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

11 Attorneys for Plaintiff, WILLIAM JAMES MITCHELL

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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

Case No. 19STCV12592
[Hon. Hon. Wendy Chang, Department 36]

**PLAINTIFF’S EVIDENTIARY
OBJECTIONS TO DEFENDANT’S
MOTION FOR SANCTIONS**

[Filed concurrently with Plaintiff’s Opposition
to Defendant’s Motion for Sanctions and
Declaration of Kristina Ross ISO Plaintiff’s
Opposition to Defendant’s Motion for
Sanctions]

Date: January 11, 2024
Time: 8:30 a.m.
Dept.: 36

Reservation No.: 568771917469

Action Filed: 04/11/2019
Trial Date: 04/26/2024

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23 TWIN GALAXIES, LLC,
24 Cross-Complainant,
25 v.
26 WILLIAM JAMES MITCHELL; WALTER
27 DAY; Roes 1-25,
28 Cross-Defendants.

1 TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Plaintiff WILLIAM JAMES MITCHELL (“Plaintiff”) hereby submits these Objections to
3 Evidence filed in support of Defendant’s Motion for Sanctions.

4 **Compendium of Evidence**

5 1. **Exhibit 3, Pages 12, 11-19; 14:21-15:6; 16:11-17:14; 21:21-22:9**

6 Grounds for Objection: Misstates Testimony; Document Speaks for Itself; Hearsay, Evid.
7 Code §§ 1200(a), 1200(b).

8 Response to Objection:

9
10 **Ruling:** Sustained _____ Overruled _____

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12 2. **Exhibit 23**

13 Grounds for Objection: Assumes Facts Not in Evidence; Lacks Foundation, Evid. Code §§
14 702(a), 1400(a) and 1401(a); Lacks Certification, CCP §2015.5; Lacks Personal Knowledge, Evid.
15 Code § 800(b).

16 Response to Objection:

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18 **Ruling:** Sustained _____ Overruled _____

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20 **Declaration of David A. Tashroudian**

21 3. **Paragraph 14, 7:15-25**

22 Grounds for Objection: Misstates Testimony; Document Speaks for Itself; Hearsay, Evid.
23 Code §§ 1200(a), 1200(b).

24 Response to Objection:

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26 **Ruling:** Sustained _____ Overruled _____

27 4. **Paragraph 17**

28 Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a);

1 Hearsay, Evid. Code §§ 1200(a), 1200(b).

2 Response to Objection:

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4 **Ruling:** Sustained _____ Overruled _____

5 5. **Paragraph 21**

6 Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a);

7 Hearsay, Evid. Code §§ 1200(a), 1200(b).

8 Response to Objection:

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10 **Ruling:** Sustained _____ Overruled _____

11 6. **Paragraph 51**

12 Grounds for Objection: Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a);

13 Hearsay, Evid. Code §§ 1200(a), 1200(b).

14 Response to Objection:

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16 **Ruling:** Sustained _____ Overruled _____

17 7. **Paragraph 52, 20:27-21:4**

18 Grounds for Objection: Misstates Discovery Responses as Plaintiff produced the
19 photographs provided by Mr. Bishop in conjunction with the declaration.

20 Response to Objection:

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22 **Ruling:** Sustained _____ Overruled _____

23 8. **Paragraph 52, 21:4-6**

24 Grounds for Objection: Relevance; Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and
25 1401(a).

26 Response to Objection:

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28 **Ruling:** Sustained _____ Overruled _____

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9. **Paragraph 53, particularly 21:13-14**

Grounds for Objection: Lacks Personal Knowledge, Evid. Code § 800(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Hearsay, Evid. Code §§ 1200(a), 1200(b).

Response to Objection:

Ruling: Sustained _____ Overruled _____

DECLARATION OF ELIZABETH HUNTER

10. **Paragraph 5**

Grounds for Objection: Assumes Fact Not in Evidence; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

Response to Objection:

Ruling: Sustained _____ Overruled _____

11. **Paragraph 6**

Grounds for Objection: Assumes Fact Not in Evidence; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

Response to Objection:

Ruling: Sustained _____ Overruled _____

12. **Paragraph 7**

Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410,

1 Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts,
2 not conclusions).

