROPOSE  
 ORDER GRANTING ATTORNEY'S  
 MOTION TO BE RELIEVED AS  
 COUNSEL**

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

Hearing Date: February 9, 2024  
 Hearing Time: 8:30AM

Reservation ID#: 283037894692

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On January 16, 2024, I served the foregoing document(s) described as:

**NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL;  
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS  
COUNSEL; [PROPOSED] ORDER GRANTING ATTORNEY'S  
MOTION TO BE RELIEVED AS COUNSEL**

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED SERVICE LISTS**

**(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

**(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

**(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

**(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the office of the addressee(s) set forth in the attached service list..

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on January 16, 2024, at Los Angeles, California.

Veronica Shnayder

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**PERSONAL SERVICE LIST**

Gary A. Dordick, Esq.  
Dustin Moaven, Esq.  
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Fax: (855) 299-4444  
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dylan@dordicklaw.com  
sandra@dordicklaw.com  
celine@dordicklaw.com  
alex@dordicklaw.com

Attorneys for Plaintiff JANE DOE

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Justin M. Kirk, Esq.  
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Los Angeles, California 90010  
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Fax: (213) 632-3100  
Email: esb@livingstonbakhtiar.com  
jmk@livingstonBakhtiar.com  
sb@livingstonbakhtiar.com  
dag@livingstonbakhtiar.com

Attorneys for Plaintiff JANE DOE

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**EMAIL SERVICE LIST**

Gary A. Dordick, Esq. Attorneys for Plaintiff JANE DOE  
Dustin Moaven, Esq.  
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sandra@dordicklaw.com  
celine@dordicklaw.com  
alex@dordicklaw.com

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Email: esb@livingstonbakhtiar.com  
jmk@livingstonBakhtiar.com  
sb@livingstonbakhtiar.com  
dag@livingstonbakhtiar.com

Themis Sofos Attorney for Alkiviades David  
Sofos & Partners  
Asklepiou Str. 6-8 GR 10680  
Athens/Greece  
themis@sofos.com.gr

Alkiviades David Defendant  
filmonpersonal@gmail.com

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**USPS MAIL SERVICE LIST**

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

Attorney for Alkiviades David

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

**TAB 35**

**AA0490**

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

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, state bar number, and address</i> ): <b>Fred D. Heather (SBN: 110650)</b> <b>Glaser Weil Fink Howard Jordan &amp; Shapiro LLP</b> <b>10250 Constellation Blvd., 19th Floor</b> <b>Los Angeles, CA 90067</b> TELEPHONE NO.: 310-553-3000 FAX NO.: 310-556-2920 ATTORNEY FOR ( <i>Name</i> ): <b>Defendant Alkiviades David</b>	FOR COURT USE ONLY  <b>Electronically FILED by          Superior Court of California,          County of Los Angeles          1/16/2024 4:06 PM          David W. Slayton,          Executive Officer/Clerk of Court,          By P. Muro, Deputy Clerk</b>
NAME OF COURT: <b>Superior Court of California, County of Los Angeles</b> STREET ADDRESS: <b>111 N. Hill St.</b> MAILING ADDRESS: <b>111 N. Hill St.</b> CITY AND ZIP CODE: <b>Los Angeles, CA 90012</b> BRANCH NAME: <b>Stanley Mosk</b>	CASE NUMBER: <b>20STCV37498</b>
<b>DECLARATION IN SUPPORT OF ATTORNEY'S          MOTION TO BE RELIEVED AS COUNSEL—CIVIL</b>	HEARING DATE: <b>February 9, 2024</b> DEPT.: <b>76</b> TIME: <b>8:30AM</b> BEFORE HON.: <b>Christopher K. Lui</b> DATE ACTION FILED: <b>Sept. 30, 2020</b> TRIAL DATE: <b>May 28, 2024</b>

1. **Attorney and Represented Party.** Attorney (*name*): **Glaser Weil Fink Howard Jordan & Shapiro, LLP** is presently counsel of record for (*name of party*): **Defendant Alkiviades David** in the above-captioned action or proceeding.
2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (*describe*):

To date, the client and his new counsel have not consented to a request to substitute counsel. In addition, this motion is made pursuant to Code of Civil Procedure section 284 on the grounds that there is a genuine basis for withdrawal under California Rules of Professional Conduct, Rule 1.16. The specific facts which give rise to this motion may be confidential and required to be kept confidential pursuant to Business and Professions Code section 6068(e), Cal. Rules of Professional Conduct, Rule 1.6(a), and/or by the attorney-client privilege (Cal. Evid. Code, §§ 950, et seq). Should the Court desire further information, movant respectfully requests that the Court hold an in camera hearing outside of the presence of all other parties so that more specific facts demonstrating good cause for this withdrawal may be demonstrated to the Court without violating the attorney-client privilege.

Continued on Attachment 2.

### 3. Service

- a. Attorney has
- (1)  personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
- (2)  served the client by mail at the client's last known address with copies of the motion papers served with this declaration.
- b. If the client has been served by mail at the client's last known address, attorney has
- (1)  confirmed within the past 30 days that the address is current
- (a)  by mail, return receipt requested.
- (b)  by telephone.
- (c)  by conversation.
- (d)  by other means (*specify*):

Alkiviades David was served both by email and care-of his counsel in Greece. Mr David's Greek counsel has confirmed that Mr. David can be served by email in connection with the service of all case related documents.

(Continued on reverse)

<b>CASE NAME:</b> Jane Doe v. Alkiviades David et al.	<b>CASE NUMBER:</b> 20STCV37498
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3. b. (2)  been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a)  mailing the motion papers to the client's last known address, return receipt requested.
  - (b)  calling the client's last known telephone number or numbers.
  - (c)  contacting persons familiar with the client (*specify*):
  - (d)  conducting a search (*describe*):
  - (e)  other (*specify*):

c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):

4. The next hearing scheduled in this action or proceeding
- a.  is not yet set.
  - b.  is set as follows (*specify the date, time, and place*):  
February 13, 2024 at 1:30PM in Dept. 76
  - c.  concerns (*describe the subject matter of the hearing*):  
Continued Vesco Hearing and Informal Discovery Conference

Continued on Attachment 4.

5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each describe the date, time, place, and subject matter*):

Final Status Conference - May 13, 2024 at 08:30 AM in Department 76

Continued on Attachment 5.

6. Trial in this action or proceeding
- a.  is not yet set.
  - b.  is set as follows (*specify the date, time, and place*):  
May 28, 2024 at 8:30AM in Dept. 76

7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):  
The next event scheduled in this case is a month away and the purpose of the proceeding is to determine discovery deadlines, which are not currently set, and an extension of disability accommodations. Further, Alkiviades David has retained separate counsel who is privy to the developments in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
Date: January 16, 2024

Fred D. Heather  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

8. Number of pages attached: \_\_\_\_\_

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



2:48



## Make a Reservation

JANE DOE vs ALKIVIADES DAVID, et al.

Case Number: 20STCV37498 Case Type: Civil Unlimited Category: Wrongful Termination

Date Filed: 2020-09-30 Location: Stanley Mosk Courthouse - Department 76

### Reservation

Case Name: JANE DOE vs ALKIVIADES DAVID, et al.	Case Number: 20STCV37498
Type: Motion to Be Relieved as Counsel	Status: RESERVED
Filing Party: Alkiviades David (Defendant)	Location: Stanley Mosk Courthouse - Department 76
Date/Time: 02/09/2024 8:30 AM	Number of Motions: 1
Reservation ID: 283037894692	Confirmation Code: CR-YTHWIDQBGEASGPSBU

### Fees

Description	Fee	Qty	Amount
Motion to Be Relieved as Counsel	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
<b>TOTAL</b>			<b>\$61.65</b>

### Payment

Amount: \$61.65	Type: Visa
Account Number: XXXX2188	Authorization: 017165
Payment Date: 1969-12-31	

- [Print Receipt](#)
- [Reserve Another Hearing](#)
- [View My Reservations](#)

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

1 FRED D. HEATHER - State Bar No. 110650  
 fheather@glaserweil.com  
 2 AARON P. ALLAN - State Bar No. 144406  
 aallan@glaserweil.com  
 3 JILLIAN P. HARRIS - State Bar No. 300119  
 jharris@glaserweil.com  
 4 GLASER WEIL FINK HOWARD  
 5 JORDAN & SHAPIRO LLP  
 10250 Constellation Boulevard, 19th Floor  
 6 Los Angeles, California 90067  
 7 Telephone: (310) 553-3000  
 Facsimile: (310) 556-2920  
 8  
 Attorneys for Defendant  
 9 ALKIVIADES DAVID a.k.a. ALKI DAVID

10  
 11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 12 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

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

16 Plaintiffs,

17 v.

18 ALKIVIADES DAVID, an Individual, a.k.a.  
 ALKI DAVID; HOLOGRAM USA, INC., a  
 19 California Corporation, a.k.a. HOLOGRAM  
 USA PRODUCTIONS, INC., HOLOGRAM  
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 23 DOES 1 through 150, Inclusive,

24 Defendants.

Case No. 20STCV37498  
*Unlimited Jurisdiction*

Assigned to the Honorable Christopher K. L  
 Department: 76

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

Hearing Date: February 9, 2024  
 Hearing Time: 8:30AM

Reservation ID#: 283037894692

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On January 16, 2024, I served the foregoing document(s) described as:

**NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL;  
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS  
COUNSEL; [PROPOSED] ORDER GRANTING ATTORNEY'S  
MOTION TO BE RELIEVED AS COUNSEL**

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED SERVICE LISTS**

**(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

**(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

**(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on January 16, 2024, at Los Angeles, California.

Veronica Shnayder

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**PERSONAL SERVICE LIST**

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Justin M. Kirk, Esq.  
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**EMAIL SERVICE LIST**

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Alkiviades David Defendant  
filmonpersonal@gmail.com

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**USPS MAIL SERVICE LIST**

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

Attorney for Alkiviades David

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

**TAB 36**

**AA0499**

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

1 FRED D. HEATHER - State Bar No. 110650  
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2 AARON P. ALLAN - State Bar No. 144406  
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3 JILLIAN P. HARRIS - State Bar No. 300119  
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4 GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP  
5 10250 Constellation Boulevard, 19th Floor  
Los Angeles, California 90067  
6 Telephone: (310) 553-3000  
Facsimile: (310) 556-2920  
7

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
2/05/2024 2:13 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Willis, Deputy Clerk

8 Attorneys for Defendant  
ALKIVIADES DAVID a.k.a. ALKI DAVID  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT  
12

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

Case No. 20STCV37498  
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Assigned to the Honorable Christopher K. L.  
Department: 76

17 ALKIVIADES DAVID, an Individual, a.k.a.  
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INC., a California Corporation, a.k.a. SWISSX  
LOUNGE and FILMONTV UK, LTD.; and  
21 DOES 1 through 150, Inclusive,  
22

**STATUS REPORT OF COUNSEL  
CONCERNING UPDATED ADA  
REQUEST FOR ACCOMODATIONS**

Date: February 13, 2024  
Time: 11:30 a.m.

Action Filed: September 30, 2020  
Trial Date: August 7, 2023

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At the most recent hearing on this matter, conducted on January 5, 2024, the Court requested that Defendant file an update concerning progress made on his medical treatment. This update was to assist the Court in determining scheduling and other issues related to Defendant’s participation in the defense of this case. It was anticipated that this update would come in the form of a letter or report from Defendant’s current physician located in Greece, stating the progress made in treatment and any further treatment believed to be necessary in order to enable Defendant to participate in his defense most effectively.

As of the date of this status report, Defendant’s counsel has been unable to obtain any information concerning the requested update described above.

DATED: February 5, 2024

GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP

By:   
FRED D. HEATHER  
AARON P. ALLAN  
JILLIAN P. HARRIS  
Attorneys for Defendant ALKIVIADES DAVID

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, 19th Floor, Los Angeles, California 90067.

On September 5, 2023, I served the foregoing document(s) described as:

**STATUS REPORT OF COUNSEL CONCERNING UPDATED ADA REQUEST FOR ACCOMODATIONS**

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED LIST**

- (BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the above named addressee(s).
- (BY ELECTRONIC SERVICE)** by causing the foregoing document(s) to be electronically filed using the Court’s Electronic Filing System which constitutes service of the filed document(s) on the individual(s) listed on the attached mailing list.
- (BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on February 5, 2024, at Los Angeles, California.

\_\_\_\_\_  
Veronica Shnyder

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Attorneys for Plaintiff JANE DOE

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

**TAB 37**

**AA0504**

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

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 4 GLASER WEIL FINK HOWARD  
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 5 10250 Constellation Boulevard, 19th Floor  
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 6 Telephone: (310) 553-3000  
 Facsimile: (310) 556-2920  
 7

**FILED**  
 Superior Court of California  
 County of Los Angeles  
**02/08/2024**  
 David W. Slayton, Executive Officer / Clerk of Court  
 By:                     T. Le                     Deputy

8 Attorneys for Defendant  
 ALKIVIADES DAVID  
 9

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

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

Case No. 20STCV37498  
*Unlimited Jurisdiction*

14 Plaintiffs,

Assigned to the Honorable Christopher K. L.  
 Dept. 76

15 v.

**DEFENDANT’S INFORMAL  
 DISCOVERY CONFERENCE  
 STATEMENT**

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

Conference Date: February 13, 2024  
 Conference Time: 11:30 a.m.

22 Defendants.

Action Filed: September 30, 2020  
 Trial Date: May 27, 2024

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

1 **I. DEFENDANT’S STATEMENT**

2 Defendant Alki David (“Defendant”) is entitled to the following discovery, which Plaintiff  
3 Jane Doe (“Doe”) has refused to provide on the basis of personal privacy:

- 4 (1) All messages with Plaintiff’s family members, including her brother and cousins, and  
5 friends that relate to Defendant and/or any of the allegations in the complaint – Plaintiff  
6 testified during her deposition that these exist and had not been produced.
- 7 (2) A forensic examination of Plaintiff’s phone/icloud – Plaintiff admitted to deleting  
8 messages that are relevant to this case.
- 9 (3) All of Plaintiff’s typed and handwritten notes or journal/diary entries that relate to  
10 Defendant and/or any of the allegations in the complaint – Plaintiff testified during her  
11 deposition that these exist and had not been produced.

12 Plaintiff’s privacy is clearly outweighed by Defendant’s right to the discovery. Plaintiff  
13 testified that she spoke with family and friends about Defendant and the allegations in her  
14 Complaint. Plaintiff cannot selectively produce only certain messages that bear on this case.

15 Likewise, Plaintiff’s diary (and the text messages) go directly to Plaintiff’s emotional  
16 distress damages. There is no less intrusive means of obtaining contemporaneous evidence of  
17 Plaintiff’s state of mind than her diary. Defendant is not seeking every page of the diary or  
18 journal—only those that relate to Defendant or the allegations in the Complaint.

19 Finally, Plaintiff should be required to produce her phone for a forensic examination in light  
20 of the fact that *Plaintiff has admitted to selectively deleting her text messages—including relevant  
21 messages sent to Defendant such as a heart emoji sent mere hours after the alleged rape. See*  
22 *Plaintiff’s Depo. 188:1-11 below.*

23 Below are selected excerpts from Plaintiff’s deposition demonstrating the need for this  
24 relevant discovery:

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TOPIC	EXCERPT
Text messages	<p>Page 46</p> <p>6           <b>Q. Okay. So you've told me everything you</b>  7           <b>can remember, right, that you've spoken to your</b>  8           <b>brother about?</b></p> <p>9           A. In the small sentence, yes. I can't --  10          I can't remember -- like, if you really want me to  11          think about it and come back, I can remember and  12          recollect all the text messages with my brother and  13          try to remember, like --</p> <p>14          <b>Q. Did you --</b></p> <p>15          A. -- all the details.</p> <p>16          <b>Q. Did you speak with your brother about</b>  17          <b>what was going on at work in text messages?</b></p> <p>18          A. I don't -- that's what I said. I -- I'd  19          have to look over them to see if I have them still  20          and try to recollect my thoughts and remember if I  21          had spoken about anything</p>
Text messages	<p>Page 47</p> <p>13          <b>Q. So at any time during this litigation,</b>  14          <b>have you looked through your phone to see your</b>  15          <b>messages with your brother and determine if there</b>  16          <b>are any ones where you speak about Alki or your</b>  17          <b>work --</b></p> <p>18          A. No.</p> <p>19          <b>Q. -- anything like that?</b></p> <p>20          A. No.</p> <p>21          <b>Q. No, you've never looked?</b></p> <p>22          A. No.</p>
Text messages	<p>Page 52</p> <p>18          <b>Q. What more did you tell them beyond what</b>  19          <b>you told your brother?</b></p> <p>20          A. I told them things that this person  21          wrongfully did, a few things. It's a timeline of  22          them.</p> <p>23                          May I just leave it at that there?  24          There's facts. There's some facts in there that I  25          mentioned to them we can talk about later.</p>
Text messages	<p>Page 53</p> <p>5           <b>Q. Did you talk to [your cousins] about the same</b>  6           <b>facts that are in your complaint?</b></p> <p>7           A. Yes.</p> <p>8           <b>Q. Okay. Thanks. I just want to make sure</b>  9           <b>you say it out loud.</b></p> <p>10          A. Not all, but some.</p> <p>11          <b>Q. Okay. And did you have these</b>  12          <b>conversations with them verbally or through</b>  13          <b>messaging or --</b></p> <p>14          A. Verbally.</p> <p>15          <b>Q. Did you speak with them about venting at</b>  16          <b>all in a text message or WhatsApp?</b></p> <p>17          A. I would have to check back on those</p>

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	<p>18 dates, if I still have those text messages. But 19 maybe. 20 <b>Q. Okay. And have you checked previously</b> 21 <b>to look for that information?</b> 22 A. No, I did not.</p>
Text messages	<p>Page 67 18 <b>Q. Did you look through your phone as part</b> 19 <b>of this lawsuit to see if you had any messages that</b> 20 <b>were related to Alki and working there and all of</b> 21 <b>this with Tony and Shamir?</b> 22 A. No.</p>
Text messages	<p>Page 410 4 So I was in the bathroom. I texted -- I 5 believe I texted my girlfriend and I told her, "I'm 6 alone. Please check on me in a few minutes because 7 I don't have a ride back to the -- to the -- to 8 the -- I'm with Alki and I'm alone and I don't have 9 a ride back to -- to work. Please just make sure 10 I'm okay. If -- if -- like, if anything, you know 11 where I am." 12 <b>Q. Who did you say that to?</b> 13 A. I said it to Deyana.</p>
Text messages	<p>Page 464-465 22 <b>Q. So before you -- before you went over to</b> 23 <b>bring the drinks to the theater, what were you</b> 24 <b>doing earlier that day?</b> 25 A. I don't remember exactly, but I can give 1 that information when I find out for you. 2 <b>Q. Where would you look to find that out?</b> 3 A. Like I said, recollecting thoughts, 4 going back in my messages, going back in time to 5 remember. 6 <b>Q. What messages would you look at to help</b> 7 <b>you figure that out?</b> 8 A. Because I remember I was with Deyana. 9 She was in the car. There was a music video that 10 night that we were booked to do for Ray J.</p>
Journal/diary	<p>Page 41 16. <b>Q. Okay. Did you take any notes in</b> 17 <b>preparation for your deposition today?</b> 18 A. I wrote some emotions on my own notepad 19 of my own feelings to myself. That's it. 20 <b>Q. And what did you write down?</b> 21 A. I can't remember off the top of my head, 22 but I had to express how I felt. Sometimes I write 23 out how I feel when something bothers me.</p>
Journal/diary	<p>Page 94-95 20 <b>Q. Okay. I know earlier you were telling</b> 21 <b>me that sometimes you write down yours feelings.</b> 22 A. Yeah.</p>

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	<p>23 Q. Right?</p> <p>24 A. All the time.</p> <p>25 Q. So do you -- how do you keep those -- 1 where do you right them down?</p> <p>2 Sorry. We'll start there.</p> <p>3 A. In my notes.</p> <p>4 Q. Okay.</p> <p>5 A. Sometimes I -- I write them by hand, 6 like a journal.</p> <p>7 Q. Uh-huh.</p> <p>8 A. Sometimes I write them on my phone, 9 sometimes on my computer and my notepad.</p> <p>10 Q. So you have handwritten notes and you 11 have notes on your phone and computer?</p> <p>12 A. Yeah. Like journals.</p> <p>13 Q. Okay. So have you looked through your 14 journals to see if you have written anything about 15 your time when you were at Alki's or how you're 16 feeling related to Alki, things like that?</p> <p>17 A. Have I looked at them recently, you're 18 saying? Or --</p> <p>19 Q. Have you looked at them to see if you 20 have any of that -- to see if you've ever written 21 anything about Alki?</p> <p>22 A. There has been some expressing of -- of 23 views. So if that's what you want to know, like, 24 just how I overcome it</p>
Deletions	<p>Page 85</p> <p>6 Q. Okay. Have you ever deleted any 7 messages that you had with Alki, any WhatsApp 8 messages?</p> <p>9 A. I may have once or twice because at the 10 time, I felt -- oh. Oh. Do I have to say why?</p>
Deletions	<p>Page 92</p> <p>5 Q. Sometimes you would delete messages 6 because you didn't want your husband to see. 7 Sometimes you would delete them because they just 8 weren't important to you.</p> <p>9 Are there any other reasons you would 10 delete messages from your phone?</p> <p>11 A. For storage space.</p>
Deletions	<p>Page 188</p> <p>1 Q. Okay. So you're saying, then, that you 2 deleted the heart message --</p> <p>3 A. And the --</p> <p>4 Q. -- from your phone?</p> <p>5 A. And the "Was hot" message.</p> <p>6 Q. Okay. Why did you delete those?</p> <p>7 A. Most likely has to do with the fact that 8 I told you earlier.</p> <p>9 Q. Which is what?</p> <p>10 A. Which is it's not -- it's disgusting. 11 It shouldn't be in my phone, and I took it out.</p>

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DATED: February 8, 2024

GLASER WEIL FINK HOWARD  
AVCHEN & SHAPIRO LLP

By: /s/ Jillian P. Harris  
FRED D. HEATHER  
AARON P. ALLAN  
JILLIAN P. HARRIS  
Attorneys for Defendant  
ALKIVIADES DAVID

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On **February 8, 2024**, I served the foregoing document(s) described as:

**DEFENDANT’S INFORMAL DISCOVERY CONFERENCE STATEMENT**

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED LIST**

**(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

**(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

**(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

**(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the office of the above named addressee(s).

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on **February 8, 2024**, at Los Angeles, California.

/s/ Amy Toombs  
Amy Toombs

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[sb@livingstonbakhtiar.com](mailto:sb@livingstonbakhtiar.com) ;  
[dag@livingstonbakhtiar.com](mailto:dag@livingstonbakhtiar.com)

**a**

**TAB 38**

**AA0513**

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.**

February 9, 2024

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Kelli Norden, CSR # 7200 (via LACC)

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Dustin Moaven (via LACC) for Gary A. Dordick

For Defendant(s): Fred D. Heather (via LACC) and Jill Harris (via LACC)

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**NATURE OF PROCEEDINGS:** Hearing on Motion to be Relieved as Counsel of Fred D. Heather of Glaser Weil Fink Howard Jordan & Shapiro LLP, for Defendant Alkiviades David [Res. ID# 283037894692]

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Kelli Norden, CSR # 7200, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

The Court has read and considered the moving papers. No opposition was filed.

The Court rules as follows:

The Motion to Be Relieved as Counsel [Res. ID #4692] filed by Fred D. Heather on 01/16/2024 is Granted.

The motion is granted based on the grounds set forth in the moving papers.

Attorney is relieved as counsel of record for client effective upon the filing of the proof of service of the signed order upon the client.

The Order Granting Attorney's Motion to Be Relieved as Counsel is signed and filed this date. A copy of the signed order is available on the Court's website.

The Court takes notice that a Hearing on Motion for Order Compelling Defendant Filmon.tv and Hologram USA, Inc.'s Corporate Officer, Alkiviades David, to Appear at Deposition and to Produce Documents and Request for Monetary Sanctions [Res. ID #4555] has been scheduled

**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.**

February 9, 2024

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Kelli Norden, CSR # 7200 (via LACC)

ERM: None

Deputy Sheriff: None

---

for 02/20/2024. This Department will be DARK on 02/20/2024. Plaintiffs' counsel indicates that he will take the motion off-calendar through the Court's Reservation System.

All other dates are to remain on calendar as previously set.

Notice is waived.

**TAB 39**

**AA0516**

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

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

FOR COURT USE ONLY

Fred D. Heather  
SBN: 110650  
Glaser Weil Fink Howard Jordan & Shapiro LLP  
10250 Constellation Blvd., 19th Floor  
Los Angeles, CA 90067

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

02/09/2024

David W. Shyten, Executive Officer / Clerk of Court

By: T. Le Deputy

TELEPHONE NO.: 310-553-3000 FAX NO. (Optional): 310-556-2920

E-MAIL ADDRESS (Optional): fheather@glaserweil.com

ATTORNEY FOR (Name): Defendant Alkiviades David

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill St.  
MAILING ADDRESS: 111 N. Hill St.  
CITY AND ZIP CODE: Los Angeles, CA 90012  
BRANCH NAME: Stanley Mosk

CASE NAME:  
Jane Doe v. Alkiviades David et al.

CASE NUMBER:  
20STCV37498

**ORDER GRANTING ATTORNEY'S  
MOTION TO BE RELIEVED AS COUNSEL—CIVIL**

HEARING DATE: February 9, 2024  
DEPT.: 76 TIME: 8:30AM  
BEFORE HON.: Christopher K. Lui  
DATE ACTION FILED: Sept. 30, 2020  
TRIAL DATE: May 28, 2024

1. The motion of (name of attorney): Glaser Weil Fink Howard Jordan & Shapiro, LLP to be relieved as counsel of record for (name of client): Defendant Alkiviades David a party to this action or proceeding, came on regularly for hearing at the date, time, and place indicated above.

2. The following persons were present at the hearing:

Dustin Moaven for Plaintiff  
Fred Heather and Jill Harris for Defendant

**FINDINGS**

- 3. Attorney has
a. [ ] personally served the client with papers in support of this motion.
b. [x] served client by mail and submitted a declaration establishing that the service requirements of California Rules of Court, rule 3.1362, have been satisfied.
4. Attorney has shown sufficient reasons why the motion to be relieved as counsel should be granted and why the attorney has brought a motion under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1).

**ORDER**

- 5. Attorney is relieved as counsel of record for client
a. [x] effective upon the filing of the proof of service of this signed order upon the client.
b. [ ] effective on (specify date):

6. The client's [x] current [ ] last known address and telephone number:

Alkiviades David, c/o Themis Sofos, Sofos & Partners, Asklepiou Str. 6-8 GR 10680 Athens/Greece +302103633322

If the client's current address is known, service on the client must hereafter be made at that address unless otherwise ordered in item 13. If the current address is not known, service must be made according to Code of Civil Procedure section 1011 (b) and rule 3.252 of the California Rules of Court.

- 7. a. The next scheduled hearing in this action or proceeding is set for (date, time, and place): February 13, 2024
b. The hearing will concern (subject matter): Continued Vesco Hearing and Informal Discovery Conference

**NOTICE TO CLIENT**

You or your new attorney, if any, must prepare for and attend this hearing.

Electronically Received 01/16/2024 04:06 PM

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

02/09/2024

CASE NAME: Jane Doe v. Alkiviades David et al.	CASE NUMBER: 20STCV37498
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8. The following additional hearings and other proceedings (including discovery matters) are set in this action (describe the date, time, place, and subject matter of each):

Final Status Conference - May 13, 2024 at 08:30 AM in Department 76

9. The trial in this action or proceeding:

- a.  is not yet set.
- b.  is set for (specify date, time, and place):  
May 28, 2024 at 8:30AM in Dept. 76

10. Client is hereby notified of the following effects this order may have upon parties.

**NOTICE TO CLIENT**

Your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

11. Client is notified that, if the client will be representing himself or herself, the client shall be solely responsible for the case.

**NOTICE TO CLIENT WHO WILL BE UNREPRESENTED**

You will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

12. Client is notified that it is the client's duty to keep the court informed at all times of the client's current address.

**NOTICE TO CLIENT WHO WILL BE UNREPRESENTED**

The court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

13. The court further orders (specify):



Christopher K. Lui / Judge

JUDGE OR JUDICIAL OFFICER

Date: 02/09/2024

02/15/24

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



# Make a Reservation



JANE DOE vs ALKIVIADES DAVID, et al.

Case Number: 20STCV37498 Case Type: Civil Unlimited Category: Wrongful Termination

Date Filed: 2020-09-30 Location: Stanley Mosk Courthouse - Department 76

## Reservation

Case Name:  
JANE DOE vs ALKIVIADES DAVID, et al.

Case Number:  
20STCV37498

Type:  
Motion to Be Relieved as Counsel

Status:  
RESERVED

Filing Party:  
Alkiviades David (Defendant)

Location:  
Stanley Mosk Courthouse - Department 76

Date/Time:  
02/09/2024 8:30 AM

Number of Motions:  
1

Reservation ID:  
283037894692

Confirmation Code:  
CR-YTHWIDQBGEASGPSBU

## Fees

Description	Fee	Qty	Amount
Motion to Be Relieved as Counsel	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
<b>TOTAL</b>			<b>\$61.65</b>

## Payment

Amount:  
\$61.65

Type:  
Visa

Account Number:  
XXXX2188

Authorization:  
017165

Payment Date:  
1969-12-31

- [Print Receipt](#)
- [Reserve Another Hearing](#)
- [View My Reservations](#)

02/15/2024

Document received by the CA 2nd District Court of Appeals

1 FRED D. HEATHER - State Bar No. 110650  
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 2 AARON P. ALLAN - State Bar No. 144406  
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 3 JILLIAN P. HARRIS - State Bar No. 300119  
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 4 GLASER WEIL FINK HOWARD  
 5 JORDAN & SHAPIRO LLP  
 10250 Constellation Boulevard, 19th Floor  
 6 Los Angeles, California 90067  
 7 Telephone: (310) 553-3000  
 Facsimile: (310) 556-2920  
 8  
 Attorneys for Defendant  
 9 ALKIVIADES DAVID a.k.a. ALKI DAVID

10  
 11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 12 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

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

16 Plaintiffs,

17 v.

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

24 Defendants.

Case No. 20STCV37498  
*Unlimited Jurisdiction*

Assigned to the Honorable Christopher K. Leri  
 Department: 76

**PROOF OF SERVICE RE  
 NOTICE OF MOTION AND MOTION  
 TO BE RELIEVED AS COUNSEL;  
 DECLARATION IN SUPPORT OF  
 ATTORNEY'S MOTION TO BE  
 RELIEVED AS COUNSEL; [PROPOSED]  
 ORDER GRANTING ATTORNEY'S  
 MOTION TO BE RELIEVED AS  
 COUNSEL**

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

Hearing Date: February 9, 2024  
 Hearing Time: 8:30AM

Reservation ID#: 283037894692

Glaser Weil

02/15/2024

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On January 16, 2024, I served the foregoing document(s) described as:

**NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL;  
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS  
COUNSEL; [PROPOSED] ORDER GRANTING ATTORNEY'S  
MOTION TO BE RELIEVED AS COUNSEL**

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED SERVICE LISTS**

**(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

**(BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.

**(BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

**(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the addressee(s) set forth in the attached service list..

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on January 16, 2024, at Los Angeles, California.

Veronica Shnyder

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

Glaser Weil

02/15/2024

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**PERSONAL SERVICE LIST**

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Dustin Moaven, Esq.  
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Attorneys for Plaintiff JANE DOE

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

Glaser Weil

02/15/2024

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jmk@livingstonBakhtiar.com  
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dag@livingstonbakhtiar.com

Themis Sofos Attorney for Alkiviades David  
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Athens/Greece  
themis@sofos.com.gr

Alkiviades David Defendant  
filmonpersonal@gmail.com

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

Glaser Weil

02/15/2024

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**USPS MAIL SERVICE LIST**

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

Attorney for Alkiviades David

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

**TAB 40**

**AA0525**

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

1 FRED D. HEATHER - State Bar No. 110650  
fheather@glaserweil.com  
2 AARON P. ALLAN - State Bar No. 144406  
aallan@glaserweil.com  
3 JILLIAN P. HARRIS - State Bar No. 300119  
jharris@glaserweil.com  
4 GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP  
5 10250 Constellation Boulevard, 19th Floor  
Los Angeles, California 90067  
6 Telephone: (310) 553-3000  
Facsimile: (310) 556-2920  
7

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
2/13/2024 4:53 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Lopez, Deputy Clerk

8 Attorneys for Defendant  
ALKIVIADES DAVID a.k.a. ALKI DAVID  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT  
12

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

15 Plaintiffs,  
16

17 v.  
18

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

23 Defendants.  
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Case No. 20STCV37498  
*Unlimited Jurisdiction*

Assigned to the Honorable Christopher K. L  
Department: 76

**NOTICE OF ORDER GRANTING  
ATTORNEY'S MOTION TO BE  
RELIEVED AS COUNSEL**

**Reservation No. 283037894692**  
Date: February 9, 2024  
Time: 8:30 a.m.

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

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on February 9, 2024, at 8:30 a.m., this matter came on for  
3 hearing on Defendants’ Motion to be Relieved as Counsel (“Motion”), in Department 76 of the  
4 above-entitled Court, the Honorable Christopher K. Lui.

5 **PLEASE TAKE NOTICE** that the Court granted the Motion, and signed the Order  
6 Granting Attorney’s Motion to be Relieved as Counsel which is attached hereto as Exhibit A.

