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10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT- STANLEY MOSK**

13 WILLIAM JAMES MITCHELL,
14 Plaintiff,
15 v.
16 TWIN GALAXIES, LLC,
17 Defendants.

Case No. 19STCV12592
[The Hon. WENDY CHANG - DEPT. 36]

**PLAINTIFF WILLIAM JAMES
MITCHELL'S RESPONSE TO SECOND
SET OF FORM INTERROGATORIES
PROPOUNDED BY DEFENDANT TWIN
GALAXIES, LLC**

Action Filed: 4/11/2019

18 PROPOUNDING PARTY: Defendant Twin Galaxies, LLC
19 RESPONDING PARTY: Plaintiff William James Mitchell
20 SET NO.: Two

21 Pursuant to Sections 2030.210, *et seq.*, of the California Code of Civil Procedure, Plaintiff
22 William James Mitchell ("Responding Party") hereby submits these objections and responses to
23 the Second Set of Form Interrogatories propounded by Defendant Twin Galaxies, LLC
24 ("Propounding Party").

25 **PRELIMINARY STATEMENT**

26 Responding Party has not completed his investigation of the facts relating to this case, his
27 discovery or his preparation for trial. All responses and objections contained herein are based only
28 upon information that is presently available to and specifically known by Responding Party. It is

1 anticipated that further discovery, independent investigation, legal research and analysis will
2 supply additional facts and add meaning to known facts, as well as establish entirely new factual
3 conclusions and legal contentions, all of which may lead to substantial additions to, changes in and
4 variations from the responses set forth herein.

5 These responses, while based on diligent inquiry and investigation by Responding Party,
6 reflect only the current state of Responding Party's knowledge, understanding, and belief, based
7 upon the information reasonably available to him at this time. As this action proceeds, and further
8 investigation and discovery are conducted, additional or different facts and information could be
9 revealed to Responding Party. Moreover, Responding Party anticipates that Propounding Party
10 may make legal or factual contentions presently unknown to and unforeseen by Responding Party
11 which may require Responding Party to adduce further facts in rebuttal to such contentions.
12 Consequently, Responding Party may not yet have knowledge and may not fully understand the
13 significance of information potentially pertinent to these responses. Accordingly, these responses
14 are provided without prejudice to Responding Party's right to rely upon and use any information
15 that he subsequently discovers, or that was omitted from these responses as a result of mistake,
16 inadvertence, surprise, or excusable neglect. Without in any way obligating himself to do so,
17 Responding Party reserves the right to modify, supplement, revise, or amend these responses, and
18 to correct any inadvertent errors or omissions which may be contained herein, in light of the
19 information that Responding Party may subsequently obtain or discover.

20 Nothing in this response should be construed as an admission by Responding Party with
21 respect to the admissibility or relevance of any fact or document, or of the truth or accuracy of any
22 characterization or statement of any kind contained in Propounding Party's interrogatories.

23 Each of the following responses is made solely for the purpose of this action. Each
24 response is subject to all objections as to relevance, materiality, and admissibility, and to any and
25 all objections on any ground that would require exclusion of any response if it were introduced in
26 court. All objections and grounds are expressly reserved and may be interposed at the time of
27 trial, hearing, or otherwise. Furthermore, each of the objections contained herein is incorporated
28 by reference as though fully set forth in each response.

1 The following objections and responses are made without prejudice to Responding Party's
2 right to produce at trial, or otherwise, evidence regarding any subsequently discovered
3 information. Responding Party accordingly reserves the right to modify and amend any and all
4 responses herein as research is completed and contentions are made.

5 Nothing contained herein is to be construed as a waiver of any attorney-client privilege,
6 work product doctrine, or any other applicable privilege or doctrine. To the extent any
7 interrogatory may be construed as calling for disclosure of information protected from discovery
8 by the attorney-client privilege, the work product doctrine, or any other privilege or protection, a
9 continuing objection to each and every such interrogatory is hereby interposed.

