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6 Attorneys for Defendant,
MARCELA ESCOBAR-ECK
7

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
07/14/2021 at 04:40:00 PM
Clerk of the Superior Court
By Adriana Ive Anzalone, Deputy Clerk

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

11 JOSHUA BILLAUER,) CASE NO. 37-2021-00006367-CU-DF-
12) CTL
Plaintiff,)
13 vs.) [Assigned to Hon. Kenneth J. Medel,
14) Dept. C-66]
OLGA MARCELA ESCOBAR-ECK; and)
15) DOES 1 through 1,000,) **DECLARATION OF SCOTT**
16) **MCCASKILL IN SUPPORT OF**
Defendants.) **OPPOSITION TO PLAINTIFF AND**
17) **CROSS-DEFENDANT JOSHUA**
18) **BILLAUER'S EX PARTE**
AND ALL RELATED ACTIONS.) **APPLICATION TO SHORTEN TIME**
19) **ON MOTION TO COMPEL**
20) **DEPOSITION OF THIRD-PARTY**
21) **WITNESS AND EXTEND DEADLINE**
22) **FOR ANTI-SLAPP MOTION**
Hearing Date: July 15, 2021
Hearing Time: 8:30 a.m.
Complaint Filed: February 16, 2021
Trial Date: None Set

23 I, Scott McCaskill declare as follows:

24 1. I am an attorney at law licensed to practice in the State of California. I am a
25 partner with the law firm of Gordon Rees Scully Mansukhani, LLP, attorneys of record for
26 defendant Olga Marcel Escobar-Eck ("**Defendant**") in the above-captioned matter. I am one of
27 the attorneys responsible for the handling of this file and have personal knowledge of the facts

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set forth below. I make this declaration in support of Defendant’s Opposition to plaintiff Joshua Billauer (“**Plaintiff**”)’s Ex Parte Application to Shorten Time on Motion to Compel Third Party Witness and Extend Deadline for Anti-SLAPP Motion.

2. On July 2, 2021 our office was served with the attached Notice to Consumer or Employee, a true and correct copy of which is attached hereto as **Exhibit 1**.

3. Attached hereto as **Exhibit 2** is a true and correct copy of correspondence between myself and Cory Briggs, Esq., counsel for plaintiff.

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

Dated this 14th day of July, 2021.



Scott McCaskill

EXHIBIT 1

EXHIBIT 1

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 San Diego, CA 92101 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	CASE NUMBER: 37-2021-00006367-CU-DF-CT
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): Olga Marcela Escobar-Eck

- PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name): Joshua Billauer** SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): July 14, 2021
 The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought): The Atlantis Group, 2488 Historic Decatur Road, Suite 220, San Diego, CA 92106
 A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
 - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.
 - If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: July 1, 2021

Cory J. Briggs

(TYPE OR PRINT NAME)

***ORIGINAL SIGNED***(SIGNATURE OF REQUESTING PARTY ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- I object to the production of all of my records specified in the subpoena.
- I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)



(SIGNATURE)

(Proof of service on reverse)

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

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
 - b. **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(1) Name of person served:	(3) Date of mailing:
(2) Address:	(4) Place of mailing (city and state):
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (specify):
- d. My phone number is (specify):

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

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. ON THE REQUESTING PARTY
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - b. ON THE WITNESS
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (specify):
4. My phone number is (specify):

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

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

EXHIBIT 2

EXHIBIT 2

From: Scott McCaskill
Sent: Friday, July 9, 2021 2:29 PM
To: Cory Briggs; Diane Cutting; Janna Ferraro
Cc: Craig Mariam; Jeanne Farrar
Subject: RE: BILLAUER v. ESCOBAR-ECK - Objections to Subpoena

Cory,

As was discussed numerous time during the deposition, asking a party to define their claimed damages and the facts supporting their claims during a deposition is improper under *Rifkind v. Superior Court* (1994) 22 Cal.App.4th 1255. Regardless, it is certainly improper to ask a business to define what documents and facts support the claims made by its employee, particularly where the employee has not done so yet. If plaintiff has authority that a non-party can be forced to define the claims of a party, please provide it and Atlantis will be happy to reconsider its objections.

SCOTT W. MCCASKILL | Partner

GORDON REES SCULLY MANSUKHANI
YOUR 50 STATE PARTNER®

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San Diego, CA 92101
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vCard

From: Cory Briggs <cory@briggslawcorp.com>
Sent: Thursday, July 8, 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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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™

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