

1 BRIGGS LAW CORPORATION [FILE: 2059.00]
Cory J. Briggs (SBN 176284)
2 Janna M. Ferraro (SBN 328921)
99 East "C" Street, Suite 111
3 Upland, CA 91786
Telephone: 909-949-7115

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
07/14/2021 at 09:19:00 AM
Clerk of the Superior Court
By Kristin Sorianosos, Deputy Clerk

4 Attorneys for Plaintiff and Cross-Defendant
5 Joshua Billauer

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO – CENTRAL DIVISION

10
11 JOSHUA BILLAUER,
12 Plaintiff,
13 vs.
14 OLGA MARCELA ESCOBAR-ECK *et al.*,
15 Defendants;
16 OLGA MARCELA ESCOBAR-ECK,
17 Cross-Complainant,
18 vs.
19 JOSHUA BILLAUER *et al.*,
20 Cross-Defendants.

CASE NO. 37-2021-00006367-CU-DF-CTL
**PLAINTIFF AND CROSS-DEFENDANT
JOSHUA BILLAUER'S *EX PARTE*
APPLICATION TO SHORTEN TIME ON
MOTION TO COMPEL DEPOSITION OF
THIRD-PARTY WITNESS AND EXTEND
DEADLINE FOR ANTI-SLAPP MOTION;
DECLARATION OF CORY J. BRIGGS**

Action Filed: February 16, 2021
Department: C-66 (Medel)
Hearing Date: July 15, 2021
Hearing Time: 8:30 a.m.

21
22 Through this *ex parte* application, Plaintiff and Cross-Defendant JOSHUA BILLAUER
23 ("Plaintiff") seeks an *ex parte* order (i) setting a motion to compel the deposition of third-party witness
24 The Atlantis Group, which is owned by Defendant and Cross-Complainant OLGA MARCELA
25 ESCOBAR-ECK ("Defendant"); and (ii) extending Plaintiff's deadline for filing an anti-SLAPP motion
26 under Code of Civil Procedure Section 425.16(f) until 45 days after that deposition is completed so that
27 the transcript can be prepared/signed and the moving papers including that evidence can be prepared.
28

1 Plaintiff took Defendant’s deposition on June 29 and July 1, 2019, but could not complete it in
2 part because Defendant could not answer questions about her damages. For example, she refused to
3 identify The Atlantis Group’s potential clients who did not hire her company because of the allegedly
4 defamatory statements made by Plaintiff, citing non-disclosure agreements that protect their identities;
5 her counsel promised to let the undersigned know the following Monday whether Defendant would
6 disclose their names or drop them as potential sources of Defendant’s damages, but that promise still
7 has not been fulfilled and thus the extent of Defendant’s financial damages (through her company)
8 remain a mystery. Briggs Decl., ¶ 3; Ex. “A,” p. 255. In addition, Defendant testified that all of her
9 monetary damages were “to my company” and that she’d have to check with her company’s accountant.
10 *Id.*, pp. 257-258. That prompted Plaintiff to serve a deposition subpoena on The Atlantis Group,
11 Defendant’s company, so that basic financial questions could be answered – the same questions that any
12 competent accountant would ask in trying to determine whether the company or Defendant as a
13 principal suffered any lost money. Briggs Decl., ¶ 4; Ex. “B.”

14 Sadly but predictably, Defendant’s lawyers objected to the subpoena and refused to produce the
15 company’s person(s) most qualified. Briggs Decl., ¶ 5; Ex. “C.” The undersigned offered to allow
16 question-by-question objections at the deposition, but Defendant’s lawyers still refuse to produce a
17 single company witness for deposition. Briggs Decl., ¶ 6; Ex. “D.”

18 Plaintiff is prepared to file a motion to compel the company’s deposition no later than July 19,
19 2021, but there is no way to have that motion heard and to compete the deposition in time for Plaintiff
20 to meet the current deadline for his anti-SLAPP motion (*viz.*, July 29, 2021).

21 Plaintiff has previously submitted an application of this character and obtained an extension of
22 his anti-SLAPP deadline.

23 Defendant is represented by attorneys Craig J. Mariam and Scott W. McCaskill, Gordon Rees
24 Scully Mansukhani, LLP, 101 West Broadway, Suite 2000, San Diego, CA 92101, 619-696-6700; and
25 Gina M. Austin and Tamara M. Leetham, Austin Legal Group, APC, 3990 Old Town Avenue, Suite
26 A-101, San Diego, CA 92110, 619-924-9600. The application and supporting papers have been emailed
27 to them. The undersigned expects them to oppose this application.
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As shown in the attached declaration, Plaintiff satisfies the notice requirements of Rule 3.1204 of the California Rules of Court.

Date: July 14, 2021.

Respectfully submitted,
BRIGGS LAW CORPORATION

By: Cory J. Briggs
Cory J. Briggs

Attorneys for Plaintiff and Cross-Defendant Joshua Billauer

Declaration of Cory J. Briggs

Exhibit "A"

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO - CENTRAL DIVISION

JOSHUA BILLAUER,

Plaintiff,

vs.

CASE NO.

37-2021-00006367-CU-DF-CTL

OLGA MARCELA ESCOBAR-ECK, et
al.,

Defendants.

_____/

OLGA MARCELA ESCOBAR-ECK, et
al.,

Cross-Complainant,

vs.

JOSHUA BILLAUER, et al.,

Cross-Defendants.