10 **RESPONSES TO FORM INTERROGATORIES**

11 **FORM INTERROGATORY NO. 1.1:**

12 State the name, **ADDRESS**, telephone number, and relationship to you of each **PERSON**
13 who prepared or assisted in the preparation of the responses to these interrogatories. *(Do not*
14 *identify anyone who simply typed or reproduced the responses.)*

15 **RESPONSE TO FORM INTERROGATORY NO. 1.1:**

16 Anthony J. Ellrod, Esq. Linna T. Loangkote, Esq., and Billy Mitchell, IV, Manning &
17 Kass, Ellrod, Ramirez, Trester, LLP, 801 South Figueroa Street, 15th Floor, Los Angeles,
18 California 90017, (213) 624-6900.

19 **FORM INTERROGATORY NO. 2.13:**

20 Within 24 hours before the **INCIDENT** did you or any person involved in the **INCIDENT**
21 use or take any of the following substances: alcoholic beverage, marijuana, or other drug or
22 medication of any kind (prescription or not)? If so, for each person state:

- 23 (a) the name, **ADDRESS**, and telephone number;
- 24 (b) the nature or description of each substance;
- 25 (c) the quantity of each substance used or taken;
- 26 (d) the date and time of day when each substance was used or taken;
- 27 (e) the **ADDRESS** where each substance was used or taken;
- 28 (f) the name, **ADDRESS**, and telephone number of each person who was present

1 when each substance was used or taken; and

2 (g) the name, **ADDRESS**, and telephone number of any **HEALTH CARE**
3 **PROVIDER** who prescribed or furnished the substance and the condition for which it was
4 prescribed or furnished.

5 **RESPONSE TO FORM INTERROGATORY NO. 2.13:**

6 Insofar as the responding party is aware, neither he nor any other person involved in the
7 incident used or took any of the following substances within 24 hours of the incident: alcoholic
8 beverage, marijuana, or other drug or medication of any kind.

9 **FORM INTERROGATORY NO. 12.1:**

10 State the name, **ADDRESS**, and telephone number of each individual:

11 (a) who witnessed the **INCIDENT** or the events occurring immediately before or after
12 the **INCIDENT**;

13 (b) who made any statement at the scene of the **INCIDENT**;

14 (c) who heard any statements made about the **INCIDENT** by any individual at the
15 scene; and

16 (d) who **YOU OR ANYONE ACTING ON YOUR BEHALF** claim has knowledge
17 of the **INCIDENT** (except for expert witnesses covered by Code of Civil Procedure section 2034).

18 **RESPONSE TO FORM INTERROGATORY NO. 12.1:**

19 (a) The names of the persons with knowledge of the allegations set forth in the Cross-
20 Complaint are: Walter Day, Jourdan Adler; Pete Bouvier (deceased); Robert Childs, Guinness
21 World Records Limited; Seth Gordon; Ed Cunningham; Todd Rogers; Kimberly Mahoney; Brian
22 Kuh; Robert Mruzcek; Isaiah Triforce Johnson; Carlos Pineiro; Steven Kleisath; Catherine
23 Despira; Richie Knucklez; Hank Chien; Sheila Kinery; Joe Tortorella; Matt Furgal; Patrick Scott
24 Patterson; Dwayne Richard; Wes Copeland; Robbie Lakeman; Joel West (deceased); Tim
25 Sczerby; Chris Ayra; Joshua Bearman; and Neil Hernandez. The contact information for these
26 persons are unknown.

27 (b) The names of the persons with knowledge of the allegations set forth in the Cross-
28 Complaint are: Walter Day, Jourdan Adler; Pete Bouvier (deceased); Robert Childs, Guinness

1 World Records Limited; Seth Gordon; Ed Cunningham; Todd Rogers; Kimberly Mahoney; Brian
2 Kuh; Robert Mruzcek; Isaiah Triforce Johnson; Carlos Pineiro; Steven Kleisath; Catherine
3 Despira; Richie Knucklez; Hank Chien; Sheila Kinery; Joe Tortorella; Matt Furgal; Patrick Scott
4 Patterson; Dwayne Richard; Wes Copeland; Robbie Lakeman; Joel West (deceased); Tim
5 Sczerby; Chris Ayra; Joshua Bearman; and Neil Hernandez. The contact information for these
6 persons are unknown.

