•				
	1 2	Jessica G. Heppenstall, Esq. (Bar No. 259489) Emily M. Straub, Esq. (Bar No. 259141) TYSON & MENDES	FILE D	
	3	5661 La Jolla Boulevard La Jolla, CA 92037	DEC -6 2019	
N	4	Telephone: (858) 459-4400		
G	5	Attorneys for Defendant DAVID ARAMBULA	By: R. Cersosimo, Clerk	
ORIGINAL	6		-	
$\bigcirc$	7			
	8	SUPERIOR COURT OF T	HE STATE OF CALIFORNIA	
	9		EGO – HALL OF JUSTICE	
	10			
	10	CHRISTOPHER WILLIAMS,	Case No. 37-2018-00023369-CU-PO-CTL	
	12		[Complaint Filed: May 11, 2018]	
	12	Plaintiff,	Judge: Hon. Richard S. Whitney Dept: C-68	
	15 14	v.		
	14	DAVID ARAMBULA; CITY OF LEMON	DEFENDANTS' MOTION IN LIMINE TO PRECLUDE PLAINTIFF FROM	
		GROVE; and DOES 1 through 1,000,	INTRODUCING NEW DOCUMENTS RESPONSIVE TO DOCUMENT REQUESTS	
•	16 17	Defendants.	IN HIS DEPOSITION NOTICE; DECLARATION OF EMILY M. STRAUB	
	18		[MIL No. 20 of 22]	
	19 20		Trial Date: December 13, 2019	
	20			
	21	TO THE COURT, ALL PARTIES, AND TH		
	22	PLEASE TAKE NOTICE that Defend	ant David Arambula hereby moves the Court, on	
	23	behalf of the defense, for an order precluding	Plaintiff Christopher Williams and his counsel of	
	24	record from introducing documents responsiv	ve to document requests accompanying plaintiff's	$\mathcal{C}$
	25 26	deposition, which plaintiff did not already pro	duce. More specifically, Mr. Arambula moves the	
	26	Court from precluding plaintiff and his counsel	of record from introducing new documents which:	<u>い</u>
	27	(a) evidence and/or depict the amounts of past ar	nd future lost earnings plaintiff seeks to recover with	
	28	111	.1	
			RECLUDE NEW DOCUMENTS RESPONSIVE TO	

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regard to his prospective marijuana dispensaries, and/or (b) otherwise support plaintiff's damage claims for past and future lost earnings from the prospective dispensaries.

This motion is based on the supporting memorandum of points and authorities, the declaration of Emily M. Straub, the pleadings and papers on file in this action, and upon such argument and evidence as may be presented prior to or at the hearing of this matter.

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I.

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### **INTRODUCTION**

7 It is anticipated plaintiff and his counsel will attempt to introduce new documents during
8 trial that are responsive to particular document requests accompanying plaintiff's deposition notice.
9 Such tactic violates the laws governing discovery, and would otherwise subject the defense to unfair
10 surprise and undue prejudice. Plaintiff should therefore be precluded from introducing additional
11 documents at trial.

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### II. <u>AUTHORITY FOR MOTION</u>

A motion *in limine* is the appropriate method "to preclude the presentation of evidence deemed inadmissible and prejudicial by the moving party." (*Blanks v. Seyfarth Shaw, LLP* (2009) 171 Cal.App.4th 336, 375.) The important purpose served by such motion is "to avoid the obviously futile attempt to "unring the bell" in the event a motion to strike is granted in the proceedings before the jury." (*Hyatt v. Sierra Boat Co.* (1978) 79 Cal.App.3d 325, 337.)

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### III. <u>THE DOCUMENT REQUESTS AT ISSUE</u>

19 Plaintiff did not produce any documents at his first volume of deposition in response to 20 document requests accompanying his deposition notice. (See Declaration of Emily M. Straub 21 ("Straub Decl.") at ¶4.) Mr. Arambula was forced to, and did, obtain a Court order requiring plaintiff 22 to produce documents. (Id. at ¶¶ 5-6; See Exhibit 1 to Straub Decl. – July 1, 2019 Notice of 23 Deposition of Plaintiff Christopher Williams (Volume II) at Exhibit A Minute Order.) Noteworthy 24 for purposes of the instant motion are those categories of documents which: (a) evidence and/or 25 depict the amounts of past and future lost earnings plaintiff seeks to recover with regard to his 26 prospective marijuana dispensaries, and/or (b) otherwise support plaintiff's damage claims for past 27 and future lost earnings from the prospective dispensaries. (Id. at Exhibit B, Document Request Nos. 28 2-5.) During plaintiff's second volume of deposition, and shortly thereafter, plaintiff produced

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documents responsive to the document requests in his original deposition notice. (*See* Straub Decl. at ¶¶ 8-9.) Plaintiff testified he produced documents responsive to all of the categories of document requests. (*See* Exhibit 2 to Straub Decl. – transcript excerpts from September 24, 2019 deposition of plaintiff, at 441:6-15, 442:1-4.)