_____ /

VIDEOCONFERENCE DEPOSITION OF OLGA MARCELA ESCOBAR-ECK

Volume II

Thursday, July 1, 2021

Conducted remotely

REPORTED BY: DARCIE L. MOORE, RPR, CSR NO. 3143

1 **THE WITNESS: I believe I was emphasizing my**
2 **point.**

3 **BY MR. BRIGGS:**

4 **Q. You believe you were what?**

5 A. Emphasizing my point.

6 **Q. So there is no difference between false and**
7 **very false; correct?**

8 A. Unless you want to make one, no.

9 **Q. Okay. So other than your company having to**
10 **refund one client, has your company lost any money**
11 **whatsoever as a result of any of the allegedly**
12 **defamatory statements contained in your**
13 **"Cross-Complaint"?**

14 A. There are other clients that have expressed
15 concerns about how prominent my -- the posts about me
16 had become on this. And they actually called me and
17 said, "What's going on with this?" because I was working
18 on a couple other projects that were high profile. And
19 we were talking to some other people which were under
20 NDAs, so I can't disclose their names, that were
21 thinking of hiring us. Ultimately, there was a couple
22 of them that never came back. And I can only assume
23 that it was because of the controversy going on at the
24 time because they specifically referenced the posts they
25 were seeing about me.

1 MR. BRIGGS: Well, let me ask your lawyer a
2 question. Are those --

3 MR. MCCASKILL: Objection. Cory, I'm just
4 going to lodge an objection to that last question. It
5 is improper under Rifkind.

6 MR. BRIGGS: Let me ask you a question.

7 THE COURT REPORTER: Mr. McCaskill, could you
8 speak up. I'm having a hard time hearing you.

9 MR. MCCASKILL: Sure I was just objecting that
10 the last question is improper under Rifkind,
11 R-i-f-k-i-n-d, for the record.

12 MR. BRIGGS: I have a question for your
13 lawyers.

14 Are your client's damages in her
15 "Cross-Complaint" -- do they include any of these
16 alleged potential customers covered by a nondisclosure
17 agreement? If they do, I'm going to ask who the
18 customers are. If they don't, I don't need to know.

19 MS. LEETHAM: Can you repeat that again. I was
20 trying to go to the prayer for relief.

21 MR. BRIGGS: I want to know whether your
22 client's damages are in any way based on these alleged
23 customers who were speaking to her company under a
24 nondisclosure agreement. If the damages include those
25 customers, then I'm going to ask who the customers are.

1 And if the damages don't include those customers, then I
2 don't need to know who they are.

3 MS. LEETHAM: Understood. And I will commit to
4 get back to you a response by Monday. I'm not going to
5 answer it at this moment, but I understand what you're
6 asking. And I will get a response to you.

7 MR. BRIGGS: Then to be clear, even when we
8 finish today's deposition, I might not be done asking
9 your client questions, depending on what your answer
10 turns out to be.

11 MS. LEETHAM: I understand that. And we can
12 probably do that by written question. I am more than
13 happy to meet and confer with you on that. There's a
14 limited time for questions. That's fine. I do
15 understand what you're asking. And I don't disagree
16 with you.

17 MR. BRIGGS: Okay. Let's move on.

18 BY MR. BRIGGS:

19 Q. Other than your secrete clients,
20 Ms. Escobar-Eck, can you name a single client that your
21 company has lost because of any of the
22 allegedly defamatory statements in your
23 "Cross-Complaint"?

24 MS. LEETHAM: Objection to the characterization
25 they're secrete clients, mischaracterizes prior

1 **testimony.**

2 **BY MR. BRIGGS:**

3 **Q. You can answer, ma'am.**

4 A. Again, I don't have any secrete clients. I
5 think, Mr. Briggs, you understand what a nondisclosure
6 agreement is. It's very clear you are not to disclose
7 your dealings on a particular case or project or
8 individual. So they're not secrete. They're very, you
9 know, proper, nondisclosure agreements. And as I've
10 stated, we've had to return billings and were at a point
11 where there were some clients that were coming on board
12 that didn't come on board.

13 **Q. Name a single client who didn't come on board**
14 **because of any of the allegedly defamatory statements in**
15 **your "Cross-Complaint."**

16 **MS. LEETHAM:** Objection to the extent we just
17 had a conversation about the NDAs and the clients
18 subject to the NDAs. If there are clients not subject
19 to those, go for it.

20 **THE WITNESS:** There are not.

21 **BY MR. BRIGGS:**

22 **Q. Okay. So every client who has not come --**
23 **withdrawn.**

24 **So every client who has not hired the Atlantis**
25 **Group over one or more of the allegedly defamatory**

1 **statements in your "Cross-Complaint" has a nondisclosure**
2 **agreement with your company; is that correct?**

3 A. Correct.

4 **Q. Okay. Apart from having to refund money to the**
5 **one client you mentioned and apart from these NDA**
6 **clients or the NDA-prospective clients I should say, has**
7 **your company lost any money as a result of any of the**
8 **allegedly defamatory statements in the**
9 **"Cross-Complaint"?**

10 A. Yes.

11 **Q. What moneys?**

12 A. The time and energy and money that we spent in
13 responding to calls from other offices, none of that was
14 billable time. And that took away from our billable
15 time. In addition to that, I lowered my rate for the
16 church on this because of, you know, the controversy
17 associated with this and my name. So all of those were
18 damages, monetary damages, to my company.

