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MARINA J BOYD, PRO SE PLAINTIFF
10951 NATIONAL BOULEVARD, APT 302
LOS ANGELES, CALIFORNIA 90064
(310) 663-4811

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES WEST DISTRICT**

| | | |
|--|---|--|
| MARINA J BOYD, ANITA FAYE BOYD, ALEXIS BOYD-HOLLING |) | CASE NO. SC117126 |
| |) | |
| Plaintiff, |) | NOTICE OF MOTION AND MOTION TO |
| |) | COMPEL DEFENDANT CITIMORTGAGE TO |
| vs. |) | PRODUCE FOR DEPOSITION TRAVIS NURSE |
| |) | AND DOCUMENTS AT THE TIME OF |
| CITIMORTGAGE, INC. & SKYWAY REALTY, MARK ALTON |) | DEPOSITION AND DEMAND FOR |
| |) | SANCTIONS; MEMORANDUM OF POINTS |
| |) | AND AUTHORITIES |
| |) | Hearing Date: February 3, 2016 |
| Defendants |) | Hearing Time: 8:30am |
| |) | Presiding Judge: Hon. Lisa Hart Cole |
| _____) | | COMPLAINT FILED: May 18, 2012 |
| | | Reservation Number: 150901068811 |

TO DEFENDANTS' AND THEIR ATTORNEY OF RECORD:

YOU ARE HEREBY NOTIFIED THAT on February 3, 2016, or as soon thereafter as the matter may be heard in Department O of the above-entitled court, 1725 S. Main Street, Santa Monica, California 90401, Plaintiff Marina J Boyd will move this Court for an Order compelling Defendant, Citimortgage, Inc. (hereinafter referred to as "CMI") to produce for Deposition, Travis Nurse to provide testimony regarding the discovery responses provided by "CMI" which were verified by


1 Travis Nurse, to produce Documents Requested by Plaintiff at the time of Deposition of Travis Nurse,
2 or in the alternative to strike all testimony by Travis Nurse in these proceedings including declarations
3 and verifications of discovery responses.

4 Plaintiffs further moves this court for an order that “CMI” and their attorneys of record, Wolfe
5 & Wyman, LLP and Burr Foreman, LLP pay the moving party a sum no less than \$5,600.00 as
6 reasonable costs and incurred by the moving party in connection with this research and preparation of
7 this motion and for refusal to meet and confer with Plaintiff in effort to overcome “CMI’s” objections
8 to the Deposition of Travis Nurse. This Motion is made on the grounds that the deposition and
9 documents requested thereof are relevant to the subject matter of this action, and that “CMI” has offer
10 objections to the Noticed Deposition on August 31, 2015 and has ignored Plaintiffs efforts to meet and
11 confer in attempt to overcome their objections. Such refusal to confer regarding discovery is part of
12 an ongoing pattern of discovery abuses by “CMI”.

13 This Motion is based on this notice, the points and authorities set forth below, the attached
14 declaration of Marina J Boyd, attached exhibits, oral argument, and the complete files and records of
15 this action.

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Date: September 10, 2015

By: 
MARINA J BOYD, PLAINTIFF in PRO PER

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I. INTRODUCTION**

4 On August 5, 2015, Plaintiff served counsel for “CMI” a Notice of Deposition of Travis Nurse
5 and associated Request for Production of Documents at the time of Deposition to take place at the
6 offices of Wolfe & Wyman, LLP on August 31, 2015. Plaintiff selected this location and time ONLY
7 after counsel for “CMI” refused to confer with Plaintiff for several weeks to determine mutually
8 agreeable terms for the Deposition, based on previous statement from counsel for “CMI” that Plaintiff
9 should expect to depose out of state employees at that location.

10 Plaintiff first advised Cathy Granger, counsel for “CMI”, that Plaintiff would like to proceed
11 with the deposition of Travis Nurse in June 2015 based on his verification of “CMI’s” discovery
12 responses as well as his testimony by declaration regarding “CMI’s” discovery responses in response
13 to Plaintiffs Motion to Compel further responses in US District Court in March 2015.

14 Plaintiff has meet and conferred with counsel for “CMI” extensively for almost a year
15 regarding their responses to Plaintiffs Request for Production of Documents Set One and for several
16 months on the Request for Production of Documents Set Two because it is Plaintiffs belief that
17 “CMI’s” production of documents in response are both request are either incomplete and inadequate.
18 “CMI” continually stops short of a clear declaration that they have fully disclosed documents pursuant
19 to Plaintiffs request and instead rely on a fuzzy circular argument that additional searches would be
20 overly burdensome, and demanding of Plaintiff an offer of proof that production is not complete.