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IV. THE COURT SHOULD PRECLUDE THE INTRODUCTION OF NEW DOCUMENTS AS A MATTER OF LAW

One of the central and most important purposes of discovery is to eliminate unfair surprise
at trial. (*Davies v. Superior Court* (1984) 36 Cal.3d 291, 299; *Greyhound Corp. v. Superior Court*(1961) 56 Cal.2d 355, 376.) As such, the Court has broad authority to exclude, and should exclude,
evidence wrongfully withheld from disclosure during the discovery process. (*Deeter v. Angus* (1986)
179 Cal.App.3d 241, 254-255; *Thoren v. Johnston* (1972) 29 Cal.App.3d 270, 273-274.)

Here, as discussed *supra*, plaintiff had not one, but two opportunities to produce documents responsive to the document requests accompanying his deposition notice. He was otherwise ordered to produce responsive documents by the Court. Plaintiff's production of documents at his second volume of deposition should therefore be binding on plaintiff. To allow otherwise would be in contravention of established law, and would improperly subject the defendants to unfair surprise and undue prejudice.

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V.

### CONCLUSION

For all of the foregoing reasons, Mr. Arambula respectfully requests the Court grant this motion and issue and order precluding plaintiff and his counsel from introducing new documents which: (a) evidence and/or depict the amounts of past and future lost earnings plaintiff seeks to recover with regard to his prospective marijuana dispensaries, and/or (b) otherwise support plaintiff's damage claims for past and future lost earnings from the prospective dispensaries.

Dated: December 5, 2019

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TYSON & MENDES By:

Jessica G. Heppenstall, Esq. Emily M. Straub, Esq. Attorneys for Defendant DAVID ARAMBULA

DEFENDANTS' MOTION IN LIMINE TO PRECLUDE NEW DOCUMENTS RESPONSIVE TO REQUESTS FOR PRODUCTION IN PLAINTIFF'S DEPOSITION NOTICE

1		DECLARATION OF EMILY M. STRAUB
2	I, Em	ily M. Straub, Esq., declare as follows:
3	1.	I am an attorney at law duly licensed to practice in all courts of the State of
4	California.	
5	2.	I am a counsel of record for Defendants David Arambula, and offer this declaration
6	in support of	the corresponding motion in limine.
7	3.	The following facts are based on my own personal knowledge, and if called upon,
8	I could and y	vould testify competently thereto.
9	4.	During the first volume of plaintiff's deposition, noticed by my office, plaintiff did
10	not produce	any documents responsive to the document requests accompanying his deposition
11	notice.	
12	5.	I prepared and caused to be filed, on behalf of Mr. Arambula, a motion to compel
13	plaintiff to a	nswer deposition questions and produce documents following his first volume of
14	deposition.	
15	6.	The Court issued an order granting Mr. Arambula's motion, which required

6. The Court issued an order granting Mr. Arambula's motion, which required
plaintiff to, among other things, produce documents responsive to the document requests
accompanying his deposition notice.

18 7. Thereafter, I prepared and caused to be served a notice of plaintiff's second volume
19 of deposition. A true and correct copy of this document is attached hereto as Exhibit 1.

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8. Approximately one hour prior to plaintiff's second volume of deposition, I received
electronic service of plaintiff's production of documents in response to the document requests
accompanying plaintiff's deposition notice.

9. Shortly after the second volume of plaintiff's deposition, and in resolution of a
further discovery dispute concerning plaintiff's non-production of documents, I received service
of a supplemental electronic production of documents responsive to the document requests
accompanying plaintiff's deposition notice.

27 10. Attached hereto as Exhibit 2 is a true and correct copy of transcript excerpts from
28 the second volume of plaintiff's deposition on September 24, 2019.

