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

11 WILLIAM JAMES MITCHELL,

12 Plaintiff,

13 v.

14 TWIN GALAXIES, LLC; and Does 1-10,

15 Defendants.

Case No. 19STCV12592

Assigned to: Hon. Wendy Chang
[Dept. 36]

**OBJECTIONS TO EVIDENCE; AND
[PROPOSED] ORDER**

*[Filed concurrently with: (1) Opposition to
Fees Motion; and, (2) Declaration of David A.
Tashroudian]*

Hearing

Date: April 5, 2022

Time: 8:30 a.m.

Place: Department 36

Action Filed: 4/11/2019

1 **OBJECTIONS TO EVIDENCE**

2 Defendant and cross-complainant Twin Galaxies, LLC respectfully submits these
3 objections to the evidence submitted by plaintiff William James Mitchell in support of his
4 motion for attorney’s fees:
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<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
Declaration of Anthony J. Ellrod		
1. <u>Paragraph 3</u> “The work done on this case was not duplicative. Initially, James Gibbons was the supervising partner, handling the majority of the work on the initial anti-SLAPP opposition and surreply, but he has since left the firm and the case was handed over to Anthony J. Ellrod to supervise and manage. Steve Renick is the law and motion specialist who researched and assisted on the appeal and answer to the petition for review in the California Supreme Court. Associate Chelsea Clayton assisted with review and response to the anti-SLAPP motion, Natalya Vasyuk assisted on reviewing aspects of the petition for review to assist on analysis of an answer, Of Counsel Trisha Newman has prepared the motion for attorney’s fees, and paralegal Elaine Berman has assisted with preparing documents throughout the anti-SLAPP motion proceedings.”	<u>Hearsay</u> Evid. Code §§ 1200(a), 1200(b) <u>Double Hearsay</u> Evid. Code §§ 1200(a), 1200(b); <i>see also People v. Alexander</i> (2010) 49 Cal.4th 846, 876 <u>Lacks Foundation</u> Evid. Code § 702(a) <u>Lacks Personal Knowledge</u> Evid. Code § 800(b)	<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled

<u>Material Objected To</u>	<u>Grounds</u>	<u>Ruling</u>
<p>2. <u>Paragraph 5</u> “I have reviewed reports from our billing program for all time and costs billed to this matter, including work in progress (WIP), and I have segregated out those items that pertain to the anti-SLAPP motion, the appeal, and/or this motion for attorneys’ fees and costs. The hours reflected above represent attorney and paralegal time, and costs pertaining to this matter and pertaining to the anti-SLAPP motion, appeal, and/or this motion for attorneys’ fees and costs.”</p>	<p><u>Hearsay</u> Evid. Code §§ 1200(a), 1200(b)</p> <p><u>Double Hearsay</u> Evid. Code §§ 1200(a), 1200(b); <i>see also Alexander</i>, 49 Cal.4th at p. 876</p> <p><u>Lacks Foundation</u> Evid. Code § 702(a)</p> <p><u>Lacks Personal Knowledge</u> Evid. Code § 800(b)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>
<p>3. <u>Paragraph 9</u> “The billable hours and costs set forth above are reasonable and consist of time spent evaluating the pleadings and facts of the case, researching the anti-SLAPP statute, preparing the moving papers for the Special Motion to Strike, reviewing the Opposition, preparing the Reply papers, attending the hearing on the Special Motion to Strike, and reviewing the evidence and case file. Many of the documents that counsel reviewed were never submitted to the Court in support of the opposition to defendant’s anti-SLAPP motion, but counsel was required to review them to understand the history of the case, to determine the documents’ relevance to the case, and to determine whether they might support the anti-SLAPP motion.”</p>	<p><u>Hearsay</u> Evid. Code §§ 1200(a), 1200(b)</p> <p><u>Double Hearsay</u> Evid. Code §§ 1200(a), 1200(b); <i>see also Alexander</i>, 49 Cal.4th at p. 876</p> <p><u>Lacks Foundation</u> Evid. Code § 702(a)</p> <p><u>Lacks Personal Knowledge</u> Evid. Code § 800(b)</p>	<p><input type="checkbox"/> Sustained</p> <p><input type="checkbox"/> Overruled</p>

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[PROPOSED] ORDER

The Court, having read and considered the objections to evidence Twin Galaxies as set forth above, hereby adopts the rulings are set forth in the column entitled "Ruling."

IT IS SO ORDERED.

Dated: _____

Judge of the Superior Court

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PROOF OF SERVICE
Case No. 19STCV12592

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is TASHROUDIAN LAW GROUP, APC, located 12400 Ventura Blvd., No. 300, Studio City, CA 91604. On March 22, 2022, I served the herein described document(s):

OBJECTIONS TO EVIDENCE; AND [PROPOSED] ORDER

by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Woodland Hills, California addressed as set forth below.

X E-File - by electronically transmitting the document(s) listed above to aje@manningllp.com pursuant to an agreement of the parties.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

by overnight courier of the document(s) listed above to the person(s) at the address(es) set forth below.

Anthony J. Ellrod
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MANNING & KASS
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Attorneys for Plaintiff
WILLIAM JAMES MITCHELL

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid 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 in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 22, 2022 at Woodland Hills, California.



Mona Tashroudian