21 Plaintiff has been very clear in explaining to “CMI” the foundation upon which the allegations of
22 inadequate and/or incomplete production are based. 1) The documents produced refer to
23 attachments/other conversations which are not present in the documents produced 2) “CMI” has
24 redacted large blocks of conversation which are not privileges without any explanation for having
25 redacted the material 3) Documents produced by “CMI” have been converted to a format differing
26 from the manner in which the records are kept in the ordinary course of business 4) Documents produce
27 by “CMI” have been converted to a format rendering them unusable because they cannot be properly
28 printed (EXHIBIT A).

1 **II. PROCEDURAL BACKGROUND**

2 On March 9, 2014, Plaintiffs served “CMI” with Form Interrogatories, Request for
3 Admissions and Request for Production of Documents. After several months of extensions and
4 concessions by Plaintiff narrowing the scope of their discovery request, “CMI” served Plaintiffs
5 discovery responses on September 18, 2014 which were verified by Travis Nurse.

6 Plaintiff, after reviewing “CMI’s” discovery responses, determined that the responses
7 contained an abundance of meritless boiler plate objections, documents Plaintiffs believed not to be
8 produced in the same form as they are kept in the normal course of business and documents with highly
9 redacted segments, without having provided identification and explanation of their privilege.

10 Beginning just days following the receipt of “CMI’s” discovery responses, Plaintiff made
11 repeated attempts by phone and e-mail to meet and confer with Samantha Lamm, then counsel for
12 “CMI”, in an effort to resolve the discovery issues, however Ms. Lamm ignored Plaintiffs inquiries
13 until December 2014 when she presumably left the firm of Wolfe and Wyman, LLP.

14 On December 22, 2014, Plaintiff received notice of “CMI’s” removal of this case to Federal
15 Court and concurrently was informed that Cathy L Granger would be assuming the representation of
16 “CMI” in this case. As early as January 2015, Plaintiffs begin efforts to meet and confer with Ms.
17 Granger in an effort to resolve the discovery disputes which were left outstanding by Ms. Lamm,
18 however on in mid February 2015, Ms. Granger informed Plaintiffs that she had conferred extensively
19 with “CMI” and that no additional documents responsive to Plaintiffs request existed.

20 Plaintiff immediately served a second set of request for Production of Documents
21 SPECIFICALLY identifying the demand be for electronically stored information with metadata and
22 expanding the scope of the documents sought. This second set of request was directly a result of
23 Plaintiffs review of various documents received from “CMI”, and from other sources which indicated
24 that “CMI” production of documents responsive to the previous request was incomplete.

25 On March 6, 2015, Plaintiff filed a motion to Compel Further Responses, however despite
26 almost a year of conferring to resolve the disputes and having well met the burden to meet and confer
27 under California Code of Civil Procedures. The US District Court denied Plaintiffs motion because
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1 the previous meet and confer efforts did not meet the standard required by the Local Rules of that U.S.
2 District Court, Central District of California.

3 During the pending of Plaintiffs Motion to Compel in Federal Court, “CMI” expressed a
4 renewed interest in further conferring to resolve outstanding discovery disputes, and while some
5 progress was made, there still remained an impasse as “CMI” and their counsel have both suggested
6 that production is complete, however Plaintiff have identified references to conversations and
7 attachments in the e-mails that were produced which are missing from “CMI’s” production of
8 documents.

9 Plaintiff advised “CMI” in June 2015 that in order to avoid a renewed motion to compel,
10 Plaintiff wished to take the Deposition of Travis Nurse, the employee for Citimortgage, Inc. who
11 certified their discovery responses and who also submitted testimony under oath, by way of declaration
12 in opposition to Plaintiffs Motion to Compel Further Responses in US District Court to determine
13 whether their search efforts were sufficient, to ascertain the credibility that additional searches would
14 either be overly burdensome, and/or unlikely to lead to discoverable documents, and to determine if
15 production of documents was complete pursuant to California Discovery Act.

16 On at least four separate occasions, Plaintiff sought to meet and confer with counsel for “CMI”
17 regarding the setting of deposition for Travis Nurse, however after those efforts were ignored, Plaintiff
18 noticed the Deposition of Travis Nurse to take place on August 31, 2015 at the offices of Wolfe and
19 Wyman, LLC on August 5, 2015. The notice was based on providing adequate time for “CMI” to
20 produce the witness for deposition and based on previous discussions with counsel for “CMI” in
21 which they stated that depositions for employees who lived out of state would take place at the offices
22 of Wolfe and Wyman, LLC (Plaintiff expects to depose 5-10 employees of “CMI” depending on
23 whether or not e-mail documents are ever produced, and all but one employee witness for “CMI”
24 work out of their offices in O’Fallon, Missouri or Irving, TX and live in close proximity to those
25 locations).