1	I declare under penalty of perjury under the laws of the State of California, that the
2	foregoing is true and correct and that this declaration was executed this 5 <sup>th</sup> day of December, 2019,
3	at La Jolla, California.
4	Sonth, Attan
5	Emily M. Straub
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	DEFENDANTS' MOTION IN LIMINE TO PRECLUDE NEW DOCUMENTS RESPONSIVE TO REQUESTS FOR PRODUCTION IN PLAINTIFF'S DEPOSITION NOTICE

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EXHIBIT 1

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# **EXHIBIT 1**

1	Susan L. Oliver, Esq. (Bar No. 160902) Emily M. Straub, Esq. (Bar No. 259141) TYSON & MENDES	
2 3	5661 La Jolla Boulevard La Jolla, CA 92037	
4	Telephone: (858) 459-4400 Attorneys for Defendant DAVID ARAMBULA	
. 5		
6		
7	SUPERIOR COURT OF TH	IE STATE OF CALIFORNIA
8	COUNTY OF SAN DIE	GO – HALL OF JUSTICE
9		
10	CHRISTOPHER WILLIAMS,	Case No. 37-2018-00023369-CU-PO-CTL [Complaint Filed: May 11, 2018]
11	Plaintiff,	NOTICE OF DEPOSITION OF
12	v.	) PLAINTIFF CHRISTOPHER ) WILLIAMS (VOLUME II)
13	v.	)
14	DAVID ARAMBULA; CITY OF LEMON GROVE; and DOES 1 through 1,000,	Date: September 24, 2019 Time: 9:00 a.m.
15	•	Location: Peterson Reporting 530 B Street, Suite 350
16	Defendants.	San Diego, CA 92101
17		Trial Date: December 13, 2019
18		
19		
20	PLEASE TAKE NOTICE that the secon	nd volume of deposition of Christopher Williams
21	will take place beginning at 9:00 a.m. on Septe	mber 24, 2019, at Peterson Reporting, located at
22	530 B Street, Suite 350, San Diego, CA 9210	1, in accordance with the Court's June 14, 2019
23	rulings on the defendants' discovery motions, a c	copy of which is attached hereto as Exhibit A. The
24	deposition will continue from day to day, Sa	aturdays, Sundays, and holidays excepted, until
25	completed.	
26	In accordance with Code Civil Procedu	re § 2025.220, please take notice the deposition
27	may be recorded by audio and/or video technolo	gy, in addition to being recorded by stenographic
28	method. Notice is further given, pursuant to Coa	le Civil Procedure §§ 2025.220 and 2025.620, that
	NOTICE OF DEPOSITION OF PLAINTIFF	CHRISTOPHER WILLIAMS (VOLUME II)

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EXHIBIT 4 Williams

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Mr. Arambula reserves all rights to use audio and/or video recordings of the deposition testimony
 at trial.

PLEASE TAKE FURTHER NOTICE that Mr. Williams is required to produce, at the time
of his deposition, pursuant to *Code of Civil Procedure* § 2025.280 and the Court's June 14, 2019
rulings on the defendants' discovery motions, the documents and material referenced in the
document requests accompanying Mr. Arambula's fourth amended notice of deposition of Mr.
Williams and request for production of documents. A copy of said deposition notice is attached
hereto as Exhibit B.

10 Dated: July \_\_\_\_, 2019

TYSON & MENDES LLP By: Susan L. Oliver

Emily M. Straub Attorneys for Defendant DAVID ARAMBULA

NOTICE OF DEPOSITION OF PLAINTIFF CHRISTOPHER WILLIAMS (VOLUME II)

EXHIBIT A

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### SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO CENTRAL

### MINUTE ORDER

### DATE: 06/14/2019

TIME: 10:30:00 AM

DEPT: C-68

JUDICIAL OFFICER PRESIDING: Richard S, Whitney CLERK: Richard Cersosimo REPORTER/ERM: Not Reported BAILIFF/COURT ATTENDANT: Henry Whatley

CASE NO: 37-2018-00023369-CU-PO-CTL CASE INIT.DATE: 05/11/2018 CASE TITLE: Christopher Williams vs David Arambula [IMAGED] CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

EVENT TYPE: Discovery Hearing

EVENT TYPE: Discovery Hearing

#### APPEARANCES

Nora Pasin, specially appearing for counsel Cory J Briggs, present for Plaintiff(s). Emily Straub, counsel, present for Defendant(s). Nathaniel Michais, specially appearing for counsel Kimberly S Oberrecht, present for De

Nathaniel Micheis, specially appearing for counsel Kimberly S Oberrecht, present for Defendant(s).