7 (c) The names of the persons with knowledge of the allegations set forth in the Cross-
8 Complaint are: Walter Day, Jourdan Adler; Pete Bouvier (deceased); Robert Childs, Guinness
9 World Records Limited; Seth Gordon; Ed Cunningham; Todd Rogers; Kimberly Mahoney; Brian
10 Kuh; Robert Mruzcek; Isaiah Triforce Johnson; Carlos Pineiro; Steven Kleisath; Catherine
11 Despira; Richie Knucklez; Hank Chien; Sheila Kinery; Joe Tortorella; Matt Furgal; Patrick Scott
12 Patterson; Dwayne Richard; Wes Copeland; Robbie Lakeman; Joel West (deceased); Tim
13 Sczerby; Chris Ayra; Joshua Bearman; and Neil Hernandez. The contact information for these
14 persons are unknown.

15 (d) Responding Party.

16 **FORM INTERROGATORY NO. 12.2:**

17 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** interviewed any individual
18 concerning the **INCIDENT**? If so, for each individual state:

- 19 (a) the name, **ADDRESS**, and telephone number of the individual interviewed;
20 (b) the date of the interview; and
21 (c) the name, **ADDRESS** and telephone number of the **PERSON** who conducted the
22 interview.

23 **RESPONSE TO FORM INTERROGATORY NO. 12.2:**

24 No.

25 **FORM INTERROGATORY NO. 12.3:**

26 Have **YOU OR ANYONE ACTING ON YOUR BEHALF** obtained a written or
27 recorded statement from any individual concerning the **INCIDENT**? If so, for each statement
28 state:

1 (a) the name, **ADDRESS**, and telephone number of the individual from whom the
2 statement was obtained;

3 (b) the name, **ADDRESS**, and telephone number of the individual who obtained the
4 statement;

5 (c) the date the statement was obtained; and

6 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the
7 original statement or a copy.

8 **RESPONSE TO FORM INTERROGATORY NO. 12.3:**

9 No.

10 **FORM INTERROGATORY NO. 12.4:**

11 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any photographs,
12 films, or videotapes depicting any place, object, or individual concerning the **INCIDENT** or
13 plaintiff's injuries? If so, state:

14 (a) the number of photographs or feet of film or videotape;

15 (b) the places, objects, or persons photographed, filmed, or videotaped;

16 (c) the date the photographs, films, or videotapes were taken;

17 (d) the name, **ADDRESS**, and telephone number of the individual taking the
18 photographs, films, or videotapes; and

19 (e) the name, **ADDRESS** and telephone number of each **PERSON** who has the
20 original or a copy of the photographs, films, or videotapes.

21 **RESPONSE TO FORM INTERROGATORY NO. 12.4:**

22 No.

23 **FORM INTERROGATORY NO. 12.5:**

24 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** know of any diagram,
25 reproduction, or model of any place or thing (except for items developed by expert witnesses
26 covered by Code of Civil Procedure section 2034.210-2034.310) concerning the **INCIDENT**? If
27 so, for each item state:

28 (a) the type (i.e., diagram, reproduction, or model);

1 (b) the subject matter; and

2 (c) the name, ADDRESS, and telephone number of each PERSON who has it.

3 **RESPONSE TO FORM INTERROGATORY NO. 12.5:**

4 No.

5 **FORM INTERROGATORY NO. 12.6:**

6 Was a report made by any PERSON concerning the INCIDENT? If so, state:

7 (a) the name, title, identification number, and employer of the PERSON who made the
8 report;

9 (b) the date and type of report made;

10 (c) the name, ADDRESS, and telephone number of the PERSON for whom the report
11 was made; and

12 (d) the name, ADDRESS, and telephone number of each PERSON who has the
13 original or a copy of the report.

