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CITIMORTGAGE, INC.

12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF LOS ANGELES, WEST DISTRICT - SANTA MONICA
15

16 MARINA J. BOYD, ANITA FAYE BOYD,
ALEXIS BOYD-HOLLING,

17 Plaintiff,

18 v.

19 CITIMORTGAGE, INC., SKYWAY REALTY,
20 and DOES 1-100,

21 Defendants.

Case No.: SC117126

Assigned to Hon. Lisa H. Cole
Dept. O

**DECLARATION OF CATHY L.
GRANGER IN OPPOSITION TO
PLAINTIFF'S EX PARTE APPLICATION
TO SHORTEN TIME; EXHIBITS IN
SUPPORT**

**Date: September 11, 2015
Time: 8:30 a.m.
Dept.: O**

Action Filed: May 18, 2012

22 I, Cathy L. Granger, declare as follows:

27 1. I am an attorney at law duly licensed to practice before this Court and all the courts of
28 the State of California. I am a partner with Wolfe & Wyman LLP, attorneys of record for Defendant

1 CitiMortgage, Inc. (hereinafter, “CMI”) in this case. The following is of my own personal
2 knowledge, and if called upon to testify thereto, I could and would competently do so.

3 2. Plaintiff’s first Request for Production of Documents to CMI was dated March 13,
4 2014. A true and correct copy is attached hereto as **Exhibit 1**. (It was not accompanied by a proof
5 of service.) On June 9, 2014, CMI served responses and objections. A true and correct copy of
6 CMI’s response is attached hereto as **Exhibit 2**. On September 19, 2014, CMI served further
7 responses, including responsive documents. A true and correct copy of the further responses is
8 attached hereto as **Exhibit 3**.

9 3. After the service of CMI’s further responses, my office received a meet-and-confer
10 letter from Ms. Boyd dated October 15, 2014. In it, she agreed to narrow the universe of emails
11 sought in Request for Production No 1 “in the interest of reaching a resolution.” The October 15th
12 letter indicated Ms. Boyd would be satisfied to receive emails between Mark Alston (or any
13 representative of his company, Skyway Realty) and seven listed employees of CMI. A true and
14 correct copy of Ms. Boyd’s October 15, 2014 letter is attached hereto as **Exhibit 4**.

15 4. CMI did not agree to extend Ms. Boyd’s deadline for filing a motion to compel after
16 my office served the September 19, 2014 supplemental responses and production of documents. Ms.
17 Boyd did not file a motion to compel within the time required by Code of Civil Procedure Section
18 2031.310.

19 5. Plaintiff’s first Request for Production of Documents (**Exh. 1**) sought, in Request no. 1:
20 ...all documents in your possession relative to the subject property... of
21 any kind or description... including, without limitation, any... e-mail... in
22 the RES.NET system or any other system...

23 On February 19, 2015, Plaintiff signed a new Request for Production of Documents.
24 (This document was not labeled as a “second” set of requests. My office received it, but like the first
25 set, it was not accompanied by a proof of service.) A true and correct copy of the second Request
26 for Production of Documents is attached hereto as **Exhibit 5**. It also contained a Request for
27 Production no. 1, which demanded:

28 ...all e-mail communication... regarding the subject property... whether
or not they are stored in the RES.NET tracking system...

1 6. On March 30, 2015, my office served CMI's responses to the new Request for
2 Production of Documents. A true and correct copy of CMI's response to new second Request for
3 Production of Documents is attached hereto as **Exhibit 6**. In it, CMI objected that the new Request
4 No. 1 was substantially identical to a request previously propounded (set one, request no. 1) and,
5 thus, was unreasonably cumulative and duplicative.

6 7. On May 15, 2015, my office served a further response to Plaintiff's first Request for
7 Production of Documents, including emails response to the request, as narrowed by Plaintiff's
8 October 15, 2014 meet-and-confer letter. A true and correct copy of CMI's May 15, 2015 further
9 response to the first Request for Production of Documents is attached hereto as **Exhibit 7**.

10 8. In sum, Plaintiff's present effort to compel CMI to produce further documents in
11 response to her request for emails is deficient because: 1) she failed to timely file a motion to compel
12 after CMI's production of further documents on September 19, 2014; 2) her effort to start the clock
13 ticking anew with a second Request for Production is defective as a duplicative and cumulative
14 request; and 3) Plaintiff previously agreed to limit the request for emails, a request CMI met with a
15 further production of documents on May 15, 2015.

16 9. On March 6, 2015, while this case was pending in the United States District Court,
17 Plaintiff filed a Motion to Compel Further Responses to Request for Production of Documents. A
18 true and correct copy of that motion is attached hereto as **Exhibit 8**.

19 10. On April 2, 2015, the U. S. District Judge denied Plaintiff's Motion because it was
20 procedurally deficient. A true and correct copy of the court's order is attached hereto as **Exhibit 9**.

21 11. On or about August 6, 2015, Plaintiff served a Notice of Deposition of Travis Nurse
22 (it was accompanied by an unsigned proof of service). A true and correct copy of the Notice is
23 attached hereto as **Exhibit 10**.

24 12. On or about August 25, 2015, my office served Objections to the Notice of
25 Deposition of Travis Nurse. A true and correct copy of the Objections is attached hereto as **Exhibit**
26 **11**. Among other things, CMI's Objections noted that Mr. Nurse, an employee of CMI, resides in
27 Missouri and, hence, Plaintiff's Notice, purporting to compel Mr. Nurse to appear for deposition in
28 Irvine, California, was ineffective pursuant to Code of Civil Procedure section 2025.250(a.)



1 13. On September 3, 2015, a conference call lasting approximately 30 minutes took place
2 between Marina Boyd, my co-counsel, Rik Tozzi, and me. Among other things, we discussed
3 Plaintiff's desire to take the deposition of CMI's employee, Travis Nurse. Ms. Boyd acknowledged
4 that she could not require Mr. Nurse to appear in California for the deposition. Ms. Boyd said she
5 had not determined whether to take the deposition in Missouri, where Mr. Nurse resides, or perhaps
6 conduct it by telephone or videographically. Mr. Tozzi told her CMI would accommodate
7 whichever of these methods she wished to pursue and suggested that she provide some dates when
8 she would like to arrange it. Ms. Boyd has not contacted my office about this issue since that date,
9 and I am informed and believe she has not subsequently contacted Mr. Tozzi's office, either.

10 14. This matter is not set for trial, and there are no other deadline dates. Even if the Court
11 finds Plaintiff's motions to compel should be heard, she does not need to expedite them. Having the
12 motions scheduled on shortened time would only cause CMI to expend significant resources to
13 respond to the motions with immediacy, a needless prejudice. Rather than to continue expending
14 significant sums to litigate this case, CMI hopes to engage in earnest settlement discussions, which is
15 why CMI requested the Settlement Conference that had been on calendar for September 11, 2015
16 before the present ill-advised discovery dispute caused the Court to take the Conference off calendar.
17 CMI respectfully urges that this aging case should be re-set for a Settlement Conference before this
18 Court, pursuant to the discussion and waiver made by all parties at the August 19, 2015 hearing and
19 Case Management Conference, wherein the parties agreed to participate in a Settlement Conference
20 in this Department.

21 I declare under penalty of perjury of the laws of the state of California that the
22 foregoing is true and correct. Executed this 9th day of September, 2015 at Irvine, California.

Cathy L. Granger, Declarant