3 Response to Objection:

4
5 **Ruling:** Sustained _____ Overruled _____

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7 13. **Paragraph 8**

8 Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Lacks Foundation, Evid.
9 Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410,
10 Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts,
11 not conclusions).

12 Response to Objection:

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14 **Ruling:** Sustained _____ Overruled _____

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16 14. **Paragraph 9, particularly 3:14-19**

17 Grounds for Objection: Assumes Fact Not in Evidence; Hearsay, Evid. Code §§ 1200(a),
18 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and
19 Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238
20 (declaration must contain evidentiary facts, not conclusions).

21 Response to Objection:

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23 **Ruling:** Sustained _____ Overruled _____

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25 15. **Paragraph 10**

26 Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Hearsay, Evid. Code §§
27 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and
28 Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238

1 (declaration must contain evidentiary facts, not conclusions).

2 Response to Objection:

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4 **Ruling:** Sustained _____ Overruled _____

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6 16. **Paragraph 11, particularly 3:27-4:3**

7 Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Hearsay, Evid. Code §§
8 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and
9 Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238
10 (declaration must contain evidentiary facts, not conclusions).

11 Response to Objection:

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13 **Ruling:** Sustained _____ Overruled _____

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15 17. **Paragraph 12**

16 Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Hearsay, Evid. Code §§
17 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and
18 Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238
19 (declaration must contain evidentiary facts, not conclusions).

20 Response to Objection:

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22 **Ruling:** Sustained _____ Overruled _____

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24 18. **Paragraph 13, 4:20-26**

25 Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Hearsay, Evid. Code §§
26 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and
27 Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238
28 (declaration must contain evidentiary facts, not conclusions).

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Response to Objection:

Ruling: **Sustained** _____ **Overruled** _____

19. **Paragraph 14**

Grounds for Objection: Assumes Fact Not in Evidence; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

Response to Objection:

Ruling: **Sustained** _____ **Overruled** _____

20. **Paragraph 15**

Grounds for Objection: Assumes Fact Not in Evidence; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

Response to Objection:

Ruling: **Sustained** _____ **Overruled** _____

21. **Paragraph 16**

Grounds for Objection: Assumes Fact Not in Evidence; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

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Response to Objection:

Ruling: **Sustained** _____ **Overruled** _____

22. **Paragraph 17**

Grounds for Objection: Assumes Fact Not in Evidence; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

Response to Objection:

Ruling: **Sustained** _____ **Overruled** _____

23. **Paragraph 18**

Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

Response to Objection:

Ruling: **Sustained** _____ **Overruled** _____

24. **Paragraph 19**

Grounds for Objection: Assumes Fact Not in Evidence; Relevance; Hearsay, Evid. Code §§ 1200(a), 1200(b); Lacks Foundation, Evid. Code §§ 702(a), 1400(a) and 1401(a); Speculation and Conclusory, Evid. Code §§ 400, 403, 410, Ware v. Stafford (1962) 206 Cal.App.2d 232, 237-238 (declaration must contain evidentiary facts, not conclusions).

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Response to Objection:

Ruling: **Sustained** _____ **Overruled** _____

DATED: December 29, 2023

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

By: 

Anthony J. Ellrod
Kristina Ross
Attorneys for Plaintiff
WILLIAM JAMES MITCHELL

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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.

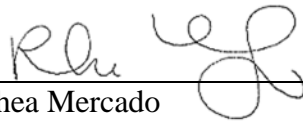
On December 29, 2023, I served true copies of the following document(s) described as **PLAINTIFF’S EVIDENTIARY OBJECTIONS TO DEFENDANT’S MOTION FOR SANCTIONS** on the interested parties in this action as follows:

<p>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</p> <p><i>Attorney for Defendants, TWIN GALAXIES</i></p>	<p>Robert W. Cohen, Esq. Law Offices of Robert W. Cohen 1901 Avenue of The Stars, Suite 1910 Los Angeles, CA 90067 Telephone: (310) 282-7586 Email: rpc@robertwcohenlaw.com</p> <p><i>Attorneys for Cross-Defendant, WALTER DAY</i></p>
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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address rhea.mercado@manningkass.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 December 29, 2023, at Los Angeles, California.



Rhea Mercado