The Court hears argument on 1) Defendant City of Lemon Grove's motion for waiver of time limit for the deposition of Plaintiff, and 2) Defendant David Arambula's motion to compel Plaintiff Christopher Williams to answer deposition questions and produce documents, and to request relief from the seven-hour deposition rule.

The Court CONFIRMS and MODIFIES the tentative ruling as follows:

(1) Defendant CITY OF LEMON GROVE'S UNOPPOSED Motion for Waiver of Time Limit for the Deposition of Plaintiff is GRANTED.

Plaintiff agrees to submit to approximately three hours of question at a further deposition. The motion is granted.

(2) Defendant David Arambula's Motion to Compel Plaintiff Christopher Williams to Answer Deposition Questions and Produce Documents, and to Request Relief from the Seven-Hour Deposition Rule is GRANTED.

Plaintiff's counsel signed a stipulation proposed by Defendant Arambula, after crossing out paragraph

CASE TITLE: Christopher Williams vs David Arambula [IMAGED]

CASE NO: 37-2018-00023369-CU-PO-CTL

two as to waiving any and alleged damages related to the marijuana dispensary applications. The parties were and remain in agreement as to not calling Defendant Arambula's two daughters as witnesses at trial and not revealing their identities. Because Defendant Arambula took an all-of-nothing approach, there is no stipulation between the parties. Plaintiff has not presented any legally justifiable reason to withhold the identities of his daughters. Plaintiff is ordered to answer questions regarding his daughters, unless the parties submit a stipulation regarding this issue.

The Court may permit additional time beyond the seven-hour limit under CCP section 2025.290(a). The parties previously agreed Plaintiff would appear for a further deposition for up to two hours beyond the limit. The Court finds this to be reasonable. Plaintiff is ordered to appear for a further deposition for up to two hours beyond the seven-hour limit under CCP section 2025.290(a).

Plaintiff has not justified his failure to produce documents and his counsel's instructions to Plaintiff to not answer questions regarding his permit applications and business plans. That the Court discussed the issue in denying the motion for summary judgment is of no consequence. The motion for summary judgment does not determine any issue in the case. (*Schulze v. Schulze* (1953) 121 Cal.App.2d 75, 83.)

The issues in this motion could have been narrowed had the parties agreed to alter the stipulation. Defendant Arambula did not need to take an all-of-nothing approach. Plaintiff is partially justified as to the issue of his daughters because the parties agreed and continue to agree on the issue. However, Plaintiff has not demonstrated substantial justification as to producing documents or answering questions as to the permit applications and business plans. Defendant Arambula is awarded \$250 in sanctions against Plaintiff and his counsel, jointly. The Court orders sanctions to paid within 30 days.

DATE: 06/14/2019 DEPT: C-68

### MINUTE ORDER

## **EXHIBIT B**

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1	Susan L. Oliver; Esq. (Bar No. 160902) Emily M. Straub, Esq. (Bar No. 259141)	
2	TYSON & MENDES 5661 La Jolla Boulevard	·
3	La Jolla, CA 92037 Telephone: (858) 459-4400	
4	Attomeys for Defendant DAVID ARAMBULA	
5	Automotis for Detenual DAVID ANAMOULA	
6		
7	יידי אס דיפוזסט פרועשפונא	E STATE OF CALIFORNIA
8	•	•'
9	COUNTY OF SAN DIE	30 – HALL OF JUSTICE
10	CHRISTOPHER WILLIAMS,	Case No. 37-2018-00023369-CU-PO-CTL
11		[Complaint Filed: May 11, 2018]
12	Plaintiff,	FOURTH AMENDED NOTICE OF         DEPOSITION OF PLAINTIFF         OUPDENDED NOTICE AND
13	V	CHRISTOPHER WILLIAMS AND REQUEST FOR PRODUCTION OF
14	DAVID ARAMBULA; CITY OF LEMON	DOCUMENTS
15	GROVE; and DOES 1 through 1,000,	Date: January 8, 2019
16	Defendants.	Time: 9:00 a.m. Location: Peterson Reporting
17		530 B Street, Suite 350 San Diego, CA 92101
· 18		Trial Date: Not Set
19		
20	PLEASE TAKE NOTICE that Defenda	nt David Arambula will take the deposition of
21	Plaintiff Christopher Williams, beginning at 9:00	) a.m. on January 8, 2019, at Peterson Reporting,
22	located at 530 B Street, Suite 350, San Diego, CA 92101. The deposition will continue from day to	
23	day, Saturdays, Sundays, and holidays excepted, until completed.	
24	In accordance with Code Civil Procedu	rs § 2025.220, please take notice the deposition
25	may be recorded by audio and/or video technolo	gy, in addition to being recorded by stenographic
. 26	method. Notice is further given, pursuant to Cod	e Civil Procedure §§ 2025.220 and 2025.620, that
27	Mr. Arambula reserves all rights to use audio and/or video recordings of the deposition testimony	
28	at trial,	
• •	FOURTH AMENDED NOTICE OF DEPOSITIC	1 DN OF PLAINTIFF CHRISTOPHER WILLIAMS
ļ		DUCTION OF DOCUMENTS