14 **RESPONSE TO FORM INTERROGATORY NO. 12.6:**

15 No.

16 **FORM INTERROGATORY NO. 12.7:**

17 Have YOU OR ANYONE ACTING ON YOUR BEHALF inspected the scene of the
18 INCIDENT? If so, for each inspection state:

19 (a) the name, ADDRESS, and telephone number of the individual making the
20 inspection (except for expert witnesses covered by Code of Civil Procedure section 2034.210-
21 2034.310); and

22 (b) the date of the inspection.

23 **RESPONSE TO FORM INTERROGATORY NO. 12.7:**

24 No.

25 **FORM INTERROGATORY NO. 13.1:**

26 Have YOU OR ANYONE ACTING ON YOUR BEHALF conducted surveillance of
27 any individual involved in the INCIDENT or any party to this action? If so, for each surveillance,
28 state:

- 1 (a) the name, **ADDRESS**, and telephone number of the individual or party;
2 (b) the time, date, and place of the surveillance;
3 (c) the name, **ADDRESS**, and telephone number of the individual who conducted the
4 surveillance; and
5 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the
6 original or a copy of any surveillance photograph, film, or videotape.

7 **RESPONSE TO FORM INTERROGATORY NO. 13.1:**

8 No.

9 **FORM INTERROGATORY NO. 13.2:**

10 Has a written report been prepared on the surveillance? If so, for each written report state:

- 11 (a) the title;
12 (b) the date;
13 (c) the name, **ADDRESS**, and telephone number of the individual who prepared the
14 report; and
15 (d) the name, **ADDRESS**, and telephone number of each **PERSON** who has the
16 original or a copy.

17 **RESPONSE TO FORM INTERROGATORY NO. 13.2:**

18 No.

19 **FORM INTERROGATORY NO. 14.1:**

20 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** contend that any **PERSON**
21 involved in the **INCIDENT** violated any statute, ordinance, or regulation and that the violation
22 was a legal (proximate) cause of the **INCIDENT**? If so, identify the name, **ADDRESS**, and
23 telephone number of each **PERSON** and the statute, ordinance, or regulation that was violated.

24 **RESPONSE TO FORM INTERROGATORY NO. 14.1:**

25 No.

26 **FORM INTERROGATORY NO. 15.1:**

27 Identify each denial of a material allegation and each special or affirmative defense in your
28 pleadings and for each:

- 1 (a) state all facts upon which you base the denial or special or affirmative defense;
- 2 (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
- 3 knowledge of those facts; and
- 4 (c) identify all **DOCUMENTS** and other tangible things that support your denial or
- 5 special or affirmative defense, and state the name, **ADDRESS**, and telephone number of the
- 6 **PERSON** who has each **DOCUMENT**.

7 **RESPONSE TO FORM INTERROGATORY NO. 15.1:**

8 **(Failure to State a Claim)**

- 9 (a) The alter ego allegations providing the basis for Twin Galaxies LLC's Cross-
- 10 Complaint are untrue. Particularly the allegations that funds earned by Twin
- 11 Galaxies were distributed to Responding Party and Walter Day without regard to
- 12 debt payments to the corporation's creditors; that both Responding Party and
- 13 Walter Day failed to segregate their personal funds from the funds of the
- 14 corporation; and that Responding Party and Walter Day failed to obtain authority to
- 15 issue stock. Further untrue are the allegations that Responding Party treated the
- 16 scoreboard to fraudulently misrepresent his scores.
- 17 (b) Responding Party and Walter Day who may be contacted through their respective
- 18 counsels.
- 19 (c) Corporate documents produced by Responding Party in response to Twin Galaxies
- 20 LLC's Request for Production of Documents, Set One.

21 **(All Obligations Performed)**

- 22 (a) Responding Party is not in breach of the Purchase Agreement identified in the
- 23 Cross-Complaint because it performed all obligations required by the Purchase
- 24 Agreement.
- 25 (b) Responding Party and Walter Day who may be contacted through their respective
- 26 counsels.
- 27 (c) The Purchase Agreement.
- 28

1 **(Adequate Remedy at Law)**

2 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
3 are continuing.