19 **Q. And how much money did your company lose in**
20 **responding to all of those inquiries?**

21 A. We'd have to go check with our accountant.

22 **Q. You haven't done that before today?**

23 A. We'd have to go check with our accountant.

24 **Q. You haven't done that before today?**

25 **MS. LEETHAM: Objection. Asked and answered.**

1 **THE WITNESS: I answered your question,**
2 **Mr. Briggs.**

3 **BY MR. BRIGGS:**

4 **Q. You didn't answer it. You avoided it.**

5 A. I don't have it in front of me today,
6 Mr. Briggs. I think I answered your question.

7 **Q. Have you ever had that information before you?**

8 A. At some point, yes.

9 **Q. When?**

10 A. I'd have to go back and look at my records and
11 talk to my accountant.

12 **Q. Was it in writing, or was it provided to you**
13 **orally?**

14 A. I don't recall.

15 **Q. When was it provided to you?**

16 A. I believe I've answered your question numerous
17 times, Mr. Briggs. And I said I do not recall. So you
18 can keep asking me 20 different ways, and I still don't
19 recall.

20 **Q. And by what amount did you reduce your hourly**
21 **rate for All Peoples Church?**

22 A. I think it was about \$100 an hour.

23 **Q. So what was it before the reduction?**

24 A. Again, I'd have to go back and check. I have
25 different rates for different things. I think it was at

Exhibit "B"

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): BRIGGS LAW CORPORATION [File: 2059.00] Cory J. Briggs (SBN 176284) 99 East "C" Street, Suite 111 Upland, CA 91786 TELEPHONE NO.: 909-949-7115 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff/Cross-Defendant Joshua Billauer	FOR COURT USE ONLY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: 330 West Broadway CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice		
PLAINTIFF/PETITIONER: Joshua Billauer DEFENDANT/RESPONDENT: Olga Marcela Escobar-Eck		
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS		CASE NUMBER: 37-2021-00006367-CU-DF-CTL

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

The Atlantis Group, 2488 Historic Decatur Road, Suite 220, San Diego, CA 92106; (619) 523-1930

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: July 14, 2021 Time: 3:00 p.m. Address: Remote via Zoom; please see Attachment 1 hereto.

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b. You are ordered to produce the documents and things described in item 3.
- c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
- d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
Please see Attachment 3 hereto.
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:
Please see Attachment 4 hereto.
- Continued on Attachment 4.
5. **IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.**
6. *At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.*

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: July 1, 2021

Cory J. Briggs

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(TITLE)

Page 1 of 2

Cory J. Briggs

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney for Plaintiff/Cross-Defendant

PLAINTIFF/PETITIONER: Joshua Billauer	CASE NUMBER:
DEFENDANT/RESPONDENT: Olga Marcela Escobar-Eck	37-2021-00006367-CU-DF-CTL

PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS

1. I served this *Deposition Subpoena for Personal Appearance and Production of Documents and Things* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. Witness fees and mileage both ways (*check one*):

(1) were paid. Amount: \$ _____

(2) were not paid.

(3) were tendered to the witness's public entity employer as required by Government Code section 68097.2. The amount tendered was (*specify*): \$ _____

f. Fee for service: \$ _____

2. I received this subpoena for service on (*date*):

3. Person serving:

a. Not a registered California process server

b. California sheriff or marshal

c. Registered California process server

d. Employee or independent contractor of a registered California process server

e. Exempt from registration under Business and Professions Code section 22350(b)

f. Registered professional photocopier

g. Exempt from registration under Business and Professions Code section 22451

h. Name, address, telephone number, and, if applicable, county of registration and number:

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:

Date:

▶ _____

▶ _____

(SIGNATURE)

(SIGNATURE)

**DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**

Attachment 1

**DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**
Attachment 1

Topic: Joshua Billauer v. Olga Marcela Escobar-Eck
Time: Jul 14, 2021 03:00 PM Pacific Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/83635951138>

Meeting ID: 836 3595 1138
Passcode: 554864

**DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**

Attachment 3

**DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**
Attachment 3

1. Each and every **WRITING** that pertains in any way to the basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A"). (As used in this paragraph, "**WRITING**" has the same meaning that it has under California Evidence Code Section 250.)

**DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**

Attachment 4

**DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**
Attachment 4

1. The basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A").

2. The name, last known mailing address(es), last known business address(es), last known telephone number(s), and last known e-mail address(es) of each and every natural person with any information about the basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A").

3. The existence, origin, authenticity, alteration, and chain of custody of each and every **WRITING** that pertains in any way to the basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A"). (As used in this paragraph, "**WRITING**" has the same meaning that it has under California Evidence Code Section 250.)

**DEPOSITION SUBPOENA FOR
PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS**

Exhibit "A"

AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
San Diego, CA 92110

1 Gina M. Austin (SBN 246833)
Email: gaustin@austinlegalgroup.com
2 Tamara M. Leetham (SBN 234419)
Email: tamara@austinlegalgroup.com
3 AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
San Diego, CA 92110
4 Phone: (619) 924-9600
5 Facsimile: (619) 881-0045

6 Attorneys for Cross-complainant
Marcela Escobar-Eck

7
8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**

10
11 JOSHUA BILLAUER,

12 Plaintiff,

13 vs.

14 OLGA MARCELA ESCOBAR-ECK; and
15 DOES 1-1,000,

16 Defendants..

17 OLGA MARCELA ESCOBAR-ECK,

18 Cross-complainant,

19 vs.