7  
8 DATED: February 13, 2024

GLASER WEIL FINK HOWARD  
JORDAN & SHAPIRO LLP

9  
10 By: /s/ Fred D. Heather  
11 FRED D. HEATHER  
12 AARON P. ALLAN  
13 JILLIAN P. HARRIS  
14 Attorneys for Defendant  
15 ALKIVIADES DAVID a.k.a. ALKI DAVID

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

# EXHIBIT A

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

AA0528

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

FOR COURT USE ONLY

Fred D. Heather
SBN: 110650
Glaser Weil Fink Howard Jordan & Shapiro LLP
10250 Constellation Blvd., 19th Floor
Los Angeles, CA 90067
TELEPHONE NO.: 310-553-3000 FAX NO. (Optional): 310-556-2920
E-MAIL ADDRESS (Optional): fheather@glaserweil.com
ATTORNEY FOR (Name): Defendant Alkiviades David

FILED
Superior Court of California
County of Los Angeles
02/09/2024
David W. Slayton, Executive Officer / Clerk of Court
By: T. Le Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill St.
MAILING ADDRESS: 111 N. Hill St.
CITY AND ZIP CODE: Los Angeles, CA 90012
BRANCH NAME: Stanley Mosk

CASE NAME:
Jane Doe v. Alkiviades David et al.

CASE NUMBER:
20STCV37498

ORDER GRANTING ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL

HEARING DATE: February 9, 2024
DEPT.: 76 TIME: 8:30AM
BEFORE HON.: Christopher K. Lui
DATE ACTION FILED: Sept. 30, 2020
TRIAL DATE: May 28, 2024

1. The motion of (name of attorney): Glaser Weil Fink Howard Jordan & Shapiro, LLP to be relieved as counsel of record for (name of client): Defendant Alkiviades David a party to this action or proceeding, came on regularly for hearing at the date, time, and place indicated above.

2. The following persons were present at the hearing:

[Illegible text]

FINDINGS

- 3. Attorney has
a. [ ] personally served the client with papers in support of this motion.
b. [x] served client by mail and submitted a declaration establishing that the service requirements of California Rules of Court, rule 3.1362, have been satisfied.
4. Attorney has shown sufficient reasons why the motion to be relieved as counsel should be granted and why the attorney has brought a motion under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1).

ORDER

- 5. Attorney is relieved as counsel of record for client
a. [x] effective upon the filing of the proof of service of this signed order upon the client.
b. [ ] effective on (specify date):
6. The client's [x] current [ ] last known address and telephone number:

Alkiviades David, c/o Themis Sofos, Sofos & Partners, Asklepiou Str. 6-8 GR 10680 Athens/Greece +302103633322

If the client's current address is known, service on the client must hereafter be made at that address unless otherwise ordered in item 13. If the current address is not known, service must be made according to Code of Civil Procedure section 1011 (b) and rule 3.252 of the California Rules of Court.

- 7. a. The next scheduled hearing in this action or proceeding is set for (date, time, and place):
February 13, 2024
b. The hearing will concern (subject matter):
Continued Vesco Hearing and Informal Discovery Conference

NOTICE TO CLIENT

You or your new attorney, if any, must prepare for and attend this hearing.

Electronically Received 01/16/2024 04:06 PM

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

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

8. The following additional hearings and other proceedings (including discovery matters) are set in this action (*describe the date, time, place, and subject matter of each*):

Final Status Conference - May 13, 2024 at 08:30 AM in Department 76

9. The trial in this action or proceeding:

a.  is not yet set.

b.  is set for (*specify date, time, and place*):

May 28, 2024 at 8:30AM in Dept. 76

10. Client is hereby notified of the following effects this order may have upon parties.

#### NOTICE TO CLIENT

**Your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:**

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

**If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.**

11. Client is notified that, if the client will be representing himself or herself, the client shall be solely responsible for the case.

#### NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

**You will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.**

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#### NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

**The court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.**

13. The court further orders (*specify*):

Date: ~~EGEJDEG~~



Christopher K. Lui / Judge

JUDGE OR JUDICIAL OFFICER



2 : 48



## Make a Reservation

JANE DOE vs ALKIVIADES DAVID, et al.

Case Number: 20STCV37498 Case Type: Civil Unlimited Category: Wrongful Termination

Date Filed: 2020-09-30 Location: Stanley Mosk Courthouse - Department 76

### Reservation

Case Name: JANE DOE vs ALKIVIADES DAVID, et al.	Case Number: 20STCV37498
Type: Motion to Be Relieved as Counsel	Status: RESERVED
Filing Party: Alkiviades David (Defendant)	Location: Stanley Mosk Courthouse - Department 76
Date/Time: 02/09/2024 8:30 AM	Number of Motions: 1
Reservation ID: 283037894692	Confirmation Code: CR-YTHWIDQBGEASGPSBU

### Fees

Description	Fee	Qty	Amount
Motion to Be Relieved as Counsel	60.00	1	60.00
Credit Card Percentage Fee (2.75%)	1.65	1	1.65
<b>TOTAL</b>			<b>\$61.65</b>

### Payment

Amount: \$61.65	Type: Visa
Account Number: XXXX2188	Authorization: 017165
Payment Date: 1969-12-31	

- [Print Receipt](#)
- [Reserve Another Hearing](#)
- [View My Reservations](#)

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 2 AARON P. ALLAN - State Bar No. 144406  
 aallan@glaserweil.com  
 3 JILLIAN P. HARRIS - State Bar No. 300119  
 jharris@glaserweil.com  
 4 GLASER WEIL FINK HOWARD  
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 7 Telephone: (310) 553-3000  
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 Attorneys for Defendant  
 9 ALKIVIADES DAVID a.k.a. ALKI DAVID

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 11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 12 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

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17 v.

18 ALKIVIADES DAVID, an Individual, a.k.a.  
 ALKI DAVID; HOLOGRAM USA, INC., a  
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 22 LOUNGE and FILMONTV UK, LTD.; and  
 23 DOES 1 through 150, Inclusive,

24 Defendants.

Case No. 20STCV37498  
*Unlimited Jurisdiction*

Assigned to the Honorable Christopher K. L  
 Department: 76

**PROOF OF SERVICE RE  
 NOTICE OF MOTION AND MOTION  
 TO BE RELIEVED AS COUNSEL;  
 DECLARATION IN SUPPORT OF  
 ATTORNEY'S MOTION TO BE  
 RELIEVED AS COUNSEL; [PROPOSE  
 ORDER GRANTING ATTORNEY'S  
 MOTION TO BE RELIEVED AS  
 COUNSEL**

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

Hearing Date: February 9, 2024  
 Hearing Time: 8:30AM

Reservation ID#: 283037894692

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On January 16, 2024, I served the foregoing document(s) described as:

**NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL;  
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS  
COUNSEL; [PROPOSED] ORDER GRANTING ATTORNEY'S  
MOTION TO BE RELIEVED AS COUNSEL**

on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED SERVICE LISTS**

**(BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

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**(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the office of the addressee(s) set forth in the attached service list..

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

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on January 16, 2024, at Los Angeles, California.

Veronica Shnayder

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

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**PERSONAL SERVICE LIST**

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sandra@dordicklaw.com  
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alex@dordicklaw.com

Attorneys for Plaintiff JANE DOE

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jmk@livingstonBakhtiar.com  
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dag@livingstonbakhtiar.com

Attorneys for Plaintiff JANE DOE

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

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**EMAIL SERVICE LIST**

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**USPS MAIL SERVICE LIST**

Themis Sofos  
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Attorney for Alkiviades David

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, 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 10250 Constellation Boulevard, Suite 1900, Los Angeles, CA 90067.

On February 13, 2024, I served the foregoing document(s) described as: **NOTICE OF ORDER GRANTING ATTORNEY’S MOTION TO BE RELIEVED AS COUNSEL** on the interested parties to this action by delivering thereof in a sealed envelope addressed to each of said interested parties at the following address(es):

**SEE ATTACHED LIST**

- (BY MAIL)** I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in Los Angeles, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.
- (BY E-MAIL SERVICE)** I caused such document to be delivered electronically via e-mail to the e-mail address of the addressee(s) set forth in the attached service list.
- (BY OVERNIGHT DELIVERY)** I served the foregoing document by FedEx, an express service carrier which provides overnight delivery, as follows: I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.
- (BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the office of the above-named addressee(s).
- (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury that the above is true and correct.

Executed on February 13, 2024, at Los Angeles, California.

Veronica Shnyder

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Attorney for Alkiviades David

Alkiviades David  
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Defendant

**TAB 41**

**AA0539**

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

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3 JILLIAN P. HARRIS - State Bar No. 300119  
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4 GLASER WEIL FINK HOWARD  
5 JORDAN & SHAPIRO LLP  
6 10250 Constellation Boulevard, 19th Floor  
7 Los Angeles, California 90067  
8 Telephone: (310) 553-3000  
9 Facsimile: (310) 556-2920

10 Attorneys for Defendant  
11 ALKIVIADES DAVID a.k.a. ALKI DAVID

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

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

17 Plaintiffs,

18 v.

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., FILMON.TV,  
24 INC., FILMON.TV NETWORKS, INC. and  
25 FILMON.TV LA, INC.; SWISSX LABS AG,  
26 INC., a California Corporation, a.k.a. SWISSX  
27 LOUNGE and FILMONTV UK, LTD.; and  
28 DOES 1 through 150, Inclusive,

Defendants.

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
2/13/2024 4:53 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By J. Lopez, Deputy Clerk

Case No. 20STCV37498  
*Unlimited Jurisdiction*

Assigned to the Honorable Christopher K. L  
Department: 76

**PROOF OF SERVICE RE  
NOTICE OF ORDER GRANTING  
ATTORNEY'S MOTION TO BE  
RELIEVED AS COUNSEL**

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

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**PROOF OF SERVICE**

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Executed on February 13, 2024, at Los Angeles, California.

Veronica Shnyder

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Attorney for Alkiviades David

Alkiviades David  
[filmonpersonal@gmail.com](mailto:filmonpersonal@gmail.com)

Defendant

**TAB 42**

**AA0543**

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.**

February 13, 2024

11:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: T. Le

Courtroom Assistant: S. Sato

CSR: Dina Currado, CSR # 10908 (via LACC)

ERM: None

Deputy Sheriff: None

---

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**APPEARANCES:**

For Plaintiff(s): Dustin Moaven (via LACC) for Gary A. Dordick

For Defendant(s): Fred D. Heather (via LACC)

---

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**NATURE OF PROCEEDINGS:** Hearing - Other Vesco Hearing; Informal Discovery Conference (IDC)

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Dina Currado, CSR # 10908, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matters are called for hearing.

Defense counsel indicates that he does not have any additional information regarding his former client.

Plaintiff's counsel informs the Court that he did serve discovery to defense counsel prior to the Court granting his motion to be relieved. Counsel states that he will move forward with trial as set by the Court.

Defense counsel states that he will reach out to his former clients' counsel in Greece and try to find out who will represent Mr. Alkiviades David.

The parties are directed to informally meet and confer regarding contact information and status regarding service by email of Mr. Alkiviades David.

All future dates are to remain on calendar as previously set.

Notice is deemed waived.

**TAB 43**

**AA0545**

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

**Remote Videotaped Deposition of: Alkiviades David**

**Jane Doe vs. Alkiviades David**

**March 1, 2024**

---



**KAMRYN I WHITNEY**  
COURT REPORTING

18881 Von Karman Ave., #1175, Irvine, CA 92612  
P: 949.861.8680 | Email: [info@kwcourtreporting.com](mailto:info@kwcourtreporting.com)

**"We work twice as hard for you"**

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

**AA0546**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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

Plaintiff, )

vs )

ALKIVIADES DAVID, an individual, )  
a.k.a. ALKI DAVID; HOLOGRAM USA, )  
INC., a California Corporation, )  
a.k.a. HOLOGRAM USA PRODUCTIONS, )  
INC., HOLOGRAM USA ENTERTAINMENT, )  
INC., FILMON.TV, INC., FILMON.TV )  
NETWORKS, INC., and FILMON.TV LA, )  
INC.; SWISSX LABS AG, INC., a )  
California Corporation, a.k.a. )  
SWISSX LOUNGE and FILMON.TV UK, )  
LTD; and DOES 1 through 150, )  
inclusive, )

Defendants, )

CASE NO.: 20STCV37498

REMOTE VIDEOTAPED DEPOSITION OF

ALKIVIADES DAVID

FRIDAY, MARCH 1, 2024, 10:08 A.M.

ORANGE, CALIFORNIA

REPORTED BY: KATHRYN MARIE ADAMS, CSR No. 8391  
Job No. 121665

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

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

Plaintiff, )

vs )

ALKIVIADES DAVID, an individual, )  
a.k.a. ALKI DAVID; HOLOGRAM USA, )  
INC., a California Corporation, )  
a.k.a. HOLOGRAM USA PRODUCTIONS, )  
INC., HOLOGRAM USA ENTERTAINMENT, )  
INC., FILMON.TV, INC., FILMON.TV )  
NETWORKS, INC., and FILMON.TV LA, )  
INC.; SWISSX LABS AG, INC., a )  
California Corporation, a.k.a. )  
SWISSX LOUNGE and FILMON.TV UK, )  
LTD; and DOES 1 through 150, )  
inclusive, )

Defendants, )

CASE NO.: 20STCV37498

REMOTE VIDEOTAPED DEPOSITION OF ALKIVIADES DAVID,  
taken on behalf of the Plaintiff, in Orange,  
California, commencing at 10:08 a.m., and concluding  
at 12:24 p.m. on Friday, March 1, 2024,  
reported by Kathryn Marie Adams, CSR No. 8391, a  
Certified Shorthand Reporter in and for  
the State of California, pursuant to notice.

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APPEARANCES:

For Plaintiff:

DORDICK LAW CORPORATION  
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dylan@dordicklaw.com

For Defendants:

SOFOS & PARTNERS  
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ATTORNEY AT LAW  
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ATHENS, GREECE  
210-3633322  
themis@sofos.com.gr

ALSO PRESENT: RUPERTO GARCIA, VIDEOGRAPHER

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I N D E X

EXAMINATION BY:	PAGE
MR. DORDICK	6

EXHIBITS

EXHIBIT		PAGE
Exhibit No. 1	Videotape	71
Exhibit No. 2	Videotape	73
Exhibit No. 3	Videotape	75

REQUESTED INFORMATION

( NONE )

MARKED FOR COUNSEL

( NONE )

\* \* \*

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

1 ORANGE, CALIFORNIA, FRIDAY, MARCH 1, 2024

2 10:08 A.M.

3  
4 THE VIDEOGRAPHER: We are now on the record.

5 Today's date is March 1st, 2024 and the time is 10:08 a.m.  
6 pacific time. This is the video deposition of Alkiviades  
7 David, in the matter of Jane Doe versus Alkiviades David  
8 filed in Superior Court of the State of California for the  
9 County of Los Angeles; Case No. 20STCV37498.

10 This deposition is taken place via web  
11 videoconference with all participants attending remotely.  
12 My name is Ruberto Garcia. I'm the videographer  
13 representing K. W. Court Reporting.

14 Would counsel on the conference please identify  
15 yourselves and state whom you represent beginning with the  
16 questioning attorney?

17 MR. DORDICK: Dylan Dordick on behalf of the  
18 Plaintiff in this case.

19 And we have counsel here from Greece,  
20 Mr. Sofos, observing.

21 THE VIDEOGRAPHER: Thank you, Counsel.

22 Our court reporter is --

23 THE WITNESS: I just changed -- I just changed  
24 my audio settings.

25 THE VIDEOGRAPHER: -- Kathryn Adams

1 representing K.W. Court Reporting.

2 The court reporter will now swear in the  
3 witness.

4 THE COURT REPORTER: Mr. Alkiviades, could you  
5 please raise your right hand?

6 Do you solemnly swear in the following  
7 videoconference deposition to tell the truth, the whole  
8 truth and nothing but the truth, so help you God?

9 THE WITNESS: I do.

10

11

- EXAMINATION -

12

13

BY MR. DORDICK:

14

Q Mr. David, where are you located currently?

15

A In a car.

16

Q In what city or state?

17

A I am in Antiqua. The Nation of Antiqua.

18

Q Do you know a woman by the name of Margarita

19

Nichols?

20

A I do.

21

Q Did you hire her?

22

A No.

23

Q Did she ever work for any of your companies?

24

A She did.

25

Q Which one?

1 A She worked for FilmOn.TV after I -- yeah. She  
2 worked for FilmOn.TV.

3 Q Was providing you with massages one of her job  
4 responsibilities?

5 A Dylan, you have absolutely no jurisdiction  
6 over the bullshit that your criminal ass dad and Tom  
7 Girardi cooked up. You know Tom Girardi wrote this  
8 lawsuit originally, you do know that, don't you?

9 And you know Tom Girardi is standing trial in  
10 May, and he is going to do a plea deal. And one of the  
11 plea deals is, your company that doesn't even have  
12 fucking insurance is criminally trying to extort me.

13 How does that feel, dickhead?

14 Q My -- my -- do you recall what my question  
15 was?

16 A No. I don't. Ask it again. One more time.  
17 Let's go.

18 Q Was giving you massages part of the  
19 Plaintiff's job responsibilities?

20 A No. She didn't have a job.

21 Q She -- at FilmOn.TV?

22 A At FilmOn.TV? Yeah. She had a job but  
23 that -- that -- that -- yeah, of course that wasn't one  
24 of the descriptions. What kind of idiot are you?

25 Q But why is it then that you asked her to give

1 you a massage?

2 A When was this?

3 Q While she was employed at FilmOn.TV.

4 A When was that? When are you suggesting --  
5 alleging, you criminal fucking lying idiot? It never  
6 happened. So why are you -- you can't even give me a  
7 date. You can't even give me a time because -- you know  
8 why, because the woman has recanted, twice. She has  
9 recanted but here you are hiding behind your dad's  
10 asshole, who is hiding behind Girardi's asshole and  
11 you're all going to get shut upon by the feds.

12 I just filed a federal lawsuit just yesterday.  
13 I can give you -- I -- would you like me to read you the  
14 case number --

15 Q Yes.

16 A -- where Judge Christopher Louie -- would you  
17 like me to read you the case number, Dickhead?

18 Q Absolutely.

19 A Would you?

20 Q All right. Here we go. Stand by.

21 A Stand by. I'm so happy. I'm so happy you  
22 asked because we got it back yesterday from the  
23 Superior -- we are not -- I can't fucking wait. Stand  
24 by, bro. You're going to shit your pants when you look  
25 this up right now.

1 In fact, you know what, why don't we -- why  
2 don't we do this. Why don't I give you the case number,  
3 which is David, et al. vs. L.A. Superior Court, et al.,  
4 right, and I have got a U.K. Tort lawsuit worth eight  
5 zeros, right. And I have got a criminal lawsuit coming  
6 at you from three other European jurisdictions where you  
7 idiots have come after wrongfully criminally trying to  
8 extort me.

9 Okay. So here's the case number. Are you  
10 ready? Stand by. Um, I will give you the -- I will  
11 give you the file -- the filed number, which was 022924,  
12 case number -- are you ready? Are you writing this  
13 down, dickhead? 2 colon 24 dash CV dash 01665. I  
14 repeat, case 2 colon 24, dash CV dash 01665.

15 All right. I hope you enjoy and sweat your  
16 fucking bullets off, you criminal -- do you know how  
17 many people have waited for this day to see you people  
18 end --

19 Q I would sus --

20 A -- to end your criminality, your -- your  
21 syndicated corruption of justice.

22 Do you understand how historical a lawsuit  
23 will be when you -- when you, you little douchebag  
24 Dylan, end up -- because you know what racketeering  
25 means? It means the whole fucking family. You know

1 that, don't you?

2 Q I think now would be a good time for me to ask  
3 about your brain injury. Um --

4 A Yeah. Go ahead.

5 Q -- when did you --

6 A The one -- the one that everybody has known  
7 about for years. Go ahead.

8 Q When did you suffer that?

9 A (No audible response.)

10 Q Do you need me to speak slower?

11 A I cannot hear you. Just a moment. Let me  
12 unplug this. I can't -- I think you muted yourself or  
13 maybe my speaker is off.

14 Q It -- it would be yours.

15 A I cannot hear you.

16 Q Can you hear me now?

17 A I will restart.

18 THE COURT REPORTER: Are we going off the  
19 record?

20 MR. DORDICK: Making progress.

21 THE VIDEOGRAPHER: Are we going off the  
22 record, Counsel?

23 MR. DORDICK: No. Let's just wait for him to  
24 come back.

25 THE WITNESS: All right. I can hear you now.

1 MR. DORDICK: Okay. We can't see you, though.

2 THE WITNESS: Well, too bad. I have done my  
3 swearing in. We can carry on. Go on.

4 BY MR. DORDICK:

5 Q We need -- Mr. -- how can you -- how can you  
6 put this on your website if you don't have your video  
7 on?

8 A I can put me on my website. I don't need  
9 to put me. I'm shooting myself on the right-hand side,  
10 you dickhead.

11 Q So you have another camera running in the  
12 background?

13 A I may be.

14 Q Say that again?

15 A I may be. Maybe I do. I need it as evidence,  
16 don't I, you fucking idiot?

17 Q Are you --

18 A By law, by California law, you fucking  
19 idiot --

20 Q So --

21 A -- when you are collecting evidence, such as  
22 this, you have every right to record it.

23 So please carry on.

24 Q Would it be fair to say that that right is  
25 mutual to say -- meaning, we both have that right?

1           A     Listen Dordick, you're going to prison, so you  
2     have every right to try and do and support and defend  
3     yourself in any which way you can.

4                     But what you and your father and Girardi and  
5     Allred and Bloom and Griffin and fucking -- the list  
6     goes on of people.  Would you like me to read you the  
7     whole list?  Would you like -- do you -- do you not  
8     realize that -- why don't you take yourself fifteen  
9     minutes, look up that case that was filed yesterday in  
10    L.A. Superior Court against L.A. Superior Court?  Why  
11    don't you look at it?

12                    And you see, we've exhausted all their  
13    remedies; we're now in the Federal Court.  How does that  
14    feel?  You like that?  You like that the feds are now  
15    going to be breathing down your insurance's back.  You  
16    don't have insurance.

17           Q     My question to you is --

18           A     Do you?  Do you have insurance?  Do you have  
19    insurance to be conducting this?  Do you?

20           Q     Okay.

21           A     You don't have insurance, do you?  Because  
22    nobody will back your dad.

23           Q     You have taken -- you have had your deposition  
24    taken before.

25                    Correct?

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

1 A I have taken many depositions.

2 Q Okay. And --

3 A And many with a knowledge of my brain injury.  
4 So go ahead, ask your question.

5 Q In those depositions, who is the one,  
6 typically, that it suppose to be asking the questions?

7 A Go fuck yourself, you idiot. Please, don't  
8 pander me. Because if -- you're just going to get  
9 abused right back. And I have a -- you know, and you  
10 and your fucking father are a disgrace to humanity. You  
11 really are. You are fucking pathetic. You should be --  
12 you should be taken out and shot for what you do.  
13 Because what you do is like you hurt people in  
14 wholesale, you criminal fucking douchebags. Goddamn.

15 Q All right. You have a website called Shockya.  
16 Is that correct?

17 A I don't. My corporations that I am involved  
18 with own and control that and many other websites, yes.

19 Q And you write a -- content on that under the  
20 name, Grady Owen?

21 A Sometimes, sure.

22 Q And there was an article there in which you  
23 mentioned that this -- this legal cabal had been  
24 bringing shame to the David name.

25 Do you recall that?

1           A     I do not.

2           Q     Is it your concern that that's what these  
3 lawsuits are doing?

4           A     No.  It's not my concern of what these  
5 lawsuits are doing.  My concern is that I'm being  
6 attacked by a bunch of criminal thugs who have first  
7 right to destroy my companies; then tried to destroy me.

8                     You know, there is a very famous case called  
9 FilmOn versus Double Verified.  Double Verified owned by  
10 Comcast.  Comcast is the same company that employs your  
11 douchebag father along with Tom Girardi and the rest of  
12 them --

13                    THE COURT REPORTER:  I'm sorry.  Can you just  
14 slow down a little bit for me, David?  I'm so sorry.

15                    THE WITNESS:  Yes.  That's all right.

16                    Comcast is the same company that owns Double  
17 Verified; is the same company that employs douchebags,  
18 douche is, D-O-U-C-H-E-B-A-G-S, I prefer one word, is,  
19 um, the company that employed these douchebags and was  
20 part of a racketeering complaint that I filed in Texas  
21 but then was trafficked by your corrupt little system  
22 right by the hands of the same corrupt douchebags that I  
23 am now filing a writ against.

24                    So this writ supports texted evidence that  
25 proves that everything that you are doing, Mr. Dordick,

1 is completely corrupt. Texts that were given to me by  
2 one Mary Rizzo, through the lawyers, right, by one Mary  
3 Rizzo, during the Mayhem com trial, that you're going to  
4 be bringing up, I believe, probably in this deposition.  
5 This fucking -- fucking mess of a corrupt cesspool;  
6 working with unelected douchebags that you criminally --  
7 you are -- you are repellant people.

8 MR. SOFOS: Please reply -- Alki -- Alki,  
9 please reply --

10 THE WITNESS: I don't even fucking know what  
11 you are talking about. What do you mean reply?

12 Come on in, guys.

13 What the fuck are you talking about? I have  
14 replied. That's my reply.

15 BY MR. DORDICK:

16 Q David, my question is, when did you suffer  
17 your brain injury?

18 A When I was 18.

19 Q And how did it happen?

20 A I was run over by a car. And I was in a coma  
21 for four days.

22 Q Do you have any medical records to support  
23 that?

24 A Plenty.

25 Q From where -- where can I get these records?

1           A     Go fuck yourself. Look, they're readily  
2 available online. And we will put you in touch with all  
3 the doctors who have done all the MRI's to death to  
4 prove to you that you are a bunch of criminals, you  
5 fucking douchebags.

6           Q     I'm talking about the records that state that  
7 you were in a coma. Do you know where we might obtain  
8 those?

9           A     Yeah, you can. The Royal Free Hospital in  
10 London where I was -- where I was there for a month and  
11 a half and in a coma for four days. The Royal Free  
12 Hospital, circa 1980; whatever it was. Figure it out.

13          Q     And how did you get hit by this car? Did you  
14 walk in front of it while you were a pedestrian?

15          A     I was run over by a car that was doing fifty  
16 miles an hour in a fifteen mile an hour zone.

17                 Okay.

18          Q     And what treatment since you left the hospital  
19 have you received for this injury?

20          A     Many.

21          Q     Okay.

22          A     I had broken arms, I had broke -- my back. I  
23 had two broken arms; I had a broken knee; I had  
24 lacerations -- I had three brain fractures; that's what  
25 kept me in the coma.

1           Would you like me -- I mean, the list goes on.  
2           Would you like more stuff? There is a lot of internal  
3           damage that I can go into it.

4           Q     Let's say, in the last 20 years, what  
5           treatment have you received?

6           A     Plenty. I have maintained sobriety for 20  
7           years. Um, I have -- um --

8                     Thank you.

9                     Which -- which actually it's longer than 20  
10           years, what am I saying, now 24 years. Um, I have --  
11           um, I have done plenty of therapy. I have done plenty  
12           of MRI's. I have done -- I have done plenty of  
13           counseling. I have done plenty of self-help, probably  
14           stuff that you wouldn't even understand because you come  
15           from a long line of criminal douchebags, don't you?  
16           People that are prepared to lie, cheat and steal and rob  
17           people of their hard earned -- either wealth or their  
18           livelihood or whatever it is that you choose to rob from  
19           them.

20           Q     All right. Would you agree that even at a  
21           minimum if the allegations are true, it might actually  
22           be one of the most noble things to do to stand up for  
23           somebody who was raped by her boss?

24           A     Who is that? You? You, you're standing up?  
25           Where is it you're standing up?

1 First of all, the rape never happened. This  
2 is a complete fiction created by Mr. Tom Girardi.  
3 Mr. Tom Girardi who pinned this lawsuit. The same  
4 Tom Girardi who is standing trial in May for exactly the  
5 same co- -- corruption, trafficking justice, lying in  
6 wholesale, corrupt handling of an insurance lien.

7 The scam is in the billions, if not trillions  
8 of dollars over 45 fucking years that you, your father,  
9 Gloria Allred have all been doing this.

10 MR. SOFOS: Alki, rape never happened. That's  
11 enough.

12 MR. DORDICK: I --

13 THE WITNESS: I already told them the rape  
14 never happened, you fucking idiot.

15 BY MR. DORDICK:

16 Q Did -- did you have sex with the Plaintiff in  
17 this case?

18 A Who?

19 Q The Plaintiff, did you have sex with her?

20 A I did. Uh, in -- well, the month -- the month  
21 before she arrived with a birthday cake at my facility,  
22 and the day she discovered that I was no longer dating  
23 her, then I got back with my girlfriend who I was  
24 separated for for a week. And this woman moved into my  
25 hotel room, Margarita Nichols, whom, by the way, has

1 recanted twice. Twice this woman as recanted  
2 habitually; twice recanted.

3 But here you are, you criminal frightened  
4 little fuck, you criminal fucking wholesale fucking --  
5 you -- you are -- you are so fucking disgusting --

6 MR. SOFOS: Alki -- Alki, please.

7 THE WITNESS: -- this woman has recanted twice  
8 but here you are continuing the extortion.

9 MR. SOFOS: Alki --

10 THE WITNESS: How do you feel about that? You  
11 have been sanctioned three fucking times in this  
12 lawsuit.

13 MR. SOFOS: That's enough, Alki.

14 THE WITNESS: Three times.

15 MR. SOFOS: Alki --

16 THE WITNESS: Twice for the woman not turning  
17 up. Where is her current deposition?

18 MR. SOFOS: That's enough.

19 THE WITNESS: It doesn't exist, does it?

20 MR. SOFOS: That's enough.

21 THE WITNESS: Because you made it up. Because  
22 I will fuck you --

23 MR. SOFOS: Alki, that's enough.

24 THE WITNESS: That is --

25 MR. SOFOS: Alki --

1 THE WITNESS: Okay. You all are a bunch of  
2 fucking conniving douchebags. So go on Dordick.

3 MR. SOFOS: Okay. Next question. Alki,  
4 that's --

5 BY MR. DORDICK:

6 Q On how many occasions --

7 A Going on.

8 Q On how many occasions did you have sex with  
9 the Plaintiff?

10 A One time.

11 Q And where was it?

12 A It was in the theater.

13 Q Where, specifically, in the theater?

14 A It was in the stor- -- in the -- in the, um,  
15 data room.

16 Q And how did that happen? How did that occur?

17 A Um, the lady came in, um, uh, looking for me,  
18 and she had been sleeping in my hotel room for the last  
19 three nights. We had -- we had known each other for  
20 many years. She had been on my case wanting to be with  
21 me for years. And we had sex in that room.

22 And you guys allege that my dying doberman  
23 that she brought up as a puppy while she worked at  
24 FilmOn; she wasn't an employee of mine at the time that  
25 we did have sex. And you know this and you know that

1 she has recanted twice. You know that she has recanted,  
2 but here you are, Mr. Dordick, asking extortionate  
3 questions.

4 How does that make you feel?

5 MR. SOFOS: Mr. --

6 THE WITNESS: She has recanted twice; twice  
7 she --

8 MR. SOFOS: Alki --

9 THE WITNESS: -- recanted. And this whole  
10 rue -- this whole, yes, you said yourself, the valor of  
11 lawyers who have gathered together to -- for decades  
12 extort people like myself. Like Rose McGowan, like  
13 Kanye West, like Fifty Cent; like all of these people  
14 that I now like to align myself with because they are  
15 all victims of your famed bunch of criminality.

16 BY MR. DORDICK:

17 Q Is this cabal in the room with us now?

18 A I don't know. Are you part of it? Are you  
19 part of it? Because I would say that your father, who  
20 has for years, decades, worked with Gloria Allred,  
21 Lisa Bloom, Keith Griffin -- you know that Keith  
22 Griffin -- do you know who Keith Griffin is?

23 He is one of your company's -- company's  
24 partners. Who was Keith Griffin before? He worked at  
25 Girardi Keith. Who else was indicted along with -- who

1 else was indicted along with Tom Girardi for the whole  
2 Chicago scam? Keith fucking Griffin, your partner, a  
3 partner that you don't advertise. A partner that is  
4 your partner in your fucking law firm. A partner that  
5 has zero jurisdiction over me.

6 MR. SOFOS: Alki --

7 THE WITNESS: Zero jurisdiction --

8 MR. SOFOS: Alki --

9 THE WITNESS: -- and hear you are, in my -- in  
10 all this --

11 MR. SOFOS: Alki --

12 THE WITNESS: -- sitting there in your corrupt  
13 little asshole -- in your asshole self dictating --

14 MR. SOFOS: That's enough.

15 THE WITNESS: -- so go fuck yourself.

16 MR. SOFOS: Next question.

17 THE WITNESS: Can you please shut up and let  
18 me finish? Shut the fuck up and let me fucking finish.  
19 All right? I have my voice quailed by this corrupt  
20 system. This is my opportunity to express my anger, so  
21 suck my dick.

22 MR. DORDICK: Okay. Mr. Sofos has been  
23 nothing but polite and professional and --

24 THE WITNESS: Just shut your fucking face, you  
25 insolent cunt and get on with it.

1 MR. SOFOS: Alki --

2 THE WITNESS: Shut up. Get on with the  
3 question.

4 BY MR. DORDICK:

5 Q Was the Plaintiff an employee of FilmOn.TV at  
6 the time you had sex with her?

7 A No.

8 Q Who was she an employee of at that time?

9 A She was not an employee. She was hustling for  
10 a job all the time, trying to be a Hostet. It was a  
11 made up fucking job by herself, a Hostet. Things that  
12 never happened. And she was completely out of her  
13 fucking mind. The day that she accused me of raping her  
14 is the day that she also accused her husband and her  
15 best friend of raping her.

16 And she put me in her medical records, right,  
17 that you have been sanctioned over, her medical records,  
18 you fucking idiot that she lied about all of this. And  
19 she has recanted twice.

20 And here you are, Mr. Dordick, supporting  
21 Mr. Tom Girardi's records for what, exactly for how much  
22 do you think? How much do you think you're going to get  
23 from me? Zero because you are going to prison.

24 Next question.

25 Q All right. Who -- what of your companies did

1 the Plaintiff work for?