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Should Mr. Williams require an interpreter, demand is hereby made that counsel of record for Mr. Arambula be advised in writing, at least seven (7) days prior to the deposition date, of the language and dialect for which an interpreter will be needed.

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PLEASE TAKE FURTHER NOTICE that Mr. Williams is required to produce, at the time of his deposition, the documents and material referenced in the below requests pursuant to *Code of Civil Procedure* § 2025.280.

### **REQUEST FOR PRODUCTION OF DOCUMENTS** ·

#### **DEFINITIONS**

9 For purposes of the document requests set forth herein, the following terms contain 10 special definitions:

As used herein, the terms YOU and YOUR shall mean Plaintiff Christopher
 Williams.

13 2. As use herein the term DOCUMENTS shall mean any "writing" as defined by 14 California Evidence Code § 250, i.e., handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means 15 16 of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby 17 created, regardless of the manner in which the record has been stored. The term DOCUMENTS 18 19 shall also include electronically stored information in YOUR possession, custody, or control, 20 which may be located on computer (laptop and desktop) servers and/or drives, remote data 21 terminals, clouds, cellular telephones, and any other handheld electronic devices.

3. As used herein, the terms PERSON and PERSONS mean human being, partnership,
 firm, association, joint venture, corporation, receiver, any group or combination acting as a unit, or
 any other business type, governmental agency, or legal entity.

4. As used herein, the term INCIDENT shall mean the July 2017 physical altercation
between YOU and Mr. Arambula at issue in this lawsuit.

S. As used herein the term APPLICATIONS shall mean the applications YOU allege
YOU intended to discuss with Mr. Arambula at the MEETING.

FOURTH AMENDED NOTICE OF DEPOSITION OF PLAINTIFF CHRISTOPHER WILLIAMS AND REQUEST FOR PRODUCTION OF DOCUMENTS 6. As used herein, the term MEETING shall mean the July 2017 meeting at issue in
 this lawsuit during YOUR visit to Mr. Arambula's residence, including all time spent by YOU at
 Mr. Arambula's residence on that date up until the time of the INCIDENT.

### **DOCUMENT REQUESTS**

5 1. Any and all photographs depicting the physical injuries YOU attribute to the 6 INCIDENT.

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7 2. Any and all DOCUMENTS that evidence and/or depict the amount(s) of past lost
8 earnings YOU seek to recover in this lawsuit.

9 3. Any and all DOCUMENTS that support YOUR claim for the past lost earnings
10 YOU seek to recover in this lawsuit,

4. Any and all DOCUMENTS that evidence and/or depict the amount(s) of future
lost earnings YOU seek to recover in this lawsuit.

13 5. Any and all DOCUMENTS that support YOUR claim for the future lost earnings
14 YOU seek to recover in this lawsuit.

6. Any and all DOCUMENTS comprising the APPLICATIONS, including any and
all DOCUMENTS submitted with the APPLICATIONS and in supplement to the initial
submission of the APPLICATIONS.

7. Any and all DOCUMENTS comprising appeals to the City Council for the City of
 Lemon Grove concerning the APPLICATIONS, including any and all DOCUMENTS submitted
 with the appeals.

8. Any and all DOCUMENTS comprising the resubmission of any and all of the
 APPLICATIONS, including any and all DOCUMENTS submitted with the resubmitted
 APPLICATIONS and in supplement to the resubmission of the APPLICATIONS.

Any and all DOCUMENTS comprising YOUR applications for the operation of
 medical marijuana dispensaries in the City of Lemon Grove other than the APPLICATIONS.

10. Any and all DOCUMENTS evidencing and/or depicting any and all
communications between YOU and any and all employees, elected officials, and any other
PERSONS working for the City of Lemon Grove that pertain or relate to YOUR APPLICATIONS.