20 JOSHUA BILLAUER; and ROES 1-10,
21 inclusive,

22 Cross-defendants

CASE NO. 37-2021-00006367-CU-DF-CTL

CROSS-COMPLAINT

Complaint Filed: February 16, 2021
Trial: Not Set

1 Cross-complainant Marcela Escobar-Eck (“Escobar-Eck” or “Cross-complainant”) alleges
2 as follows:

3 **PARTIES, JURISDICTION, AND VENUE**

4 1. Marcela Escobar-Eck is a natural person who resides in the City of Carlsbad.

5 2. Cross-defendant Joshua Billauer (“Billauer” or “Cross-defendant”) is a natural
6 person who resides in the City of San Diego.

7 3. The true names and capacities of Cross-defendants Roes 1 through 10 inclusive are
8 unknown at this time to Cross-complainant, who therefore sues them under such fictitious names
9 pursuant to Code of Civil Procedure section 474. When the true names and capacities of the Roe
10 Cross-defendants are ascertained by Cross-complainant, it will seek leave to amend this Cross-
11 complaint to allege the same.

12 4. Cross-complainant is ignorant and unaware of the true names, capacities, interests,
13 or basis for liability by Cross-defendants identified as Roes 1 through 10, inclusive, and therefore
14 sues these Cross-defendants by such fictitious names. Cross-complainant is informed and
15 believes and thereon alleges that at all times relevant to this action, Roes 1 through 10, and each
16 of them, claim certain interests or were acting as the agent, servant, principal, employee, partner,
17 trustee, or joint venture of each of the other Cross-defendants in doing the things alleged herein
18 and is responsible in some manner for the damages and disputes alleged in this Cross-complaint
19 and/or the relief sought in this Cross-complaint. Cross-complainant will amend this Cross-
20 complaint to allege the true names and capacities of Roes 1 through 10 when they are ascertained.

21 **GENERAL ALLEGATIONS**

22 5. Cross-defendant Billauer controls and operates and contributes content to the
23 account “Save Del Cerro” across multiple social media accounts, specifically operating Twitter¹,
24 and contributing to Instagram², and Facebook³. All three accounts are public, making the content
25 posted under the account shareable across the respective platform, and viewable to any user.

26 ///

27 ¹ <https://twitter.com/savedelcerro>

28 ² <https://www.instagram.com/savedelcerro/>

³ <https://www.facebook.com/savedelcerro>

1 6. Cross-complainant Escobar-Eck is the President/CEO of Atlantis Group, a premier
2 land use and strategic planning consulting firm in San Diego (“Atlantis”). Ms. Escobar-Eck
3 controls and operates a personal account on Twitter under the name “@SanDiegoLandUse.” Due
4 to the harassment and abuse received from Cross-defendant Billauer, Ms. Escobar-Eck has set her
5 personal account to private.

6 7. On or around November 11, 2020, Cross-complainant Escobar-Eck was making a
7 presentation to a community planning group on behalf of a client. All Peoples Church. Due to the
8 COVID-19 pandemic, the presentation was online through the Zoom platform. During the
9 meeting, a person who was only identifiable by the name “JJ” was present and when the
10 Chairperson of the meeting requested the party’s full name, “JJ” refused. During that Zoom
11 meeting, “JJ” sent private messages to Cross-complainant Escobar-Eck through the chat function.
12 “JJ” accused Ms. Escobar-Eck of being dishonest about a house purchase that had occurred up the
13 street from the project. The person continued messaging Ms. Escobar-Eck and accused her of
14 being the reason the aforementioned house was purchased, so as to provide a second point of
15 access to the church.

16 8. At the end of the meeting, “JJ” typed in a direct chat to Ms. Escobar-Eck, “I’m
17 going to make sure you get sent back to where you came from”. The message came after “JJ”
18 asked the Chair to confirm the meeting was not being recorded.

19 9. After that meeting it was unclear who “JJ” was. Cross-complainant later learned
20 that “JJ” was cross-defendant Joshua Billauer. This was the start of his systematic pattern of
21 harassment and online trolling of Ms. Escobar-Eck.

22 10. On November 11, 2020, Billauer posted for the first time under his
23 “SaveDelCerro” Instagram account, followed up by three more posts that same day. The second
24 of the four posts was a screenshot from Cross-complainant Escobar-Eck’s presentation with her
25 photo included. Billauer’s comment regarding Cross-complainant Escobar-Eck is that she “works
26 for the Church project and is trying to convince the neighborhood it’s “no big deal.” This was
27 confirmation that Billauer attended the meeting where “JJ” harassed Cross-complainant.

28 11. On December 30, 2020, Billauer published on Instagram a post titled “Conflicts of

1 Interest and Influence” that included a photo titled “Lobbyists” with the following statement:
2 “Church land use lobbyist Marcela Escobar-Eck, former Director of Development Services for
3 the City of San Diego, has a history exerting of improper influence with City officials.”

4 12. On or about February 5, 2021, Billauer posted the following statement on
5 Facebook and Instagram along with a picture with Billauer’s comments: “This is the lobbyist
6 disclosure form from Q4 2020, the warrant is from the past. No reason to think history won’t
7 repeat itself.” The picture was a “SCHEDULE A-1: CLIENT DISCLOSURE (Lobbying
8 Cont...)” and Billauer highlighted Cross-complainant Escobar-Eck labeling her a “[f]ormer
9 government official” and drawing a line from her name to Billauer’s comment of: “[t]rying to
10 peddle influence over a municipal decision.”