2 A In the past, she worked for FilmOn.TV.

3 Q Okay.

4 A At the time of the alleged rape, which is a  
5 complete fabrication by Tom Girardi and who else? Who  
6 else? Oh, Gary Dordick that, in fact, did use to work  
7 for Tom Girardi, but everybody hides that fact. But he  
8 did work for Tom Girardi and Keith Griffin, your current  
9 partner is -- was Tom Girardi's direct partner at  
10 Girardi Keith. And guess what? What about Neal -- what  
11 about -- what about Mr. Goldberg?

12 What about -- what about that litigator,  
13 Goldberg, Maroko and Allred -- Allred, Maroko --  
14 whatever they like to put it in; whatever order they  
15 like to put it in. What about Nathan fucking Goldberg  
16 working with Tom Girardi over that fucking -- for  
17 decades. And then with Dordick, with Gary Dordick's  
18 deep involvement. All of you douchebags.

19 Were you at Loyola? Were you at -- were you a  
20 paid for lawyer at Loyola Law School? The Girardi  
21 School of Law. Were you there, as well, douchebag?

22 Q Mr. David, have you ever --

23 A Were you at Loyola?

24 Q Have you ever heard --

25 A Were you at Loyola? Were you -- are you a

1 Loyola graduate, douchebag?

2 MR. SOFOS: Alki, that's enough.

3 THE WITNESS: No, it's not. Absolutely  
4 deserves -- go fuck yourselves, all of you.

5 MR. SOFOS: Alki --

6 THE WITNESS: Every single one, my counsel  
7 included. Because you're all a bunch of fucking  
8 thieving conniving fucking cunts.

9 MR. SOFOS: Alki, I --

10 THE WITNESS: Next.

11 BY MR. DORDICK:

12 Q Have you ever --

13 A Next question.

14 Q Have you ever heard of Occam's Razor?

15 A No.

16 Q That the simplest explanation is often the  
17 truest one. Is that something you have heard?

18 A I have never heard that.

19 Q Um --

20 A Or if I have, I have forgotten and it's  
21 meaningless to me. I don't -- no. I have not heard of  
22 it. Not in my consciousness, no.

23 Q Okay. So the question originally was, at the  
24 time that you and the Plaintiff had sex where -- who was  
25 she an employee of?

1           A       I have already told you that she was not --  
2 she was not an employee. I do not know who she was  
3 working with.

4                   I do know that of the four people that I have  
5 just filed a writ against, a federal writ that will put  
6 all -- what -- that will put them all in prison, I do  
7 know that of the four of those four -- all four were  
8 colluding with Margarita Nichols, the lady that has  
9 recanted twice now and your law firm has been  
10 sanctioned, notice that three times in this -- in this  
11 particular lawsuit that you are now taking deposition  
12 for.

13                   I have given you the federal lawsuit -- the  
14 federal writ that was filed yesterday and is now with  
15 response in the system that named Judge Louie --  
16 Christopher Louie, the presiding judge of this  
17 particular fucking fakery that you cooked up with Tom  
18 Girardi, right, that is now in the system.

19                   Where are we going guys?

20                   (Inaudible.)

21                   THE WITNESS: Yeah. Don't worry about these  
22 fucking guys. You can -- you can -- all day long --  
23 they mean nothing.

24                   Now, what is your next question, dickhead?  
25

1 BY MR. DORDICK:

2 Q You mentioned that you have been sober for 24  
3 years. Is that from drugs, as well as alcohol?

4 A I -- well, yes, absolutely. I mean, I have  
5 not touched cocaine in 30 something years. And alcohol,  
6 I haven't drunk in 20 something years. And -- and,  
7 yeah, that's -- that is -- and, you know what, alcohol  
8 was never really a problem of mine. My problem was my  
9 head injury.

10 Q Are you currently under the influence of any  
11 drugs, including marijuana?

12 A I smoke cannabis, sure. I smoke CBD flower on  
13 the reg -- on a daily basis.

14 Q And have you done so today?

15 A Of course.

16 Q Is this going to affect your ability to give  
17 your testimony here today?

18 A Well, to say that you're a lying corrupt sack  
19 of shit. Are you fucking kidding me? You know -- you  
20 know that you are doing this without insurance. You  
21 know that your client has recanted twice. You know that  
22 she is in a lawsuit under your direct -- your directing  
23 pinned by Tom Girardi, who is --

24 MR. SOFOS: Alki --

25 THE WITNESS: -- May 15th for this

1 same corruption.

2 BY MR. DORDICK:

3 Q Look --

4 A How do you feel about, dickhead?

5 Q Mr. David, do you have --

6 A How do you feel about that, Dordick, because  
7 racketeering means --

8 THE COURT REPORTER: Okay. I'm sorry.

9 THE WITNESS: How do you feel about that?

10 THE COURT REPORTER: I'm sorry. The court  
11 reporter --

12 THE WITNESS: Now, I am a disabled human  
13 being. I have plenty of MRI's to prove it. I have  
14 plenty of historical data to prove it. And I am  
15 standing up for my fucking rights under the ADA laws,  
16 and the human rights laws. You guys have continually  
17 exploited and extorted me and my life no more. The  
18 evidence is in. You guys are going to jail.

19 BY MR. DORDICK:

20 Q Has your brain injury affected your ability to  
21 operate a business successfully?

22 A No. I run very successful businesses.  
23 Despite your attempt to extort them, I run very  
24 successful businesses.

25 Q Has FilmOn.TV gone bankrupt?

1 A No, sir.

2 Q Has the Hologram USA business gone bankrupt?

3 A No, sir.

4 Q All of them are still currently operating?

5 A And making millions of dollars.

6 Q In the United States?

7 A Yes, sir.

8 Q Is there a reason --

9 A Right in your background, right in fucking Los  
10 Angeles. How about that? Why don't you go to fucking  
11 Universal Studios and go have a good look around.

12 Q Are you able to go to Los Angeles?

13 A I am not able to go to Los Angeles. Does that  
14 stop me from doing business in Los Angeles, you fucking  
15 retard?

16 Q My question is, do you know why FilmOn.TV is a  
17 suspended corporation?

18 A Are you going to try -- excuse me. What did  
19 you just say?

20 Q Suspended -- why the corporation -- why  
21 FilmOn.TV is a suspended corporation?

22 A In which country?

23 Q The United States.

24 A Go fuck yourself, you fucking retard. Really,  
25 go fuck yourself. This is what I mean by you don't have

1 jurisdiction, you fucking retard. You know that there  
2 is a billion -- one billion plus dollar -- sorry,  
3 pound -- pound court claim coming in, including your  
4 firm. You -- you personally now as a result of today  
5 are deeply wrapped up with your fathers fucking  
6 corruption and your fucking perfect little sister, who,  
7 by the way --

8 MR. SOFOS: That's enough. Alki, that's  
9 enough.

10 THE WITNESS: -- so go ahead. Did you -- did  
11 you just tell me to shut up?

12 MR. SOFOS: Go to the next question.

13 BY MR. DORDICK:

14 Q Mr. David, do you know if Hologram USA is  
15 still a functioning business or if it's been  
16 suspended --

17 A Making millions of dollars. Making millions  
18 of dollars every fucking month.

19 Q Why is it that it's suspended then?

20 A What is -- what do you mean suspended?

21 Q In California, Secretary of State --

22 A You are trying to extort it, is that what  
23 you're saying? Why -- why would I be doing business in  
24 a place full of, you know, criminal vipers like you?  
25 Why would I do that? Why?

1 Q So do you --

2 A Why would I do that?

3 Q Do you currently operate --

4 A Why don't you -- why don't you ask me the  
5 question, as a human being, why would -- why would  
6 another human being walk into the raping, the callous  
7 criminal raping of the -- of the -- of the complete  
8 disregard of human rights? Why -- why would somebody do  
9 that?

10 Q That's a -- that's a very good question,  
11 Mr. David --

12 A Yeah.

13 Q -- and I --

14 A Yeah. So you are going to try to deflect on  
15 me. This is your fucking stupid little thing that you  
16 learned in law school. Are you some kind of retard?  
17 Can't you hear what I'm saying to you? You're on the  
18 cycle of babble of questions set up by -- did you even  
19 write the question? Or did your dad overlook --

20 MR. SOFOS: Alki --

21 THE WITNESS: -- them? Because if he did,  
22 you're even deeper. How about that? Maybe there is a  
23 record of e-mails back and forth who we're going to show  
24 us how much collusion you actually did have with your  
25 dad. How about that, douchebag?

1 BY MR. DORDICK:

2 Q Is it fair -- is it fair to say that your  
3 traumatic brain injury effects your ability to control  
4 your emotions?

5 A No, not at all. On the contrary, we're going  
6 into hyper -- it actually goes into hyper control,  
7 actually. Would you happen to believe that, huh? You  
8 wouldn't -- you wouldn't believe that because that would  
9 scare the living shit out of you, if you realize what  
10 that means. That means you are talking to somebody,  
11 bro, who is A, indestructible and B, going to fuck you  
12 so badly personally after today.

13 How about that?

14 Q Do you mean that in the literal sense?

15 A I mean, I'm going to fuck you up so badly.  
16 And it is my alienable right and my first amendment  
17 right to say suck my dick, you fucking Jew bitch.

18 How about that?

19 Next question.

20 Q Sure. My question is, what effects does the  
21 brain injury have you on? How does that effect your  
22 life?

23 A The effects of this -- the effects of this are  
24 when I am attacked -- when I am wrongfully attacked --  
25 when I perceive that I am being attacked by some person

1 who has no justification to be doing that, other than  
2 for negative or evil intentions, I go on the fucking --  
3 what we -- what we would call rampage. And that rampage  
4 means a very focused -- very focused and very, very  
5 controlled attack right back that is going to ensure  
6 that my adversary is thoroughly destroyed for doing what  
7 they're doing to me.

8 Do you understand that? And that includes  
9 lying, cheating -- and let me tell you something else.  
10 I believe in God, deeply believe. I am a deeply  
11 spiritual --

12 (Inaudible.)

13 THE WITNESS: Sorry. Oh, okay. Are we going  
14 to the side. Okay.

15 So I -- I -- I consider myself a deeply  
16 spiritual man. I'm a Christian Orthodox -- I come from  
17 a long line of peasants and priests. I pray regularly.  
18 I meditate regularly.

19 Which way?

20 And I am a -- I am a well-known individual for  
21 my character and the kind of person that I am. So there  
22 is no way that you are taking me down. There is plenty  
23 of evidence to prove that you are just reporting --  
24 standing on a sack of lies that you, your father and  
25 Mr. Tom Girardi have created.

1 Next question.

2 BY MR. DORDICK:

3 Q Does -- does your brain injury or any health  
4 ailments you have effect the function of your penis such  
5 that it would not be possible for you to rape the  
6 Plaintiff?

7 A I don't -- I don't -- I don't think that's  
8 a -- I don't think that's a question that I'm even -- I  
9 find that it a degrading question that's intents of  
10 slamming. But, you know, just to -- just to satisfy  
11 you, I would say that I have great sexual prowess. I  
12 have four beautiful wive's that I have  
13 great relationships with. I have four delightful  
14 children and sometimes I get pissed at them. And, yeah,  
15 so, probably, I would say, yeah, my dick works.

16 Q Okay. Do you have a policy against sexual  
17 harassment at FilmOn.TV?

18 A Yes. We have very strict policies, actually,  
19 extremely strict policies.

20 Q And do those apply to you?

21 A And you know what, every time -- every time  
22 the subject came up, every time somebody sexually  
23 harassed or there was discussion of sexual harassment,  
24 we went into it deeply. That was something of great  
25 concern of the company.

1           Anyway, the bastardization of the principles  
2           and the ethics that I have built my company and stayed  
3           in -- the very first question out of your mouth about my  
4           father's legacy, right, and my great father, my dear  
5           father's legacy that you -- you and your disgusting  
6           fucking, you know, filthy hand of touch with your -- you  
7           know, your concoctive lie for no other reason than to  
8           extort and steal money that -- not only is not  
9           rightfully yours in any way, but it -- it makes me  
10          completely focused on the notion that I am going to end  
11          your career.

12                        How about that?

13           Q        Mr. David, is it fair to say that you never  
14           paid any of the victims of -- who have gotten judgments  
15           against you any money?

16           A        That is absolutely correct.

17           Q        So how is it that we can be doing this for  
18           money if you never paid a single one of them anything?

19           A        Because you're hoping and you're also  
20           embarrassed, and you are also sweating your fucking  
21           balls off. Why are you here? Why are you here,  
22           douchebag? Why are you here? Why isn't any of the  
23           other real interested parties -- they aren't listening  
24           in on some -- or whatever. You know, I don't really  
25           give a fuck why you're here, bro.

1                   But the facts are this, is that you are in a  
2                   locked -- you are in a locked battle now, and you're  
3                   going to go down. Because I've got heaps of evidence to  
4                   prove that what is going on now is an extortion. I have  
5                   heaps of evidence, and it is right there for you to read  
6                   in 152-page writ published yesterday to the -- to the  
7                   now, uh, former PACER system, which is now the NextGen  
8                   system, is now published in that system so you're very  
9                   happy to -- so you're very welcome to go look at it.

10                   And you can go see Mr. Dordick's name, which,  
11                   I think is your same last name right there in with that  
12                   whole fucking corrupt crew.

13                   So go on. Next question.

14                   Q     You never met me --

15                   A     This -- you -- have you looked up the fucking  
16                   lawsuit yet? Did you look it up yet?

17                   Q     No.

18                   A     Probably not. Yeah.

19                   Q     Mr. David --

20                   A     I would do it at lunch. I would do it at  
21                   lunch, and then I would sweat your fucking balls off  
22                   because after that, you're going to know that you're  
23                   going down.

24                   What is your next question, dickhead?

25                   Q     You have never met --

1           A     And you are going down. Do you know why  
2     you're going down? You're going down in the Federal  
3     Court in the United States; you are going down in the  
4     European Courts of Human Rights; you're going down in a  
5     Greek Federal Court; you're going down in a UK -- a  
6     UK -- King's Council is already deep in precuring you  
7     people.

8                     All right. And then whatever happens in the  
9     Federal Court System, like in support of all of the  
10    states that I fined based on the law that you have zero  
11    jurisdiction over me, zero jurisdiction. You have never  
12    had jurisdiction over me or my companies. But here we  
13    are and you know that. How do you know that because all  
14    of your attempts to extort me abroad, which is how I get  
15    jurisdiction over you --

16                    MR. SOFOS: That is enough, Alki.

17                    THE WITNESS: -- you have filed repeatedly.

18                    MR. SOFOS: Alki --

19                    THE WITNESS: Next question, dickhead.

20    BY MR. DORDICK:

21                    Q     Have you filed a lawsuit in the Los Angeles  
22    County Superior Court in the last two years?

23                    A     Several.

24                    Q     Okay. And in those cases, did they have  
25    jurisdiction over you?

1           A     Uh, I -- I was -- uh, I was filing lawsuits  
2     against you dickhead; not the other way around.

3           Q     So there was only jurisdiction when you filed  
4     them but when filed against you, there isn't any?

5           A     That's correct. I was filing federal  
6     lawsuits, you fucking idiot.

7           Q     Where did you learn how to run a company, a  
8     business?

9           A     I come from a long line of pheasants and  
10    priests who are also great entrepreneurs.

11          Q     And they taught you?

12          A     Fuck off to the next question. All right.  
13    That's my answer.

14          Q     Okay. Did you always pay your employees on  
15    time at FilmOn.TV?

16          A     I will answer you that question because, you  
17    know, I have maintain -- I have been able to  
18    miraculously keep the show on the road and protect  
19    myself from the -- you know, I have had four -- four  
20    lawyers murdered. I have had two attempted murders on  
21    my life in Malibu, you know that? Did you know that?  
22    And it's on the record, as well. The local D.A. tried  
23    to put two of them away for 12 years. Did you know  
24    that?

25                     Did you know that attempts on my life have

1 been made over this very subject where you -- you're  
2 involved in? Did you know that? I bet --

3 Q Did you --

4 A -- you may think that it is some kind of  
5 fantasy or some kind of neurosis or whatever the fuck  
6 you want to call it, but it's not. There is plenty of  
7 evidence with names and dates and locations and  
8 photographs and videos and police reports and the whole  
9 nine yards to prove that you are part of a syndicate of  
10 criminals.

11 Q My question was, do you pay your employees on  
12 time at FilmOn.TV?

13 A My question is and the answer was at the time  
14 that it became very difficult for me to pay anybody  
15 after all of my cash ran out and made it very, very hard  
16 for me to survive because of your criminality.

17 So, yes, it made it very difficult for me way  
18 back, years, not -- not -- not -- not -- not -- not --  
19 not during the Hologram Theater times that you are  
20 alleging that all this shit happened.

21 You know, all this stuff is stuff that your  
22 father made up along with Tom Girardi. Tom Girardi  
23 wrote this lawsuit originally, then your dad rewrote it,  
24 probably added stuff, God knows why he did. And here  
25 you are adding more stuff and you understand how RICO

1 works? Do you understand what the racketeering laws in  
2 the United States are like? Do you understand? Do you  
3 understand that there is injustice -- do you know if you  
4 read my writ, you will see about the three justices who  
5 went to prison in San Diego because of Tom Girardi.

6 What do you think happens when this -- why do  
7 you think Judge Roscoe was retired a year early? Why do  
8 you think Judge Chris Falls incarcerated me for six days  
9 for wrongful -- wrongfully incarcerated me in L.A.  
10 County for -- originally five days, but I was there for  
11 six days. So on the sixth day, I became a political  
12 prisoner, right.

13 So why is it that this Judge is now kicked out  
14 of his -- uh, his room that he was in, his court in  
15 Pomona that he was in for 20 years and is now on traffic  
16 duty. Because they're pending going to jail. Because  
17 there is a task force chasing you people. Do you  
18 understand me? Because I have been talking directly to  
19 them over the years. Do you understand me? And you are  
20 going to jail, son.

21 MR. SOFOS: Alki --

22 BY MR. DORDICK:

23 Q Mr. David --

24 MR. SOFOS: Alki --

25 THE WITNESS: You are really legitimately

1 going to prison.

2 Next question.

3 BY MR. DORDICK:

4 Q Uh, did you have a company that you used for  
5 payroll or an employee that was in charge of payroll at  
6 FilmOn.TV?

7 A Uh, I cannot remember. I really cannot  
8 remember. I assume we used some -- there were different  
9 things over the years -- there were different things  
10 over the years, sure. I'm sure. I'm sure at some  
11 point, sure.

12 Q Do you know a gentleman that went by the name  
13 of Beau Rock?

14 A Yeah. He was -- yeah. I remember Beau Rock,  
15 sure.

16 Q What did he do?

17 A Beau Rock was a performer. He was a famous  
18 performer. And he performed sometimes and he would --  
19 and some -- sometimes he would help set up events.

20 Q And did he interact --

21 A He was -- he was fundamentally a performer and  
22 he helped -- he helped -- yeah. He helped -- he came in  
23 and did a bunch -- tried to do a bunch of live events  
24 for me at the theater.

25 Q Did he act as security for you at any point?

1 A No. Not as security, no.

2 Q And did -- did Mr. Beau Rock interrupt your  
3 sexual intercourse with the Plaintiff?

4 A No.

5 Q He -- you did not --

6 A Oh -- oh -- oh, I see. Is this what you have  
7 done? You have somehow magically got Beau Rock -- you  
8 paid him a few bucks. Is that what you're doing? Is  
9 that -- no. Beau Rock did not interrupt anything  
10 because there wasn't any -- there wasn't anything  
11 wrongful for him to see. Is this what you're saying?  
12 Is this what you're fucking saying?

13 Q No.

14 A He -- he knows -- Beau Rock was not there.  
15 Beau Rock did not come in while there was a sexual  
16 intercourse going on between me and -- and Margarita  
17 Nichols.

18 Thank you, Ma'am.

19 Q That is to say you finished having sexual  
20 intercourse with her?

21 A No. It means that I didn't see -- I don't  
22 think I ever saw Beau Rock ever again. I don't -- I  
23 don't think I saw him, to tell you the truth.

24 Q Did you --

25 A From that day, I don't think I ever -- I don't

1 think I ever saw him -- I don't think I saw -- I think  
2 he had already left the theater by that -- he wasn't  
3 involved with the theater anymore by that point.

4 Q Did you finish having sexual intercourse with  
5 her?

6 A No. Beau Rock -- Beau Rock wasn't even there  
7 at the time of the alleged incident.

8 Q My question is, did -- did you finish having  
9 sex with her? Did you have sex to completion?

10 A Excuse me?

11 Q Orgasm.

12 A What does that mean, orgasm? What does that  
13 mean to you? I don't understand. What does orgasm mean  
14 exactly to you?

15 Q Well, I'm trying to figure out if -- if the  
16 rape was interrupted or if it was to completion --

17 A Well, first of all --

18 Q -- in --

19 A First of all -- first of all, you saying that  
20 word rape, I find so fucking offensive. I find your --  
21 your questions deeply offensive and rude. Absolutely  
22 no -- the rape did -- zero happened. This woman has  
23 pursued me for years.

24 For months after the alleged -- the alleged  
25 incident -- incident, the alleged rape, the word rape

1 that you use -- so loosely use, right, after your  
2 alleged rape -- after your alleged rape, this lady shows  
3 up a month later with a birthday cake, right. She sends  
4 me love notes. She is angry at me because I get back  
5 together with my girlfriend.

6 She talks with Chastity Jones, who is part of  
7 this riff that I told you about. Chastity Jones  
8 persuades her to go talk to who, Lisa Bloom, who turns  
9 her on to who, Tom Girardi, who turns her on to who,  
10 Gary Dordick, who is, what, another part of the  
11 syndicate. Part of the syndicate that is absolutely  
12 100 percent -- read the writ, is going down. You guys  
13 have got no way out. Zero way out. I promise you. I  
14 promise you, read the writ. You guys are fucked.

15 Next question, sir.

16 Q The question was, when you -- when you had  
17 intercourse with the Plaintiff, did you have it to  
18 completion?

19 A I don't think so.

20 Q And -- and was that because --

21 A I -- I -- I do know. Actually, no. You know  
22 what, no. No. No. I don't think so.

23 Q Okay. Is that because it was interrupted?

24 A No. Because I realized that I didn't want to  
25 be with this lady. That's right. No. I remember now.

1 I remember because -- you know, she had been on my case  
2 for years. She had been sleeping in my hotel room  
3 for three days. She had been, like, all over me with  
4 her -- you know, all over me.

5 And then -- okay, let's have sex. We had sex  
6 because for one week, bro, one week, these records you  
7 won't understand probably but for one week I was  
8 separated from my -- from my -- from my beloved -- from  
9 my beloved girl, who I hopefully I will be getting back  
10 with together very soon.

11 But you guys are -- you guys have worked so  
12 hard to try to separate us, right. I was separated for  
13 weeks from my -- from my -- from my -- from my woman.  
14 And I felt secure with Margarita, so fucking, you know  
15 what, let me try. And, you know what, I knew from then  
16 that I didn't want to be with her. So that's why I  
17 didn't orgasm.

18 Next question.

19 Q That is to say in the middle of the  
20 intercourse you realized that you no longer wanted to be  
21 with her?

22 A No. It wasn't right for me to be doing this.  
23 I didn't want to have sex with this woman. She was not  
24 the woman for me. For me to have sex with a woman, it  
25 has to be a long term relationship. If you've noticed,

1 I've only been -- I only do long term relationships. I  
2 don't date, and I only do long term relationships.  
3 That's is who I am.

4 Q And --

5 A I don't sleep around. Listen.

6 Q And --

7 A Listen, I don't sleep around. I don't fuck  
8 around. I like monogamy. I like it. I love it. I  
9 love -- I love deep monogamous relationships. It's my  
10 thing. And all of my wives will tell you that.

11 Okay. Next question.

12 Q What are the names of all your wives?

13 A Fuck you. Next question.

14 Q Well, I --

15 A Listen -- listen -- listen -- listen, listen,  
16 you come close to any of my family, I will beat your  
17 fucking face and that is not a fucking threat; that's a  
18 fact. I will find you, and I will beat the living shit  
19 out of you. Do you feel me?

20 MR. SOFOS: Alki, this is enough.

21 THE WITNESS: No. No. Shut up. Shut up.

22 That is a fucking threat that is real because I'm  
23 talking to a criminal who has killed multiple people in  
24 my life and attempted murder of me twice.

25 Okay?

1 MR. SOFOS: Next question.

2 THE WITNESS: So that's who I am talking to.  
3 So you come close to any of my family --

4 MR. SOFOS: Next question.

5 THE WITNESS: -- you come remotely to any  
6 questions, all you will get is vitriol and threats,  
7 which I will make -- which I will realize. You feel me?

8 BY MR. DORDICK:

9 Q Is it -- I mean, you understand that you come  
10 close to all of my --

11 A Yeah, I understand. Shut your fucking face.  
12 Don't you fucking say you understand or be in any kind  
13 of way try to belittle me.

14 All right. Because I'm fed up of your  
15 arrogance. I'm fed up with your extortion, your  
16 criminality. And, most of all, I -- your -- your --  
17 your stupidity. Because only stupid people do what you  
18 do. Do you realize that?

19 Q Are there any accommodations I can provide to  
20 you today as a result of your brain injury that would  
21 make this easier on you?

22 A Yeah.

23 Q Well, what --

24 A You could die. You could fucking die along  
25 with the rest of your fucking family who is a bunch of

1 criminal douchebags who I swear to God, I will watch go  
2 behind bars. Because what you do is so wrong. You need  
3 to be behind -- you need to be more than be behind bars,  
4 you need to be executed for what --

5 MR. SOFOS: Alki --

6 BY MR. DORDICK:

7 Q Would you agree with me --

8 A -- you do because of your criminality.  
9 Because of your fucking criminality you have ruined the  
10 lives of so many innocent people. Just my employees  
11 alone, you have ruined their lives.

12 MR. SOFOS: That's --

13 THE WITNESS: How do you feel about that?

14 BY MR. DORDICK:

15 Q Is it possible that your financial  
16 mismanagement of the company is the reason their lives  
17 are ruined?

18 A Sir, I am running a green economy -- I'm  
19 running a green economy program for an entire nation. I  
20 would shut the fuck up.

21 Q Which -- which nation is that?

22 A Antiqua and Barbuda, as well as other  
23 Caribbean Nations. Plus now, the Nation of Brazil. I  
24 am running a giant green economy program, which would  
25 make your mind blow. I tell you, bro. Because you know

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1 why, because I came to Antigua and Barbuda because

2 I felt safe here --

3 Q Sir --

4 A -- I knew here my --

5 Q Mr. David --

6 A -- inlaws would protect me. And guess what, I  
7 decided to give back. I said, you know what, I'm not  
8 going to let these fucking people upset me. I'm going  
9 to give back to humanity. So I decide to folks on  
10 building a green economy platform that the world now  
11 is -- guess what, do you know who my partners are right  
12 now? You want to know who my partners are?

13 The Crowned Prince of Saudi Arabia --

14 MR. SOFOS: Alki --

15 THE WITNESS: -- the U.S. Government, the U --  
16 the Environmental Protection Agency, that is a United  
17 States Government has now mandated that I build 300  
18 petroleum -- vegetable diesel petroleum manufacturing  
19 plants around the country in partnership with my homies  
20 right here in Antigua and Barbuda.

21 So ask me your financial mismanagement, shut  
22 the fuck down, pipsqueak.

23 BY MR. DORDICK:

24 Q Have you ever been convicted of a felony?

25 A Felonies mended and I stand very proudly by

1 them because I'm an advocate for cannabis and for the  
2 goodness that it does. I have never been convicted of  
3 any criminal wrongdoing anywhere in my life because  
4 there is none.

5 Q I'm confused. Have you been convicted of a  
6 felony?

7 A Felony is not a crime, dickbag. Did you know  
8 that?

9 Q I'm almost certain a felony is a crime.

10 A Well, are you? Are you almost certain? I  
11 think the abuse of -- I think the abuse of the status of  
12 felony is a crime, but I don't think a felony is a  
13 crime.

14 Q What felony convictions do you have and when  
15 did they occur?

16 A Parking. Parking, uh, in the United States.  
17 I think it's parking and anger management, which was  
18 then thrown out by the D.A..

19 Q Parking?

20 A Actually, true. Yeah. The D.A., the District  
21 Attorney threw out my -- um, I can't even remember what  
22 it was. It was something about -- um, what was it that  
23 I -- oh, yes. Oh, yeah. Oh, yeah. Oh, yeah. A server  
24 processor broke into my home, broke into my fucking home  
25 with a mask on him, right, not saying -- identifying

1 himself, right. And so I grabbed him and threw him out  
2 of my house, called the police. Then he -- then he  
3 turned around and said that I attacked him.

4 I went to court over it. I even did six hours  
5 of anger management over it. And then when I went to  
6 court over it to argue it, the D.A. threw it out.

7 So the answer to your question is, I don't  
8 think I have a felony other than cannabis. Uh, it  
9 wasn't even a felony; it was a ticket. So, no, I don't  
10 have a felony in that one.

11 I think the only felony that I have is  
12 contempt of court, actually. I think, because  
13 everything else was kicked out. So, yeah, I think the  
14 only thing that I have is that six days of contempt of  
15 court. So go fuck yourself. How about that?

16 Q What about when you were arrested with a  
17 private airplane full of marijuana?

18 A Where?

19 Q I believe -- was it St. Kitts?

20 A That's right. That's not in the United  
21 States. I thought this was a state court. But, yeah,  
22 in St. Kitts. And it wasn't marijuana. Do you know who  
23 said marijuana? Nathan Goldberg said marijuana. It was  
24 CBD flower, which was completely legal at the time. And  
25 at the time that it was on -- at the time it was seized,

1 it was seeds and seedlings that hadn't flowered.

2 And under British Law, which this thing it  
3 was, as you can clearly see, I paid the misdemeanor  
4 filed for arguing with people, not for the wrongful  
5 trafficking of a controlled substance.

6 So -- so to go to your thing, it was -- first  
7 of all, it was not marijuana; it was CBD flower. CBD  
8 flower, which under the form bill in the United States  
9 is 100 percent legal --

10 Q Did the --

11 A -- anywhere in the United States.

12 Q Did the Plaintiff go to -- with -- to Greece  
13 at any time?

14 A No. She came to Greece --

15 Q Okay.

16 A She came to Greece on her own recognizance.  
17 She came to Greece after she lied and said she had some  
18 deal in Lebanon. And she said she wanted to stop by  
19 Greece to see me. She stopped by Greece to see me and  
20 she left. I -- you know, with zero -- almost zero  
21 contact with her. She came, hello, she enjoyed a place  
22 and then she left.

23 And you fucking guys tried to turned it into  
24 something. Are you fucking kidding me? You lying sack  
25 of shit. She came to Greece lying about a deal and then

1 came -- flew to Lebanon freely on my dime, stopped by  
2 Greece. You know, again, it was more of this attempting  
3 to get with me. And then she left, okay. End of it.  
4 She flew to Greece on her own recognizance. She made up  
5 the whole story.

6 Okay. Next question.

7 Q Did she stay with you while she was in Greece?

8 A Not with me; she stayed in her own room in --  
9 in my villa that I have now lost to my cousin, who  
10 fortunately bought my family home, right, because of  
11 wrongful fights that I have had to get into. But in a  
12 few months, I get my -- I get that house back. And all  
13 these people go to jail. Just -- less than a year,  
14 you're in prison. I guarantee. Less than -- less than  
15 12 months from today, you're in prison.

16 Q And if not?

17 A And if not, you will be looking at an  
18 indictment, for sure. I -- I -- I -- I promise you. I  
19 promise you. You will be looking at an indictment in  
20 Antigua, in London, in Greece, as well as in the United  
21 States. I promise you.

22 Q Uh --

23 A I give you my word as a human being and as I  
24 stand here on record with my hand to God that you are  
25 going to end up being indicted. I promise you. In some

1 country that you and your syndicate have effected my  
2 jurisdiction, you will end up on Interpol's list for  
3 your corruption.

4 Okay?

5 Q Mr. --

6 A I promise you. Hand on heart, Mr. Dordick. I  
7 promise you.

8 MR. SOFOS: That's enough, Alki. Thank you.  
9 You don't need that. Next question.

10 BY MR. DORDICK:

11 Q My question, where -- where did Ms. Nichols  
12 sleep with -- when she came to Greece?

13 A I just don't know. I can't remember. I think  
14 one of -- oh, one of the guest rooms. I don't know.

15 Q Did she sleep in your room at any time?

16 A No, she did not.

17 Q Did she sleep in your bed at any time?

18 A No, she did not.

19 Q Did you ask her to give you a massage at any  
20 time?

21 A I don't -- I don't -- you know what, I don't  
22 think so. No. You know what, this question has been  
23 brought up over and over again. And it's like some kind  
24 of trick question. I don't think so. I don't know.  
25 Maybe, maybe not. I don't know. I don't know. It's

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1 some kind of trick question because this is what you  
2 guys do.

3 So, you know -- you know, Margarita is an  
4 attractive girl. And I have always thought -- always  
5 thought that maybe -- maybe there is something there.  
6 But it just never happened. And then that one time that  
7 we got together, I realized this is -- just not the  
8 woman for me.

9 So this is -- this is how -- this is my view  
10 of the world, sir. And your attempts to ruin a very,  
11 very -- you know, I think uh, uh, uh, a very sound  
12 healthy world. Perhaps the reason that you choose me  
13 is -- for your comment -- your comment, debt to be  
14 settled. I think you and your family are going to rot  
15 in a way that you can't even proceed.

16 Do you know you don't have insurance? Has  
17 your father told you that? Do you remember that L.A.  
18 Times article about Dordick Law not having insurance?  
19 Do you remember that? That was quite recent. That was  
20 about, what, about seven months ago?

21 MR. SOFOS: Off the subject, Alki. Next  
22 question.

23 THE WITNESS: Yeah. No, it's not off the  
24 subject. Because what he is doing then would be a  
25 crime.

1 BY MR. DORDICK:

2 Q Do your -- do your companies have insurance?

3 A Uh, at the time that -- you know, you want to  
4 know something? You want to know something interesting?  
5 The time that all this started, I did have insurance and  
6 I can't remember who it was that tried to claim on  
7 insurance. And I said, you know what, fuck them. I  
8 don't want them to touch insurance. I don't want to  
9 settle anything.