11. Any and all DOCUMENTS depicting communications between YOU and Taisha Brown concerning YOUR APPLICATIONS.

12. Any and all DOCUMENTS depicting communications between YOU and Taisha 3 Brown concerning the INCIDENT. 4

13. Any and all DOCUMENTS depicting communications between YOU and Taisha 6 Brown concerning the MEETING.

Any and all DOCUMENTS depicting communications between YOU and anyone 14. other than YOUR attorney regarding the INCIDENT.

15. Any and all DOCUMENTS depicting communications between YOU and anyone 9 10 other than YOUR attorney regarding the MEETING.

11 16. Any and all DOCUMENTS depicting communications between YOU and anyone other than YOUR attorney regarding the APPLICATIONS. 12

17. Any and all DOCUMENTS depicting communications between YOU and anyone other than YOUR attorney regarding Mr. Arambula.

Andy and all DOCUMENTS depicting communications between any PERSONS 15 18, (excluding YOU) concerning the APPLICATIONS, excluding communications between YOU 16 and YOUR attorney, that are in YOUR possession, custody, and/or control. 17

Any and all DOCUMENTS depicting communications between any PERSONS 18 19. (excluding YOU) concerning the INCIDENT, excluding communications between YOU and 19 20 YOUR attorney, that are in YOUR possession, custody, and/or control.

Andy and all DOCUMENTS depicting communications between any PERSONS 21 20, (excluding YOU) concerning the MEETING, excluding communications between YOU and 22 YOUR attorney, that are in YOUR possession, custody, and/or control. 23

Any and all DOCUMENTS that support YOUR claims against Mr. Arambula in 24 21. 25 the above-captioned lawsuit,

22. Any and all DOCUMENTS that support YOUR claims against the City of Lemon 26 27 Grove in the above-captioned matter,

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FOURTH AMENDED NOTICE OF DEPOSITION OF PLAINTIFF CHRISTOPHER WILLIAMS AND REQUEST FOR PRODUCTION OF DOCUMENTS

23. Any and all DOCUMENTS evidencing any and all licenses issued to Pick Axe 1 Holdings, LLC, by the State of California, for the operation of marijuana dispensaries in the State 2 of California.

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Dated; December >

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Ż4. Any and all DOCUMENTS evidencing any and all licenses issued to YOU, by the 4 State of California, for the operation of marijuana dispensaries in the State of California. 5

6 25. Any and all DOCUMENTS evidencing any and all business licenses issued to Pick Axe Holdings, LLC, by the City of Lemon Grove, for the operation of marijuana 7 dispensaries in the City of Lemon Grove. 8

9 26. Any and all DOCUMENTS evidencing any and all business licenses issued to YOU, by the City of Lemon Grove, for the operation of marijuana dispensaries in the City of 10 11 Lemon Grove.

TYSON & Susan L. O Emily M. Straub

Attorneys for Defendant DAVID ARAMBULA

FOURTH AMENDED NOTICE OF DEPOSITION OF PLAINTIFF CHRISTOPHER WILLIAMS AND REQUEST FOR PRODUCTION OF DOCUMENTS

	•	•	
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	· .		
1	Susan L. Oliver, Esq. (Bar No. 160902)		
2	Emily M. Straub, Esq. (Bar No. 259141) TYSON & MENDES	•	
3	5661 La Jolla Boulevard		
	La Jolla, CA 92037		
4	Telephone: (858) 459-4400	· · · · ·	·
5	Attorneys for Defendant	· · ·	•
6		•	ľ
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: 8		THE STATE OF CALIFORNIA	
	BUIBROK COURT OF	THE STATE OF CALIFORNIA	
9	COUNTY OF SAN	DIEGO, HALL OF JUSTICE	
10		· · · ·	
11	CHRISTOPHER WILLIAMS,	) Case No. 37-2018-00023369-CU-PO-CTL	
12		) [Complaint Filed: May 11, 2018]	ĺ
•	Plaintiff,	) . }	
13	vs.	) PROOF OF SERVICE	
14		) PROOF OF SERVICE	
.15	DAVID ARAMBULA; CITY OF LEMON GROVE; and DOES 1 through 1,000,	) . )	
16		Judge: Hon. Judith F. Hayes	
17	Defendants.	) Dept: C-68	
		) Trial: None Set	-
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### PROOF OF SERVICE

I, the undersigned, declare that I am over the age of 18 years and not a party to the within action or proceeding. I am employed in and am a resident of San Diego County where the mailing occurs; and my business address is 5661 La Jolla Blvd, La Jolla, CA 92037.