4 **(Attorneys' Fees Barred)**

5 (a) The Cross-Complaint fails to identify any statute or contractual provision by which
6 allows Cross-Complaint to claim as damages attorneys' fees in this matter, and
7 therefore, they should be barred.

8 (b) Purchase Agreement and Cross-Complaint.

9 (c) Responding Party, Propounding Party.

10 **(Authorization)**

11 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
12 are continuing.

13 **(Breach of Contract)**

14 (a) Responding Party is not in breach of the Purchase Agreement identified in the
15 Cross-Complaint because it performed all obligations required by the Purchase
16 Agreement. Moreover, any performance alleged to not have been performed were
17 excused due to Cross-Complainant's breach of contract.

18 (b) Responding Party and Walter Day who may be contacted through their respective
19 counsels.

20 (c) The Purchase Agreement.

21 **(Business Judgment)**

22 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
23 are continuing.

24 **(Comparative Fault)**

25 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
26 are continuing.

27 ///

28 ///

1 **(Compliance with the Law)**

2 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
3 are continuing.

4 **(Consent)**

5 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
6 are continuing.

7 **(Estoppel)**

8 (a) Responding Party asserts that nearly all causes of action are barred on the basis of
9 prior contradicting representations made to Responding Party prior to filing of the
10 Cross-Complaint.

11 (b) Responding Party, Jace Hall.

12 (c) E-mails exchanged between Responding Party and Jace Hall.

13 **(Extra-Contractual Damages Barred)**

14 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
15 are continuing.

16 **(Failure to Serve Notice)**

17 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
18 are continuing.

19 **(Fraud)**

20 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
21 are continuing.

22 **(Justification/Excuse)**

23 (a) Responding Party is not in breach of the Purchase Agreement identified in the
24 Cross-Complaint because it performed all obligations required by the Purchase
25 Agreement. Moreover, any performance alleged to not have been performed were
26 excused due to Cross-Complainant's breach of contract.

27 (b) Responding Party and Walter Day who may be contacted through their respective
28 counsels.

1 (c) The Purchase Agreement.

2 **(Laches)**

3 (a) The crux of the Cross-Complaint rests on a transaction that occurred years ago, and
4 its claims were not asserted until Responding Party filed his Complaint against
5 Cross-Complainant. The delay in the filing of the Cross-Complaint is unreasonable.

6 (b) Responding Party and Propounding Party

7 (c) The Purchase Agreement and Cross-Complaint.

8 **(Lack of Deception)**

9 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
10 are continuing.

11 **(Lack of Standing)**

12 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
13 are continuing.

14 **(No Injury or Damage)**

15 (a) Other than conclusory allegations provided for in the Cross-Complaint, Cross-
16 Complainant has not shown any non de minimis injury or damages.

17 (b) Responding Party, Propounding Party, Water Day.

18 (c) Propounding Party's discovery responses and Cross-Complaint.

19 **(No Malicious Intent)**

20 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
21 are continuing.

22 **(Prior Material Breach)**

23 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
24 are continuing.

25 **(Punitive Damages Barred)**

26 (a) Responding Party did not make any misrepresentations to Propounding Party in the
27 sale of Twin Galaxies in 2013. Accordingly, no punitive damages are warranted.

28 (b) Responding Party and Propounding Party.

1 (c) Purchase Agreement and documents produced by Responding Party in response to
2 Twin Galaxies LLC's Request for Production of Documents, Set One.

3 **(Ratification)**

4 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
5 are continuing.

6 **(Statute of Limitations)**

7 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
8 are continuing.

9 **(Unclean Hands)**

10 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
11 are continuing.

12 **(Waiver and Estoppel)**

13 (a) Responding Party asserts that nearly all causes of action are barred on the basis of
14 prior contradicting representations made to Responding Party prior to filing of the
15 Cross-Complaint.

16 (b) Responding Party, Jace Hall.

17 (c) E-mails exchanged between Responding Party and Jace Hall.