10 So I -- I -- you know, there is insurance.  
11 There is plenty of insurance out there. But you know  
12 what, you're fucked. You're so fucked. Thanks for  
13 bringing that one up.

14 Q That is to say you have an insurance policy  
15 with which -- which makes -- provides coverage for this  
16 incident and you're refusing to turn that information  
17 over?

18 A There is no incident. There is just made up  
19 lies by you.

20 Q Do you have an insurance policy in place, at  
21 either FilmOn.TV or Hologram U.S A. that may provide  
22 coverage for the alleged incident that --

23 A Absolutely -- absolutely not. Absolutely --  
24 absolutely not. Absolutely no fucking way.

25 Q You do -- you did or did not have insurance?

1           A       Can you move on to the next question? I  
2 already answered at. Stop being an idiot.

3           Q       You just said -- you just said absolutely not  
4 when I asked if you had insurance and previously you  
5 said you did. So I just need to know, do you or do you  
6 not have insurance that may provide coverage for the  
7 incident?

8           A       Think about your fucking question, you idiot.  
9 Think about what you just said to me. Think about what  
10 you just said. You said, think have insurance. Yes, I  
11 did have insurance. Now I do not have insurance, no. I  
12 do not. Why? Because I don't have any employees in the  
13 United States. Why? Because of your corruption.

14          Q       Okay. Who was the name of the insurance  
15 company?

16          A       Go fuck yourself. Limited.

17                 MR. SOFOS: Alki --

18 BY MR. DORDICK:

19          Q       I'm not aware of that insurance company. Is  
20 there another one that --

21          A       Yeah. Well, you have to look -- you will have  
22 to look it up.

23          Q       All right. Give me one second.

24                 So I cannot find a Go Fuck Yourself Limited  
25 Insurance Company. Is there another one it might be?

1           A     Well, you didn't look hard enough.  Keep  
2     looking.

3           Q     Is there another insurance company that --  
4     that it might be?

5           A     Then -- then -- then I -- I don't know.  I  
6     really don't know.  I don't know what the insurance  
7     companies names were.  I really don't.  I can't  
8     remember.

9           Q     So this company, FilmOn.TV, you said it makes  
10    millions of dollars in revenue?

11          A     Oh, yeah.  It makes millions of dollars every  
12    month.

13          Q     And that's without any employees?

14          A     Not in America.

15          Q     So does it make any revenue in --

16          A     Not in -- not in your jurisdiction, dickhead.  
17    Not in the fucking same jurisdiction that you think --  
18    you think that you're safe in.  You are not safe, son.  
19    You're going to jail.  You really are, I swear -- I  
20    swear to you.  Please read the writ at your lunchtime.  
21    Read the writ and enjoy it.  Please read it.

22          Q     You --

23          A     In fact, why don't you have your assistant  
24    read it while you're asking me questions so you can --  
25    see by the reaction on their face what is going down.

1 Q Was this writ prepared by you?

2 A No. It was prepared by -- are you ready for  
3 this? A King's Council, a -- a law professor in  
4 New York at Pace Law school, a, uh -- a, uh, uh,  
5 Barrister here in Antigua, three lawyers in Los Angeles,  
6 two lawyers in Dallas -- in a -- in Dallas, Texas, all  
7 researching the criminal syndicate that you are a part  
8 of. That doesn't include all of their assistants, by  
9 the way. And that certainly doesn't include all of the  
10 other douchebag law firms that employed in the past,  
11 including, um, the law firms that are now coming to  
12 speak against the very same judges that are named in  
13 that writ.

14 Lawyers -- the lawyers from big law firms in  
15 Los Angeles are coming in my support to talk about  
16 what's in that writ and to talk about the criminal  
17 douchebags that are -- that are part of this syndicate,  
18 which is you and your entire fucking family.

19 Q Sir, is it a true --

20 A Read the writ and shut up and don't ask me any  
21 questions about it. Just read the writ.

22 Q Isn't it true that you have stated that  
23 claims that you are a billionaire are greatly  
24 exaggerated?

25 A That's true.

1 Q Is there a reason why in the writ then that  
2 you mention to yourself that you are a billionaire  
3 businessman even though --

4 A Oh, so you did read the writ. So you did read  
5 the writ. Okay. Good. So next question.

6 Q Yeah. My question is, why would you put in  
7 the writ that you were a billionaire if you know that to  
8 be --

9 A I -- because it's in parenthesis as an  
10 internet billionaire, as a U-tube billionaire. And  
11 guess what, technically at one point, I was a  
12 billionaire.

13 And guess what, your defamation that I, very  
14 famously, fought back in FilmOn versus Double Verified  
15 and now will famously fight back in this current writ,  
16 um, clearly shows who is behind the lies and deception  
17 to try and defame and extort my companies and then me.

18 Q Do you practice yoga, sir?

19 A I do.

20 Q Breathing exercises?

21 A I do. For decades, actually.

22 Q If you ever need --

23 A So --

24 Q -- we will be -- we're not -- we have got  
25 awhile to go, so, you know --

1           A     Would you like to learn some breathing  
2 techniques? You're going to have to learn them when  
3 you're in jail.

4           Q     Sure.

5           A     Breath in; why did God put me on this earth;  
6 breathe out. That is what you are going to be asking  
7 yourself late at night soon. I promise you.

8           Q     Do you -- do you find it appropriate for a  
9 boss to have sex with his employees?

10          A     What are you talking about? What are you  
11 referring to?

12          Q     Do you -- do you find it acceptable at a  
13 company that you own or operate for a boss to have sex  
14 with one of his employees?

15          A     Well, if they're married or if they're dating,  
16 I don't see that is wrong, no. Many couples work  
17 together in the same company.

18          Q     And if not married or dating?

19          A     I don't -- I mean, personally? Emotionally?  
20 Spiritually? I don't know. I think it's a case by case  
21 issue. Legally? I don't know. I don't think so. I  
22 think in California -- in California, for example, I  
23 know that it's wrongful for a boss and an employee under  
24 state legislature, yes.

25          Q     Do -- do you believe there to be an inherent

1 power dynamic imbalance between you and the Plaintiff in  
2 this case?

3 A What does that mean?

4 Q At the time that you knew her and were working  
5 with her, that there was a -- in the relationship an  
6 inherent imbalance in power; you having control over her  
7 and she not having control over you?

8 A I don't even know what that means. Control  
9 over what?

10 Q Whether or not she was --

11 A What control? Controls over what issues?

12 Q Whether or not she was able to feed her family  
13 based on receiving a paycheck from you.

14 A She wasn't an employee. What are you talking  
15 about?

16 Q Yeah. At no point in time was she an  
17 employee?

18 A Yes. At -- years previously, yes. At another  
19 company that was not operating.

20 Q Which company?

21 A Which was Alki David -- which was Alki -- I  
22 believe, Alki David Productions. I believe.

23 Q And what did Alki David Productions do?

24 A It produced content for the streaming website  
25 FilmOn.TV and also content for the Hologram Company.

1 Q Like what type of content?

2 A Different types of content.

3 Q Like --

4 A Whether it was -- whether it was Jimmy Kimmel  
5 at the -- at the billboard awards or whether it was  
6 Shockya content for FilmOn or whether it was branded  
7 content for a -- for an advertiser. You know, it  
8 varied. We have thousands of different content options  
9 on FilmOn.

10 Q And do you still produce content for -- for  
11 FilmOn?

12 A Right at this very moment, uh, yeah. I  
13 suppose you could say that, yeah. Sure. Sure, of  
14 course.

15 Q What was the most recent thing you created?

16 A Oh, the most recent thing is actually a  
17 documentary about this very, very subject that I'm in  
18 right now, which is in a deposition by a corrupt  
19 syndicate of criminal Hollywood douchebags that have,  
20 you know, corrupted society for a very long time. And  
21 these people are now going to go to jail. That's what  
22 the documentary is about.

23 Q Is -- is it in production currently or has it  
24 already been made?

25 A No. It's in production as we go.

1 Everything -- you can see bits and pieces of it on  
2 U-Tube. You can see me berating Gloria Allred or the  
3 State Bar or -- or the -- or the, what do you call the  
4 Malibu, um -- what is it called? The Lost Hills  
5 Sheriff's Department that is -- that -- that -- um, you  
6 know, any of these -- any of these people in this tiny  
7 little circle of corruption.

8 Anyways, so go on. What is your next  
9 question?

10 Q When -- was it -- is it your testimony that  
11 the Plaintiff asked you to come to Greece to visit?

12 A Excuse me?

13 Q Is it your testimony that the Plaintiff in  
14 this case had requested of you that she come see you in  
15 Greece?

16 A Of course, she did.

17 Q And why is it that you did not deny that  
18 request?

19 A Because she said that she was going to Lebanon  
20 to stop to do a deal with MTV. And she said that she  
21 wants to come see me before going to Lebanon.

22 And I said, sure.

23 Q And then you offered her a place to stay?

24 A Well, I mean to come out and see me, you have  
25 to trek out to an island, so, yeah, of course I did.

1 THE COURT REPORTER: You have to trek out to  
2 where?

3 THE WITNESS: To an island.

4 THE COURT REPORTER: Thank you.

5 BY MR. DORDICK:

6 Q And this island, is it -- is it entirely owned  
7 by yourself or your finally?

8 A No. Sadly -- sadly for you -- you've -- you  
9 know what, you really disgust me as a person. You  
10 really, truly, disgust me as a human being. Because you  
11 sit there with, you know, this arrogance while also  
12 knowing very well what your dad does. You know what  
13 your father does. You know the real corruption of the  
14 cesspool that you're involved in. You know how it  
15 operates. You really know so don't play stupid.

16 Q Is -- is the entire -- is the entirety of --  
17 of that belief based just on your case?

18 A No. It's based on Rose McGowen who reached  
19 out to me and said the same thing. Based on --

20 Q Of my father?

21 A Sorry?

22 Q Of my father?

23 A Well, certainly -- certainly -- not of your  
24 father in this particular case but certainly of -- of  
25 the same syndicate of Lisa Bloom; certainly of -- of --

1 of Gavin Newsom's wife, Siebel Newsom definitely; of --  
2 of, what is his name, Harvey Weinstein, definitely; of  
3 Gloria Allred, 100 percent, yes.

4 Q Okay. So is it fair to say the only knowledge  
5 you have of my father comes from this case?

6 A No. I have plenty of knowledge about your  
7 father from whistleblowers who are written in the writ.

8 Q From -- about other cases?

9 A Yeah.

10 Q All right.

11 A I mean, another -- another -- another example  
12 would be the Alec Baldwin case where your dad and Gloria  
13 Allred collaborated on. That's another great example.

14 Q Where Alec Baldwin shot and killed somebody  
15 with a gun?

16 A Yeah. Yeah. Yeah. Well, whatever -- listen,  
17 whatever he did it doesn't matter what he did in this  
18 particular case. Because what is happening is your dad  
19 and Gloria Allred, who have fixed in numerous cases  
20 together along with Nathan Goldberg, fixed and there is  
21 plenty of evidence to that effect.

22 There are thousands of lawsuits out against  
23 Girardi Keith. A lot of which implicate Nathan  
24 Goldberg; a lot of which implicate Gloria Allred; a lot  
25 of which implicate Michael Maroko; a lot of which

1 implicate Gary fucking Dordick. And you know what I'm  
2 talking about, son.

3 MR. DORDICK: Gary fucking Dordick, yes.

4 Mr. David, the court reporter here can type up  
5 to 200 words a minute, and she is very skilled but they  
6 do need breaks from time to time because of the -- the  
7 difficulty and --

8 THE WITNESS: Well, I am sorry -- I'm sorry if  
9 she cannot handle the speed at which I speak --

10 MR. DORDICK: No. My question is, would  
11 you -- would you be okay with providing her with five  
12 minutes to stretch, if you don't mind? We will come  
13 back in five minutes and she can --

14 THE WITNESS: No. Absolutely not. We  
15 carry on. Are you fucking kidding me? Why waste my  
16 time. Sorry. You get a court reporter that can type  
17 fast enough next time. Sorry. Carry on.

18 MR. SOFOS: Pardon me, Alki --

19 MR. DORDICK: If you can --

20 MR. SOFOS: Alki --

21 THE WITNESS: Fuck no. Fuck no. Fuck no.  
22 You aren't going to get me and then tell me to fuck off.  
23 Fuck you.

24 MR. DORDICK: Mr. David --

25 MR. SOFOS: Alki --

1 THE WITNESS: You want me to -- you want -- if  
2 you want this to carry on, you carry on. If not, you  
3 shut the fuck up and we end it now. How about that?  
4 Don't waste my time.

5 MR. DORDICK: It's -- it's -- it's physically  
6 extremely difficult on her. And I'm not going to be  
7 putting her through physical torture because you cannot  
8 give her --

9 THE WITNESS: Well then, if you're going to  
10 put her through physical torture, then we end -- end --  
11 end the session and then come back to when you're ready  
12 without -- with somebody who is able to type reasonably  
13 enough.

14 MR. DORDICK: Mr. David, it's a physical  
15 limitation on -- on a human being.

16 My question, are you refusing to take an  
17 admitted break --

18 THE WITNESS: No. I'm not. I'm not refusing  
19 anything. I'm just saying, if you choose to take a  
20 five-minute break, I may not come back.

21 MR. SOFOS: Mr. Dordick, five-minute break.  
22 Thank you.

23 MR. DORDICK: Yeah. Sure.

24 THE WITNESS: No. No. No. No. Please  
25 Mr. -- don't fucking humiliate me anymore than these

1       fucking people --

2               MR. DORDICK:  You should be respectful and he  
3       deserves your respect because he is --

4               MR. SOFOS:  Alki --

5               THE WITNESS:  Oh, shut up you insolent little  
6       brat, shut your fucking month.  You are going to go to  
7       prison, you piece of shit.

8               MR. DORDICK:  Mr. David --

9               THE WITNESS:  Listen.  Listen.  For the  
10       lady -- for the lady court reporter, and only for the  
11       lady court reporter, I am going to -- you know, I'm  
12       going to be patient for at least a couple of minutes  
13       while she relaxes and we can talk.

14               So if the lady -- we are now off the record  
15       and -- and the lady court reporter may relax and when  
16       she is ready to come back, she can let us know when she  
17       is ready to come back.

18               MR. DORDICK:  We'll take a five-minute break.

19               THE WITNESS:  Up until that point, I will very  
20       happily berate you.

21               Is that okay?

22               THE VIDEOGRAPHER:  Okay.  We're off the  
23       record.  The time is 11:20 a.m. pacific time.

24               (A short recess was taken.)

25               THE VIDEOGRAPHER:  We're on the record.  The

1 time is 11:27 a.m. pacific time.

2 Counsel, please proceed.

3 BY MR. DORDICK:

4 Q Sorry, Mr. David. You can continue.

5 A Continue what?

6 Q Okay. Um --

7 A What would you like me to continue? Sorry.

8 What are you suggesting?

9 Q I just -- I don't want to interrupt you. I  
10 want to make sure --

11 A No. No. No. What were you trying to -- were  
12 you trying to coerce something or what were you trying  
13 to do? Because that seems to be all part of your  
14 efforts of just -- you know, the lady has recanted  
15 twice. You were sanctioned. I don't know about you  
16 personally but certainly your father was sanctioned for  
17 lying to the court. How about that?

18 Q I -- I don't know. I'm unaware of what -- of  
19 what you're --

20 A Well, it's published so you can read about it.

21 Q Um, have you had sex with any other of your  
22 employees?

23 A Other than Mary Rizzo, no.

24 Q Did you have a rape room at your theater?

25 A No.

1 MR. DORDICK: All right. I'm going to -- I'm  
2 going to attach as Exhibit 1 to the deposition -- this  
3 is a -- a video. Give me one second here.

4 (Whereupon Exhibit No. 1 was marked  
5 for identification.)

6 BY MR. DORDICK:

7 Q Uh, do you have the ability to -- to view  
8 videos? I'm going to share my screen here and let me  
9 know if you're -- if you're able to see it, okay?

10 Okay. I'm -- I'm going to play this video and  
11 if you can just listen to it.

12 THE VIDEO RECORDING: "Yeah. You should  
13 see -- you should see upstairs. Upstairs is like a real  
14 rape room. Yeah. The real -- the real deal."

15 BY MR. DORDICK:

16 Q What did you mean by you -- you have the -- a  
17 real deal rape room upstairs?

18 A Uh-huh, that was a joke. And that was not an  
19 office; that was a house. That was a private residence  
20 -- that was a private residence and that was a joke.  
21 I -- and last time I -- last time I heard we were --  
22 lived in a nation of first amendment rights to be able  
23 to say all kinds of jokes. And even -- and even say --  
24 even say things like, I'm going to crucify those Jew  
25 bastards who are extorting me. I can say things like

1 that. Did you know that?

2 Q Do you harbor --

3 A By law -- under law, it is my right to be able  
4 to freely speak my mind and my feelings and my thoughts  
5 in any situation, actually. Even -- even to coerce  
6 something, such as a right. It is still my right to say  
7 whatever I want out of my mouth.

8 Q All right. So to be clear, you -- you do not  
9 have a real rape room?

10 A Of course not. How ridiculous a question is  
11 that?

12 Q I -- I don't know. So that was a joke?

13 A Obviously, it was a joke. And anybody who  
14 knows me knows very well that I'm a jokester. And  
15 everybody that knows me very well knows that I am a  
16 gentle decent loving man who has plenty of loving  
17 relationships with kind decent people that I like to  
18 surround myself with.

19 But then when I'm in the den of inequity and  
20 with -- and in front of douchebags like you, fuck you.  
21 How about that?

22 Q Were you also joking when you called me a Jew  
23 bastard?

24 A Listen, I have many Jewish friends. My sister  
25 married an Israeli. I have -- I have many, many Jewish

1 friends. I love the Jewish religion. But I used it as  
2 a derogatory term to get to you personally.

3 Q Did you ever send any videos to the Plaintiff  
4 in this case potentially threatening her to get her to  
5 settle the case?

6 A I sent her videos telling her what was going  
7 on. They weren't threatening videos. Why do you think  
8 the lady has recanted? Because -- why do you think she  
9 decided to tell the truth? Why when she went then to  
10 see, uh -- uh, Tom Girardi she said -- apparently she  
11 said -- these are her words, right, that -- she said,  
12 "Oh, as long as Mr. David doesn't get in trouble and I'm  
13 getting money, that's okay."

14 All right. So from then on, she has retracted  
15 everything to many people, including myself well before  
16 me sending her any messages years later when she is  
17 still got me connected to her WhatsApp. I looked to see  
18 if her WhatsApp is connected. Years later, I send her a  
19 message saying -- you know, telling her what my plan is  
20 to crucify you people for your wrongful criminal  
21 activities.

22 MR. DORDICK: I'm going to attach as Exhibit 2  
23 to the deposition, Mr. David. Here is another video.

24 (Whereupon Exhibit No. 2 was marked  
25 for identification.)

1 THE VIDEO RECORDING: "Hello Rita. I hope I  
2 find you well where ever you are. I think you're in  
3 Lebanon. And I hope you're having a decent time there.  
4 Um, I was hoping we could talk or, uh, come to  
5 resolution between this so that -- so that, you know,  
6 life can continue in a -- shoosh. See, it was a  
7 rough -- it was a rough time recently, so I thought  
8 about being more sensitive and maybe some -- reaching  
9 out and seeing if we can, uh, find some way to, uh,  
10 settle our lives."

11 BY MR. DORDICK:

12 Q What did you mean by that?

13 A What I meant was that I would like her -- like  
14 her to -- to not feel -- I -- I was telling her that she  
15 doesn't need to feel frightened of me. She didn't need  
16 to feel frightened of me that I would come after her,  
17 uh, for what she did. And what she did she knows is  
18 wrong. And I wanted her to know that somebody who  
19 recants doesn't get into trouble. Somebody -- why do  
20 you think I left her off this writ? Because she has  
21 recanted twice and you guys have maintained her --  
22 harassing her. And I'm there trying to speak gently to  
23 try and let her understand that I'm not going to  
24 prosecute her as I'm going to prosecute you.

25 MR. DORDICK: I have another video I would

1 like to show you. I will mark it for identification,  
2 Plaintiff's Exhibit 3.

3 (Whereupon Exhibit No. 3 was marked  
4 for identification.)

5 THE VIDEO RECORDING: "Hello Rita. I wanted  
6 to catch up with you and see if we can have a  
7 conversation or just confirmation by text for the  
8 following. I can have, um, a liaison -- I have got a  
9 liaison friend of mine, a former head of the CIA desk in  
10 Athens, who can arrange a lawyer in Beirut or whatever  
11 town you are in. And they can meet with you and you can  
12 have your lawyer present, as well. This can be done in  
13 English and in Arabic and in French, whatever language,  
14 and we can sign an agreement. And I agree in this video  
15 now that I won't hold you liable for any of this. I  
16 spoke to my attorney, Alan Dershowitz, who is a famous  
17 attorney, you can look him up. And he also agreed that  
18 nobody ever got punished for recanting. So I will  
19 accept your -- I will accept the okay with you that you  
20 recant your allegations to my lawyers. And I will take  
21 care of you and any reprisal from your lawyers. You  
22 have my -- my promise."

23 BY MR. DORDICK:

24 Q And -- and what was that?

25 A So four of my lawyers are dead; one is in

1 hiding because of this syndicate. This woman is  
2 terrified. Why do you think she hasn't turned up to  
3 court? Why do you think she flat out refused to talk to  
4 your law firm? Why do you think? Because she is  
5 terrified. Because she knows -- like all your other  
6 people that you take on pro bono, whatever the fuck it  
7 is that you do, you keep them locked up and threaten  
8 them with all kinds of billings and -- and financial  
9 burdens that they're terrified of. So I was saying to  
10 her that I will protect her from you is what I was  
11 saying.

12 Do you understand me?

13 Q If she -- if she drops her lawsuit against  
14 you?

15 A No. No. I don't care about her lawsuit  
16 against -- I don't care about you. I care about me  
17 being able to put you in prison. Well, not you, I don't  
18 give a fuck about you. It's what you do in your  
19 activities that I'm going to fucking crush. Do you  
20 understand me?

21 Q Sure. Um, when -- when you had intercourse  
22 with the Plaintiff, what indicated to you that she was  
23 consenting to it?

24 A She pulled down her pants so I think that was  
25 quite -- quite leading, don't you? Well, she -- she

1 rubbed herself up against me. What else would you like?  
2 I mean, what other -- and -- and also she had been  
3 living in my hotel room for three or four days, whatever  
4 it was, trying to get into my bed and me saying no, go  
5 sleep in the other room or sleep on the couch or  
6 whatever. So that's what.

7 Q Did she ask to come to your --

8 A That's -- that's what led -- that's what led  
9 me to believe. And years of her attempting to get with  
10 me prior to that led me to believe. That's what led me  
11 to believe. Is that what you're asking?

12 Q Did she request to come to your hotel room or  
13 did you ask her to come?

14 A She came -- she came to my hotel room with a  
15 friend and moved in. She actually didn't even come to  
16 me. She came with my son. She came with my son from  
17 the theater and their friends and she stayed after  
18 everybody left. And then she stayed two or three days  
19 longer. And there is plenty of witnesses to that.

20 Q And --

21 A So I don't know what the fuck you are talking  
22 about.

23 Q Which son?

24 A You know what -- you know what? I'm going to  
25 tell you, I take the 5th because in fear of my children.

1 Because you are a corrupt criminal douchebag that works  
2 for a criminal syndicate that kills people.

3 Okay. And you are -- you are part of a very,  
4 very disgusting group of people that are going to go to  
5 prison.

6 MR. SOFOS: You don't need --

7 THE WITNESS: So if --

8 MR. SOFOS: Alki, you don't need that. Please  
9 reply to the question. Next question. Thank you.

10 THE WITNESS: Well, what are you -- what are  
11 you talking about? Which bit is not right? The bit  
12 that I called him a criminal cunt.

13 MR. DORDICK: Mr. David --

14 THE WITNESS: Ha ha ha ha ha ha.

15 BY MR. DORDICK:

16 Q Um --

17 A Ha ha ha. You're really fucking funny, aren't  
18 you, douchebag. You're going to prison. You are on  
19 your way to prison. Do you understand? Keep asking the  
20 questions.

21 Q Would your son be able to corroborate the  
22 consensual nature of your relationship with the  
23 Plaintiff?

24 A Probably, I don't know. Probably -- probably,  
25 I don't know. Yeah. I'm sure. Everybody who went to

1 the theater saw what Margarita was like. She was always  
2 all over me. Always all over me.

3 Q And who are the people who could provide that  
4 corroboration?

5 A Loads of people. For example, the photo -- in  
6 the photograph, for example, that we have where a month  
7 after the alleged incident she shows up to the theater,  
8 the very same place, with a big ass birthday cake saying  
9 I love you, Alki and blah, blah, blah, or you are the  
10 best or whatever and a big cake for my birthday.

11 She discovered that I was on the plane to  
12 Greece with -- and I had reunited with my -- my  
13 girlfriend that I had been apart from -- and they're  
14 both Muslim woman. No, I'm sorry, Margarita is a  
15 Christian -- Greek Orthodox Christian -- Russ- -- Greek  
16 Orthodox Christian, but they're both Islamic women.  
17 They live -- they both live in the Middle East, sorry.  
18 And they both share similar -- very, very similar  
19 values. And -- and, um, she was mad. She was very  
20 angry that I got together. And -- and that is what  
21 happened. This is a woman who was really pissed  
22 off that got talked into joining a very corrupt group of  
23 lawyers, such as yourself and your father, and the rest  
24 of them.

25 Okay. That's what happened.

1 Q My question is, but what individuals could  
2 corroborate the consensual --

3 A I told you everybody that is in the picture in  
4 the fucking photograph of Margarita Nichols and --  
5 and -- and all of the employees of mine that were there  
6 working at the CBD flower company. I repeat CBD flower  
7 company that you continually try to malign. Like you,  
8 yourself, try to malign by saying marijuana when you  
9 know full well that it was hemp, you lying sack of shit.

10 Q You do not smoke marijuana?

11 A Sometimes. Sometimes I will smoke marijuana  
12 but most of the time I smoke CBD flower, which I like.

13 Q And that does not intoxicate?

14 A Are you an idiot? Do oranges intoxicate? I  
15 suppose to some degree, the Vitamin C does. But CBD  
16 flower under the farm bill is a non-psychoactive  
17 compound that is, uh, freely available in all markets.

18 Q And you consume that by smoking it?

19 A Yes. It's called CBD flower. It's called  
20 hemp. Hemp, H-E-M-P.

21 Q What are the names of the individuals who  
22 could corroborate the consensual nature of your  
23 relationship?

24 A I will come back to you with a list, if you  
25 wish. I can't remember the names.

1 Q Do you remember the names of any employees you  
2 have had at any point in time for FilmOn.TV in  
3 Los Angeles?

4 A Well, obviously.

5 Q Who would those be that you can recall?

6 A In what case? In which sense? In what part?  
7 I mean, there were a lot of people that had jobs once  
8 upon a time until your people -- until your criminal  
9 actions destroyed so much. And you are going to be --  
10 you know, I can't wait to -- oh, my God. I can't wait  
11 to take you down, Dordick, I really can't. It will be a  
12 pleasure to see you crushed, it really will, because you  
13 are such a criminal little fuck. You really are.

14 MR. SOFOS: Alki, next question.

15 BY MR. DORDICK:

16 Q You just met me today, true?

17 A I don't need to know anything more than this.  
18 If you're aligned with Gary Dordick, I don't need  
19 anything more. If you're sitting here taking my  
20 deposition and asking the kind of questions that you  
21 have asked, knowing very well what my position is and  
22 for whatever record you wish to try and create, you are  
23 asking very, very inflammatory questions with no  
24 jurisdiction and under circumstances that I have  
25 outlined to you are an act of white-collar criminality

1 that you will go to jail for.

2 Q Are you aware of an individual by the name of  
3 Ashley Giselle, G-IS-E-L-L-E, Husa, H-U-S-A?

4 A Ashley Giselle? Ashley was one of the  
5 dancers.

6 Q Was she an employee at FilmOn.TV?

7 A Uh, no. She was -- she wasn't an employee,  
8 no.

9 Q How about any of the Hologram companies?

10 A Uh, she -- she came and danced a few times so  
11 she wasn't an employee; she was a dancer.

12 Q And -- and did you -- and not pay her for her  
13 work?

14 A No. I believe she was paid. I don't believe  
15 she was not got paid.

16 Q Okay. Did you have anybody at FilmOn.TV or  
17 Hologram USA who was in charge of compliance to ensure  
18 that you were -- that your company was paying your  
19 employees appropriately?

20 A I didn't have employees to pay at the time  
21 that you're talking about.

22 Q From what year to what year did you have  
23 employees at FilmOn.TV?

24 A I can't remember.

25 Q From what year to what year was FilmOn.TV an

1 active corporation in the State of California?

2 A I can't remember. And, by the way, my head  
3 now -- I have had enough time. I can't do anymore of  
4 this bullshit. You're just fucking full of shit.  
5 You're just a lying -- you know, have you got any -- any  
6 real questions? Do you have any real questions that are  
7 not made up? Do you have anything more than this  
8 because I'm -- I'm kind of done.

9 Q I mean, there is plenty of questions that --  
10 that I have. All of them --

11 A All right.

12 Q -- actually I had to make up because that's  
13 how you think of things.

14 A Yeah.

15 Q But --

16 A But, no, we're not talking about the truth  
17 behind them and the -- and the -- and the ethics behind  
18 them is what I'm talking about.

19 Q Is it true that Margarita Nichols never  
20 affirmatively consented to having sex with you with  
21 verbal consent?

22 A I don't -- no. No. She -- she was -- she was  
23 always -- she was always consensual; 100 percent  
24 consensual. There was no --

25 Q What verbal --

1           A       There was no -- there was no ambiguity at all.  
2       Zero ambiguity.

3           Q       What verbal consent --

4           A       Zero. Zero. Zero. Zero. Absolutely zero.  
5       When somebody rubs -- when somebody rubs their body up  
6       against you and starts removing their pants or is in  
7       there in your bed, trying to get into your bed for three  
8       days prior to that, I am sorry, that in any planet is  
9       consensual.

10          Q       That is to say that at no point in time did  
11       she ever provide verbal consent for you to penetrate  
12       her?

13          A       She did. I mean, I don't know if she said put  
14       your dick in me. I don't think she ever said that  
15       particular thing. But she certainly -- she certainly  
16       was very, very -- yeah. No. I mean, I would say that  
17       she did say it, maybe not in the words that you might  
18       choose. But, yes, she did say it.

19          Q       Well, what types of words did she use that led  
20       you to believe that she was consenting to have you  
21       penetrate her?

22          A       Hi, let's be together. Oh, kiss me. Oh,  
23       that's good. Oh, okay. Then takes her pants off. Do  
24       you think that -- what do you think? What -- how do you  
25       have sex with your wife? Do you -- do you write about

1 it? Do you -- do you prepare -- what is it you do  
2 exactly? I don't understand your question.

3 She was completely 100 percent consensual in  
4 as much as she came on to me. She came into the room  
5 closed the door and came on to me.

6 Okay. That is what I call consensual.

7 Q And this was in the server room?

8 A That I was standing in trying to figure out a  
9 problem with one of the computers. And she come -- and  
10 I'm there with my dog and she comes in and closes the  
11 door, yes.

12 Q Did she try to have sex with you in your hotel  
13 room?

14 A Um, no. I don't know if you'd call it that  
15 but she certainly wanted to be with me in my hotel room,  
16 yes.

17 Q But my question is, why is that she would try  
18 to have sex with you at your place of work in the server  
19 room and not try to have sex with you in a hotel where  
20 there is a bed?

21 A You really are a -- you really do have a -- a  
22 passionless kind of existence, don't you?

23 I mean, if the woman chooses to be sexy and  
24 come in -- to come and -- and come and jump on the --  
25 come and jump on you or make a pass at you in -- in --

1 in there -- in a place that is, you know, reasonable. I  
2 mean, it's not like it's in public. It's not like it's  
3 in -- it's not like it's in some place that is filthy  
4 or -- or -- or anything like that. So why would -- you  
5 know, what is wrong with that? I don't understand what  
6 you're suggesting.

7 Q I'm --

8 A She -- the -- the -- the -- you're trying to  
9 tell me that the choice of location of having sex in a  
10 bed versus somewhere else is an issue. Is that to you  
11 an issue?

12 Q It -- it certainly would appear to be related  
13 to whether or not she was consenting, wouldn't you  
14 agree?

15 A Well, when a woman walks into -- into a room,  
16 I would say you are absolutely wrong because when a  
17 woman walks into a room, closes the door and begins to  
18 undress, having spent three days in your hotel room, I  
19 would say that is consensual sex, yes, 100 percent. And  
20 I think that if you try to argue otherwise, you are an  
21 idiot.

22 Q That's my question. She did not try to  
23 undress and remove her pants while in your hotel room,  
24 only once in a dark server room with your dog?

25 A It wasn't a dark server room. And -- and my

1 dog was always there. She virtually -- while she was an  
2 employee at FilmOn, she use to walk the dog as a puppy.  
3 Every single day she would walk that dog. She knew that  
4 dog intimately well. She also knew that dog had three  
5 months left to live. She also knew that dog was dying.  
6 Okay. So there you are. How do you feel about that?

7 Q All right.

8 A How do you feel about that?

9 Q I have --

10 A How do you feel about that? How do you feel  
11 about the knowledge that -- that all of that nonsense  
12 that you are now supporting about, um, a crazed dog  
13 threatening -- you know, it's just lies. Just lies.  
14 Lies upon lies upon lies that you guys are going to have  
15 to pay for. Do you understand me? You cannot do this  
16 to people and expect to get away with it. Not for any  
17 reasonable length of time, sorry.

18 Q Is it possible that your brain injury has made  
19 it -- has make you unable to know whether or not the  
20 Plaintiff was consenting to sex?