On December 3, 2018, I caused to be served the following document(s):

### FOURTH AMENDED NOTICE OF DEPOSITION OF PLAINTIFF CHRISTOPHER WILLIAMS AND REQUEST FOR PRODUCTION OF DOCUMENTS

on the interested parties in this action by:

X BY MAIL: I further declare that I am readily familiar with the firm's business practice of collection and processing of correspondence for mailing with the United States Postal Service, and that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business pursuant to Code of Civil Procedure section 1013(a). I then sealed each envelope and, with postage thereon fully prepaid, placed each for deposit in the United States Postal Service, this same day, at my business address shown above, following ordinary business practices.

-2.

Cory J. Briggs, Esq. Anthony N. Kim, Esq. Briggs Law Corporation 99 East C Street, Suite 111 Upland, CA 91786 T: 909-949-7115 Attorney for Plaintiff Christopher Williams

Kimberly S. Oberrecht, Esq. Heidi K. Williams, Esq. Horton, Oberrecht, Kirkpatrick & Martha 225 Broadway, Suite 2200 San Diego, California 92101 T: 619-232-1183 F: 619-696-5719 E: <u>koberrecht@hortonfirm.com</u> <u>hwilliams@hortonfirm.com</u> Attorney for Defendant City of Lemon Grove

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Shawn M. Robinson, Esq. Kristen S. Steinke, Esq. Lounsbery Ferguson Altona & Peak 960 Canterbury Place, Suite 300 Escondido, CA 92025 • T: 760-743-1226 Ext, 136 F: 760-743-9926 E: smra@lfap.com Attorney for Defendant City of Lemon Grove .

 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on December 3, 2018, at La Jolla, California

-3-

Theresa Owens

			;	
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		· ·		
1	Susan L. Oliver, Esq. (Bar No. 160902) Emily M. Straub, Esq. (Bar No. 259141)	· · ·	i i	
2	TYSON & MENDES 5661 La Jolla Boulevard			
3	La Jolla, CA 92037		j	
4	Telephone: (858) 459-4400			
. 5	Attorneys for Defendant, DAVID ARAMBULA	· · ·		
6				
. 7	SUPERIOR COURT OF T	HE STATE OF CALIFORNIA	- <u>-</u>	
. 8	COUNTY OF SAN DE	EGO, HALL OF JUSTICE		
9 10				
; 11	CHRISTOPHER WILLIAMS,	) Case No. 37-2018-00023369-CU-PO-CTL		
, 11 12	Plaintiff,	) [Complaint Filed: May 11, 2018]		
12			:	
13	VS.	). PROOF OF SERVICE		
14	DAVID ARAMBULA; CITY OF LEMON GROVE; and DOES 1 through 1,000,	)		
. 15	Defendants.	Judge: Hon. Judith F. Hayes	1	
17	Detendants.	) Dept: C-68	į	
18		) Trial: December 13, 2019		
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1	PROOF	DF SERVICE
2		he age of 18 years and not a party to the within act
3		nt of San Diego County where the mailing occurs;
4	On July 1, 2019, I caused to be served the f	following document(s):
5	NOTICE OF DEPOSITION OF PLAIN (VOLUME II)	TIFF CHRISTOPHER WILLIAMS
6		
7	on the interested parties in this action by:	
8		adily familiar with the firm's business practice of
9		ence for mailing with the United States Postal be deposited with the United States Postal Service
10	this same day in the ordinary course of bus	siness pursuant to Code of Civil Procedure section
11		, with postage thereon fully prepaid, placed each vice, this same day, at my business address shown
12	above, following ordinary business practice	
13	SERV	ICELIST
14	Cory J. Briggs, Esq.	Kimberly S. Oberrecht, Esq.
15	Anthony N. Kim, Esq.	Nathaniel J. Michels, Esq.
16	Briggs Law Corporation 99 East C Street, Suite 111	Horton, Oberrecht, Kirkpatrick & Martha 101 W. Broadway, Suite 600
	Upland, CA 91786	San Diego, California 92101
17	Attorney for Plaintiff Christopher Williams	Attorney for Defendant City of Lemon Grove
.18	Shawn M. Robinson, Esq.	· · · · · · · · · · · · · · · · · · ·
19	Kristen S. Steinke, Esq. Lounsbery Ferguson Altona & Peak	
20	960 Canterbury Place, Suite 300	
21	Escondido, CA 92025 Attorney for Defendant City of Lemon Grove	
22	Anomey for Defending Cuy of Lemon Grove	· · · · · · · · · · · · · · · · · · ·
23	I declare under penalty of periury under the	a laws of the State of California that the foregoing is
24	true and correct. Executed on July 1, 2019, at La J	
25		
26		Thereas Polehore
27		Theresa Belchere
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EXHIBIT 2