11 13. On that same date, Billauer posted a screenshot of its website with a red circle
12 around “2007 Search Warrant Atlantis Group Owner” referring to Cross-complainant Escobar-
13 Eck, with an arrow drawn to Billauer’s commentary: “One of the methods to influence is to hire
14 former government officials with personal friendships and acquaintances to facilitate municipal
15 decisions favoring particular private entities.” The search warrant referenced by Billauer was not
16 for Cross-complainant; the search warrant did not produce any emails from Cross-complainant.

17 14. On February 7, 2021, Billauer posted on the “SaveDelCerro” Instagram account
18 that All Peoples Church, the business that Billauer claims he is trying to save Del Cerro from,
19 hired Atlantis to help them get a project approved. Billauer stated that Cross-complainant “has
20 been involved in many controversial projects as a lobbyist” and claiming that Cross-complainant
21 was being hypocritical in her representation of All Peoples Church.

22 15. On April 8, 2021, Billauer posted to the “SaveDelCerro” Twitter account an image
23 of a person speaking out of both sides of their head with the caption “Atlantis Group lobbies
24 around town.”

25 16. Since November, 2020, Billauer has followed Cross-complainant Escobar-Eck and
26 members of Atlantis to other community planning group meetings, and opposing other unrelated
27 projects.

28 ///

1 feelings all to her general damage.

2 24. The above-described publications were published by Billauer with malice and/or
3 oppression and/or fraud, with the intent to injure and harm, and thus Cross-complainant seeks an
4 award of punitive damages.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Cross-complainant Marcela Escobar-Eck prays as follows:

- 7 1. For general damages, according to proof but in an amount no less than
8 \$500,000.00;
- 9 2. For special damages, according to proof;
- 10 3. For punitive damages in the amount of \$500,000;
- 11 4. An injunction prohibiting Cross-defendant from repeating such statements;
- 12 5. For costs of suit incurred herein;
- 13 6. For reasonable attorney's fees;
- 14 7. For such other and further relief as the Court may deem just and proper.

15
16 DATED: April 28, 2021

AUSTIN LEGAL GROUP, APC

17
18 By: Tamara H. Leatham
19 Gina Austin/Tamara Leatham
20 Attorneys for Cross-complainant Marcela
21 Escobar-Eck
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AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
San Diego, CA 92110

1 Gina M. Austin (SBN 246833)
Email: gaustin@austinlegalgroup.com
2 Tamara M. Leetham (SBN 234419)
Email: tamara@austinlegalgroup.com
3 AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
San Diego, CA 92110
4 Phone: (619) 924-9600
5 Facsimile: (619) 881-0045

6 Attorneys for Cross-complainant
Marcela Escobar-Eck

7
8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN DIEGO**
10

11 JOSHUA BILLAUER,

12 Plaintiff,

13 vs.

14 OLGA MARCELA ESCOBAR-ECK; and
15 DOES 1-1,000,

16 Defendants.

17 OLGA MARCELA ESCOBAR-ECK,

18 Cross-complainant,

19 vs.

20 JOSHUA BILLAUER; and ROES 1-10,
21 inclusive,

22 Cross-defendants
23
24
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CASE NO. 37-2021-00006367-CU-DF-CTL

PROOF OF SERVICE

AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
San Diego, CA 92110

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JOSHUA BILLAUER v. OLGA MARCELA ESCOBAR-ECK.
Case No. 37-2021-00006367-CU-DF-CTL
PROOF OF SERVICE
(Code Civ. Proc., §§1013a, 2015)

I, Mina Wadie, declare that I am over the age of 18 years and am not a party to the case; I am employed in San Diego County, California, where the service occurs; and my business address is Austin Legal Group, APC, 3990 Old Town Ave, Ste A-101, San Diego, California, 92110.

On April 28, 2021, I served the following on the interested parties in this action as stated below:

CROSS-COMPLAINT
PROOF OF SERVICE

VIA E-SERVICE – ONE LEGAL ATTORNEY SERVICE TO THE FOLLOWING:

I caused such document(s) to be served on the following person via email through One Legal. (SEE ATTACHED SERVICE LIST)

BY PERSONAL SERVICE: as follows:

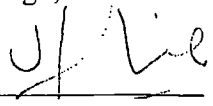
By personally delivering a copy thereof addressed as follows:

BY FACSIMILE TRANSMISSION: The counsel or authorized party authorized to accept service was also forwarded a copy of the above-referenced document(s) by facsimile transmission at the telefax number corresponding with his/her/its/name. The facsimile machine I used complied with CRC Rule 2003(3) and no error was reported by the machine. Pursuant to CRC Rule 2005(i), I caused the machine to print a transmission record of the transmission, a copy of which is attached to this declaration.

BY MAIL: as follows:

By Placing a copy thereof in a sealed envelope addressed as follows:
I am readily familiar with the business' practice for 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 via First Class Mail on that same day in the ordinary course of business.
(SEE ATTACHED SERVICE LIST)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 28, 2021 at San Diego, California.



Mina Wadie

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JOSHUA BILLAUER v. OLGA MARCELA ESCOBAR-ECK.
Case No. 37-2021-00006367-CU-DF-CTL
SERVICE LIST
(Code Civ. Proc., §§1013a, 2015)

Cory J. Briggs
BRIGGS LAW CORPORATION
99 East "C" Street, Suite 111
Upland, CA 91786

Attorneys For Plaintiffs

AUSTIN LEGAL GROUP, APC
3990 Old Town Ave, Ste A-101
San Diego, CA 92110

PROOF OF SERVICE

1. My name is Ruth Flores. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business _____ residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111 Upland, CA 91786.