21 A No. I have a very, very clear sense of right  
22 and wrong. I have a very, very good understanding of  
23 my -- you know, my ethics and my principles I live by  
24 and stand by.

25 For example, I maintain my sobriety decades.

1 Um, I am a very disciplined person, far more so than you  
2 ever will be probably because you haven't gone through  
3 the hardships that I have gone through as a result of  
4 what you have done.

5 Q Did you do a show with Mike Tyson where you  
6 extensively discussed your drug use in the last 20  
7 years?

8 A Uh, sure.

9 Q And it -- how do you square that with your  
10 statement that you have been sober?

11 A Well, it's not drugs; it's medicine. And --  
12 and that is how I square it, if that's what you're  
13 suggesting. I square it by saying to you that medicine,  
14 as opposed to recreational drug use, is, uh, two  
15 entirely different things, especially when you have a  
16 brain injury such as mine.

17 Q What -- what are recreational drug use to you?

18 A Cocaine, uh, used at parties, or  
19 methamphetamines used for because of -- of physical  
20 addiction or, uh, even -- even the abuse of things like  
21 Ketamine, or the abuse of medicinal drugs is -- is  
22 another use -- is another -- and by abuse is when your  
23 life becomes unimaginable and when you become so --

24 Q Have you -- have you -- or do you recall an  
25 evaluation that was done for your -- your brain injury

1 in this case?

2 A Which one are you talking about?

3 Q There is a doctor that you -- that your sister  
4 had referred you to.

5 A Oh, yeah. You're talking about Dr. Wexler?

6 Q Yes.

7 A Yeah. The one -- the one -- the one who very  
8 uniquely wrote as a suggestion of Dana Coles, who is now  
9 part of that writ that -- thinking that there is a cabal  
10 of lawyers allusion, right, and he very neatly wrote  
11 that in. And I don't know where the hell that came  
12 from. I insisted that the right version of 2.0 when --  
13 and I, as a result of that, do not speak to my sister  
14 anymore as a result of that. That was wrongful, very  
15 wrongful of what happened.

16 And -- and -- you know, I will amend my -- I  
17 mean, my relationship with my sister is on the mend and  
18 only -- only as a result of our will to mend it, not  
19 because of -- you know what? You and your family and  
20 what your syndicate have done to me is so wrong and so  
21 bad. You really should be ashamed of yourself,  
22 Mr. Dordick, you really should.

23 Q My question is, why did your sister refer you  
24 to Dr. Wexler?

25 A Because he was referred to by Dana Coles. And

1 Dr. Wexler apparently is the hack that everybody goes to  
2 in Santa Monica to get -- to get -- to get brain  
3 analysis. And he -- and, you know, the -- you know, as  
4 far as I'm concerned, the MRI and the -- and the -- and  
5 the -- what do you call them? The -- the technicians  
6 and the doctors that I saw later in London and Greece,  
7 all of who did the evaluation and the people at the  
8 Minnesota -- two clinics in the state, I forget which  
9 one it is. Two Minnesota, of course, they evaluated it  
10 and they all came up with a -- they all came up with the  
11 same conclusions.

12 And Dr. Wexler's conclusion of my brain injury  
13 with -- about -- about his lawyers and me feeling is  
14 pathetic. It's a pathetic effort. Absolutely pathetic  
15 effort. And you know what, let me tell you something.

16 You wrongfully illegally bringing up that  
17 doctor, right, despite ADA law, right, you bringing that  
18 up further shows the complicity with -- with -- with  
19 the -- with the coercion of these events and the  
20 syndicated effort to extort. You guys are pathetic.  
21 Absolutely pathetic.

22 Q You said there were other doctors who came to  
23 conclusions that differed with his?

24 A Not differed. Not differed. Differed with  
25 the -- differed with the notion that -- differed with

1 the notion that there is a cabal of lawyers, yes. They  
2 will -- they will differ with that. They will say  
3 that's nonsense. They have -- they have no idea how  
4 that was inserted into it.

5 Q What conclusions did these other physicians  
6 come to?

7 A That I have a brain injury; that I am a normal  
8 decent person; that when angered, I -- in an enormous  
9 Tourettes like way go apeshit and will perhaps anger  
10 people, but in no uncertain terms all agree that I have  
11 a -- a reasonable mind and body. And, in fact,  
12 Mr. Sofos will corroborate that because he was present  
13 at one of them.

14 Q Did this ever cause you to berate or yell at  
15 employees at FilmOn.TV?

16 A All the fucking time.

17 Q And did this ever cause you to verbally abuse  
18 the Plaintiff in this case while she was was your  
19 employee?

20 A No.

21 Q Did it cause you to verbally abuse other  
22 employees at FilmOn.TV?

23 A No.

24 Q To you is there a difference between verbal  
25 abuse and berate-ment?

1 A I'm sorry. Is there a difference?

2 Q Yeah. Between --

3 A I think -- I think -- I think -- I think if  
4 you speak English they mean the same thing.

5 Q And so -- so you did or did not verbally abuse  
6 any employees at FilmOn.TV?

7 A I don't know what verbally abuse means. Will  
8 you give me a definition?

9 Q Berate?

10 A Will you give me a definition?

11 Q Yes. Scream at --

12 A That's not a definition.

13 Q Threaten. Would you like me to read --

14 A These -- these are not --

15 Q -- it for you?

16 A -- definitions. These are words. Would you  
17 give me a definition?

18 Q Sure. You would like like a dictionary  
19 definition?

20 A I would like you to tell me what you think is  
21 verbal abuse.

22 Q It would be to scold or criticize someone  
23 angrily. That would be the definition of berate  
24 according to --

25 A Then I would say abso-fucking-lutley, yes.

1 When somebody says does something stupid or asinine that  
2 is either dangerous or -- or -- or criminal, yes.

3 Q Verbal abuse according to Web M.D. would be  
4 emotional abuse ranging from words or behaviors used to  
5 manipulate, intimidate and maintain power and control  
6 over somebody which can include insults, humiliation,  
7 and ridicule, the silent treatment, attempts to scare,  
8 isolate --

9 A So obviously not. Obviously not. Obviously  
10 not.

11 Q And so your brain injury did not cause you to  
12 commit verbal abuse to any of your employees?

13 A Not abuse, no.

14 Q You were never scolding or --

15 A Sure, scolding. Scolding, yeah. I might -- I  
16 might have scolded somebody for doing something wrong,  
17 like, say, Elizabeth Taylor for throwing her tampons  
18 around the place, and -- and taking -- and then hanging  
19 around outside. You know all kinds of weird shit.  
20 Sure, I scold people. And we also -- remember, that we  
21 made a lot of shock content, as well. As very often  
22 people would get out of control and -- and so scolding  
23 might be the way to manage them, sure.

24 Q Well, what about intimidating or scaring them  
25 using your words?

1           A     No. I would say that that is completely  
2 wrong. I would say that I gave more attention and gifts  
3 and -- you know, the reason why these people sued me was  
4 because the party stopped. Because I stopped paying  
5 them, and I stopped giving them a free ride. They  
6 described that they were trying to -- you know, and it's  
7 all -- and it's all very, very clear in the text  
8 messages that you will find at the -- as the centerpiece  
9 of the writ. And these text messages are very, very  
10 clear as to the conspiracy of these people.

11           Q     Did -- did you ever -- did you ever insult,  
12 humiliate or ridicule the Plaintiff?

13           A     No. Never. Never. Never. Why would I do  
14 that?

15           Q     I --

16           A     Why would I do that?

17           Q     Perhaps as a result of --

18           A     Why do you think I would do that? Why would  
19 you ask that question? Because -- because apparently  
20 she has recanted every accusation she made of me. But  
21 here we are, you still asking these asinine questions.

22           Q     What makes you believe that she has recanted?

23           A     Because she has said so twice to people that  
24 will be in evidence to -- to all of this.

25           Q     Who did she recant to?

1           A       She recanted to her ex-boss, Carl Dawson. Um,  
2 she recanted to other people. She also recanted in her  
3 diary in her own self-confession.

4           Q       Who is Carl Dawson?

5           A       Well, you're an idiot. Aren't you? You must  
6 be an idiot.

7           MR. SOFOS: Hey, Alki --

8           THE WITNESS: Yeah.

9 BY MR. DORDICK:

10          Q       Who is Carl Dawson?

11          A       Carl Dawson is her boss, her ex-boss that she  
12 reported to.

13          Q       And who did he work for?

14          A       He worked for me.

15          Q       Who -- and for which company?

16          A       Carl Dawson worked for FilmOn.TV.

17          Q       Okay. And what was his role at the company?

18          A       Director of marketing and sales to which  
19 Margarita answered to.

20          Q       And -- and was Margarita in charge of  
21 marketing or sales? What was Margarita's job  
22 responsibility?

23          A       While she was at FilmOn.TV she was suppose to  
24 be a salesperson. She was actually produced to me by a  
25 guy who is now dead who was the son of a Mafia boss

1 called Louis B. Fratto. So Joey Fratto introduced me to  
2 Margarita. And years later makes me realize just what  
3 goes on with these sort of people. And you and the  
4 syndicate which is, in fact, a Mafia syndicate. So it  
5 goes all the ways back to the Purple Gang, would you  
6 believe it, Sumner Redstone, who was Mary Lanchkey's  
7 lawyer, brought this corrosive type of lawyering to  
8 California, along with Mr. Thomas Vincent Girardi and  
9 the whole Loyola family.

10 So you guys -- you guys have created this  
11 cesspool that is going to get -- not is going to get,  
12 has been broken up and is going to be even further  
13 broken up as Girardi's plea deal and -- and when his  
14 mouth starts moving. Isn't that going to be -- isn't  
15 that going to be fun?

16 Gary Dordick will be way up on the list, I  
17 swear to good.

18 Q And this is a crusade led by you and only you  
19 against my family.

20 Is that right?

21 A No. It's not only me and only me. But let's  
22 talk -- let's talk about every other member that's been  
23 fucked up by this syndicate.

24 Q Yeah. But my question is, who else is filing  
25 lawsuits like this, to take down --

1           A     Nobody else has the -- nobody else has the --  
2     nobody else has the resources, the brains, the courage  
3     or -- or the hole in their brain to do this.

4           Q     Um --

5           A     And that means to stand up for my fucking  
6     human rights. My human rights that have been  
7     absolutely -- do you know what it's like to cry in your  
8     own home, your own family home where your animals are  
9     buried, where you have dear early memories there of your  
10    beloved father and that this house is being ripped away  
11    from you by people who have lied, consciously lied and  
12    distorted and worked with lawyers, low rent lawyers such  
13    as yourself, and Lisa Bloom and Gloria Allred and Keith  
14    Griffin.

15                    What about your partner? Do you know that  
16    there was recently a United States Supreme Court ruling  
17    that partners are liable for the criminality of their  
18    partners? Do you know that? So in other words, Keith  
19    Griffin -- what? You didn't know that? That's very  
20    recent, you should look at up. It's about a year ago.

21           Q     I don't --

22           A     Sorry?

23           Q     Which one of your -- do you have any partners  
24    in FilmOn.TV or David Alki Productions or Hologram USA?

25           A     I do. I have many partners.

1 Q Who are those partners?

2 A Every Antiguan citizen. Because now --  
3 because now, young man, you're going to get schooled to  
4 understand that what you and your -- I don't know what  
5 you call it, um, naive, the naive and stupidity of the  
6 criminality that you people -- you see, you don't see it  
7 perhaps, even it it's criminality because it's so  
8 systematic that you think it's okay to fuck people over  
9 with a lie. You think it's all right to do that because  
10 that's how it works.

11 Well, that's not how it works. That's how  
12 people like your father and Gloria Allred and Tom  
13 Girardi cry to the courts of justice, which is what you  
14 are doing.

15 Q Let me redirect you, sir. My question was, do  
16 you have any partners in your FilmOn.TV, David Alki  
17 Productions or Hologram USA United States venture?

18 A I already answered you.

19 Q You said the people of Antigua. Would that  
20 be --

21 A Yes, sir.

22 Q -- part of the list?

23 A That be would 111,000 people.

24 Q All of them have a partnership interest in  
25 your business?

1 A That's right.

2 Q Do they perform any work for FilmOn.TV in the  
3 United States?

4 A Absolutely.

5 Q What --

6 A They are saving your children from dying a  
7 horrible death because of asphyxia by -- by making  
8 callosal attempts to restore our enviromental landscape  
9 in a way that might be able to sustain some kind of hold  
10 on this callosal mess that we have created on our  
11 planet.

12 Q I'm referring to an -- an ownership --

13 A So am I, you idiot. So am I. So am I.

14 Q I believe you are referring to an  
15 environmental one. Is that fair?

16 A What are you talking about?

17 Q You're saying that the people of Antiqua are  
18 involved in FilmOn.TV by -- by protecting the  
19 environment?

20 A No. That's one portion of it, yeah. Sure,  
21 but that is one portion of it.

22 Q Have you ever paid any proceeds from FilmOn.TV  
23 to an individual in Antiqua as a result of labor they  
24 performed for the company in the United States?

25 A No. But jurisdictionally you guys crossed

1 into Antiqua by attacking my properties and other  
2 nations when I am a diplomatic -- when I have diplomatic  
3 status and my homes, which are protected, as you will  
4 see in the writ, by diplomatic law. That's another  
5 reason as to why you have zero jurisdiction and have  
6 never had jurisdiction over me, on top of being a  
7 British citizen, on top of my companies being British.  
8 You have zero right or jurisdiction to file any kind of  
9 accusation against me, sir, so suck a dick.

10 Q Um, do you mean that figuratively or  
11 literally, sir?

12 A That's another reason for me to break your  
13 other nose.

14 Q What do you mean by other nose?

15 A That was figurative.

16 Q Where are you an ambassador or diplomat?

17 A Sri Lanka.

18 Q You're the -- you're an ambassador to or from  
19 Sri Lanka?

20 A The -- I am the green economy ambassador to a  
21 number of nations now, actually.

22 Q And -- and the green economy, is that an  
23 organization?

24 A No, it is not.

25 Q What is it?

1 A It's a concept.

2 Q And --

3 A In as much as -- in as much as -- in as much  
4 as -- in as much as go fuck yourself is a concept.

5 Q I mean, do you understand in the concept of an  
6 ambassadorship?

7 A Can we ask some relevant questions?

8 Q Yeah. I mean, you're telling me you have  
9 diplomatic immunity and I'm trying to understand --

10 A So why don't you read the writ, you fucking  
11 idiot? Why don't you just read the writ?

12 Q I did.

13 A Oh, you did, did you? Oh, you did, did you?

14 Q Was that written by an attorney or yourself?

15 A Which writ are you talking about?

16 Q The -- the one that you had previously given  
17 me the case number today filed --

18 A Yeah. How many -- how many pages is it?

19 Q Uh, a lot. I would say --

20 A Yeah. How many?

21 Q Um, at least 100.

22 A Okay. It's actually close to 150. And, yes,  
23 it was written by several lawyers, actually.

24 Q And these are -- these are people with law  
25 licenses in the United States?

1           A     Yes.  They're all with law licenses, yes,  
2           absolutely.  And not only that, they are Supreme Court  
3           Justice -- they have been to the Supreme Court twice and  
4           won twice in the United States, which means that they're  
5           probably even a little bit more experienced than Gary  
6           fucking Dordick.  But on the right side of  
7           righteousness, not on the dark evil criminal side that  
8           has no com- -- moral compass or conscious.

9           Q     You mentioned an individual by the name of  
10          Joey -- or Joey Fratto.  Did you mean Johnny?

11          A     Johnny.  Excuse me, yes.  Johnny.

12          Q     And who is this individual?  He introduced you  
13          to the Plaintiff?

14          A     We're not talking about his son, who is -- who  
15          is -- we're not talking about his son; we're talking  
16          about the father who passed away.

17          Q     Who --

18          A     What is interesting to me -- what is very  
19          fucking interesting to me is that you know Johnny  
20          Fratto.  That I find very fucking interesting, sir.

21          Q     I don't have the slightest idea who this is  
22          and that's why I'm trying to ask you.

23                     Who is Johnny Fratto?

24          A     The interest -- the interest that I have in  
25          you knowing who Johnny Fratto is versus Joey Fratto

1 versus Johnny Fratto, Jr. I find very fucking  
2 interesting.

3 Q I --

4 A I find that extremely interesting to me.

5 Q I know that you were introduced by a gentleman  
6 by the name of Johnny, um, and that is why I was asking  
7 for clarification.

8 A Oh, I see. I see. I see. I see. I  
9 understand.

10 Q How did you get --

11 A So you -- so you -- oh, I see. Okay. I  
12 understand. All right. So go ahead.

13 Q How did you get introduced?

14 A What do you mean?

15 Q How -- how did you become introduced to  
16 Ms. Nichols?

17 A Through Johnny Fratto.

18 Q Yeah. Was it at a party? Was it a social  
19 event? Was it with the intention of her seeking  
20 employment? Was it for --

21 A It was -- it was -- it was -- it was to look  
22 after -- I did Johnny's funeral. I did his whole  
23 funeral thing. You know, he passed away. He was a --  
24 you know, I thought he was a very nice man. And he  
25 appeared on Howard Stern regularly. And, um, he was a

1 great addition to -- to the family of people that  
2 work -- and he -- and the reason why I met him was  
3 because, um, he was representing a Hologram technology  
4 that I then licensed from him and his partner, who is  
5 the inventor. And that is how I met Johnny Fratto; that  
6 was your question earlier.

7 And how I met Margarita Nichols was Johnny  
8 Fratto brought her to the studio one day and said, can  
9 you give her a job. And I said, sure, I can help out.

10 Q Did you review her resume?

11 A Yeah. She didn't have much of a resume so she  
12 started as a runner. Um, and, no, I didn't really  
13 review her resume, to tell you the truth. She seemed  
14 like a nice girl and there was -- you know we had room  
15 to support -- so five years later, she is still there so  
16 that is indicative of the kind of person that I am.

17 Q Was she --

18 A My employees -- listen. My employees -- I  
19 have employees who I have had employed for decade for 40  
20 plus years who stayed in my employ. I have employed  
21 thousands and thousands of models, men and women, all  
22 over the world. I have done tons of shows, not a single  
23 fucking complaint from anybody except from your little  
24 group of syndicated assholes.

25 Q How many of your --

1 A How about that?

2 Q How many of your employees --

3 A And if you ask all of the articles that I have  
4 written about your dad and the collusion with all -- and  
5 all of these people, how many complaints over the years  
6 over you knowingly said about Shockya, how many  
7 complaints do you think I have had? How many do you  
8 think I have ever had? Not one. Not one fucking  
9 complaint you criminal little cunt.

10 Q How many of your employees --

11 A You murderous -- you murderous little villain  
12 who will end up in prison. You hear me?

13 Q How many of your --

14 A You fucking hear me? You are --

15 MR. SOFOS: Alki, you --

16 THE WITNESS: -- going to jail.

17 MR. SOFOS: Alki, you don't need --

18 THE WITNESS: No.

19 MR. SOFOS: Thank you.

20 THE WITNESS: I fucking need to tell this guy  
21 what is going to happen to him because --

22 MR. SOFOS: Alki --

23 THE WITNESS: -- I'm sitting here doing what I  
24 am doing --

25 MR. SOFOS: Alki --

1 THE WITNESS: -- is why.

2 MR. SOFOS: It's going well. Please.

3 THE WITNESS: Because you're a dumb little  
4 fuck.

5 MR. SOFOS: Alki --

6 BY MR. DORDICK:

7 Q How --

8 MR. SOFOS: -- please.

9 BY MR. DORDICK:

10 Q How many -- what is in your hand there?

11 A What?

12 Q What is in your hand?

13 A A hammer.

14 Q You know, you don't intend to hurt yourself  
15 around us, do you?

16 A No. I intend to break your fucking knees when  
17 I see you. How about that?

18 Q Uh --

19 A And that is a fucking threat that you can  
20 print on any fucking T-shirt and take it to any fucking  
21 jury you want. Suck my dick, you piece of shit.

22 MR. SOFOS: Alki --

23 THE WITNESS: Fuck you, Themis. I told you  
24 Themis. I told you -- I fucking told you these people  
25 do this deposition after this woman refuses to do her

1 deposition. They use an angel deposition that they  
2 concocted. And you sit there in your righteousness  
3 without insurance, without jurisdiction, trying to  
4 extort me, you little piece of shit.

5 BY MR. DORDICK:

6 Q How many of your employees have you had sexual  
7 relations with in the past?

8 A You have asked me that question already, and I  
9 answered you that question.

10 Two. Margarita Nichols who was not my  
11 employee; she was an ex-employee. And Mary Rizzo who  
12 was my girlfriend at the time that I was single. And  
13 she also came on to me. And she is the one -- are you  
14 ready for this? This is the beauty. Are you ready for  
15 this? Mary Rizzo is the one who said, enough. Because  
16 it was her testament with Dana Coles, who later  
17 represented me, who is now part of this writ in this  
18 complaint of the collusion of the syndicate of douchebag  
19 criminal justices three of which have just gone to  
20 prison in San Diego because of the Thomas Girardi  
21 connection. Read it. It's in my writ. And now you can  
22 start sweating bricks. You are all going to prison for  
23 what you do.

24 Q What -- how would you describe Ms. Nichols as  
25 an employee? Good? Intelligent? Lazy?

1           A     Um, no, she was smart. Um, I -- totally  
2 unseasoned, not really prepared to be doing the job of  
3 sales.

4                     Thank you. Bless you.

5           A     Um, but a friend of mine asked me -- asked me  
6 for of favor, and so I us kept her on -- kept her on the  
7 -- you know, I kept her on the -- the payroll of  
8 sales --

9           Q     Was she fired?

10          A     -- until --  
11                     Everybody was fired.

12          Q     Why -- why was that?

13          A     Because the company had to shutdown. Because  
14 the companies could not afford to go on because of the  
15 defamation and the toxic nature of the environment being  
16 created as a result of these lawsuits.

17          Q     You mean the company ran out of money?

18          A     No. It became completely unattainable to live  
19 in America with attempts being made on my life, with  
20 people defaming me, with me having to -- to pay a --  
21 really a fucked up corruptive system of larceny, which  
22 is what you people do by invading people's lives and  
23 homes.

24          Q     Why were attempts made on your life?

25          A     Because I am exposing your fathers -- or the

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1 syndicate that your father is a part of, which is a  
2 criminal organization.

3 Q We're almost done, Mr. David. Um, bear with  
4 me.

5 A You should be ashamed of yourself. You should  
6 be ashamed. Because you are going to -- you are going  
7 to go to prison and you are going to pay -- you're going  
8 to pay dearly for today. You're going to pay dearly for  
9 everything that your father has done and everything that  
10 Gary --

11 MR. SOFOS: Alki --

12 THE WITNESS: -- that Tom Girardi has done and  
13 Gloria Allred, all of the fucking wrongdoing that your  
14 fucking syndicate of criminality has done to me and my  
15 family and everybody else --

16 MR. SOFOS: Alki --

17 THE WITNESS: -- everybody else, I'm going to  
18 fuck you up. And I swear to you until the day I fucking  
19 die, you are going --

20 MR. SOFOS: Alki, you don't --

21 THE WITNESS: -- to go to fucking prison.

22 MR. SOFOS: You don't need this. Thank you.  
23 Thank you. So if you're done, please say good-bye.

24 BY MR. DORDICK:

25 Q Mr. Alki, I still have a few more questions

1 for you.

2 A Now there it's a few more questions, is it,  
3 because you think you have got me going. You think your  
4 technique -- well, let me explain something to you.  
5 It's just more of a platform for me to repeat the same  
6 message. That you, Dordick, Dordick Law are uninsured,  
7 out of jurisdiction, working on knowing -- knowingly  
8 working on corrupted lawsuits where the Plaintiff  
9 herself doesn't want to be involved and yet, here you  
10 are taking a deposition. What is that? What is that  
11 other than a crime in motion.

12 MR. SOFOS: Next question.

13 BY MR. DORDICK:

14 Q Mr. Alki, is there a reason why you called my  
15 sister a doorknob in an article?

16 A Yeah. Because she is a dumbass like all  
17 criminals are.

18 Q But --

19 A Because -- because she just got an education  
20 and a donation, alleged donation to a law school based  
21 on what, based on money generated how. Answer me that.

22 Q You know nothing about her and you know --  
23 have no idea?

24 A I know everything about your fucking father,  
25 douchebag. I don't need to know shit about your creepy

1 little sister or you to know that you are colluding with  
2 him.

3 Q Is it fair to say that you have no basis on  
4 which to call her a doorknob or to say she is --

5 A That is not true. That is not true. It's  
6 my -- it's my right -- it's my absolute right as a  
7 publisher and as an editor and as an opinion writer to  
8 write whatever the fuck I want if I have evidence to  
9 prove that that is true. And I will tell you how your  
10 sister is a doorknob.

11 Q Yes. But my question is, what evidence do you  
12 have --

13 A By euphonism -- by euphonism, by grammar, by  
14 rhyme, and by the fact that she graduated an asinine  
15 school like Loyola Law School that is such a corrupt  
16 cesspool that even fucking judges at -- what was it, at  
17 JAMS, right, fined \$15 million for corrupting law suits,  
18 yet they somehow magically stay in business.

19 Well, that's not going to be on my fucking  
20 watch, you little cunt. You are not going to get to  
21 extort me, okay?

22 Q Is it fair to say that in every chance you  
23 have ever taken to try to prevent this extortion, you  
24 have lost every single one of them resoundingly except  
25 perhaps -- perhaps one time where the jury was hung?

1           A       Yeah.  You mean the time when I represented  
2           myself.  Right?  That was the one time you're talking  
3           about.  You know why?  You know why?  That was retried.  
4           That very trial was retired because the jury believed  
5           that there was indeed a conspiracy by Lisa Bloom, who at  
6           at that hide all kinds of douchebags involved in that  
7           courtroom and lied.  And one of them happened to be a --  
8           a -- a non-employee of one of the jury's family  
9           companies.

10                    It was so fucking broken and corrupt.  Yet,  
11           two years later, we do a retrial over the same nonsense  
12           to a corrupted system to the State Court and I lose  
13           12-0.  I'm not allowed to represent myself.  Everything  
14           is -- all my rights are taken away because you guys need  
15           to make sure through your corruptive little network that  
16           you're going to fuck me.

17                    Well, guess what?  You have no jurisdiction  
18           and you are -- made yourself completely complicit in  
19           this fucking shakedown, which is what it is, and always  
20           has been and will, to this day, remain nothing other  
21           than the low rate fucking criminal syndicate of fucking  
22           good for nothings like you.

23                    All right?

24           Q       How is it a man of your stature and wealth has  
25           been so successfully shaken down by such low rate

1 criminals?

2 A I haven't. You're the one who is going to  
3 prison, son.

4 Q Okay. So --

5 A You are the one who is going down. You are  
6 the one who is manipulating the fucking system. Me --  
7 me, a fucking foreigner, fucking standing in front of  
8 you fucking douchebags saying go fuck yourself. Come at  
9 me, you little cunt. You fucking kill my people. You  
10 fucking try murdering me, piece of shit.

11 Q I obviously did not try to murder you.

12 A Yeah. You fucking did. You fucking shit, you  
13 fucking little cockroach.

14 MR. SOFOS: Alki, it's enough.

15 THE WITNESS: Fuck you.

16 MR. DORDICK: All right.

17 THE WITNESS: Fuck you. Fuck you.

18 MR. SOFOS: Alki -- Alki --

19 THE WITNESS: No. Fuck you, fucking Dordick.  
20 Fucking piece of shit.

21 MR. SOFOS: Alki --

22 THE WITNESS: Your father is done.

23 MR. SOFOS: Alki --

24 THE WITNESS: And you are --

25 MR. SOFOS: Alki --

1 THE WITNESS: -- right behind. You are the  
2 afterbirth scum.

3 MR. SOFOS: Alki -- next question.

4 THE WITNESS: And you're fucking dumbass  
5 daughter -- sister, fucking doctorate --

6 MR. SOFOS: Alki --

7 THE WITNESS: -- you are all a bunch of  
8 fucking rapists. You fucking idiot, you're the  
9 fucking -- you know what, the accusers normally --

10 MR. SOFOS: Alki --

11 THE WITNESS: -- No. 1, aren't they?

12 MR. SOFOS: Alki -- Alki --

13 MR. DORDICK: Okay. Mr. Alki, I think it's  
14 clear that any further questioning of you is not going  
15 to be productive so --

16 THE WITNESS: Go fuck yourself, you rotten  
17 sack of shit.

18 MR. SOFOS: Alki, please.

19 MR. DORDICK: I think we will conclude today's  
20 deposition unless there is something else you would like  
21 to tell me that --

22 THE WITNESS: No. Today's deposition is the  
23 last time I'm saying good-bye to you now. And you --  
24 the next time I speak to you will either be to laugh at  
25 you, all right, or for you to -- to watch me remotely

1 connect with you because you're in prison.

2 MR. DORDICK: All right.

3 THE WITNESS: And you will see some video file  
4 of me laughing at you.

5 MR. DORDICK: Well, perhaps --

6 THE WITNESS: Because of some fucking  
7 mini-series has been made about the fucking -- fucking  
8 disgustingness of the fucking L.A. Superior Courthouse.

9 MR. DORDICK: So --

10 THE WITNESS: You are a fucking sham and a  
11 disgrace and you belong in prison and that's where you  
12 are going. You fucking disgust me. Go fuck yourself,  
13 your stupid ass sister and more importantly --

14 MR. SOFOS: Alki --

15 THE WITNESS: -- your corrupt criminal fucking  
16 father who ahs born bullshits like you.

17 MR. SOFOS: Alki, please. All right.

18 THE WITNESS: Fuck you, Sofos. Give me a  
19 break. Don't fucking please me.

20 MR. SOFOS: Mr. Dordick, thank you for  
21 having --

22 THE WITNESS: Fuck you, Dordick. Go fuck  
23 yourself. Dordick, suck my dick, you piece of shit.  
24 You will be in jail.

25 MR. SOFOS: Thank you, Madam --

1 THE WITNESS: You know, in other countries  
2 they shoot you. In China, they fucking shoot you.

3 MR. SOFOS: Alki --

4 THE WITNESS: In Russia, they fucking shoot  
5 you.

6 MR. SOFOS: Alki --

7 THE WITNESS: They fucking rape you. They  
8 fucking bury you and throw away the key.

9 MR. DORDICK: I'm not hard to find.

10 THE WITNESS: You fucking lying sack of shit.

11 MR. DORDICK: I'm not hard to find.

12 THE WITNESS: You disgust me. Your father is  
13 a criminal sack of shit who is going to burn.

14 MR. SOFOS: Give it a break.

15 THE WITNESS: Fucking awful people.

16 MR. DORDICK: Thank you. We can go off the  
17 record.

18 THE VIDEOGRAPHER: Okay. This concludes the  
19 deposition of Alkiviades David. We're going off the  
20 record. The time is 12:24 p.m. pacific time.

21

22

23

24 (Whereupon the deposition concluded at 12:24 p.m.)

25





**TAB 44**

**AA0665**

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

**03/01/2024**

**Videotaped Deposition of  
Defendant Alkiviades David**

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

AA0666

**TAB 45**

**AA0667**

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

**03/01/2024**  
**Exhibit 1 to the Deposition of**  
**Defendant Alkiviades David**

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

**TAB 46**

**AA0669**

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

**03/01/2024**

**Exhibit 2 to the Deposition of  
Defendant Alkiviades David**

**TAB 47**

**AA0671**

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

**03/01/2024**

**Exhibit 3 to the Deposition of  
Defendant Alkiviades David**

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

AA0672

**TAB 48**

**AA0673**

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

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County of Los Angeles  
3/12/2024 5:10 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By K. Hung, Deputy Clerk

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15 Attorneys for Plaintiff JANE DOE

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

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

20 Plaintiff,

21 vs.

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

Defendants.

Case No: 20STCV37498

**PLAINTIFF'S NOTICE OF MOTION  
AND MOTION TO DEEM ADMITTED  
REQUEST FOR ADMISSION, SET TWO,  
AGAINST DEFENDANT ALKIVIADES  
DAVID; DECLARATION OF DUSTIN Z.  
MOAVEN; [PROPOSED] ORDER**

[Assigned to Hon. Christopher L. Lui in Dept.  
76]

Date: May 7, 2024

Time: 8:30 a.m.

Dept: 76

Res ID: 284251665264

Complaint Date: September 30, 2020

Trial Date: May 28, 2024

1 **TO THE COURT AND ALL INTERESTED PARTIES HEREIN:**

2 **PLEASE TAKE NOTICE** that on May 7, 2024 at 8:30 a.m., or as soon thereafter as  
3 counsel may be heard in Department 76 of the Stanley Mosk Courthouse, located at 111 N. Hill  
4 Street, Los Angeles, California, Plaintiff Jane Doe (“Plaintiff”) will, and hereby does, more for  
5 an order to deem admitted her Request for Admission, Set Two against Defendant Alkiviades  
6 David (“Defendant”), as well as monetary sanctions in the amount of \$2,500.00.

7 This Motion is made pursuant to Code of Civil Procedure §§ 2033.280(b) and (c),  
8 2023.010(d), 2023.030(a), and 2023.040 and based on the following:

- 9 • Defendant failed to provide any responses to Plaintiff’s Request for Admission, Set Two.
- 10 • The deadline for Defendant to respond has lapsed and it is clear Defendant will not  
11 provide the necessary responses to comply with the Civil Discovery Act. Plaintiff served  
12 Defendant with Plaintiff’s Request for Admission, Set Two, on February 8, 2024.
- 13 • Defendant’s responses were due on or about March 11, 2024. At no point did Defendant  
14 ask for an extension of time in which to respond. As of drafting this Motion, Plaintiff has  
15 yet to receive any responses to her Request for Admission, Set Two.
- 16 • Plaintiff seeks an order to both deem admitted her Request for Admission, Set Two  
17 against Defendant pursuant to Code of Civil Procedure section 2033.280(b) as well an  
18 order imposing monetary sanctions against Defendant in the sum of \$2,500.00 pursuant  
19 Code Civ. Proc. §§ 2023.010, 2023.030, and 2030.290(c), 2023.030, § 2030.290(c),  
20 2023.010(d), 2023.030(a), 2023.040 and 2033.280(b) for their misuse of the discovery  
21 process.

