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Electronically FILED by
Superior Court of California,
County of Los Angeles
11/01/2023 12:56 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By K. Hung, Deputy Clerk

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

13 WILLIAM JAMES MITCHELL,

14 Plaintiff,

15 v.

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

17 Defendants.

Case No. 19STCV12592

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

**SEPARATE STATEMENT ISO MOTION
FOR ISSUE SANCTIONS AGAINST
PLAINTIFF WILLIAM JAMES
MITCHELL**

18 AND RELATED CROSS-ACTION

[Filed concurrently with: (1) Declaration of
David A. Tashroudian; and (2) Motion for
Sanctions]

Hearing

Date: November 28, 2023

Time: 8:30 a.m.

Place: Department 36

Reservation ID: 858911525963

Action Filed: 4/11/2019

1 **SEPARATE STATEMENT**

2 Defendant and cross-complaint Twin Galaxies, LLC (“Twin Galaxies”) hereby submits
3 this Separate Statement pursuant to Rule 3.1345 of the California Rules of Court in connection
4 with its Motion for Issue Sanctions in connection with plaintiff William James Mitchell’s failure
5 to obey this Court’s order ordering production of documents responsive to Demand No. 59 of its
6 Demand for Inspection, Set One.

7 **I. Text of Inspection Demand at Issue**

8 Demand for Inspection No. 59: Produce for inspection all non-privileged bank account
9 statements for Rickey’s Hot Sauce for every year from January 1, 2015 through the present.

10 **II. Text of Response to Inspection Demand at Issue**

11 Response to Demand for Inspection No. 59: Responding Party objects to this Request on
12 the grounds that it is overbroad, burdensome, oppressive and harassing. Responding Party also
13 objects on the grounds that the Request is overbroad as to time. Responding Party objects to this
14 Request on the grounds that it fails to identify the requested documents with sufficient
15 particularity. Responding Party further objects to this Request to the extent that it seeks documents
16 already in the possession of Responding Party and/or equally, if not more available to them. The
17 Request improperly seeks information protected by Responding Party’s constitutional right of
18 privacy. Cal. Const. Art. I, § 1; *Valley Bank of Nevada v. Superior Court* (1975) 15 Cal. 3d 652,
19 656.

20 **III. Statement of Reasons Compelling Issue Sanctions & Second Deposition Session**

21 Defendant filed its motion to force Plaintiff to comply with its Demand for Inspection No.
22 59 on November 7, 2022. The motion was heard and granted on December 6, 2022. Plaintiff
23 produced some but not all of the bank statements for Rickey’s Hot Sauce on January 5, 2023
24 pursuant to this Court’s order.

25 One of the bank statements that Plaintiff produced on January 5, 2023 was a nine page
26 account statement of a Wells Fargo Business Choice Checking account for the period of March 1,
27 2018 through March 31, 2018 which was identified by Bates stamp numbers MITCHELL 007066-
28 007074 (the “First March 2018 Bank Statement”). Later, on October 18, 2023, Plaintiff produced

1 a two page account statement for Rickey’s World Famous Hot Sauce from a Wells Fargo Business
2 Choice Checking account for the period of March 1, 2018 through March 31, 2018 and marked
3 the document with Bates stamp numbers MITCHELL 007859-007860 (the “Second March 2018
4 Bank Statement”). The Second March 2018 Bank Statement was not produced on January 5, 2023
5 pursuant to the Court’s December 6, 2022 order.

6 The Second March 2018 Bank Statement contradicts Plaintiff’s deposition testimony that
7 he did not receive any of the funds from the sale of Twin Galaxies’ assets by Walter Day to
8 Defendant’s predecessor in interest. Plaintiff willfully failed to produce the Second March 2018
9 Bank Statement to prevent Defendant from uncovering his lie at deposition and confronting him
10 with documentary proof of the payment. An issue sanction ordering the fact that Plaintiff did
11 receive sales funds – \$33,000 as testified to by Walter Day – is appropriate under the circumstances
12 to remedy the harm inflicted on Defendant. And the harm is real. Defendant did not have a fair
13 opportunity to examine Plaintiff at deposition on the issue of payment of the sales proceeds since
14 it did not have the bank statement in hand because of the willful failure to obey the Court’s order.

15 Moreover, an order compelling Plaintiff to produce the all bank statements without
16 redaction is appropriate so Defendant can determine what account the Second March 2018 Bank
17 Statement is from and whether Plaintiff has withheld other responsive documents from that same
18 account which are vital to Defendant proving its *alter-ego* allegations.

19 Finally, an order requiring Plaintiff to sit for a second session of his deposition is just and
20 supported by good cause because Defendant was robbed of the opportunity to question Plaintiff
21 about the Second March 2018 Bank Statement by his willful disobedience of the Court’s order to
22 produce the document by January 5, 2023 – 4 days prior to his January 9, 2023 deposition.

23 Respectfully submitted,

24 Dated: November 1, 2023

TASHROUDIAN LAW GROUP, APC

26 By: /s/ David Tashroudian, Esq.

David Tashroudian, Esq.

27 Mona Tashroudian, Esq.

28 Attorneys for Twin Galaxies, LLC

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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., Suite 300, Studio City, California 91604. On November 1, 2023, I served the herein described document(s):

**SEPARATE STATEMENT ISO MOTION FOR ISSUE SANCTIONS AGAINST
PLAINTIFF WILLIAM JAMES MITCHELL**

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 tony.ellrod@manningkass.com & rcw@robertwcohenlaw.com pursuant to an agreement of the parties in lieu of personal service.

Anthony J. Ellrod tony.ellrod@manningkass.com
Kristina Ross Kristina.Ross@manningkass.com
MANNING & KASS
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WALTER DAY

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 November 1, 2023 at Woodland Hills, California.



Mona Tashroudian