18 **(Waiver)**

19 (a) Responding Party is unaware of any facts at this time. Investigation and discovery
20 are continuing.

21 **FORM INTERROGATORY NO. 16.1:**

22 Do you contend that any **PERSON**, other than you or plaintiff, contributed to the
23 occurrence of the **INCIDENT** or the injuries or damages claimed by plaintiff? If so, for each

24 **PERSON:**

25 (a) state the name, **ADDRESS**, and telephone number of the **PERSON**;

26 (b) state all facts upon which you base your contention;

27 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
28 knowledge of the facts; and

1 (d) identify all **DOCUMENTS** and other tangible things that support your contention
2 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each
3 **DOCUMENT** or thing.

4 **RESPONSE TO FORM INTERROGATORY NO. 16.1:**

5 No.

6 **FORM INTERROGATORY NO. 16.2:**

7 Do you contend that plaintiff was not injured in the **INCIDENT**? If so:

8 (a) state all facts upon which you base your contention;

9 (b) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
10 knowledge of the facts; and

11 (c) identify all **DOCUMENTS** and other tangible things that support your contention
12 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each
13 **DOCUMENT** or thing.

14 **RESPONSE TO FORM INTERROGATORY NO. 16.2:**

15 Yes.

16 (e) The alleged events supporting each alleged cause of action never occurred.

17 (f) The names of the persons with knowledge of the allegations set forth in the Cross-
18 Complaint are: Walter Day, Jourdan Adler; Pete Bouvier (deceased); Robert Childs, Guinness
19 World Records Limited; Seth Gordon; Ed Cunningham; Todd Rogers; Kimberly Mahoney; Brian
20 Kuh; Robert Mruzcek; Isaiah Triforce Johnson; Carlos Pineiro; Steven Kleisath; Catherine
21 Despira; Richie Knucklez; Hank Chien; Sheila Kinery; Joe Tortorella; Matt Furgal; Patrick Scott
22 Patterson; Dwayne Richard; Wes Copeland; Robbie Lakeman; Joel West (deceased); Tim
23 Sczerby; Chris Ayra; Joshua Bearman; and Neil Hernandez. The contact information for these
24 persons are unknown.

25 (g) The documents supporting Responding Party's contention that the Cross-
26 Complainant was not injured will be produced in response to Propounding Party's First Demand
27 for Production Request concurrently served, are already in possession of the Cross-Complainant,
28 or are a matter of public record.

1 **FORM INTERROGATORY NO. 16.3:**

2 Do you contend that the injuries or the extent of the injuries claimed by plaintiff as
3 disclosed in discovery proceedings thus far in this case were not caused by the **INCIDENT**? If so,
4 for each injury:

- 5 (a) identify it;
- 6 (b) state all facts upon which you base your contention;
- 7 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
8 knowledge of the facts; and
- 9 (d) identify all **DOCUMENTS** and other tangible things that support your contention
10 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each
11 **DOCUMENT** or thing.

12 **RESPONSE TO FORM INTERROGATORY NO. 16.3:**

13 Yes; Responding Party contends that the “INCIDENT” alleged in the Cross-Complaint
14 never occurred.

15 **FORM INTERROGATORY NO. 16.6:**

16 Do you contend that any part of the loss of earnings or income claimed by plaintiff in
17 discovery proceedings thus far in this case was unreasonable or was not caused by the
18 **INCIDENT**? If so:

- 19 (a) identify each part of the loss;
- 20 (b) state all facts upon which you base your contention;
- 21 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
22 knowledge of the facts; and
- 23 (d) identify all **DOCUMENTS** and other tangible things that support your contention
24 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each
25 **DOCUMENT** or thing.