22 //  
23 //  
24 //

1 This Motion is based upon this Notice, the accompanying Memorandum of Points and  
2 Authorities, the concurrently filed Declaration of Dustin Z. Moaven, and attached exhibits, upon  
3 all records on file herein, and upon such oral and/or documentary evidence as may be presented  
4 at the hearing of this Motion.

5  
6 Dated: March 12, 2024

DORDICK LAW CORPORATION

7  
8  
9 By:



Gary A. Dordick  
Dustin Z. Moaven  
Brittney Ghadoushi  
Attorneys for Plaintiff

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This is a complicated case which arises out of the alleged rape of Plaintiff Jane Doe by  
4 Defendant Alkiviades David ("Defendant") in the context of their employer-employee  
5 relationship. Plaintiff alleges multiple causes of actions in this case, which speaks to the  
6 extensiveness of the Requests at issue. Defendant owns and controls various business entities  
7 that are currently at play in this case, which Plaintiff has good reason to believe are acting as  
8 alter egos of one another. Many of the Requests for Admissions inquire about Defendant's  
9 various companies, their funding, their business purpose, their debts, their assets and their  
10 ownership. Since Plaintiff also seeks punitive damages, many of the Requests for Admissions  
11 inquire about Defendant's repeated inappropriate and unwanted sexual conduct with others,  
12 including but not limited to the multiple judgments against Defendant for other rapes he  
13 committed against his former employees.

14 **II. STATEMENT OF RELEVANT FACTS**

15 Plaintiff filed this lawsuit in September 2020. (Declaration of Dustin Z. Moaven  
16 ("Moaven Decl."), ¶ 2, Exhibit A.) Plaintiff served Defendant Alkiviades David ("Defendant")  
17 with Plaintiff's Request for Admission, Set Two, on February 8, which comprised of Requests  
18 Nos. 14-129 and which sought admissions related to Defendant's current and prior inappropriate  
19 sexual acts, his severe and pervasive conduct at the workplace, and his businesses that are of  
20 issue in this current lawsuit. (Moaven Decl. ¶ 3, Exhibit B.) Defendant's response to these  
21 Requests were due on or before March 11, 2024. (Moaven Decl. ¶ 4.) Defendant did not request  
22 an extension of time to respond and failed to provide any responses at all, timely or otherwise.  
23 (Moaven Decl. ¶ 5-6.) Defendant seeks to conflate and/or deny all of Plaintiff's claims against  
24 him, yet Defendant failed to provide *any responses at all* to Plaintiff's discovery requests.

25 //

26 //

27 //

28

1 As of today’s date, Plaintiff’s counsel still has not received Defendant’s responses to  
2 Plaintiff’s Request for Admission, Set Two. (Moaven Decl. ¶ 7.) As a result of Defendant’s  
3 willful refusal to serve responses to these requests, wrongfully thwarting Plaintiff’s efforts to  
4 proceed with meaningful discovery. The information requested is necessary in order to  
5 effectively prosecute this action and prepare for trial. Accordingly, Plaintiff is forced to file the  
6 present motion, requesting a Court order compelling Defendant to serve full and complete  
7 verified responses, without objections, to Plaintiff’s Request for Admissions, Set No. Two.

8 **III. LEGAL ANALYSIS**

9 A. Plaintiff’s Request For Admission Should Be Deemed Admitted Against Defendant  
10 Alkiviades David Due To His Failure To Respond To Said Requests.

11 The Court has authority to deem Plaintiff’s Request for Admission, Set Two, admitted  
12 because Defendant failed to provide any responses.

13 Code of Civil Procedure section 2033.280(b) states:

14 “If a party to whom requests for admission are directed fails to serve a timely  
15 response, the following rules apply:

16 (b) The requesting party may move for an order that the genuineness of any  
17 documents and the truth of any matters specified in the requests be deemed  
18 admitted, as well as for a monetary sanction under Chapter 7 (commencing with  
19 Section 2023.010).”

20 Plaintiff’s Requests for Admission were properly served onto Defendant. Defendant  
21 waived any and all objections pursuant to *Code of Civil Procedure* § 2030.290, because he failed  
22 to serve any responses by the statutory deadline. A party who fails to serve a timely response to  
23 discovery requests “waives any right to exercise the option to produce writing under Section  
24 2030.230, as well as any objection to the requests, including one based on privilege or on the  
25 protection of work product,” pursuant to *Code of Civil Procedure* § 2030.290(a). Moreover, no  
26 warning or attempts at an informal resolution are required prior to making a motion to deem  
27 matters admitted where no responses are received (*Demyer v. Costa Mesa Mobile Home Estates*,  
28 36 Cal. App. 4th 393, 395, 42 Cal. Rptr. 2d 260 (4th Dist. 1995)). As such, Plaintiff respectfully  
requests that the Court issue an order deeming admitted her Requests for Admission, Set Two,  
against Defendant.

1           B. The Discovery Sought is Proper

2           For discovery purposes, information should be regarded as “relevant to the subject  
3 matter,” if it might reasonably assist a party in evaluating the case, preparing for trial, or  
4 facilitating settlement thereof. *Gonzalez v. Super. Ct.* (1995) 33 Cal.App.4th 1539, 1546.  
5 “Discovery may relate to the claim or defense of the party seeking discovery, or of any other  
6 party to the action.” *Code of Civil Procedure* § 2017.010.

7           Here, the discovery sought is directly relevant to the subject matter of this lawsuit  
8 because it involves Plaintiff’s multiple causes of actions, Defendant’s liability, punitive damages,  
9 and Defendant’s business entities that Plaintiff believes are acting as alter egos of one another.  
10 Plaintiff’s Request for Admission, Set Two contains requests for information that is directly  
11 relevant to both liability and damages. (Moaven Decl. ¶ 3, Exhibit B.) Such information is within  
12 the scope of permissible discovery and relevant to the subject matter. Accordingly, this Motion  
13 should be granted, and the admissions requested should be deemed admitted.

14           C. The Court Should Impose Monetary Sanctions Against Defendant Alkiviades David

15           Defendant’s failure to provide responses to Plaintiff’s Request for Admission, Set Two, is  
16 a misuse of the discovery process and warrants the Court’s imposition of monetary sanctions.  
17 *Code of Civil Procedure* § 2023.010, 2023.030. Additionally, Code of Civil Procedure section  
18 2033.280(c) generally mandates the imposition of sanctions in favor of a party moving for an  
19 order that Requests for Admission be deemed admitted. Plaintiff respectfully requests that the  
20 Court impose monetary sanctions in the amount of \$2,500.00 against Defendant. This amount  
21 accounts for Plaintiff’s counsel, Dustin Z. Moaven’s time spent drafting this motion, and the  
22 approximate time that will be spent on reviewing any opposition, preparing Plaintiff’s reply, as  
23 needed, and attending the hearing for Plaintiff’s Motion to Deem Admitted her Request for  
24 Admission, Set Two. (Moaven Decl. ¶ 8.)

25 //

26 //


27 //

1 **IV. CONCLUSION**

2 Defendant’s failure to comply with his duties under the Code of Civil Procedure to  
3 provide any responses to Plaintiff’s Request for Admission, Set Two, is without substantial  
4 justification or excuse and materially hinders Plaintiff’s ability to prepare for the upcoming trial.  
5 Given that Defendant’s deadline to file timely responses to Plaintiff’s Requests is now passed,  
6 any and all objections are waived pursuant to the *Code of Civil Procedure* section 2030.290(a).  
7 Accordingly, Plaintiff respectfully requests that the Court issue an order both deeming her  
8 Request for Admission, Set Two admitted and imposing monetary sanctions in the amount of  
9 \$2,500.00.

10  
11 DATED: March 12, 2024

DORDICK LAW CORPORATION

12  
13 By:   
14 Gary A. Dordick  
15 Dustin Z. Moaven  
16 Brittney Ghadoushi  
17 Attorneys for Plaintiffs  
18  
19  
20  
21  
22  
23  
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1           8.       My current hourly rate is \$850 per hour. I spent an hour preparing this motion. I  
2 anticipate that I will spend approximately an hour reviewing Defendant’s opposition and  
3 preparing Plaintiff’s reply, as well as another hour attending the hearing for Plaintiff’s Motion to  
4 Deem Admitted her Request for Admission, Set Two.

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

7           Executed the 12th of March 2024 in Beverly Hills, California.

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Dustin Z. Moaven, Declarant

# **EXHIBIT "A"**

**AA0683**

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Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mel Red Recana

1 **THOMAS V. GIRARDI, ESQ.** (SBN: 36603)  
GIRARDI | KEESE  
2 1126 WILSHIRE BLVD.  
LOS ANGELES CALIFORNIA 90017  
3 **TEL:** (213) 977-0211 **FAX:** (213) 481-1554  
4 **EBBY S. BAKHTIAR, ESQ.** (SBN: 215032)  
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5 3435 WILSHIRE BLVD., SUITE 1669  
LOS ANGELES, CALIFORNIA 90010  
6 **TEL:** (213) 632-1550 **FAX:** (213) 632-3100

7 Attorneys for Plaintiff:  
JANE DOE

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

CASE No.: **20STCV37498**

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

**COMPLAINT FOR DAMAGES**

12 **PLAINTIFF,**

- 13 v. )
  - 14 )
  - 15 )
  - 16 )
  - 17 )
  - 18 )
  - 19 )
  - 20 )
  - 21 )
  - 22 )
  - 23 )
  - 24 )
  - 25 )
  - 26 )
  - 27 )
  - 28 )
1. **SEXUAL ASSAULT AND BATTERY**
  2. **FALSE IMPRISONMENT**
  3. **VIOLATIONS OF THE RALPH CIVIL RIGHTS ACT**
  4. **VIOLATIONS OF THE BANE CIVIL RIGHTS ACT**
  5. **SEXUAL HARASSMENT**
  6. **SEX/GENDER DISCRIMINATION**
  7. **RETALIATION**
  8. **FAILURE TO PREVENT**
  9. **WRONGFUL AND/OR CONSTRUCTIVE DISCHARGE**
  10. **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

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

24 **DEFENDANTS.**

**PLAINTIFF**

25 1. At all relevant times mentioned herein, Plaintiff JANE DOE, an adult residing in the  
26 County of Los Angeles, hereby sues under anonymity for privacy and safety concerns. Plaintiff  
27 hereby asserts her rights afforded her under Article I, § 28 of the California Constitution and  
28 contends that the disclosure of her true identity, by suing under her name, will compromise her safety  
and her privacy in a sensitive, personal matter.

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1       6.    The true names and capacities, whether individual, corporate, associate, or otherwise, of  
2   DOES 1 to 150, are unknown at this time and thus said individuals and/or entities are being sued  
3   herein by such fictitious names. Plaintiff will seek leave to amend this Complaint to insert the true  
4   names and capacities of said DOES when same becomes known to her.

5       7.    Plaintiff has been informed and believes and thereon alleges that, at all relevant times  
6   mentioned herein, DOES 1 to 150, were residents of, headquartered in, or principally doing business  
7   in the State of California and County of Los Angeles. Plaintiff has been further informed and  
8   believes and thereon alleges that each DOE and specifically named Defendant herein is legally  
9   responsible in some manner or means for the events and happenings referred to herein and  
10   proximately caused damage to Plaintiff, either through their own conduct or the conduct of their  
11   agents, servants, or employees, or due to their ownership supervision and/or management of the  
12   employees, agents, entities and/or instrumentalities that caused said damages, or in some other  
13   manner or means that is presently unknown to Plaintiff.

14       8.    Plaintiff has been informed and believes and thereon alleges that, at all times mentioned  
15   herein, a unity of interest and ownership existed by and between AD, HUI, SWISS-X and DOES 1  
16   to 150 herein, such that any individuality or separateness between all said Defendants ceased to exist.  
17   Plaintiff is therefore informed and believes and thereon alleges that, at all relevant times herein  
18   mentioned, each Defendant, whether a DOE or specifically named, was the agent, principal and/or  
19   employee of its, his, or her co-Defendants AD, HUI and/or SWISS-X and in doing the things  
20   hereinafter alleged, was acting within the authority, purpose, course and scope of such agency and  
21   employment with advance knowledge, consent approval and/or ratification of each Defendant and/or  
22   co-Defendant AD, HUI and/or SWISS-X. Plaintiff has been further informed and believes and  
23   thereon alleges that, at all relevant times mentioned herein, the specifically named Defendants and  
24   DOES 1 to 150, were also the successors-in-interest and/or alter egos of each other, in that they  
25   purchased, controlled, dominated and/or operated one another without any separate identity,  
26   observation of formalities, or other manner of division. Plaintiff thus alleges that to continue  
27   maintaining the fictitious facade of separateness and individual existence between AD, HUI and  
28   SWISS-X, as well as said Defendants and DOES, would sanction a fraud and/or promote injustice.

**OVERVIEW OF PLAINTIFF'S CLAIMS**

9. Plaintiff brings this action against AD, HUI and SWISS-X, inclusive of DOES 1 to 150, for economic, non-economic and compensatory damages pursuant to *Govt. Code* § 12940(j)(3) and *Civil Code* § 52.1(h); punitive damages, pursuant to *Civil Code* § 3294; costs; prejudgment interest pursuant to *Code of Civ. Proc.* § 3291; equitable relief, pursuant to *Civil Code* § 52.1(b), (c) and (h); as well as civil penalties and reasonable attorneys' fees pursuant to *Govt. Code* § 12965(b), *Code of Civ. Proc.* § 1021.5 and *Civil Code* §§ 52(a)-(b), 52.1(h)-(i) and 52.4(a), resulting from AD'S intentional sexual assault, battery and forcible rape of Plaintiff, in violation of *Civil Code* §§ 52.4(a) and 1708.5, as well as *Cal. Penal Code* §§ 240, 242, 243(d), 243.4, 261 and 281; false imprisonment in violation of *Cal. Penal Code* § 236; violence, or credible threats of violence, intimidation and/or coercion in violation of Plaintiff's Civil Rights pursuant to *Civil Code* §§ 51.7(a), 52(b), 52.1 and 52.4; sexual harassment in violation of *Govt. Code* § 12940(j)(1) and (j)(3); sex/gender discrimination, in violation of *Govt. Code* §§ 12920, 12940(a) and (c), as well as 2 C.C.R § 11006; retaliation, in violation of *Govt. Code* § 12940(h), *Labor Code* §§ 98.6 and 1102.5 and 2 C.C.R. § 11021; failure to prevent, in violation of *Govt. Code* §§ 12940(k); wrongful and/or constructive discharge in violation of public policy; and intentional infliction of emotional distress.

**PROCEDURAL ALLEGATIONS**

10. The unlawful acts and violations alleged herein were committed by Defendants in the County of Los Angeles, State of California and the amount of damages sought by Plaintiff herein exceed the minimum jurisdictional limits of this Court. Furthermore, on or about October 1, 2019, Plaintiff filed charges of discrimination and harassment, against Defendants with the California Department of Fair Employment and Housing (hereinafter "DFEH") and received her notice of Right-to-Sue from the DFEH on the same date.

**FACTUAL ALLEGATIONS**

11. Plaintiff, now 33 years old, is a religious, timid and trusting woman, who AD violently raped one evening during her employment. Plaintiff works predominately in the entertainment industry, as a promoter and marketer as well as a model. Plaintiff has been informed and believes and thereon alleges that the entertainment industry is a small, close knit and insular community.

1       12. Plaintiff has therefore been informed and believes and thereon alleges that maintaining  
2 good relationships within the industry is crucial to ensuring consistent and reliable employment.  
3 Plaintiff has been informed and believes and thereon alleges that if she were branded as a “trouble-  
4 maker,” “complainer,” “tattletale,” or “whistle-blower,” it could and would have very severe adverse  
5 consequences for her livelihood and directly impact her ability to obtain employment within the  
6 entertainment industry.

7       13. Plaintiff has been informed and believes and thereon alleges that AD is well known, both  
8 in the Los Angeles entertainment industry and internationally, as a media mogul and billionaire  
9 business magnate. Plaintiff has been informed and believes and thereon alleges that AD is, and at  
10 all relevant times mentioned herein, was the principal, owner, director and/or managing agent of  
11 HUI, SWISS-X and multiple other businesses or ventures.

12       14. Plaintiff has been informed and believes and thereon alleges that HUI is comprised of  
13 various co-mingled businesses, business ventures and/or companies, including but not limited to an  
14 international subscription streaming service, a theater on Hollywood Boulevard and an entertainment  
15 company that holds the rights to patented hologram technology. Plaintiff has been informed and  
16 believes and thereon alleges that, at all relevant times mentioned herein, AD’S position with HUI  
17 affords him sufficient discretionary authority to formulate HUI’S corporate policies.

18       15. Plaintiff has been informed and believes and thereon alleges that SWISS-X, like HUI, also  
19 consists of a portfolio of co-mingled businesses, business ventures and/or companies. Plaintiff has  
20 been informed and believes and thereon alleges that, although SWISS-X is advertised and marketed  
21 as being dedicated to importing, promoting and selling a line of Swiss-made cannabidiol (“CBD”)  
22 products, it also offers an unrelated subscription streaming service powered by HUI. Plaintiff has  
23 been informed and believes and thereon alleges that HUI’S theater is and/or was likewise used as  
24 SWISS-X’S retail facility as well as the host for all of SWISS-X’S promotional events, including  
25 but not limited to shows, parties, etc. Plaintiff has been informed and believes and thereon alleges  
26 that, at all relevant times mentioned herein, AD’S position with SWISS-X affords him sufficient  
27 discretionary authority to formulate SWISS-X’S corporate policies.

28 ///

1 16. Plaintiff has been informed and believes and thereon alleges that, in the years leading up  
2 to November 2015, she had developed and cultivated multiple business relationships within the Los  
3 Angeles entertainment industry, many of whom had connections to AD or his businesses, including  
4 but not limited to HUI and SWISS-X. In fact, on multiple occasions, several of Plaintiff's clients  
5 and/or associates encouraged her to seek employment with AD to further her career.

6 17. Plaintiff has been informed and believes and thereon alleges that in or about November  
7 2015, she interviewed with AD for a position and was hired. Plaintiff has been informed and believes  
8 and thereon alleges that her primary role involved business development, including the marketing  
9 and promotion of HUI as well as AD'S other related ventures and/or businesses.

10 18. Soon after she was hired, Plaintiff perceived that AD fancied himself to be a provocateur.  
11 In fact, Plaintiff observed that AD relished his portrayal as a "villain" or "bad-boy" by the media.  
12 In this vein, Plaintiff has been informed and believes and thereon alleges that early in her  
13 employment, AD snuck up behind her as she sat at her desk, cut off a locket of her hair and handed  
14 it to her "for good luck." On numerous occasions, Plaintiff also witnessed AD yelling at, mocking,  
15 scaring and/or belittling her female co-workers, or engaging in other crass, unprofessional conduct  
16 such as telling sexually explicit jokes. Plaintiff has since been informed and believes and thereon  
17 alleges that AD'S behavior was intentionally calculated to objectify and intimidate his female  
18 employees, including Plaintiff, and to desensitize them into accepting his misbehavior as normal.

19 19. While Plaintiff was unsettled by AD'S juvenile antics, she assumed he was misguidedly  
20 trying to live up to his public persona as an eccentric *billionaire bad-boy*. Plaintiff was indeed lulled  
21 into believing that AD acted in the herein described manner solely for shock and/or entertainment  
22 value, since he was often, if not always, filming himself for social media.

23 20. Notwithstanding, Plaintiff has been informed and believes and thereon alleges that, in or  
24 about the summer of 2016, a young female co-worker approached her while in a startled, shaken  
25 state and confided in her that AD had cornered her in the elevator by herself and unzipped her dress,  
26 causing the partial exposure of her breasts. Plaintiff's co-worker further said that immediately before  
27 doing this, AD complimented her dress because it offered "easy access" or words to that effect.

28 ///

1 21. On another occasion, the same co-worker informed Plaintiff that AD had forcibly kissed  
2 her on the mouth without her consent. Following the foregoing incidents, Plaintiff's co-worker  
3 repeatedly told her that she felt "unsafe" and scared to be alone with AD.

4 22. Plaintiff has been informed and believes and thereon alleges that, in or about early  
5 September 2016, she was scheduled to be travel to the Middle East in order to oversee an important  
6 and potentially lucrative project that was assigned to her. Plaintiff has been informed and believes  
7 and thereon alleges that on or about August 29, 2016, her supervisor informed her that AD wanted  
8 to meet with her in Greece before she arrived in the Middle East.

9 23. Accordingly, Plaintiff flew to Greece, where she spent the night in the guest house on AD'S  
10 private island without incident. The following morning, Plaintiff was summoned to have breakfast  
11 with AD, during which they discussed the Middle East project. After breakfast, AD led Plaintiff into  
12 his bedroom, got on his bed and invited her to sit next to him to continue their discussions. Since  
13 there was no other seating available in the room, Plaintiff complied, but kept her laptop on her lap.

14 24. While the conversation was initially about the project, AD eventually began telling Plaintiff  
15 about his marital woes, including his wife's alleged infidelity with another woman and other highly  
16 private matters. AD even asked Plaintiff—a woman 19 years his junior—for marital advice. In an  
17 effort to change the tone, Plaintiff spoke to AD about her religious beliefs and encouraged him to  
18 pray to God for answers.

19 25. Unfazed, AD leaned in to kiss Plaintiff on her mouth, causing her to turn her face and stand  
20 up. AD then apologized multiple times, as Plaintiff packed her computer and excused herself to  
21 prepare for her trip. Plaintiff had no further interactions with AD before leaving Greece.

22 26. Plaintiff has been informed and believes and thereon alleges that in or about mid-November  
23 2016, while she was still working in the Middle East, her supervisor summoned her back to Los  
24 Angeles for a meeting. At the meeting, Plaintiff was notified that she and other employees were  
25 being laid-off due to financial difficulties. Plaintiff has been informed and believes and thereon  
26 alleges that she had no further contact with AD until approximately May 2018, when he invited her  
27 to attend the opening of SWISS-X, his newest venture at the time.

28 ///

1 27. Plaintiff has been informed and believes and thereon alleges that on or about September  
2 6, 2018, several months after the opening of SWISS-X, AD offered her a job as “brand ambassador,”  
3 promoting and marketing SWISS-X under the supervision of HUI’S theater manager. Plaintiff turned  
4 down the offer, but AD convinced her to take the job, assuring her that it was good for her career.

5 28. Plaintiff has been informed and believes and thereon alleges that after accepting the job,  
6 AD had Plaintiff accompany him to his hotel room in order to retrieve some CBD products he  
7 claimed he had inadvertently left behind. Plaintiff complied, and once in AD’S hotel room, he  
8 obtained a vile of what appeared to be an oil, poured it into the palm of his hand and licked it. AD  
9 then insisted that Plaintiff also sample the oil to familiarize herself with the product she was going  
10 to promote. When Plaintiff declined, AD insisted, assuring her that it was safe, non-intoxicating  
11 because it was just CBD and that it would only make her feel “relaxed.” Although she did not want  
12 to, Plaintiff felt pressured and compelled to try the oil and thus reluctantly did so.

13 29. Plaintiff has been informed and believes and thereon alleges that after sampling the oil, AD  
14 left the room for nearly 15 minutes before emerging and calling for Plaintiff to join him in the  
15 bedroom. In the bedroom, AD pressured Plaintiff to sit next to him on the bed as she waited to feel  
16 the effects of the product. Plaintiff ambivalently agreed, but sat on the bed with her back to AD.

17 30. Plaintiff has been informed and believes and thereon alleges that when she sat on the bed,  
18 AD began speaking about his girlfriend leaving him for another man. As he was talking, AD  
19 unexpectedly and without consent reached over and placed his hand on Plaintiff’s thigh, prompting  
20 her to jump to her feet. AD quickly apologized, assured Plaintiff that he meant no disrespect and  
21 pleaded with her to sit back down. Again, feeling pressured, Plaintiff complied, but admonished AD  
22 to keep his hands to himself and further informed him that she was eager to leave.

23 31. Plaintiff has been informed and believes and thereon alleges that she eventually began  
24 feeling somewhat inebriated and disoriented, causing her to lean her back against the headrest of the  
25 bed. At some point thereafter, AD began masturbating. Plaintiff has been informed and believes and  
26 thereon alleges that as soon as she realized what AD was doing, she tried getting up, but AD grabbed  
27 her hand and started pulling it toward his penis, repeatedly saying: “hold on; hold on” and “help me  
28 out” or words to that effect.

1 32. Plaintiff has been informed and believes and thereon alleges that, during the struggle, her  
2 hand contacted AD'S penis and other intimate parts of his anatomy. Plaintiff has been informed and  
3 believes and thereon alleges that despite trying to get away, AD forcibly held her next to him for an  
4 appreciable amount of time before exclaiming: "hold on; I'm cu\*ing" or words to that effect.  
5 Stunned, shocked and appalled, Plaintiff watched in horror as AD ejaculated unto himself before  
6 letting her go. Plaintiff has been informed and believes and thereon alleges that some of AD'S semen  
7 also made contact with her person and/or clothing.

8 33. As soon as AD released her, Plaintiff jumped to her feet and began yelling at AD. AD  
9 initially attempted to make light of his conduct before beginning to apologize profusely. As Plaintiff  
10 gathered her belongings and left, AD continually apologized, blamed his conduct on the oil and  
11 pledged to never engage in such behavior again.

12 34. Plaintiff has been informed and believes and thereon alleges that by the time she arrived  
13 home, she was feeling very intoxicated and ill. Plaintiff has been informed and believes and thereon  
14 alleges that even after sleeping through the night, she still felt dazed the following day. Plaintiff has  
15 thus been informed and believes and thereon alleges that the oil AD coerced her to sample contained  
16 intoxicants and not just CBD as he represented to her. Plaintiff has been informed and believes and  
17 thereon alleges that AD knowingly and intentionally gave her adulterated oil and/or an intoxicant,  
18 in hopes of lowering her inhibitions, making it easier for him to engage her in unwanted, unsolicited  
19 sexual activity that she would not consent to if sober. Plaintiff has thus been informed and believes  
20 and thereon alleges that AD did this solely due to her gender and that he would not have engaged in  
21 the herein described conduct had Plaintiff been a man.

22 35. Plaintiff has been informed and believes and thereon alleges that on or about September  
23 7, 2018, her prospective supervisor—AD'S theater manager—contacted her to schedule her start  
24 date. Plaintiff informed the theater manager about AD drugging her and told him she did not want  
25 to work for AD. However, the theater manager apologized for AD'S behavior, assured her AD was  
26 a harmless prankster, that she would have little to no contact with AD and that the job was going to  
27 be a great opportunity for her. Plaintiff reluctantly agreed and after she started, she had virtually no  
28 direct contact with AD and when she did, he was respectful and professional toward her.

1 36. Plaintiff has been informed and believes and thereon alleges that on or about November  
2 7, 2018, she and her supervisor met with AD in his hotel room, which routinely doubled as his  
3 office. Plaintiff has been informed and believes and thereon alleges that during the meeting, AD  
4 began smoking what she perceived to be marijuana, before telling her he was leaving the country for  
5 the holiday season and wanted her to be available for work when he returned. Plaintiff has been  
6 informed and believes and thereon alleges that she understood this to mean she was being laid-off.

7 37. Plaintiff has been informed and believes and thereon alleges that on or about January 30,  
8 2019, while AD was still out of the country, her former supervisor notified her that he was no longer  
9 working for AD. Plaintiff has been informed and believes and thereon that her former supervisor did  
10 not go into the details underlying his departure, but did express anger about AD.

11 38. Plaintiff has been informed and believes and thereon alleges that on or about March 22,  
12 2019, AD offered her a new job, which she declined, since she had accepted another offer. However,  
13 AD refused to take no for an answer and badgered Plaintiff until she agreed to accept the job.

14 39. Plaintiff has been informed and believes and thereon alleges that she started her new job  
15 immediately and by or about mid-April 2019, her responsibilities included, but were not limited to  
16 overseeing her co-workers, assigning work, scheduling, monitoring sales, purchasing supplies,  
17 booking performers, negotiating contracts, resolving disputes, marketing and promoting SWISS-X,  
18 seeking new business opportunities, etc. Plaintiff has been informed and believes and thereon alleges  
19 that AD even introduced her as his personal assistant to his business associates, including celebrities.

20 40. Plaintiff has been informed and believes and thereon alleges that between March 22 and  
21 April 20, 2019, she consistently worked over 50 hours a week. Plaintiff regularly met with AD, who  
22 remained respectful to her, but continued to behave inappropriately toward her female co-workers.

23 41. Plaintiff has been informed and believes and thereon alleges that by or about mid-April  
24 2019, AD owed her and her co-workers, a substantial amount of unpaid wages and/or commissions.  
25 Plaintiff has been informed and believes and thereon alleges that she had also received numerous  
26 complaints from various vendors who AD owed money to. Plaintiff has been informed and believes  
27 and thereon alleges that by or about April 21, 2019, she had made numerous efforts to schedule a  
28 meeting to speak with AD about the money he owed her and his staff to no avail.

1 42. Plaintiff has been informed and believes and thereon alleges that while working on or about  
2 the evening of April 21, 2019, she was summoned to meet with AD at the theater. When Plaintiff  
3 arrived, she greeted AD, who, at the time, appeared to be smoking what she perceived to be  
4 marijuana. AD was also accompanied by his Doberman Pinscher guard dog.

5 43. As soon as Plaintiff greeted AD, he began walking through the theater with his dog by his  
6 side, asking her questions about various topics, including but not limited to payroll, vendors and  
7 other business matters. Plaintiff followed behind with her notebook, answering AD'S questions and  
8 jotting down notes in connection with his instructions. During their conversation, AD behaved  
9 professionally and gave no indication as to what he may have been planning.

10 44. AD eventually led Plaintiff to the second floor, where he unlocked and opened the door to  
11 the computer server room. As soon as AD opened the door, Plaintiff was able to see that the room  
12 was dark and very small. At this point, Plaintiff became apprehensive because she could think of no  
13 reason why AD would want to take her into such a small, dark space.

14 45. Plaintiff has been informed and believes and thereon alleges that after opening the door,  
15 AD walked into the room with his dog, then suddenly grabbed her by the arm and pulled her in. As  
16 soon as they entered the room, AD shut the door and pinned Plaintiff's back against it with his body  
17 weight, making it difficult for her to move or breathe.

18 46. AD then began groping Plaintiff, who could smell the strong odor of marijuana on his  
19 breath as he forcibly kissed her mouth and face. Plaintiff tried resisting and repeatedly said "NO!"  
20 and "STOP!" but was unable to get away as AD was much stronger and heavier than she was.  
21 Plaintiff has been informed and believes and thereon alleges that at this time, AD made multiple  
22 attempts to pull down her pants as she fought to keep them up. Plaintiff has been informed and  
23 believes and thereon alleges that, the entire time, she was afraid that AD'S dog may attack her if it  
24 perceived her to be hurting AD or a threat to him.

25 47. At one point, Plaintiff felt AD'S weight shift off of her as he tried to unbuckle his belt.  
26 Plaintiff took the opportunity to shove AD back in an effort to get away, but he just as quickly lunged  
27 at Plaintiff and re-pinned her against the door. As he did this, AD forcibly cupped his hand over  
28 Plaintiff's mouth and whispered, in a hushed angry tone: "shut the fu\*k up!" or words to that effect.

1 48. Plaintiff has been informed and believes and thereon alleges that AD thereafter yanked  
2 down her pants, tearing them, and maneuvered his body into a position that enabled him to forcibly  
3 penetrate her vagina with his erect penis, all while firmly holding Plaintiff's mouth and face in his  
4 hand. During the rape, Plaintiff became frozen with fear and believed that resistance might provoke  
5 an escalation of violence, or cause AD'S dog to attack.

6 49. Plaintiff has been informed and believes and thereon alleges that as AD raped her, she felt  
7 detached from her body and may have lost track of time. Plaintiff has been informed and believes  
8 and thereon alleges that her focus was eventually reestablished when she heard the voice of her co-  
9 worker calling for AD. Plaintiff has been informed and believes and thereon alleges that at or about  
10 that moment, AD stopped and told her to keep quiet, repeatedly *hushing* her. Plaintiff complied as  
11 she was completely immobilized. When the co-worker continued to call for AD, he released  
12 Plaintiff, buckled his pants, opened the door and told her to wait for him, before exiting with his dog.  
13 Plaintiff immediately pulled up her pants and went to the restroom as soon as she saw AD was gone.

14 50. Plaintiff has been informed and believes and thereon alleges that minutes later, AD entered  
15 the restroom where she was. Plaintiff has been informed and believes and thereon alleges that as  
16 soon as AD saw her, he smiled and said something to the effect of "you've got a really great ass,"  
17 or words to that effect, to which Plaintiff angrily replied, "Alki, get out!" or words to that effect.  
18 Plaintiff has been informed and believes and thereon alleges that AD appeared puzzled, but  
19 complied. After AD left, Plaintiff stayed in the bathroom long enough to regain her composure, then  
20 left the theater.

21 51. Plaintiff has been informed and believes and thereon alleges that on or about the day after,  
22 she was contacted by co-workers who were locked out of the theater. When Plaintiff went to open  
23 the theater, she informed her co-workers that she was quitting. However, the employees implored  
24 her to stay, telling her they needed her and that she was the only one who made sure they were paid.

25 52. Plaintiff has been informed and believes and thereon alleges that by or about this time, AD  
26 was habitually late in paying her, his staff and the vendors. Plaintiff has been informed and believes  
27 and thereon alleges that by late April 2019, she appeared to be the only person AD would speak with  
28 when it came to paying his staff.

1 53. In fact, Plaintiff has been informed and believes and thereon alleges that her co-workers  
2 routinely complained to her about AD ignoring them whenever they asked him about their pay. As  
3 such, Plaintiff felt obligated to keep working, not only because AD owed her a substantial amount  
4 of wages, but also because her co-workers were depending on her as well.