26 On August 26, 2015 Plaintiffs received notice from “CMI” of their objection to the Deposition
27 of Travis Nurse and Plaintiff made four separate attempts to contact counsel for “CMI” in effort to
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1 resolve their objections, however Plaintiffs messages were ignored by until Wednesday, September 2,
2 2015 when they received notice of this ex-parte application.

3 4 **III. ARGUMENT**

5 “CMI” would like to lead the Court into a false belief that their discovery abuses in this case
6 are the mythical unicorn of a Pro Per litigant that just doesn’t understand how things are supposed to
7 work, however the discovery abuses of “CMI” are so well documented, that the Court will find no
8 need to speculate in this instance.

9 Counsel for “CMI” has improperly sought to artificially limit Plaintiffs discovery in this case
10 by suggesting to the Court that Plaintiff “renege” on previous agreements to narrow the scope of
11 discovery or that Plaintiffs has improperly motioned the court to compel their compliance with their
12 discovery obligations. Discovery in this case is still very much open, and Plaintiff has made
13 additional discovery request in this case as needed based either on additional information learned
14 from investigations and/or interviews of individuals with knowledge of REO trash out procedures or
15 other subject matter relevant to this case, based upon “CMI’s” own pleadings, or based upon
16 “CMI” inability or refusal to produce discovery in response to Plaintiffs previous request (See
17 attached EXHIBIT B, “CMI’s” objections to all Plaintiffs discovery request in June 2014, EXHIBIT
18 C, “CMI” Second Set of Discovery Request to Plaintiff, EXHIBIT D & E, “CMI’s” 2nd and 3rd Set
19 of Further responses to Plaintiffs Request for Production of Documents more than a year after the
20 original request, EXHIBIT F & G, “CMI’s” objections to Plaintiffs Request for Production of
21 Documents Set Two and Special Interrogatories). The reality is that the discovery propounded on
22 “CMI” by the Plaintiff in this case, PALES in comparison to the repetitive, duplicative and
23 otherwise improper discovery propounded by “CMI” upon Plaintiffs and pales even further when
24 considering that Plaintiffs have provided, WITHOUT OBJECTION responses to all of “CMI”
25 discovery request; And has done so in spite of “CMI’s” continual attempt to attempt to avoid
26 providing discovery responses at all through their meritless objections and their attempts to obstruct
27 Plaintiffs ability to timely file motions to compel their compliance.

1 Plaintiff's taking of the Deposition of Travis Nurse is a legitimate method of discovery in an
2 effort to ascertain the likelihood that "CMI" has properly and completely produced all documents in
3 response to Plaintiffs request as they have suggested by examining Travis Nurse about the
4 methodology of their search for discoverable documents, why the search did not lead to their
5 discovery of the specific documents which Plaintiff has identified as missing from their production,
6 whether or not additional search methodologies can reasonably be developed to ensure the inclusion
7 of documents which were identified as missing from their production of documents and what other
8 discoverable documents might also be uncovered by such additional search methodologies, the
9 method in which the documents "CMI" did produce are stored in the normal course of business, the
10 reasons why "CMI" has converted the format of the documents produced from that format, whether
11 or not the conversion of documents to a different format included or resulted in the manipulation of,
12 or exclusion of discoverable data or documents, to ascertain whether or not "CMI" has taken proper
13 steps to ensure a litigation hold has been placed on discoverable documents, whether "CMI" has
14 either inadvertently or willfully spoiled evidence in this case and most importantly to determine
15 whether the statements made under oath regarding their discovery responses are true. Further, the
16 determination as to whether or not an employee of a corporate litigant is required to travel a distance
17 in excess of 75 or 150 miles is not absolute. This limitation does not exist for officers, directors and
18 managing agents of the corporation and further, is subject to challenge Pursuant to California Code
19 of Civil Procedure §2520.260 which provides specific direction for seeking an order for a deponent
20 to attend deposition at a location greater than 75 or 150 miles respectively.

21 In this case, Plaintiff made every effort to select a mutually agreeable date to depose Travis
22 Nurse, (See Declaration....). Further, "CMI" should be sanctioned for objecting to the venue for which
23 Plaintiff noticed the Deposition, since Plaintiff was acting on information from "CMI's" counsel,
24 which was taken to be true that "CMI" wished to have employees deposed at the offices of Wolfe and
25 Wyman, LLP in Irvine, CA. Ultimately, it is because of "CMI's" refusal to meet and confer with
26 Plaintiff that this motion is necessary, and should be given heavy weight by the Court when
27 considering whether good cause exist to make orders regarding the taking of the Deposition of Travis
28 Nurse.