26 **RESPONSE TO FORM INTERROGATORY NO. 16.6:**

27 Yes; Responding Party contends that the “INCIDENT” alleged in the Cross-Complaint
28 never occurred.

1 **FORM INTERROGATORY NO. 16.7:**

2 Do you contend that any of the property damage claimed by plaintiff in discovery
3 proceedings thus far in this case was not caused by the **INCIDENT**? If so:

- 4 (a) identify each item of property damage;
- 5 (b) state all facts upon which you base your contention;
- 6 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
7 knowledge of the facts; and
- 8 (d) identify all **DOCUMENTS** and other tangible things that support your contention
9 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each
10 **DOCUMENT** or thing.

11 **RESPONSE TO FORM INTERROGATORY NO. 16.7:**

12 Yes; Responding Party contends that the “INCIDENT” alleged in the Cross-Complaint
13 never occurred.

14 **FORM INTERROGATORY NO. 16.8:**

15 Do you contend that any of the costs of repairing the property damage claimed by plaintiff
16 in discovery proceedings thus far in this case were unreasonable? If so:

- 17 (a) identify each cost item;
- 18 (b) state all facts upon which you base your contention;
- 19 (c) state the names, **ADDRESSES**, and telephone numbers of all **PERSONS** who have
20 knowledge of the facts; and
- 21 (d) identify all **DOCUMENTS** and other tangible things that support your contention
22 and state the name, **ADDRESS**, and telephone number of the **PERSON** who has each
23 **DOCUMENT** or thing.

24 **RESPONSE TO FORM INTERROGATORY NO. 16.8:**

25 Yes; Responding Party contends that the “INCIDENT” alleged in the Cross-Complaint
26 never occurred.

27 **FORM INTERROGATORY NO. 16.9:**

28 Do **YOU OR ANYONE ACTING ON YOUR BEHALF** have any **DOCUMENT** (for

1 example, insurance bureau index reports) concerning claims for personal injuries made before or
2 after the **INCIDENT** by a plaintiff in this case? If so, for each plaintiff state:

- 3 (a) the source of each **DOCUMENT**;
- 4 (b) the date each claim arose;
- 5 (c) the nature of each claim; and
- 6 (d) the name, **ADDRESS**, and telephone number of the **PERSON** who has each
7 **DOCUMENT**.

8 **RESPONSE TO FORM INTERROGATORY NO. 16.9:**

9 No.

10 **FORM INTERROGATORY NO. 50.1:**

11 For each agreement alleged in the pleadings:

- 12 (a) identify each **DOCUMENT** that is part of the agreement and for each state the
13 name, **ADDRESS**, and telephone number of each **PERSON** who has the **DOCUMENT**;
- 14 (b) state each part of the agreement not in writing, the name, **ADDRESS**, and
15 telephone number of each **PERSON** agreeing to that provision, and the date that part of the
16 agreement was made;
- 17 (c) identify all **DOCUMENTS** that evidence any part of the agreement not in writing
18 and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the
19 **DOCUMENT**;
- 20 (d) identify all **DOCUMENTS** that are part of any modification to the agreement, and
21 for each state the name, **ADDRESS**, and telephone number of each **PERSON** who has the
22 **DOCUMENT**;
- 23 (e) state each modification not in writing, the date, and the name, **ADDRESS** and
24 telephone number of each **PERSON** agreeing to the modification, and the date the modification
25 was made;
- 26 (f) identify all **DOCUMENTS** that evidence any modification of the agreement not in
27 writing and for each state the name, **ADDRESS**, and telephone number of each **PERSON** who
28 has the **DOCUMENT**.

1 **RESPONSE TO FORM INTERROGATORY NO. 50.1:**

2 Responding Party objects to the phrase “agreement alleged in the pleadings” as it is vague,
3 ambiguous, and overbroad. Responding Party also objects on the grounds that the Interrogatory
4 assumes facts.

5 Subject to and without waiving the foregoing objections, Responding Party responds:
6 Responding Party is not aware of any agreements between himself and Propounding Party.

7 **FORM INTERROGATORY NO. 50.2:**

8 Was there a breach of any agreement alleged in the pleadings? If so, for each breach
9 describe and give the date of every act or omission that you claim is the breach of the agreement.