3. On July 2, 2021, I served _____ an original copy a true and correct copy of the following documents: Deposition Subpoena

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

_____ *by personal service*. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

_____ *by U.S. mail*. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

_____ deposited the envelope/package with the U.S. Postal Service

_____ placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of _____, California.

_____ *by overnight delivery*. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

_____ *by facsimile transmission*. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

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

Date: July 2, 2021

Signature: 

SERVICE LIST

Joshua Billauer v. Olga Marcela Escobar-Eck et al.; and related cross-action
San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL

Craig J. Mariam
Scott W. McCaskill
Gordon Rees Scully Mansukhani, LLP
101 West Broadway, Suite 2000
San Diego, CA 92101
T: (619) 696-6700
F: (619) 696-7124
E-mail: cmariam@grsm.com
E-mail: smccaskill@grsm.com

Attorneys for Defendant and Cross-
Complainant Olga Marcela Escobar-Eck

Gina M. Austin
Tamara M. Leetham
Austin Legal Group, APC
3990 Old Town Avenue, Suite A-101
San Diego, CA 92110
T: (619) 924-9600
F: (619) 881-0045
E-mail: gaustin@austinlegalgroup.com
E-mail: tamara@austinlegalgroup.com

Attorneys for Defendant and Cross-
Complainant Olga Marcela Escobar-Eck

Exhibit "C"

July 8, 2021

BY EMAIL ONLY

Cory J. Briggs, Esq.
Janna M. Ferraro
BRIGGS LAW CORPORATION
99 East "C" Street, Suite 111
Upland CA 91786
Email: cory@briggslawcorp.com
Janna@briggslawcorp.com

Re: **Joshua Billauer v. Marcela Escobar-Eck**
San Diego Superior Court Case No.: 37-2021-00006367-CU-DF-CTL
Objections to Subpoena to Atlantis Group Land Use Planning

MEET AND CONFER CORRESPONDENCE

Dear Counsel,

Please allow this correspondence to outline Atlantis Group Land Use Planning ("Atlantis")'s objections to the subpoena served by plaintiff Joshua Billauer on July 2, 2021 (the "Subpoena"). The Subpoena is defective as outlined below.

I. OBJECTIONS

A. Counsel and Witness Unavailable on Selected Date

The date and time selected for the deposition was unilaterally set by plaintiff. Neither the designee for Atlantis, nor its counsel, is available on the noticed date and time. Atlantis will agree to designate a witness to appear for deposition at a mutually agreeable date and time, subject to resolution of the objections discussed below.

B. Objections to Document Demands

Plaintiff demands Atlantis produce:

Cory J. Briggs, Esq.

Janna M. Ferraro

Subpoena to Atlantis Group Land Use Planning

July 8, 2021

Page 2

Each and every **WRITING** that pertains in any way to the basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A").

This demand fails to identify the requested documents with reasonable particularity. To wit, this demand would force Atlantis to speculate at what "financial losses" its employee, Ms. Escobar-Eck, is claiming resulted from plaintiff's actions. Atlantis is not a party to the lawsuit between plaintiff and Ms. Escobar-Eck and thus is not privy to what losses Ms. Escobar-Eck is claiming as damages in her cross-complaint. As such, this demand calls for Atlantis to make legal conclusions as to what its employee is claiming as damages. Based on the above objections, Atlantis cannot produce documents in response to this demand as written.

C. Objections to Categories of Examination

Atlantis objects to the categories of Examination contained in the Subpoena as outlined below:

1. Category 1

Plaintiff demands Atlantis produce a designee to testify as to:

The basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A").

This category is impermissibly vague as it does not describe the "financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements". The category thus fails to describe the area of testimony with reasonable particularity in violation of Code of Civil Procedure § 2025.230. Moreover, this category would force Atlantis to speculate as to what financial losses Ms. Escobar-Eck is claiming resulted from plaintiff's actions. Atlantis is not a party to the lawsuit between plaintiff and Ms. Escobar-Eck and thus is not privy to what losses Ms. Escobar-Eck is claiming as damages in her cross-complaint. As such, this category calls for Atlantis to make legal conclusions as to what its employee is claiming as damages. Based on the above objections, Atlantis cannot produce a witness to testify as to this category.

Cory J. Briggs, Esq.

Janna M. Ferraro

Subpoena to Atlantis Group Land Use Planning

July 8, 2021

Page 3

2. Category 2

Plaintiff demands Atlantis produce a designee to testify as to:

The name, last known mailing address(es), last known business address(es), last known telephone number(s), and last known e-mail address(es) of each and every natural person with any information about the basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A").

As discussed above, Atlantis is unable to speculate as to what legal position its employee is taking as to her claimed damages. As such, this category is impermissibly vague as it fails to describe the area of testimony with reasonable particularity in violation of Code of Civil Procedure § 2025.230 and calls for an improper legal conclusion. Moreover, Atlantis is not required to produce a witness who has memorized all contact information for an undefined list of people. Based on the above objections, Atlantis cannot produce a witness to testify as to this category.

3. Category 3

Plaintiff demands Atlantis produce a designee to testify as to:

The existence, origin, authenticity, alteration, and chain of custody of each and every **WRITING** that pertains in any way to the basis, nature, and/or extent of Olga Marcela Escobar-Eck's share of any and all financial losses suffered by The Atlantis Group as a result of one or more of the allegedly defamatory statements described in that certain cross-complaint filed by Olga Marcela Escobar-Eck in San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL (a copy of which is attached hereto as Exhibit "A").