1 “CMI” refusal to produce Travis Nurse for Deposition in this case as well as their refusal to
2 meet and confer to attempt a resolution of their objections should be sanctioned pursuant to California
3 Code of Civil Procedure §2023.030 which states “the court shall impose a monetary sanction ordering
4 that any party or attorney who fails to confer as required pay the reasonable expenses, including
5 attorney's fees, incurred by anyone as a result of that conduct.”

6 California Code of Civil Procedure has provided a non-exhaustive list of actions which they
7 define as misuses of the discovery process. Since October 2013, “CMI” has engaged in a pattern of
8 discovery abuses which are specifically identified as (c) Employing a discovery method in a manner
9 or to an extent that causes unwarranted annoyance, embarrassment, or oppression, or undue burden
10 and expense by submitting redundant discovery request. (d) Failing to respond or to submit to an
11 authorized method of discovery by refusing to allow for the deposition of employees who are direct
12 witnesses in this case or who have provided testimony by declaration, (e) Making, without substantial
13 justification, an unmeritorious objection to discovery, (g) Disobeying a court order to provide
14 discovery pursuant to Federal Rules of Civil Procedure 26g, (i) Failing to confer in person, by
15 telephone, or by letter with an opposing party or attorney in a reasonable and good faith attempt to
16 resolve informally any dispute concerning discovery. For these reasons, the relief prayed for by
17 Plaintiffs in this motion should be granted.

18
19 **IV. LEGAL STANDARD**

20 **A. Plaintiff has “Substantial Justification” for taking the Deposition of Travis Nurse**

21 Pursuant to California Code of Civil Procedure §2025 .010. Any party may obtain discovery
22 by taking in California the oral deposition of any person, including any party to the action. The
23 person deposed may be a natural person, an organization such as a public or private corporation, a
24 partnership, an association, or a governmental agency. Plaintiff has good cause to take the deposition
25 of Travis Nurse because Travis Nurse because Travis Nurse is the sole individual who has, under oath,
26 represented that “CMI” has produced all documents responsive to Plaintiffs request for Production of
27 Documents. In addition, Travis Nurse has given testimony by declaration in opposition to Plaintiffs
28 Motion to Compel filed in US District Court on March 6, 2015 which contradict the truth of those

1 verifications, which contradict documents produced in response to Subpoenas for business Records
2 from Skyway Realty and which contradict document and e-mail retention requirements imposed by
3 Citi both internally and by various government and/or regulatory agencies. Further, the Court can
4 logically conclude from “CMI’s” objections to the Deposition of Travis Nurse and associated
5 production of documents that Travis Nurse’ “robo signing” of “CMI’s” discovery verifications and
6 declaration represent perjury. During efforts to meet and confer with “CMI” Plaintiff has made good
7 faith attempts to resolve the discrepancies in the sworn declarations and verifications of Travis Nurse,
8 however, “CMI” cannot not provide explanation for the discrepancies on behalf of Travis Nurse and
9 while they may have become accustomed to getting away with having employees sign documents for
10 which they have no underlying knowledge of the facts to which they are sworn their efforts to prevent
11 Plaintiff from cross examining this witness on the conflicts and discrepancies in is testimony is an
12 abuse of the discovery process.

13
14 **B. The Requirement that Deposition of Travis Nurse be taken within 75 Miles of his**
15 **Residence is Not Absolute**

16 In their Objection to the Deposition of Travis Nurse, “CMI” cites, among other reasons, the
17 location of the deposition as noticed by Plaintiffs is in excess of 75 miles from the deponent’s residence
18 (California Code of Civil Procedure §2025.250 (a) the deposition of a natural person, whether or not
19 a party to the action, shall be taken at a place that is, at the option of the party giving notice of the
20 deposition, either within 75 miles of the deponent's residence, or within the county where the action is
21 pending and within 150 miles of the deponent's residence).

22 However, other sections of the California Code of Civil Procedure provide for a multitude of
23 exceptions to this limitation. Subsection (b) of §2025.250 states “The deposition of an organization
24 that is a party to the action shall be taken at a place that is, at the option of the party giving notice of
25 the deposition, either within 75 miles of the organization's principal executive or business office in
26 California, or within the county where the action is pending and within 150 miles of that office. The
27 offices of Wolfe & Wyman, LLP, where Plaintiff noticed the Deposition of Travis nurse to take place
28 is within 150 of this Court and as such fall within the parameters of this subsection of the code.