10 **RESPONSE TO FORM INTERROGATORY NO. 50.2:**

11 Responding Party objects to the phrase “agreement alleged in the pleadings” as it is vague,
12 ambiguous, and overbroad. Responding Party also objects on the grounds that the Interrogatory
13 assumes facts.

14 Subject to and without waiving the foregoing objections, Responding Party responds:
15 Responding Party is not aware of any agreements between himself and Propounding Party.

16 **FORM INTERROGATORY NO. 50.3:**

17 Was performance of any agreement alleged in the pleadings excused? If so, identify each
18 agreement excused and state why performance was excused.

19 **RESPONSE TO FORM INTERROGATORY NO. 50.3:**

20 Responding Party objects to the phrase “agreement alleged in the pleadings” as it is vague,
21 ambiguous, and overbroad. Responding Party also objects on the grounds that the Interrogatory
22 assumes facts.

23 Subject to and without waiving the foregoing objections, Responding Party responds:
24 Responding Party is not aware of any agreements between himself and Propounding Party.

25 **FORM INTERROGATORY NO. 50.4:**

26 Was any agreement alleged in the pleadings terminated by mutual agreement, release,
27 accord and satisfaction, or novation? If so, identify each agreement terminated, the date of
28 termination, and the basis of the termination.

1 **RESPONSE TO FORM INTERROGATORY NO. 50.4:**

2 Responding Party objects to the phrase “agreement alleged in the pleadings” as it is vague,
3 ambiguous, and overbroad. Responding Party also objects on the grounds that the Interrogatory
4 assumes facts.

5 Subject to and without waiving the foregoing objections, Responding Party responds:
6 Responding Party is not aware of any agreements between himself and Propounding Party.

7 **FORM INTERROGATORY NO. 50.5:**

8 Is any agreement alleged in the pleadings unenforceable? If so, identify each unenforceable
9 agreement and state why it is unenforceable.

10 **RESPONSE TO FORM INTERROGATORY NO. 50.5:**

11 Responding Party objects to the phrase “agreement alleged in the pleadings” as it is vague,
12 ambiguous, and overbroad. Responding Party also objects on the grounds that the Interrogatory
13 assumes facts.

14 Subject to and without waiving the foregoing objections, Responding Party responds:
15 Responding Party is not aware of any agreements between himself and Propounding Party.

16 **FORM INTERROGATORY NO. 50.6:**

17 Is any agreement alleged in the pleadings ambiguous? If so, identify each ambiguous
18 agreement and state why it is ambiguous.

19 **RESPONSE TO FORM INTERROGATORY NO. 50.6:**

20 Responding Party objects to the phrase “agreement alleged in the pleadings” as it is vague,
21 ambiguous, and overbroad. Responding Party also objects on the grounds that the Interrogatory
22 assumes facts.

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Subject to and without waiving the foregoing objections, Responding Party responds:
Responding Party is not aware of any agreements between himself and Propounding Party.

DATED: August 24, 2022

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

By: 

Anthony J. Ellrod
Linna T. Loangkote
Attorneys for Plaintiff WILLIAM JAMES
MITCHELL

MANNING & KASS
ELLROD, RAMIREZ, TRESTER LLP
ATTORNEYS AT LAW

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing **PLAINTIFF WILLIAM JAMES MITCHELL'S RESPONSE TO SECOND SET OF FORM INTERROGATORIES PROPOUNDED BY DEFENDANT TWIN GALAXIES, LLC** and know its contents.

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

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

Executed on August 23, 2022, at Hollywood, Florida.

WILLIAM JAMES MITCHELL
Print Name of Signatory

William J. Mitchell
Signature

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 August 24, 2022, I served true copies of the following document(s) described as **PLAINTIFF WILLIAM JAMES MITCHELL'S RESPONSE TO SECOND SET OF FORM INTERROGATORIES PROPOUNDED BY DEFENDANT TWIN GALAXIES, LLC** 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: david@tashlawgroup.com Email: mona@tashlawgroup.com	Attorney for Defendants Twin Galaxies
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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 shc@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 August 24, 2022, at Los Angeles, California.



Steve Chang