As discussed above, Atlantis is unable to speculate as to what "financial losses" Ms. Escobar-Eck is claiming resulted from plaintiff's conduct. Moreover, this category is impermissibly vague, as it demands Atlantis produce a witness to testify as to unidentified documents. The category thus fails to describe the area of testimony with reasonable particularity in violation of Code of Civil Procedure § 2025.230. Based on the above objections, Atlantis cannot produce a witness to testify as to this category.

Cory J. Briggs, Esq.

Janna M. Ferraro

Subpoena to Atlantis Group Land Use Planning

July 8, 2021

Page 4

D. Notice to Consumer is Defective

Along with the Subpoena, Atlantis was also served with a Notice to Consumer or Employee (the "Notice"). However, the Notice indicates it was served on Ms. Escobar-Eck on July 2, 2021, the same date the Subpoena was served on Atlantis. Thus, the Notice appears to violate Code of Civil Procedure Section 1985.6, subd. (b)(3), which requires the Notice be served on the employee "[a]t least five days prior to service upon the custodian of the employment records" As such, the Notice is defective and Atlantis will exercise its rights under Code of Civil Procedure Section 1985.6, subd. (j) to not produce the requested documents.

II. CONCLUSION

Based on the above objections, Atlantis cannot, and will not, produce documents or a witness in response to the Subpoena as presently drafted. In addition, Atlantis reserves the right to assert additional objections in response to a valid subpoena. In the interim, please let us know if you would like to discuss further.

Best regards,

GORDON REES SCULLY MANSUKHANI, LLP



Scott McCaskill

cc: Craig J. Mariam

Exhibit "D"

Cory Briggs

From: Scott McCaskill <smccaskill@grsm.com>
Sent: Tuesday, July 13, 2021 1:42 PM
To: Cory Briggs
Cc: Diane Cutting; Craig Mariam; Jeanne Farrar; Ruth Flores; Janna Ferraro
Subject: RE: BILLAUER v. ESCOBAR-ECK - Objections to Subpoena

Cory,
We have detailed the procedural defects in our prior correspondence. Substantively, it is not a matter of raising objections, the issue is Atlantis cannot prepare and produce a witness to testify about the categories of examination in the subpoena.

SCOTT W. MCCASKILL | Partner

GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE PARTNER®

101 W. Broadway, Suite 2000
San Diego, CA 92101
D: 619-230-7460 | smccaskill@grsm.com

www.grsm.com
vCard

From: Cory Briggs <cory@briggslawcorp.com>
Sent: Tuesday, July 13, 2021 1:31 PM
To: Scott McCaskill <smccaskill@grsm.com>
Cc: Diane Cutting <dxcutting@grsm.com>; Craig Mariam <cmariam@grsm.com>; Jeanne Farrar <jfarrar@grsm.com>; Ruth Flores <Ruth@briggslawcorp.com>; Janna Ferraro <Janna@briggslawcorp.com>
Subject: Re: BILLAUER v. ESCOBAR-ECK - Objections to Subpoena

We did meet and confer. There is no procedural problem, and your client may assert appropriate objections on a question-by-question basis. What more does your client want?

Cory

Sent from my iPhone. Please forgive any typos.

On Jul 13, 2021, at 1:28 PM, Scott McCaskill <smccaskill@grsm.com> wrote:

Cory,

As outlined in Atlantis' objections, the subpoena is procedurally defective, rendering it void. Additionally, Atlantis is unable to designate a witness to testify as to the categories requested. As such, Atlantis will not appear for the deposition tomorrow. Again, we invite

plaintiff to provide authority to the contrary or to meet and confer regarding these issues. Please advise of any questions.

SCOTT W. MCCASKILL | Partner

GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE PARTNER®

101 W. Broadway, Suite 2000
San Diego, CA 92101
D: 619-230-7460 | smccaskill@grsm.com

www.grsm.com
vCard

From: Cory Briggs <cory@briggslawcorp.com>
Sent: Tuesday, July 13, 2021 9:36 AM
To: Diane Cutting <dxcutting@grsm.com>
Cc: Scott McCaskill <smccaskill@grsm.com>; Craig Mariam <cmariam@grsm.com>; Jeanne Farrar <jfarrar@grsm.com>; Ruth Flores <Ruth@briggslawcorp.com>; Janna Ferraro <Janna@briggslawcorp.com>
Subject: RE: BILLAUER v. ESCOBAR-ECK - Objections to Subpoena

Counsel:

Is TAG still refusing to appear for tomorrow's deposition?

Cory J. Briggs
Briggs Law Corporation
99 East "C" Street, Suite 111, Upland, CA 91786
Telephone: 909-949-7115 (office); 619-736-9086 (direct)
Facsimile: 909-949-7121
E-mail: cory@briggslawcorp.com

Please consider the environment before printing this e-mail, and print double-sided whenever possible.

Important Notice: This message contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged. If you are not an addressee or the person responsible for delivering this message to the addressee(s), you are hereby notified that reading, disseminating, distributing, or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify me by replying to this message and then delete the original message and your reply immediately thereafter. Thank you very much.

Internal Revenue Service Circular 230 Disclosure: Nothing in this message is intended or written by Briggs Law Corporation (including its attorneys and staff) to be used and cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed in this message.