5 54. Therefore, Plaintiff reluctantly agreed to keep working, but did her best to avoid direct  
6 contact with AD as much as possible. Plaintiff has been informed and believes and thereon alleges  
7 that AD also appeared to be avoiding her as well. Not only did AD travel out of the country shortly  
8 after the rape, Plaintiff has been informed and believes and thereon alleges that even when he  
9 returned, he appeared to visit the theater less often or for shorter periods of time than before the rape.

10 55. Plaintiff has been informed and believes and thereon alleges that by or about late June  
11 2019, AD had become increasingly erratic and unpredictable with relation to his business decisions.  
12 Plaintiff has been informed and believes and thereon alleges that at one point in time, in or about  
13 late-May 2019, AD summarily terminated a number of employees without warning or reason.  
14 Plaintiff has been informed and believes and thereon alleges that in or about June 2019, she learned  
15 from several co-workers that AD had masturbated in the presence of another young female  
16 employee.

17 56. Plaintiff has been informed and believes and thereon alleges that by or about the first week  
18 of July 2019, she learned from her co-workers that AD had paid them the wages he owed. Plaintiff  
19 has been informed and believes and thereon alleges that at or about this time, AD owed her several  
20 thousand dollars in unpaid wages and/or commissions. Plaintiff has been informed and believes and  
21 thereon alleges that she confronted AD about the pay he owed her, but he refused to pay her,  
22 terminating her employment.

23 57. Plaintiff has been informed and believes and thereon alleges that AD perceived that she  
24 was intending to report him, HUI and SWISS-X to the relevant governmental agencies for pay  
25 violations as she had repeatedly complained to him about his failure to pay the wages on time.  
26 Plaintiff has thus been informed and believes and thereon alleges that she was retaliatorily denied  
27 pay and terminated, based upon her actual and/or perceived opposition to Defendants' unlawful  
28 employment practices, namely, the failure to pay owed wages in a timely manner.

1 58. Additionally, each and every act committed by AD, including the incident where he  
2 masturbated as the rape, as herein set forth, either directly or indirectly resulted in sexually offensive  
3 contact with Plaintiff's person. Plaintiff has been informed and believes and thereon alleges that AD  
4 committed the herein described acts with the intent to cause harmful and offensive contact with the  
5 intimate parts of Plaintiff's anatomy and to cause Plaintiff an imminent apprehension of a harmful  
6 or offensive contact with the intimate parts of AD'S anatomy. In fact, at all relevant times  
7 mentioned herein, AD'S sexual misconduct, as herein alleged, was unwelcome, pervasive and  
8 severe.

9 59. At no time did Plaintiff ever consent to being restrained, detained and/or confined by AD  
10 and at all relevant times mentioned herein, AD'S misconduct was carried out while he was acting  
11 in the course and scope of his employment with SWISS-X, HUI, or both. As such, AD'S  
12 misconduct was sufficiently so severe and pervasive that it adversely altered the condition of  
13 Plaintiff's employment. Plaintiff has been informed and believes and thereon alleges that a  
14 reasonable woman of her age, in her circumstances, would have considered the conduct AD  
15 subjected her to, as herein alleged, to have created a work environment that was hostile and abusive  
16 and Plaintiff did so consider her work environment to be hostile and abusive.

17 60. Moreover, Plaintiff was unable to easily sever ties with AD since he was her employer and  
18 the owner or principal of both HUI and SWISS-X. Plaintiff has been informed and believes and  
19 thereon alleges that HUI and SWISS-X, by and through the acts or omissions of their directors and  
20 managing agents, including but not limited to AD, aided, incited and/or conspired with AD, either  
21 affirmatively or tacitly, to deprive Plaintiff of her civil rights, thereby directly exposing her to  
22 intimidation, the threat of violence and/or violence, which was committed against her solely due to  
23 her sex/gender. Indeed, Plaintiff has been informed and believes and thereon alleges that AD would  
24 not have engaged in such abusive, deliberate and unsolicited misconduct had Plaintiff been a man.

25 **FIRST CAUSE OF ACTION**  
26 **SEXUAL ASSAULT & BATTERY**  
27 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

28 61. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 60 and  
incorporates each by reference as though set forth in full herein.

1       62. At all relevant times mentioned herein, AD was not only Plaintiff's employer, but the  
2 owner, principal, director and/or managing agent of HUI and SWISS-X. On multiple occasions, AD  
3 touched Plaintiff in an unwanted offensive sexual manner, as herein alleged, with the explicit intent  
4 to cause harmful or offensive contact with an intimate part of Plaintiff's anatomy or to subject  
5 Plaintiff to an imminent apprehension of a harmful or offensive contact with AD'S intimate parts,  
6 or the use of his intimate parts in violation of *Cal. Civil Code* §§ 52.4(a) and 1708.5, as well as *Cal.*  
7 *Penal Code* §§ 240, 242, 243(d), 243.4, 261 and 281. Plaintiff neither consented to the contact  
8 herein set forth, nor to AD'S conduct. The harmful, offensive contact and conduct of AD, including  
9 the rape, caused and continue to cause Plaintiff to suffer severe irreparable injuries and damages.

10       63. AD'S actions, as herein alleged, occurred in the course and scope of his employment with  
11 HUI and SWISS-X. Plaintiff has been informed and believes and thereon alleges that HUI and  
12 SWISS-X, by and through their owners, principles, directors and/or managing agents, including but  
13 not limited to AD, knew of AD'S misconduct and/or his propensity for such misconduct, yet failed  
14 to take immediate, appropriate, or adequate corrective or remedial measures and actions to protect  
15 Plaintiff, thereby tacitly approving, ratifying, encouraging, aiding, abetting, inciting and/or  
16 conspiring with AD in carrying out the subject harmful acts and/or omissions herein set forth.

17       64. As a direct, foreseeable, legal and proximate result of Defendants' conduct and actions, as  
18 herein described, Plaintiff suffered serious, irreparable injuries and damages. Said injuries include,  
19 but are not limited to extreme emotional distress, mental anguish and discomfort, as well as severe  
20 anxiety, trepidation, apprehension, panic, dread, fear, worry, embarrassment, humiliation and shame  
21 all to her damage in an amount to be proven at trial.

22       65. Defendants' conduct, as herein described, was carried out deliberately, intentionally,  
23 oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety.  
24 As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth,  
25 was and continues to be despicable, malicious and outrageous in that it caused and continues to cause  
26 Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and  
27 omissions as herein alleged, justify an award of punitive and exemplary damages in an amount  
28 sufficient to deter them from ever engaging in such conduct again in the future.

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**SECOND CAUSE OF ACTION**  
**FALSE IMPRISONMENT**  
**(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

66. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 65 and incorporates each by reference as though set forth in full herein.

67. At all relevant times herein, AD was the owner, principal, director and/or managing agent of HUI and SWISS-X and Plaintiff's employer. On multiple occasions, AD deprived Plaintiff of her freedom of movement through physical force, coercion, threat of violence and/or menace in violation of *Penal Code* § 236. Plaintiff never consented to being detained by AD. As such, the harmful, offensive detention has caused and continues to cause Plaintiff irreparable injuries and damages.

68. AD'S actions, as herein alleged, occurred in the course and scope of his employment with HUI and SWISS-X. Plaintiff has been informed and believes and thereon alleges that HUI and SWISS-X, by and through their owners, principles, directors and/or managing agents, including but not limited to AD, knew of AD'S misconduct and/or his propensity for such misconduct, yet failed to take immediate, appropriate, or adequate corrective or remedial measures and actions to protect Plaintiff, thereby tacitly approving, ratifying, encouraging, aiding, abetting, inciting and/or conspiring with AD in carrying out the subject harmful acts and/or omissions herein set forth.

69. As a direct, foreseeable, legal and proximate result of Defendants' conduct and actions, as herein described, Plaintiff suffered serious, irreparable injuries and damages. Said injuries include, but are not limited to extreme emotional distress, mental anguish and discomfort, as well as severe anxiety, trepidation, apprehension, panic, dread, fear, worry, embarrassment, humiliation and shame all to her damage in an amount to be proven at trial.

70. Defendants' conduct, as herein described, was carried out deliberately, intentionally, oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety. As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth, was and continues to be despicable, malicious and outrageous in that it caused and continues to cause Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and omissions as herein alleged, justify an award of punitive and exemplary damages in an amount sufficient to deter them from ever engaging in such conduct again in the future.

**THIRD CAUSE OF ACTION  
VIOLATION OF THE RALPH CIVIL RIGHTS ACT  
(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

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71. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 70 and incorporates each by reference as though set forth in full herein.

72. *Civil Code* § 51.7 provides that all persons have the right to be free from violence or threats of violence based upon, *inter alia*, their sex/gender. On multiple occasions, AD deprived Plaintiff of her freedom of movement through physical force, coercion, threats of violence and/or menace in violation of *Penal Code* § 236 and further touched Plaintiff in an unwanted, offensive sexual manner, as herein described, with the explicit intent to cause harmful or offensive contact with an intimate part of Plaintiff's anatomy or to subject Plaintiff to an imminent apprehension of a harmful or offensive contact with AD'S intimate parts, or the use of his intimate parts in violation of *Civil Code* §§ 52.4(a) and 1708.5, as well as *Penal Code* §§ 240, 242, 243(d), 243.4, 261 and 281. At no time did Plaintiff ever consent to the contact or conduct that she was subjected to, as herein alleged. In fact, AD'S conduct, as herein alleged, including the rape, was a substantial factor in the causing Plaintiff to suffer serious, irreparable injuries and damages.

73. Moreover, AD'S actions, as herein alleged, occurred in the course and scope of his employment with HUI and SWISS-X. Plaintiff has been informed and believes and thereon alleges that HUI and SWISS-X, by and through their owners, principles, directors and/or managing agents, including but not limited to AD, knew of AD'S misconduct and/or his propensity for such misconduct, yet failed to take immediate, appropriate, or adequate corrective or remedial measures and actions to protect Plaintiff, thereby tacitly approving, ratifying, encouraging, aiding, abetting, inciting and/or conspiring with AD in carrying out the subject harmful actions herein set forth.

74. Plaintiff has been informed and believes and thereon alleges that her sex/gender was a substantial and determining factor in AD'S herein alleged misconduct as well as HUI'S and SWISS-X'S failure to take immediate appropriate corrective action to protect her and/or to prevent her from being exposed such conduct. As such, Defendants' acts and/or omissions, as set forth herein, were in direct violation of *Civil Code* § 51.7.

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1 75. As a direct, foreseeable, legal and proximate result of Defendants' acts and/or omissions,  
 2 Plaintiff suffered serious, irreparable injuries and damages, including, but not limited to, extreme  
 3 emotional distress, mental anguish and discomfort, severe anxiety, trepidation, apprehension, panic,  
 4 dread, fear, worry, embarrassment, humiliation and shame in an amount to be proven. Plaintiff was  
 5 also caused to retain attorneys and has thus incurred legal fees, expenses and costs, entitling her to  
 6 reimbursement of same pursuant to *Civil Code* §§ 51.7 and 52(b), in an amount to be proven.

7 76. Defendants' conduct, as herein described, was carried out deliberately, intentionally,  
 8 oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety.  
 9 As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth,  
 10 was and continues to be despicable, malicious and outrageous in that it caused and continues to cause  
 11 Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and  
 12 omissions as herein alleged, justify an award of punitive and exemplary damages in an amount  
 13 sufficient to deter them from ever engaging in such conduct again in the future.

14 **FOURTH CAUSE OF ACTION**  
 15 **VIOLATION OF THE BANE CIVIL RIGHTS ACT**  
 16 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

17 77. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 76 and  
 18 incorporates each by reference as though set forth in full herein.

19 78. *Civil Code* § 52.1 prohibits any and all interference or attempted interference with another's  
 20 rights by threats, intimidation and/or coercion, regardless of whether or not the victim is in a  
 21 protected class. On multiple occasions, AD deprived Plaintiff of her freedom of movement through  
 22 physical force, coercion, threats of violence and/or menace in violation of *Penal Code* § 236 and  
 23 further touched Plaintiff in an unwanted, offensive sexual manner, with the explicit intent to cause  
 24 harmful or offensive contact with an intimate part of Plaintiff's anatomy or to subject Plaintiff to an  
 25 imminent apprehension of a harmful or offensive contact with AD'S intimate parts, or the use of his  
 26 intimate parts in violation of *Civil Code* §§ 52.4(a) and 1708.5, as well as *Penal Code* §§ 240, 242,  
 27 243(d), 243.4, 261 and 281. At no time did Plaintiff ever consent to the contact or conduct that she  
 28 was subjected to, as herein alleged. In fact, AD'S conduct, including the rape, was a substantial  
 factor in the causing Plaintiff to suffer serious, irreparable injuries and damages.

1 79. Moreover, AD'S actions, as herein alleged, occurred in the course and scope of his  
2 employment with HUI and SWISS-X. Plaintiff has been informed and believes and thereon alleges  
3 that HUI and SWISS-X, by and through their owners, principles, directors and/or managing agents,  
4 including but not limited to AD, knew of AD'S misconduct and/or his propensity for such  
5 misconduct, yet failed to take immediate, appropriate, or adequate corrective or remedial measures  
6 and actions to protect Plaintiff, thereby tacitly approving, ratifying, encouraging, aiding, abetting,  
7 inciting and/or conspiring with AD in carrying out the subject harmful actions herein set forth.

8 80. Plaintiff has been informed and believes and thereon alleges that her sex/gender as well as  
9 her attempts to exercise her right to liberty, free movement and to be free from suffering physical  
10 harm, were substantial and determining factors in AD'S herein alleged conduct as well as HUI'S and  
11 SWISS-X'S failure to take immediate appropriate corrective action to protect her and/or to prevent  
12 her from being exposed such conduct. As such, Defendants' acts and/or omissions, as set forth  
13 herein, were in direct violation of *Civil Code* § 52.1.

14 81. As a direct, foreseeable, legal and proximate result of Defendants' acts and/or omissions,  
15 Plaintiff suffered serious, irreparable injuries and damages, including, but not limited to, extreme  
16 emotional distress, mental anguish and discomfort, severe anxiety, trepidation, apprehension, panic,  
17 dread, fear, worry, embarrassment, humiliation and shame in an amount to be proven. Plaintiff was  
18 also caused to retain attorneys and has thus incurred legal fees, expenses and costs, entitling her to  
19 reimbursement of same pursuant to *Civil Code* §§ 52.1 and 52(b) in an amount to be proven.

20 82. Defendants' conduct, as herein described, was carried out deliberately, intentionally,  
21 oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety.  
22 As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth,  
23 was and continues to be despicable, malicious and outrageous in that it caused and continues to cause  
24 Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and  
25 omissions as herein alleged, justify an award of punitive and exemplary damages in an amount  
26 sufficient to deter them from ever engaging in such conduct again in the future.

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1 **FIFTH CAUSE OF ACTION**  
2 **SEXUAL HARASSMENT AND/OR HOSTILE WORK ENVIRONMENT**  
3 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

4 83. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 82 and  
5 incorporates each by reference as though set forth in full herein.

6 84. At all relevant times herein, AD was the owner, principal, director and/or managing agent  
7 of HUI and SWISS-X and Plaintiff's employer. At all relevant times mentioned herein, AD subjected  
8 Plaintiff to a concerted, routine and repeated pattern of offensive, abusive and unwanted sexual  
9 harassment, culminating with a violent rape, all of which was directly motivated by and related to  
10 Plaintiff's sex/gender. At no time did Plaintiff ever consent to AD'S conduct.

11 85. Plaintiff has been informed and believes and thereon alleges that a reasonable woman in  
12 her circumstances and of her age would have considered AD'S conduct to have created a work  
13 environment that was hostile and abusive. In fact, Plaintiff did so consider her work environment  
14 to be hostile and abusive.

15 86. Plaintiff has been informed and believes and thereon alleges that HUI and SWISS-X, by  
16 and through their executives, directors and managing agents, including but not limited to AD, knew  
17 of AD'S harassment and inappropriate sexual propensities, yet failed to take immediate, appropriate,  
18 or adequate corrective and/or remedial measures to protect Plaintiff, in violation of *Govt. Code* §§  
19 12940(k) and 12940(j)(1). As such, HUI and SWISS-X not only failed to take steps to prevent AD'S  
20 conduct, they approved, ratified, encouraged, aided, abetted, incited and/or conspired with AD in  
21 carrying out the subject harassment.

22 87. As a direct, foreseeable, legal and proximate result of Defendants' acts and/or omissions,  
23 Plaintiff suffered substantial loss of tangible job benefits, in addition to severe anxiety, trepidation,  
24 apprehension, panic, dread, fear, worry, embarrassment, humiliation, shame, mental and emotional  
25 distress and discomfort, all to her damage in an amount to be proven at trial. As a further direct,  
26 foreseeable, legal and proximate result of Defendants acts and/or omissions, as herein described,  
27 Plaintiff was also caused to retain attorneys and has thus incurred legal fees, expenses and costs,  
28 entitling her to reimbursement of same pursuant to *Govt. Code* § 12965(b), in an amount to be  
proven.

1 88. Defendants' conduct, as herein described, was carried out deliberately, intentionally,  
 2 oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety.  
 3 As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth,  
 4 was and continues to be despicable, malicious and outrageous in that it caused and continues to cause  
 5 Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and  
 6 omissions as herein alleged, justify an award of punitive and exemplary damages in an amount  
 7 sufficient to deter them from ever engaging in such conduct again in the future.

8 **SIXTH CAUSE OF ACTION**  
 9 **DISCRIMINATION BASED ON SEX/GENDER**  
 10 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

11 89. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 88 and  
 12 incorporates each by reference as though set forth in full herein.

13 90. At all relevant times mentioned herein, *Govt. Code* § 12940(a) prohibits employers,  
 14 including Defendants, from discriminating against employees in the terms, conditions, or privileges  
 15 of employment based upon their sex/gender. At all relevant times mentioned herein, Plaintiff was  
 16 a member of a protected class of persons under *Govt. Code* § 12940, et seq., in that she is a woman  
 17 who was the target of repeated, continuous and pervasive sexual harassment and related intimidation  
 18 and coercion, including a rape, at the hands of AD. Plaintiff has been informed and believes and  
 19 thereon alleges that HUI and SWISS-X, by and through their executives, directors and managing  
 20 agents, including but not limited to AD, also knew of AD'S sexual propensities as well as the  
 21 continuous and unwelcomed sexually charged conduct of AD towards Plaintiff.

22 91. Plaintiff has been informed and believes and thereon alleges that Defendants have, and at  
 23 all relevant times mentioned herein had, a purported no-tolerance policy against the specific type of  
 24 conduct that AD exposed Plaintiff to. Nevertheless, HUI and SWISS-X took no steps to prevent,  
 25 proscribe, or forestall AD from continuing his behavior toward Plaintiff and also failed to implement  
 26 their own policies and procedures relating to such conduct due to Plaintiff's gender/sex. Instead, by  
 27 and through the acts and/or omissions of its executives, directors and managing agents, including  
 28 but not limited to AD, HUI and SWISS-X expressly or impliedly consented to, condoned,  
 authorized, approved, encouraged, conspired with, aided, abetted and/or ratified AD'S misbehavior.

1 92. Plaintiff has been informed and believes and thereon alleges that her sex/gender was a  
 2 substantial and determining factor in HUI'S and SWISS-X'S failure to take immediate appropriate  
 3 corrective action to protect her and/or prevent her from being exposed to the type of conduct and  
 4 behavior herein described. As such, Defendants' acts and omissions, as herein set forth were  
 5 unlawfully discriminatory and in violation of *Govt. Code* § 12940(a).

6 93. As a direct, foreseeable, legal and proximate result of Defendants' acts and/or omissions,  
 7 Plaintiff suffered substantial loss of tangible job benefits, as well as severe anxiety, panic, dread,  
 8 fear, worry, trepidation, apprehension, embarrassment, humiliation, shame, mental and emotional  
 9 distress and discomfort, all to her damage in an amount to be proven at trial. As a further direct,  
 10 foreseeable, legal and proximate result of Defendants acts and/or omissions, Plaintiff was also  
 11 caused to retain attorneys and has thus incurred legal fees, expenses and costs, entitling her to  
 12 reimbursement of same pursuant to *Govt. Code* § 12965(b), in an amount to be proven.

13 94. Defendants' conduct, as herein described, was carried out deliberately, intentionally,  
 14 oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety.  
 15 As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth,  
 16 was and continues to be despicable, malicious and outrageous in that it caused and continues to cause  
 17 Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and  
 18 omissions as herein alleged, justify an award of punitive and exemplary damages in an amount  
 19 sufficient to deter them from ever engaging in such conduct again in the future.

20 **SEVENTH CAUSE OF ACTION**  
**RETALIATION**

21 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

22 95. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 94 and  
 23 incorporates each by reference as though set forth in full herein.

24 96. *Labor Code* § 1102.5 and *Govt. Code* § 12940(h) make it unlawful for an employer to  
 25 retaliate against an employee based on the employee's actual or perceived participation in activities  
 26 that are in opposition to any unlawful employment practices, or conduct in violation of public policy,  
 27 whether intended or not by the employee expressing the opposition. Failing to pay employees wages  
 28 due and owing is an unlawful employment practice.

1 97. Plaintiff has been informed and believes and thereon alleges that, during her employment,  
 2 AD as well as HUI and SWISS-X, by and through their executives, directors and/or managing  
 3 agents, including but not limited to AD, targeted Plaintiff, retaliated against her, discriminated  
 4 against her, bullied her, threatened her, intimidated her, harassed her and even raped her due to her  
 5 complaints about Defendants' failure to pay their staff as well as her actual and/or perceived  
 6 opposition to said illegal employment practices by Defendants, as herein alleged.

7 98. As a direct, foreseeable, legal and proximate result of Defendants' retaliatory acts and/or  
 8 omissions, Plaintiff suffered substantial loss of tangible job benefits, as well as severe anxiety, panic,  
 9 dread, fear, worry, trepidation, apprehension, embarrassment, humiliation, shame, mental and  
 10 emotional distress and discomfort, all to her damage in an amount to be proven at trial. As a further  
 11 direct, foreseeable, legal and proximate result of Defendants acts and/or omissions, Plaintiff was also  
 12 caused to retain attorneys and has thus incurred legal fees, expenses and costs, entitling her to  
 13 reimbursement of same pursuant to *Govt. Code* § 12965(b), in an amount to be proven.

14 99. Defendants' conduct, as herein described, was carried out deliberately, intentionally,  
 15 oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety.  
 16 As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth,  
 17 was and continues to be despicable, malicious and outrageous in that it caused and continues to cause  
 18 Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and  
 19 omissions as herein alleged, justify an award of punitive and exemplary damages in an amount  
 20 sufficient to deter them from ever engaging in such conduct again in the future.

21 **EIGHTH CAUSE OF ACTION**  
 22 **FAILURE TO PREVENT**  
 23 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

24 100. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 99 and  
 25 incorporates each by reference as though set forth in full herein.

26 101. At all relevant times mentioned herein, AD subjected Plaintiff to a concerted, routine and  
 27 repeated pattern of offensive, abusive and unwanted sexual harassment, culminating with a violent  
 28 rape, all of which was directly motivated by and related to her sex/gender. At no time did Plaintiff  
 ever consent to AD'S conduct.

1 102. Plaintiff has been informed and believes and thereon alleges that AD as well as HUI and  
2 SWISS-X, by and through their executives, directors and managing agents, including AD, knew of  
3 AD'S harassing and discriminatory conduct, as well as his sexual propensities, as herein set forth,  
4 yet failed to take immediate, appropriate, or adequate corrective and/or remedial measures to protect  
5 Plaintiff, in violation of *Govt. Code* §§ 12940(k) and 12940(j)(1).

6 103. As a direct, foreseeable, legal and proximate result of Defendants' illegal acts and/or  
7 omissions, Plaintiff suffered substantial loss of tangible job benefits, as well as severe anxiety, panic,  
8 dread, fear, worry, trepidation, apprehension, embarrassment, humiliation, shame, mental and  
9 emotional distress and discomfort, all to her damage in an amount to be proven at trial. As a further  
10 direct, foreseeable, legal and proximate result of Defendants acts and/or omissions, Plaintiff was also  
11 caused to retain attorneys and has thus incurred legal fees, expenses and costs, entitling her to  
12 reimbursement of same pursuant to *Govt. Code* § 12965(b), in an amount to be proven.

13 104. Defendants' conduct, as herein described, was carried out deliberately, intentionally,  
14 oppressively, fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety.  
15 As such, Defendants acted in a willful and intentional manner and their conduct, as herein set forth,  
16 was and continues to be despicable, malicious and outrageous in that it caused and continues to cause  
17 Plaintiff to needlessly suffer cruel and unjust hardship. Therefore, Defendants' conduct, acts and  
18 omissions as herein alleged, justify an award of punitive and exemplary damages in an amount  
19 sufficient to deter them from ever engaging in such conduct again in the future.

20 **NINTH CAUSE OF ACTION**  
21 **WRONGFUL AND/OR CONSTRUCTIVE DISCHARGE**  
22 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

23 105. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 104 and  
24 incorporates each by reference as though set forth in full herein.

25 106. At all relevant times mentioned herein, Defendants were Plaintiff's employers and/or co-  
26 employers. *Govt. Code* §§ 12920 and 12940 identify the policy of the State to be the protection and  
27 safeguarding of the right and opportunity of all persons to seek, obtain and hold employment without  
28 discrimination on the basis of their sex/gender and/or for speaking out against unlawful employment  
practices.

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

1 107. *Labor Code* §1102.5 prohibits an employer from retaliating against, deterring, or  
2 preventing an employee from disclosing information to a person with authority over the employee,  
3 to another employee or to government agencies with authority to investigate, discover, or correct  
4 violations, if the employee has reasonable cause to believe that the information discloses a violation  
5 of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or  
6 regulation, regardless of whether disclosing the information is part of the employee's job duties or  
7 not. Plaintiff has been informed and believes and thereon alleges that Defendants refused to pay  
8 Plaintiff her due wages and instead terminated her employment based upon their perception that she  
9 would report their unlawful employment practices to a government agency for prosecution.

10 108. By refusing to pay Plaintiff what she was owed, thereby terminating her in the manner  
11 herein alleged and/or by engaging in such unlawful, discriminatory and abusive conduct that made  
12 Plaintiff's working environment so intolerable that a reasonable person in her position would have  
13 concluded that there was no reasonable alternative but to resign, HUI and SWISS-X, by and through  
14 the acts and/or omissions of their owner, principal, director and/or managing agents, including AD,  
15 violated the fundamental public policies of the state of California.

16 109. As a direct, foreseeable, legal and proximate result of Defendants' illegal conduct, as herein  
17 alleged, Plaintiff has suffered and continues to suffer, substantial losses in earnings and job benefits,  
18 humiliation, embarrassment, severe mental and emotional distress and discomfort, all to her damage  
19 in an amount to be proven at trial. As a further direct, foreseeable, legal and proximate result of  
20 Defendants' conduct as herein alleged, Plaintiff has also been caused to retain attorneys and has thus  
21 incurred legal fees, expenses and costs, entitling them to reimbursement of same pursuant to *Code*  
22 *of Civil Proc.* § 1021.5, in an amount to be proven at trial.

23 110. Moreover, Defendants' conduct was carried out deliberately, intentionally, oppressively,  
24 fraudulently and maliciously, in conscious disregard for Plaintiff's rights and safety. As such,  
25 Defendants acted in a willful and intentional manner and their conduct was and continues to be  
26 despicable, malicious and outrageous in that it caused and continues to cause Plaintiff to needlessly  
27 suffer cruel and unjust hardship. Defendants' conduct, acts and omissions thus justify an award of  
28 punitive and exemplary damages to deter them from engaging in such conduct again in the future.

1 **TENTH CAUSE OF ACTION**  
2 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**  
3 **(PLAINTIFF AGAINST ALL DEFENDANTS, INCLUSIVE OF DOES 1 TO 150)**

4 111. Plaintiff re-alleges each and every allegation set forth in paragraphs 1 through 110 and  
5 incorporates each by reference as though set forth in full herein.

6 112. The unlawful practices and other misconduct committed by Defendants exceeded the  
7 normal risks of the employment relationship that Plaintiff had with them. Defendants wrongfully,  
8 wilfully and intentionally sought to inflict emotional distress upon Plaintiff through the conduct,  
9 actions and/or omissions described herein. The subject conduct was thus so outrageous and extreme  
10 that it exceeded the boundaries of a decent society, rendering it beyond the compensation bargain.

11 113. Plaintiff is informed and believes and thereon alleges that Defendants knew, must have  
12 known, should have known, or had reason to know that their conduct, as herein described, was not  
13 only in direct violation of California law and public policy, but substantially certain to inflict severe,  
14 lasting and irreparable emotional harm and distress upon Plaintiff. As such, Defendants' conduct was  
15 intentional, malicious and carried out with a deliberate, conscious, wanton and/or reckless disregard  
16 of the high degree of probability that such behavior, acts and/or omissions would cause Plaintiff to  
17 suffer extreme emotional distress and harm.

18 114. As a direct, foreseeable, legal and proximate result of said Defendants' intentional, wilful,  
19 deliberate conduct, as herein alleged, Plaintiff suffered and continues to suffer loss, extreme shame,  
20 mortification, humiliation, embarrassment, severe mental and emotional distress as well as  
21 substantial anguish and a high level of anxiety, trepidation, apprehension, panic, dread, fear and  
22 worry all to her damages in an amount to be proven at trial. The acts, omissions and conduct of  
23 Defendants was and continues to be oppressive, deliberate, intentional, reprehensible and malicious  
24 and was carried out in conscious disregard of their probable outcome.

25 115. Defendants acted in a willful, deliberate and intentional manner and their conduct was and  
26 continues to be despicable, malicious and outrageous in that it has caused and continues to cause  
27 Plaintiff to needlessly suffer cruel and unjust hardship. Defendants' conduct, actions and/or  
28 omissions thus justify an award of punitive damages in an amount sufficient to deter them from ever  
engaging in such conduct again in the future.

1           **WHEREFORE**, for Causes of Action One and Two, Plaintiff hereby demands judgment  
2 against all Defendants, inclusive of DOES 1 through 150, as follows:

- 3           1. For economic and non-economic damages;
- 4           2. For exemplary and punitive damages according to proof;
- 5           3. For pre-judgment interest at the maximum legal rate;
- 6           4. For costs and expenses of the suit incurred herein; and
- 7           5. For such other and further relief as the Court may deem just and proper.

8  
9           **WHEREFORE**, for Causes of Action Three and Four, Plaintiff hereby demands judgment  
10 against all Defendants, inclusive of DOES 1 through 150, as follows:

- 11           1. For economic and non-economic damages;
- 12           2. For exemplary and punitive damages according to proof;
- 13           3. For reasonable attorneys' fees and civil penalties pursuant to California law,  
14 including, but not limited to, *Civil Code* §§ 52.1(h) and 52(b)(3);
- 15           4. For costs and expenses of the suit incurred herein;
- 16           5. For pre-judgment interest at the maximum legal rate; and
- 17           6. For such other and further relief as the Court may deem just and proper.

18  
19           **WHEREFORE**, for Causes of Action Five through Eight, Plaintiff hereby demands  
20 judgment against all Defendants, inclusive of DOES 1 through 150, as follows:

- 21           1. For economic and non-economic damages;
- 22           2. For exemplary and punitive damages according to proof;
- 23           3. For reasonable attorneys' fees pursuant to California law, including but not limited  
24 to *Government Code* §12965(b);
- 25           4. For costs and expenses of the suit incurred herein;
- 26           5. For pre-judgment interest at the maximum legal rate; and
- 27           6. For such other and further relief as the Court may deem just and proper.

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**WHEREFORE**, for the Ninth Cause of Action, Plaintiff hereby demands judgment against all Defendants, inclusive of DOES 1 through 150, as follows:


- 1. For economic and non-economic damages;
- 2. For exemplary and punitive damages according to proof;
- 3. For reasonable attorneys' fees pursuant to California law, including, but not limited to *Code of Civil Procedure* § 1021.5;
- 4. For costs and expenses of the suit incurred herein;
- 5. For pre-judgment interest at the maximum legal rate; and
- 6. For such other and further relief as the Court may deem just and proper.

**WHEREFORE**, for the Tenth Cause of Action, Plaintiff hereby demands judgment against all Defendants, inclusive of DOES 1 through 150, as follows:

- 1. For economic and non-economic damages;
- 2. For exemplary and punitive damages according to proof;
- 3. For costs and expenses of the suit incurred herein;
- 4. For pre-judgment interest at the maximum legal rate; and
- 5. For such other and further relief as the Court may deem just and proper.

GIRARDI | KEESE  
AND  
LIVINGSTON • BAKHTIAR

Dated: 4/29/2020

By:   
EBBY S. BAKHTIAR,  
ATTORNEY FOR PLAINTIFF

# **EXHIBIT "B"**

**AA0712**

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

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15 Attorneys for Plaintiff JANE DOE

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

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

21 Plaintiff,

22 vs.

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

Defendants.

Case No.: 20STCV37498

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

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

**(SET TWO)**

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

1.

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

**AA0713**

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

1 **PROPOUNDING PARTY: Plaintiff JANE DOE**

2 **RESPONDING PARTY: Defendant ALKIVIADES DAVID**

3 **SET NUMBER: TWO**

4  
5 Pursuant to California Code of Civil Procedure §2033.210, et seq., of the  
6 California Code of Civil Procedure Plaintiff hereby requests that Defendant  
7 **ALKIVIADES DAVID** within thirty (30) days after service of this request, admit to the  
8 truth of the following facts:

9 **DEFINITIONS**

10 Words in CAPITALS are defined as follows:

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

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

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

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

2.

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

**AA0714**

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

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

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

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

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

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

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

1 purchase orders, checks, vouchers, expense reports, money orders and receipts, forms,  
2 emplates, and manuals and information stored in or for use in a computer. The term  
3 “DOCUMENT(S)” shall further include the originals and each copy of each DOCUMENT  
4 if the copy contains any additional writing or is not an identical copy (without change or  
5 interlineation) of the original.

