

1 Anthony J. Ellrod (State Bar No. 136574)  
aje@manningllp.com  
2 Natalya Vasyuk (State Bar No. 307419)  
3 ndv@manningllp.com  
MANNING & KASS  
4 ELLROD, RAMIREZ, TRESTER LLP  
801 S. Figueroa St, 15th Floor  
5 Los Angeles, California 90017-3012  
6 Telephone: (213) 624-6900  
Facsimile: (213) 624-6999  
7 Attorneys for Plaintiff WILLIAM JAMES MITCHELL

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.  
16

Case No. 19STCV12592

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

**PLAINTIFF'S REPLY TO  
DEFENDANT'S OBJECTIONS TO  
EVIDENCE**

*[Filed concurrently with Reply to Fees  
Motion]*

**Hearing**

Date: April 5, 2022

Time: 8:30 a.m.

Place: Department 36

Action Filed: 4/11/2019

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **OBJECTIONS TO EVIDENCE**

2 Plaintiff respectfully submits the following reply to defendant Twin Galaxies,  
3 LLC objections to the evidence:

<b><u>Material Objected To</u></b>	<b><u>Grounds</u></b>	<b><u>Ruling</u></b>
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

***Plaintiff’s Response to Objection:*** Evid. Code sec. 1271; Anthony J. Ellrod is a proper custodian and has established the foundation for admission. (*See Jazayeri v. Mao* (2009) 174 Cal.App.4th 301, 322 [qualified custodian need only have knowledge of procedures followed].)

<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>

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **Plaintiff's Response to Objections 2 & 3:** Evid. Code sec. 1271; Anthony J. Ellrod is a proper  
2 custodian and has established the foundation for admission. (*See Jazayeri v. Mao* (2009) 174  
3 Cal.App.4th 301, 322 [qualified custodian need only have knowledge of procedures followed].)

4  
5 DATED: March 28, 2022

**MANNING & KASS  
ELLROD, RAMIREZ, TRESTER LLP**

6  
7  
8 

By: \_\_\_\_\_

9 ANTHONY J. ELLROD  
10 Attorneys for Plaintiff  
11 William J. Mitchell

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 801 S. Figueroa St, 15th Floor, Los Angeles, CA 90017-3012.

On March 28, 2022, I served true copies of the following document(s) described as **PLAINTIFF'S REPLY TO DEFENDANT'S OBJECTIONS TO EVIDENCE** on the interested parties in this action as follows:

David Tashroudian, Esq. Mona Tashroudian, Esq. TASHROUDIAN LAW GROUP, APC 12400 Ventura Blvd. Suite 300 Studio City, CA 91604 Telephone: (818) 561-7381 Facsimile: (818) 561-7381 Email: <a href="mailto:david@tashlawgroup.com">david@tashlawgroup.com</a> Email: <a href="mailto:mona@tashlawgroup.com">mona@tashlawgroup.com</a>	Attorney for Defendants Twin Galaxies
---	--

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Manning & Kass, Ellrod, Ramirez, Trester LLP for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address alt@manningllp.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.

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

Executed on March 28, 2022, at Los Angeles, California.



Angela Thompson