From: Cory Briggs
Sent: Thursday, July 08, 2021 3:42 PM

To: 'Diane Cutting' <dxcutting@grsm.com>; Janna Ferraro <Janna@briggslawcorp.com>
Cc: Scott McCaskill <smccaskill@grsm.com>; Craig Mariam <cmariam@grsm.com>;
Jeanne Farrar <jfarrar@grsm.com>
Subject: RE: BILLAUER v. ESCOBAR-ECK - Objections to Subpoena

Scott:

Your client was unable to give even an estimate of her economic damages, which she said all emanate from her losses as a principal of TAG. She also said that her lost business was all subject to non-disclosure agreements, and on that basis she refused to identify a single lost client. It's inconceivable that TAG is unable to work with one of its principals to provide a response to the subpoena or to review the allegations (a copy of which I included with subpoena) to figure out what financial losses Ms. Escobar-Eck has lost as a principal of TAG.

Please let me know by the close of business tomorrow whether TAG is changing its mind. Thanks.

Cory J. Briggs
Briggs Law Corporation
99 East "C" Street, Suite 111, Upland, CA 91786
Telephone: 909-949-7115 (office); 619-736-9086 (direct)
Facsimile: 909-949-7121
E-mail: cory@briggslawcorp.com

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Internal Revenue Service Circular 230 Disclosure: Nothing in this message is intended or written by Briggs Law Corporation (including its attorneys and staff) to be used and cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed in this message.

From: Diane Cutting <dxcutting@grsm.com>
Sent: Thursday, July 08, 2021 3:33 PM
To: Cory Briggs <cory@briggslawcorp.com>; Janna Ferraro <Janna@briggslawcorp.com>
Cc: Scott McCaskill <smccaskill@grsm.com>; Craig Mariam <cmariam@grsm.com>;
Jeanne Farrar <jfarrar@grsm.com>
Subject: BILLAUER v. ESCOBAR-ECK - Objections to Subpoena

Dear Counsel:

Attached please find Meet and Confer Correspondence in regards to the above-referenced matter.

Thank you,

DIANE M. CUTTING | Legal Secretary

GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE PARTNER™

This email communication may contain CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any unauthorized review, use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you are not the intended recipient and have received this communication in error, please immediately notify us by reply email, delete the communication and destroy all copies.

GORDON REES SCULLY MANSUKHANI, LLP
YOUR 50 STATE PARTNER®

<http://www.grsm.com>

PROOF OF SERVICE

1. My name is Ruth Flores. I am over the age of eighteen. I am employed in the State of California, County of San Bernardino.

2. My business residence address is Briggs Law Corporation, 99 East "C" Street, Suite 111 Upland, CA 91786.

3. On July 14, 2021, I served an original copy a true and correct copy of the following documents: PLAINTIFF AND CROSS-DEFENDANT JOSHUA BILLAUER'S EX PARTE APPLICATION TO SHORTEN TIME ON MOTION TO COMPEL DEPOSITION OF THIRD-PARTY WITNESS AND EXTEND DEADLINE FOR ANTI-SLAPP MOTION; DECLARATION OF CORY J. BRIGGS

4. I served the documents on the person(s) identified on the attached mailing/service list as follows:

by personal service. I personally delivered the documents to the person(s) at the address(es) indicated on the list.

by U.S. mail. I sealed the documents in an envelope or package addressed to the person(s) at the address(es) indicated on the list, with first-class postage fully prepaid, and then I

deposited the envelope/package with the U.S. Postal Service

placed the envelope/package in a box for outgoing mail in accordance with my office's ordinary practices for collecting and processing outgoing mail, with which I am readily familiar. On the same day that mail is placed in the box for outgoing mail, it is deposited in the ordinary course of business with the U.S. Postal Service.

I am a resident of or employed in the county where the mailing occurred. The mailing occurred in the city of _____, California.

by overnight delivery. I sealed the documents in an envelope/package provided by an overnight-delivery service and addressed to the person(s) at the address(es) indicated on the list, and then I placed the envelope/package for collection and overnight delivery in the service's box regularly utilized for receiving items for overnight delivery or at the service's office where such items are accepted for overnight delivery.

by facsimile transmission. Based on an agreement of the parties or a court order, I sent the documents to the person(s) at the fax number(s) shown on the list. Afterward, the fax machine from which the documents were sent reported that they were sent successfully.

by e-mail delivery. Based on the parties' agreement or a court order or rule, I sent the documents to the person(s) at the e-mail address(es) shown on the list. I did not receive, within a reasonable period of time afterward, any electronic message or other indication that the transmission was unsuccessful.

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

Date: July 14, 2021

Signature: 

SERVICE LIST

Joshua Billauer v. Olga Marcela Escobar-Eck et al.; and related cross-action
San Diego County Superior Court case no. 37-2021-00006367-CU-DF-CTL

Craig J. Mariam
Scott W. McCaskill
Gordon Rees Scully Mansukhani, LLP
101 West Broadway, Suite 2000
San Diego, CA 92101
T: (619) 696-6700
F: (619) 696-7124
E-mail: cmariam@grsm.com
E-mail: smccaskill@grsm.com

Attorneys for Defendant and Cross-
Complainant Olga Marcela Escobar-Eck

Gina M. Austin
Tamara M. Leetham
Austin Legal Group, APC
3990 Old Town Avenue, Suite A-101
San Diego, CA 92110
T: (619) 924-9600
F: (619) 881-0045
E-mail: gaustin@austinlegalgroup.com
E-mail: tamara@austinlegalgroup.com

Attorneys for Defendant and Cross-
Complainant Olga Marcela Escobar-Eck