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

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

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

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1 **REQUESTS FOR ADMISSIONS**

2 **SET TWO**

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

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

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

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

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

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

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

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

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

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

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

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

28 //

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

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

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

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

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

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

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

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

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

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

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

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

28 //

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

2 Admit PLAINTIFF never consented to having sexual intercourse with YOU.

3  
4 **REQUEST FOR ADMISSION NO. 27:**

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

7  
8 **REQUEST FOR ADMISSION NO. 28:**

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

12  
13 **REQUEST FOR ADMISSION NO. 29:**

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

16  
17 **REQUEST FOR ADMISSION NO. 30:**

18 Admit YOU terminated PLAINTIFF's employment with at least one of YOUR  
19 BUSINESSES as retaliation for PLAINTIFF confronting YOU about her unpaid wages.

20  
21 **REQUEST FOR ADMISSION NO. 31:**

22 Admit YOU denied paying PLAINTIFF's wages and then terminated PLAINTIFF's  
23 employment with at least one of YOUR BUSINESSES based upon PLAINTIFF's  
24 perceived opposition to YOUR unlawful employment practices.

25 //

26 //

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

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

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

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

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

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

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

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

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

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

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

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

26 //

27 //

28 //

1 **REQUEST FOR ADMISSION NO. 38:**

2 Admit that in the case number BC654017, a jury ordered YOU to pay over \$50  
3 million to Mahim Khan, a former production assistant who worked for YOU, after finding  
4 YOU liable for battery, sexual battery and sexual harassment  
5

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

7 Admit YOU raped Mahim Khan.  
8

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

10 Admit YOU thrust your pelvis into Mahim Khan's face and simulated oral sex  
11 with her at the workplace in 2014.  
12

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

14 Admit that YOU had sexual relations with Mahim Khan against her will.  
15

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

17 Admit that YOU groped and sexually harassed Mahim Khan in 2014 and in 2015.  
18

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

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

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

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

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

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

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

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

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

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

14  
15 **REQUEST FOR ADMISSION NO. 48:**

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

18  
19 **REQUEST FOR ADMISSION NO. 49:**

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

22  
23 **REQUEST FOR ADMISSION NO. 50:**

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

27 //

28 //

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 //

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

2 Admit YOU own TVMix.com.

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

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

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

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

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

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

15  
16 **REQUEST FOR ADMISSION NO. 68:**

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

19  
20 **REQUEST FOR ADMISSION NO. 69:**

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

23  
24 **REQUEST FOR ADMISSION NO. 70:**

25 Admit that PLAINTIFF'S claims in her First Amended COMPLAINT are not  
26 barred by any statutes of limitations, including but not limited to, California Code of Civil  
27 Procedure sections 312, 335.1, 338, 340; Civil Code sections 52 and 52.4, as well as  
28 Government Code sections 12940, 12960, and 12965.

1 **REQUEST FOR ADMISSION NO. 71:**

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

4  
5 **REQUEST FOR ADMISSION NO. 72:**

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

8  
9 **REQUEST FOR ADMISSION NO. 73:**

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

12  
13 **REQUEST FOR ADMISSION NO. 74:**

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

17  
18 **REQUEST FOR ADMISSION NO. 75:**

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

21  
22 **REQUEST FOR ADMISSION NO. 76:**

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

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

26 Admit that YOU abused the employer-employee relationship when YOU initiated  
27 and engaged in sexual conduct with PLAINTIFF.

28 //

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

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

4  
5 **REQUEST FOR ADMISSION NO. 79:**

6 Admit that YOU subjected PLAINTIFF to adverse employment action.

7  
8 **REQUEST FOR ADMISSION NO. 80:**

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

11  
12 **REQUEST FOR ADMISSION NO. 81:**

13 Admit PLAINTIFF never consented to any sexual relationships with YOU.

14  
15 **REQUEST FOR ADMISSION NO. 82:**

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

18  
19 **REQUEST FOR ADMISSION NO. 83:**

20 Admit that PLAINTIFF has standing to bring the claims alleged in her First  
21 Amended COMPLAINT.

22  
23 **REQUEST FOR ADMISSION NO. 84:**

24 Admit that your conduct with PLAINTIFF at the workplace was not performed in  
25 good faith and was performed without a legitimate business purpose, and taken with  
26 malice, fraud, oppression and/or in conscious disregard of PLAINTIFFs rights.

27 //

28 //

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

2 Admit that on April 21, 2019, YOU intentionally deprived PLAINTIFF of her  
3 freedom of movement by use of physical barriers, duress, and/or force.  
4

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

6 Admit that YOUR confinement, restraint, and/or detention of PLAINTIFF  
7 compelled PLAINTIFF to stay with YOU and engage in non-consensual sexual conduct  
8 with YOU on April 21, 2019.  
9

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

11 Admit that PLAINTIFF did not knowingly or voluntarily consent to be restrained  
12 by YOU on April 21, 2019.  
13

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

15 Admit that PLAINTIFF was actually harmed by YOUR inappropriate sexual  
16 misconduct on April 21, 2019.  
17

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

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

24 //

25 //

26 //  
27  
28

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

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

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

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

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

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

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

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

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

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

25 **REQUEST FOR ADMISSION NO. 95:**

26 Admit that YOU engaged in sexual misconduct with PLAINTIFF with the intent to  
27 cause injury on April 21, 2019.  
28 //

1 **REQUEST FOR ADMISSION NO. 96:**

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

4  
5 **REQUEST FOR ADMISSION NO. 97:**

6 Admit that rape is considered despicable conduct.

7  
8 **REQUEST FOR ADMISSION NO. 98:**

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

10  
11 **REQUEST FOR ADMISSION NO. 99:**

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

14  
15 **REQUEST FOR ADMISSION NO. 100:**

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

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

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

22  
23 **REQUEST FOR ADMISSION NO. 101:**

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

26 //

27 //

1 **REQUEST FOR ADMISSION NO. 102:**

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

4  
5 **REQUEST FOR ADMISSION NO. 103:**

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

8  
9 **REQUEST FOR ADMISSION NO. 104:**

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

12  
13 **REQUEST FOR ADMISSION NO. 105:**

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

16  
17 **REQUEST FOR ADMISSION NO. 106:**

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

20  
21 **REQUEST FOR ADMISSION NO. 107:**

22 Admit YOU believed PLAINTIFF was an attractive woman.

23  
24 **REQUEST FOR ADMISSION NO. 108:**

25 Admit YOU subjected PLAINTIFF to harassing conduct because she was a  
26 woman.

27 //

28 //

1 **REQUEST FOR ADMISSION NO. 109:**

2 Admit YOU subjected PLAINTIFF to harassing conduct because she was an  
3 attractive woman that did not consent to sexual activity with YOU.  
4

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

6 Admit that forcing PLAINTIFF to engage in unwanted, unsolicited sexual activity  
7 with YOU is severe or pervasive harassing conduct.  
8

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

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

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

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

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

20 Admit that YOU caused PLAINTIFF to be in imminent fear of a harmful or  
21 offensive contact with her genitals on April 21, 2019.  
22

23 **REQUEST FOR ADMISSION NO. 114:**

24 Admit that YOU forced PLAINTIFF to have sexual intercourse, including but not  
25 limited to penetration, no matter how slight, of the vagina or genitalia by YOUR penis,  
26 by YOU by threatening to retaliate in the future against PLAINTIFF when there was a  
27 reasonable possibility that YOU would carry out the threat.  
28

//

1 **REQUEST FOR ADMISSION NO. 115:**

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

4  
5 **REQUEST FOR ADMISSION NO. 116:**

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

8  
9 **REQUEST FOR ADMISSION NO. 117:**

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

13  
14 **REQUEST FOR ADMISSION NO. 118:**

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

17  
18 **REQUEST FOR ADMISSION NO. 119:**

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

21  
22 **REQUEST FOR ADMISSION NO. 120:**

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

25  
26 **REQUEST FOR ADMISSION NO. 121:**

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

28 //

1 **REQUEST FOR ADMISSION NO. 122:**

2 Admit YOUR BUSINESSES are treated as an extension of YOUR personal  
3 interests.

4  
5 **REQUEST FOR ADMISSION NO. 123:**

6 Admit YOU have treated YOUR BUSINESSES as YOUR alter ego o.  
7

8 **REQUEST FOR ADMISSION NO. 124:**

9 Admit that there is a unity of ownership and interest between YOU and YOUR  
10 BUSINESSES.  
11

12 **REQUEST FOR ADMISSION NO. 125:**

13 Admit that it would be unfair to only hold YOUR BUSINESSES accountable for  
14 their debts.  
15

16 **REQUEST FOR ADMISSION NO. 126:**

17 Admit YOUR BUSINESSES were undercapitalized.  
18

19 **REQUEST FOR ADMISSION NO. 127:**

20 Admit YOUR BUSINESSES failed to uphold corporate formalities.  
21

22 **REQUEST FOR ADMISSION NO. 128:**


23 Admit YOUR BUSINESSES comingled assets and operations.  
24 //  
25 //  
26 //

1 **REQUEST FOR ADMISSION NO. 129:**

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

4  
5 DATED: February 8, 2024

DORDICK LAW CORPORATION

6  
7  
8 By:   
9 Gary A. Dordick, Esq.  
10 Dustin Z. Moaven, Esq.  
11 Brittney Ghadoushi, Esq.  
12 Attorneys for Plaintiff  
13  
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9. None of the questions in this set of Request for Admissions is being propounded for any improper purpose, such as to harass the party, or the attorney for the party, to whom they are directed, or to cause unnecessary delay or needless increase in the cost of litigation.

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



---

Dustin Moaven, Esq.

1 **PROOF OF SERVICE**

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

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

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

13 **[SEE ATTACHED SERVICE LIST]**

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

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

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

22   
23 \_\_\_\_\_  
24 SANDRA JIMENEZ

1 **SERVICE LIST**

2 **Jane Doe v. David**

3 **Case No. 20STCV37498**

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

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

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

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

**PROOF OF SERVICE**

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

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

On March 12, 2024 served the foregoing documents described as **PLAINTIFF’S NOTICE OF MOTION AND MOTION TO DEEM ADMITTED REQUEST FOR ADMISSION, SET TWO, AGAINST DEFENDANT ALKIVIADES DAVID; DECLARATION OF DUSTIN Z. MOAVEN; [PROPOSED] ORDER** on all parties in this action as follows.

**[SEE ATTACHED SERVICE LIST]**

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

Executed on March 12, 2024 in Beverly Hills, California.

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

  
SANDRA JIMENEZ

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

**SERVICE LIST**

**Jane Doe v. David**

**Case No. 20STCV37498**

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

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

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

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



## Make a Reservation

JANE DOE vs ALKIVIADES DAVID, et al.  
 Case Number: 20STCV37498 Case Type: Civil Unlimited Category: Wrongful Termination  
 Date Filed: 2020-09-30 Location: Stanley Mosk Courthouse - Department 76

Reservation	
Case Name: JANE DOE vs ALKIVIADES DAVID, et al.	Case Number: 20STCV37498
Type: Motion to Deem RFAs Admitted	Status: RESERVED
Filing Party: Jane Doe (Plaintiff)	Location: Stanley Mosk Courthouse - Department 76
Date/Time: 05/07/2024 8:30 AM	Number of Motions: 1
Reservation ID: 284251665264	Confirmation Code: CR-AMVXJUTHM5LM4R7SM

Fees			
Description	Fee	Qty	Amount
Motion to Deem RFAs Admitted	0.00	1	0.00
TOTAL			\$0.00

Payment	
Amount: \$0.00	Type: NOFEE
Account Number: n/a	Authorization: n/a
Payment Date: 1969-12-31	

- [Print Receipt](#)
- [Reserve Another Hearing](#)
- [View My Reservations](#)

**TAB 49**

**AA0743**

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.**

May 7, 2024

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: A. Gonzalez

Courtroom Assistant: S. Sato

CSR: Candice Myers - CSR #13086

ERM: None

Deputy Sheriff: None

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**APPEARANCES:**

For Plaintiff(s): Dustin Moaven (via LACC) for Gary A. Dordick

For Defendant(s): No Appearances

Other Appearance Notes: Fred Heather and Jill Harris - Defendants Former Attorneys (via LACC)

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---

**NATURE OF PROCEEDINGS:** Hearing on Motion to Deem Request for Admissions Admitted of Plaintiff, Jane Doe, Set Two, Against Defendant Alkiviades David [Res. ID# 284251665264]

The Court's tentative ruling is provided via the court's website.

Pursuant to Government Code sections 68086, 70044, and California Rules of Court, rule 2.956, Candice Myers, CSR # 13086, certified shorthand reporter is appointed as an official Court reporter pro tempore in these proceedings, and is ordered to comply with the terms of the Court Reporter Agreement. The Order is signed and filed this date.

The matter is called for hearing.

After considering the moving papers and oral argument of counsel, the tentative ruling becomes the final Order of the Court and incorporated herein as follows:

The Motion to Deem RFA's Admitted [Res. ID #5264] filed by Jane Doe on 03/12/2024 is Granted.

The Court's ruling is fully reflected in the "Ruling Re: Motion to Deem Request for Admissions Admitted of Plaintiff", which is signed and filed this date and incorporated herein by reference to the court file.

On the Court's own motion, the Final Status Conference scheduled for 05/13/2024 is advanced to this date and continued to 05/15/2024 at 08:30 AM in Department 76 at Stanley Mosk Courthouse.

**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.**

May 7, 2024

8:30 AM

Judge: Honorable Christopher K. Lui

Judicial Assistant: A. Gonzalez

Courtroom Assistant: S. Sato

CSR: Candice Myers - CSR #13086

ERM: None

Deputy Sheriff: None

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Plaintiff is to provide notice.

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

**TAB 50**

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

**AA0746**

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

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

14 Attorneys for Plaintiff,  
15 JANE DOE

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

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

21 Plaintiff,

22 vs.

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

Defendants.

Case No.: 20STCV37498

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

**NOTICE OF RULING**

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

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

//

//

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

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

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

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

14  
15  
16 DATED: May 7, 2024

DORDICK LAW CORPORATION

17  
18 By:



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

**PROOF OF SERVICE**

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

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

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

**[SEE ATTACHED SERVICE LIST]**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29   
30 SANDRA JIMENEZ

1 **SERVICE LIST**

2 **Jane Doe v. David**

3 **Case No. 20STCV37498**

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

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

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

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

**TAB 51**

**AA0752**

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

**FILED**  
Superior Court of California  
County of Los Angeles  
**MAY 07 2024**  
David W. Slayton, Executive Officer/Clerk of Court  
By: A. Gonzalez, Deputy

HEARING DATE: **May 7, 2024**

TRIAL: May 28, 2024

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

CASE NO.: **20STCV37498**

---

**MOTION TO DEEM ADMITTED REQUESTS FOR ADMISSION**

---

**MOVING PARTY:** Plaintiff Jane Doe

**RESPONDING PARTY(S):** No opposition filed.

**PROOF OF SERVICE:**

- Correct Address: Served by e-mail on March 12, 2024 (Civ. Proc. Code, § 1010.6);
- 16/21 (CCP § 1005(b)): OK. Served by e-mail on March 12, 2024.

Plaintiff alleges that she was sexually harassed and raped by Defendant David, for whom Plaintiff worked. Plaintiff was thereafter fired.

Plaintiff Jane Doe moves for an order deeming admitted requests for admission, set two, against Defendant Alkiviades David.

**RULING**

**Plaintiff Jane Doe's motion to deem admitted requests for admission is GRANTED.**

**Plaintiff's request for sanctions against Defendant David is GRANTED in the reduced amount of \$850. Sanctions are to be paid to Plaintiff's counsel within 20 days.**

**ANALYSIS**

**Motion To Deem Admitted Requests For Admission**

Plaintiff Jane Doe moves for an order deeming admitted requests for admission, set two, against Defendant Alkiviades David.

05/08/2024

**AA0753**

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

When a party to whom a request for admissions are directed fails to respond, under Civ. Proc. Code § 2033.280(b) a party propounding the request for admission may move for an order that the truth of any matters specified in the request be deemed admitted. “The court shall make this order [deem admitted], unless it finds that the party to whom the request for admissions have been directed has served, before the hearing on the motion, a proposed response to the request for admission that is in substantial compliance with section 2033.220.” (Civ. Proc. Code, § 2033.280(c).)

As of the date this motion was filed, Defendant David had not served timely responses to requests for admission. (Declaration of Dustin Z. Moaven, ¶¶ 6, 7.) As such, the motion to deem admitted requests for admission is GRANTED.

Plaintiff’s request for sanctions against Defendant David is GRANTED in the reduced amount of \$850. (Declaration of Dustin Z. Moaven, ¶ 8.) Sanctions are to be paid to Plaintiff’s counsel within 20 days.

5/7/24

DATE



CHRISTOPHER K. LUI  
JUDGE, LOS ANGELES SUPERIOR COURT

05/08/2024

**TAB 52**

**AA0755**

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 Talin Hakopyan, Esq. S/B# 350887  
4 DORDICK LAW CORPORATION  
5 509 South Beverly Drive  
6 Beverly Hills, California 90212  
7 Tel: (310) 551-0949 • Fax: (855) 299-4444

**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 JANE DOE

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
5/08/2024 3:52 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Bolden, Deputy Clerk

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

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

20 Plaintiff,

21 v.

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

Defendants.

Case No. 20STCV37498

**DECLARATION OF DUSTIN Z.  
MOAVEN RE TRIAL  
DOCUMENTS**

Assigned to: Hon. Christopher K. Lui,  
Dept. 76

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

**DECLARATION OF DUSTIN Z. MOAVEN**

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

1. I am an attorney licensed to practice before all the courts of the State of California. I am employed by Dordick Law Corporation, attorneys for Plaintiff Jane Doe (“Plaintiff”). I am over the age of eighteen and have personal knowledge of the facts set forth herein, and, if called as a witness, I could and would testify competently thereto.

2. This declaration is being filed concurrently with the filing of Plaintiff’s trial documents to provide the Court with context as to why the trial documents were not jointly filed by both parties.

3. On February 9, 2024, the Court granted the Motion to be Relieved as Counsel (“Motion”) filed by then-counsel for Defendant Alkiviades David (“Defendant”). In that order and during the hearing on the Motion, Plaintiff’s counsel was instructed to direct all future case-related communications to Defendant’s Greek Counsel, Themis Sofos at Sofos & Partners, Asklepiou Str. 6-8 GR 10680, Athens, Greece, +302103633322 (“Greek Counsel”).

4. Per the Court’s aforementioned order and instruction, Plaintiff’s counsel made several attempts to reach Defendant via his Greek Counsel with minimal success.

5. On May 7, 2024, I sent an email to Defendant’s Greek Counsel asking to meet and confer with Defendant regarding our joint trial documents. I have not received a response as of this writing. Accordingly, I instructed my office to prepare and file a statement of the case, exhibit list, witness list, jury instruction list, jury instructions, and special verdict form on behalf of Plaintiff.

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6. Although we did not receive a response from Defendant regarding the trial documents for this matter, on May 6, 2024, Defendant sent several vulgar and threatening text messages to Plaintiff’s lead trial counsel, Gary A. Dordick. Attached hereto as **Exhibits 1** and **2** are true and correct copies of the text messages Defendant sent to Mr. Dordick.

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

Executed this 8 day of May, 2024 at Beverly Hills, California.

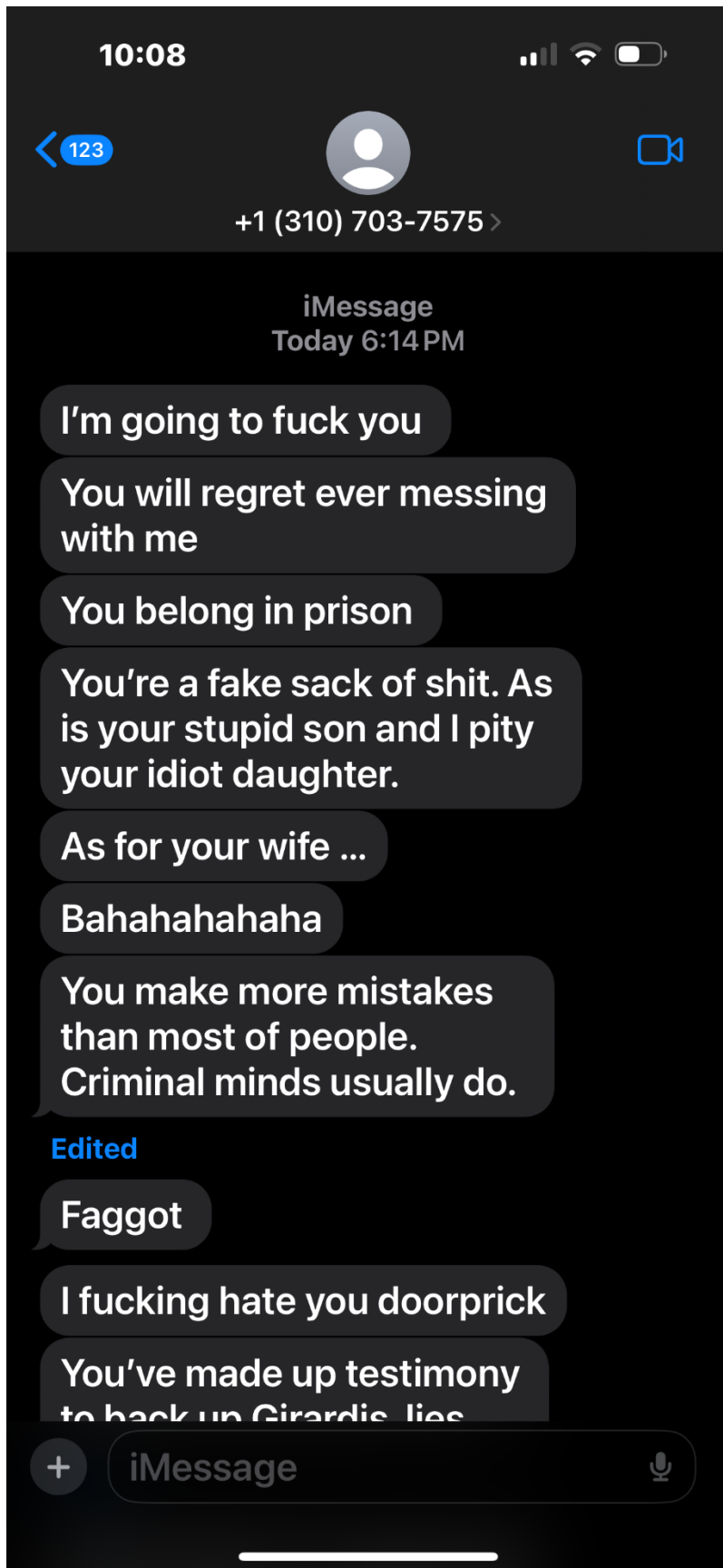


\_\_\_\_\_  
Dustin Z. Moaven

# Exhibit 1

AA0759

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



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

# Exhibit 2

AA0761

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



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**SERVICE LIST**

**Jane Doe v. Alkidiaves**  
**Case No.: 20STCV37498**

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

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

Themistoklis Sofos, PhD  
SOFOS LAW FIRM  
Asklipou Str. 6-8  
106 79, Athens  
Tel: +302103633322  
Fax: +302103636327  
E-mail: themis@sofos.com.gr

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

**TAB 53**

**AA0765**

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 E-Mail: DZMeservice@dordicklaw.com  
8 **Attorneys for Plaintiff, JANE DOE**

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
5/08/2024 3:52 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Bolden, Deputy Clerk

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

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

17 Plaintiff,

18 vs.

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

Defendants.

Case No.: 20STCV37498

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

**PLAINTIFF'S LIST OF EXHIBITS**

Complaint Filed: September 30, 2020

FSC: May 15, 2024

Trial Date: May 28, 2024

**TO THE HONORABLE COURT, ALL PARTIES AND THEIR  
RESPECTIVE COUNSEL, AND THE JURY HEREIN:**

Plaintiffs respectfully submit their Exhibit List as follows:

**GROUND(S) FOR OBJECTION:**

1. No Objection; Admissibility Stipulated	6. Insufficient Foundation (§403) (Relevancy, Personal Knowledge, Authenticity) (§1400, Identity)
2. Irrelevant (§210)	7. Unduly Time Consuming, Prejudicial,
3. Hearsay (§1200)	8. Confusing or Misleading (§352)
4. Best Evidence (§1500)	9. Subsequent Repair (§1151)
5. Inadmissible Opinion (§800)	10. Other (specify)

Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
1.	WhatsApp messages between Defendant and Plaintiff 8.29.2016-11.18.2019	Plaintiff					
2.	Defendant's Texts to Plaintiff 5.16.2018-11.17.2019	Plaintiff					
3.	Transaction Ltr - Mana Wynnwood 6.5.2019	Plaintiff					
4.	Defendant's Texts to Plaintiff 6.20.2019	Plaintiff					
5.	Video from Defendant's Instagram 9.12.2019	Plaintiff					

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Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
6.	Video from Defendant to Plaintiff 11.19.2019	Plaintiff					
7.	WhatsApp Video from Defendant to Plaintiff 6.7.2022	Plaintiff					
8.	WhatsApp Video from Defendant to Plaintiff 2 - 6.7.2022	Plaintiff					
9.	WhatsApp messages from Defendant to Plaintiff 6.7.2022-6.9.2022	Plaintiff					
10.	WhatsApp messages from Defendant to Plaintiff 6.9.2022	Plaintiff					
11.	WhatsApp messages from Defendant to Plaintiff 6.12.2022-6.27.2022	Plaintiff					
12.	Alki David - Wikipedia	Plaintiff					
13.	Alki David to pay \$8.4 million in sexual assault case - Los Angeles Times	Plaintiff					
14.	FOTV Employee Handbook	Plaintiff					
15.	FOTV Employee Handbook	Plaintiff					

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Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
16.	Cake Photos	Plaintiff					
17.	Close up of Rita's birthday cake 1	Plaintiff					
18.	Rita Text Screenshot I Miss You	Plaintiff					
19.	Rita Text Screenshot	Plaintiff					
20.	iCloud Messages 6.30.2023	Plaintiff					
21.	Rita-Alki Texts – Summary and Conversation	Plaintiff					
22.	Film On TV Commission Breakdown	Plaintiff					
23.	Film On TV PR	Plaintiff					
24.	Defendant's Instagram Video re Plaintiff's Counsel	Plaintiff					
25.	Disgraced 'Billionaire' Alki David Says He Faked His Way Onto the Rich Lists	Plaintiff					
26.	Payments by FilmOn TV to Plaintiff	Plaintiff					
27.	Payments by FilmOn TV to Plaintiff (2)	Plaintiff					
28.	ShockYa Article published September 24, 2023 re Plaintiff's Counsel	Plaintiff					

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Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
29.	TVMix About Page	Plaintiff					
30.	TVMix article - The Corruption of the LA Sheriff and teh CA SB by T. Girardi, Allred & Bloom [6.6.22] (1)	Plaintiff					
31.	TVMix Article published June 6, 2022	Plaintiff					
32.	TVMix Article published June 8, 2022	Plaintiff					
33.	Video from Defendant's YouTube page - Shocking Legal Abuse Syndrome of Disabled Billionaire	Plaintiff					
34.	DFEH Complaint	Plaintiff					
35.	Plaintiff's Requests for Admissions Set 2 to Defendant	Plaintiff					
36.		Plaintiff					
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42.		Plaintiff					
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46.		Plaintiff					
47.		Plaintiff					

Exh. No.	Description	Offered by	Ground(s) for Objection	Auth. Stip. to	Admis. Stip. to	Date ID'ed	Date Admitted
48.		Plaintiff					
49.		Plaintiff					
50.		Plaintiff					

DATED: May 8, 2024

DORDICK LAW CORPORATION

By:



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

DORDICK LAW CORPORATION

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

1  
2 **PROOF OF SERVICE**

3  
4 STATE OF CALIFORNIA )  
5 ) ss.  
6 COUNTY OF LOS ANGELES )

7 I am employed in the County of Los Angeles, State of California. I am over the age  
8 of 18 and not a party to the within action; my business address is: 1122 Wilshire Blvd., Los  
9 Angeles, CA 90017.

10 On May 8, 2024, I served the foregoing documents described as **PLAINTIFF'S**  
11 **LIST OF EXHIBITS** on all parties in this action as follows.

12 **[SEE ATTACHED SERVICE LIST]**

13  
14 **(XX) ONLY BY ELECTRONIC SERVICE [E-MAIL]** Based on a court  
15 order or an agreement of the parties to accept service by e-mail or electronic  
16 transmission, I caused the document(s) to be sent from e-mail address  
17 Edgar@Dordicklaw.com to the persons at the e-mail addresses listed in the  
18 Service List. I did not receive, within a reasonable time after the transmission  
19 any electronic message or other indication that the transmission was  
20 unsuccessful.

21 Executed on May 8, 2024, at Los Angeles, California.

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

24  
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26 \_\_\_\_\_  
27 Edgar Claros  
28

DORDICK LAW CORPORATION

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

**SERVICE LIST**  
**Jane Doe v. Alkidiaves**  
**Case No.: 20STCV37498**

1  
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4 Ebbby S. Bakhtiar, Esq.  
5 LIVINGSTON • BAKHTIAR  
6 3435 Wilshire Boulevard, Suite 1669  
7 Los Angeles, California 90010  
8 Tel: (213) 632-1550  
9 Fax: (213) 632-3100  
E-mail: ESB@LivingstonBakhtiar.com

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

11 Themistoklis Sofos, PhD  
12 SOFOS LAW FIRM  
13 Asklipou Str. 6-8  
14 106 79, Athens  
15 Tel: +302103633322  
16 Fax: +302103636327  
E-mail: themis@sofos.com.gr

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

DORDICK LAW CORPORATION

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

**TAB 54**

**AA0774**

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 E-Mail: DZMeservice@dordicklaw.com  
8 **Attorneys for Plaintiff, JANE DOE**

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Superior Court of California,  
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David W. Slayton,  
Executive Officer/Clerk of Court,  
By S. Bolden, Deputy Clerk

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 FOR THE COUNTY OF LOS ANGELES – STANLEY MOSK COURTHOUSE

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

17 Plaintiff,

18 vs.

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

Defendants.

Case No.: 20STCV37498

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

**NOTICE OF FILING PROPOSED  
SPECIAL VERDICT FORM**


Complaint Filed: September 30, 2020  
FSC: May 15, 2024  
Trial Date: May 28, 2024

1 **TO THE COURT, DEFENDANTS, AND ALL ATTORNEYS OF RECORD:**  
2 COMES NOW Plaintiff JANE DOE who submits the following Special Verdict,  
3 attached hereto as Exhibit 1.

4  
5  
6 DATED: May 8, 2024

DORDICK LAW CORPORATION

7  
8  
9 By:

  
10 Gary A. Dordick, Esq.  
11 Dustin Z. Moaven, Esq.  
12 Attorneys for Plaintiff, JANE DOE  
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# Exhibit 1

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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,

vs.

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

Defendants.

Case No: 20STCV37498

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

**SPECIAL VERDICT FORM**

We answer the questions submitted to us as follows:

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



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**Question No. 3:** What amount of punitive damages, if any, do you award in favor of Plaintiff JANE DOE and against Defendant ALKIVIADES DAVID, Defendant FILMON.TV INC., Defendant FILMON.TV LA INC., Defendant FILMON.TV NETWORKS INC., Defendant HOLOGRAM USA ENTERTAINMENT INC., Defendant HOLOGRAM USA INC. AKA HOLOGRAM USA PRODUCTIONS INC., and Defendant SWISSX LABS AG INC. AKA SWISSX LOUNGE AKA FILMONTV UK LTD.?

\$ \_\_\_\_\_

Signed: \_\_\_\_\_ Dated: \_\_\_\_\_  
Presiding Juror

After this verdict form has been signed, notify the clerk/bailiff that you are ready to present your verdict in the courtroom.

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

**PROOF OF SERVICE**

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

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 1122 Wilshire Blvd., Los Angeles, CA 90017.

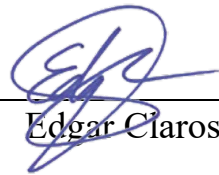
On May 8, 2024, I served the foregoing documents described as **NOTICE OF FILING PROPOSED SPECIAL VERDICT FORMS** on all parties in this action as follows.

**[SEE ATTACHED SERVICE LIST]**

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

Executed on May 8, 2024, at Los Angeles, California.

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

  
\_\_\_\_\_  
Edgar Claros

DORDICK LAW CORPORATION

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

**SERVICE LIST**  
**Jane Doe v. Alkidiaves**  
**Case No.: 20STCV37498**

1  
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3  
4 Ebbby S. Bakhtiar, Esq.  
5 LIVINGSTON • BAKHTIAR  
6 3435 Wilshire Boulevard, Suite 1669  
7 Los Angeles, California 90010  
8 Tel: (213) 632-1550  
9 Fax: (213) 632-3100  
10 E-mail: ESB@LivingstonBakhtiar.com

11  
12 ***Co-Counsel for Plaintiff, JANE DOE***

13 Themistoklis Sofos, PhD  
14 SOFOS LAW FIRM  
15 Asklipou Str. 6-8  
16 106 79, Athens  
17 Tel: +302103633322  
18 Fax: +302103636327  
19 E-mail: themis@sofos.com.gr

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

DORDICK LAW CORPORATION

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

**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 2 of 6 [TABS 22-54; PAGES AA0329-AA0782]**

I served this document on the following persons:

**SERVICE LIST**

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

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

I served these documents in the following manner:

(BY U.S. MAIL): I enclosed this/these document(s) in a sealed envelope or package addressed to the person(s) at the address(es) above and placed the envelope for collection and mailing following our ordinary business practices. I am readily familiar with our firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am employed in the county where the mailing occurred. The envelope or package was placed in the mail at Costa Mesa, California.

(BY ELECTRONIC MAIL): I served the forgoing document electronically to all parties registered to this case at [tf3.truefiling.com](http://tf3.truefiling.com)

I declare under penalty of perjury under the laws of the Stat of California that the above statements are true and correct. Executed on December 10, 2025 at Costa Mesa, California

*Antonia Leseth*

---

Antonia Leseth

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