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## **EXHIBIT 2**

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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA 2 COUNTY OF SAN DIEGO-HALL OF JUSTICE 3 CHRISTOPHER WILLIAMS, 4 ) Case No. ) 37-2018-00023369 5 ) CU-PO-CTL Plaintiff, ) 6 ) v. ) 7 3 DAVID ARAMBULA, CITY OF ) LEMON GROVE, and DOES 1 8 ١ through 1,000, ) 9 1 ) Defendants. 10 ) ۱ 11 12 13 VIDEOTAPED DEPOSITION OF CHRISTOPHER WILLIAMS 14 San Diego, California 15 September 24, 2019 16 VOLUME II 17 18 19 REPORTED BY: BOBBIE HIBBLER, CSR NO. 12475 20 21 22 23 24 25

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1	Q. So did you review this document, sir,
2	prior to today's deposition?
3	A. I did not review it. I skimmed over it.
4	Q. Okay. Now when we met last, we spent a
5	lot of time going over the Exhibit B to this
6	document which was your forth amended notice of
7	deposition and request for production of
8	documents. I will represent to you that's the
9	same document that we previously marked as
10	probably Exhibit 1 to your prior volume. Now in
11	all the document requests that you see here there
12	are 26, were you able to produce documents today
13	that are responsive to all of these document
14	categories?
15	A. Yes. I believe I did. I do believe
16	that from 22 to 26 that after discussions with my
17	attorney
18	MR. BRIGGS: Hang on. Hang on. Hang
19	on. Don't answer her question. Did you look
20	for documents; yes or no?
21	A. Yes.
22	BY MS. STRAUB:
23	Q. So my question was did you produce
24	documents that are responsive
25	A. Yes.

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1	Q. Wait a minute, sorry. Did you produce
2	documents that are responsive to all of these
3	document categories?
4	A. I apologize. Yes.
5	Q. Thank you. Just for clarity, we don't
6	ever want to know about conversations you had with
7	Corey or Nora or any other attorneys or people
8	from their office just because that's privilege.
9	Okay?
10	A. Okay.
11	Q. We'll take a peek at those documents
12	later on. We talked about medical treatment.
13	Let's jump back to the incident. And by incident
14	I am referring to the physical altercation between
15	you and Mr. Arambula. All right?
16	A. I still need this?
17	Q. No, we're good. Sorry. Do you recall
18	what type of flooring was in place in the area
19	where the altercation took place? By that I mean
20	was it wood, linoleum?
21	A. I believe it's laminate.
22	Q. Do you recall if any portion of your
23	head hit the ground during the course of the
24	incident?
25	A. I do not recall.

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1	STATE OF CALIFORNIA
2	COUNTY OF SAN DIEGO
3	
4	I, Bobbie Hibbler, Certified Shorthand Reporter, in and for the State of California,
5	Certificate No. 12475, do hereby certify:
6	That the witness in the foregoing deposition was by me first duly sworn to testify
7	to the truth, the whole truth, and nothing but the truth in the foregoing cause; that the deposition
8	was then reported by me in shorthand and transcription,
9	under my direction; and that the above and
10	foregoing transcript, is a true record of the testimony elicited and proceedings had at said deposition.
11	I do further certify that I am a
12	disinterested person and am in no way interested in the outcome of this action or connection with
13	or related to any of the parties in this action or to their respective counsel.
14	· · · · · · · · · · · · · · · · · · ·
15	In witness whereof, I have hereunto set my hand this day of 20
16	
17	
18	
19	Bobbie Hibbler, CSR No. 12475
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1	Declaration Under Penalty of Perjury
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3	
4	I, CHRISTOPHER WILLIAMS, the witness herein,
5	declare under penalty of perjury that I have read
6	the foregoing in its entirety; and that the
7	testimony contained therein, as corrected by me,
.8	is a true and accurate transcription of my
9	testimony elicited at said time and place.
10	
11	Executed this day of20, at
12	<i>!</i>
13	(City) (state)
14	
15	
16	
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18	
19	CHRISTOPHER WILLIAMS
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