1 Subsection (d) of §2025.250 further states that “If an organization has not designated a principal
2 executive or business office in California, the deposition shall be taken at a place that is, at the option
3 of the party giving notice of the deposition, either within the county where the action is pending, or
4 within 75 miles of any executive or business office in California of the organization. This would also
5 place the offices of Wolfe and Wyman, LLP, where Plaintiff noticed the Deposition of Travis Nurse
6 to take place within 75 miles of the “CMI” Loan Servicing offices located at in West Covina,
7 California and Huntington Beach, California. The Court should give serious consideration to making
8 an Order that the Deposition of Travis Nurse take place at the Offices of Wolfe & Wyman, LLP as
9 noticed by the Plaintiffs because §2025.250(d) indicates that the deposition shall be taken “at a place
10 that is, at the option of the party giving notice of the deposition, either within the county where the
11 action is pending, or within 75 miles of any executive or business office in California of the
12 organization”.

13
14 **C. Plaintiffs Move the Court for An Order Compelling the Deposition of Travis Nurse as**
15 **Noticed by Plaintiffs on August 5, 2015**

16 California Code of Civil Procedure §2025.260(a) states: “A party desiring to take the
17 deposition of a natural person who is a party to the action or an officer, director, managing agent, or
18 employee of a party may make a motion for an order that the deponent attend for deposition at a
19 place that is more distant than that permitted under Section 2025.250”. Subsection (b) of 2025.260
20 further states: “In exercising its discretion to grant or deny this motion, the court shall take into
21 consideration any factor tending to show whether the interests of justice will be served by requiring
22 the deponent's attendance at that more distant place, including, but not limited to, the following: (1)
23 Whether the moving party selected the forum, (2) Whether the deponent will be present to testify at
24 the trial of the action, (3) The convenience of the deponent, (4) The feasibility of conducting the
25 deposition by written questions under Chapter 11, (5) The number of depositions sought to be taken
26 at a place more distant than that permitted under Section 2025.250, (6) The expense to the parties of
27 requiring the deposition to be taken within the distance permitted under Section 2025.250.
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1 In this instance, several factors weigh in favor of Plaintiffs motion. First, the forum was
2 selected by Plaintiffs, who was the moving party, and ONLY after “CMI” refused to meet and confer
3 to determine if other terms might be agreeable to both parties. In addition, the efforts of “CMI” to
4 frustrate the discovery process so far do not favor deposition by written questions because “CMI” has
5 provide contradictory and evasive testimony regarding their discovery and it is expected that a the
6 Deposition of Travis Nurse will require extensive follow up. Plaintiff has sought to take the Deposition
7 of Travis Nurse because this is the witness that “CMI” chose to verify their discovery responses and
8 to give testimony in their opposition to Plaintiffs first Motion to Compel Further Responses. Therefore
9 their subsequent refusal to meet and confer with Plaintiff either before or since Plaintiff noticed the
10 Deposition of their witness is good cause to Sanction “CMI” with the expense of producing Travis
11 Nurse at the more distant location for Deposition, or to require that “CMI”, as a Sanction, to reimburse
12 Plaintiff, within five days of the conclusion of the deposition, for any cost associated with Plaintiff
13 traveling to “CMI’s” O’Fallon, MO offices to depose this witness.

14
15 **D. “CMI” Should Be Sanctioned for their Refusal to Submit to an Authorized Method of**
16 **Discovery and to Meet & Confer Regarding the Deposition of Travis Nurse**

17 California Code of Civil Procedure §2023 is an independent section of the Discovery Act
18 which authorizes sanctions for abuses of the Discovery process. Regardless of the Court’s ruling on
19 the manner and/or location in which Travis Nurse shall be deposed, California Code of Civil Procedure
20 §2023.020 states: “Notwithstanding the outcome of the particular discovery motion, the court shall
21 impose a monetary sanction ordering that any party or attorney who fails to confer as required pay the
22 reasonable expenses, including attorney's fees, incurred by anyone as a result of that conduct.
23 California Code of Civil Procedure §2023.010(a) states: “The court may impose a monetary sanction
24 ordering that one engaging in the misuse of the discovery process, or any attorney advising that
25 conduct, or both pay the reasonable expenses, including attorney's fees, incurred by anyone as a result
26 of that conduct.” This statute supports Plaintiffs demand for sanctions in the amount of \$9,600.00
27 against “CMI” and their counsels for their wilful and blatant refusal to meet and confer regarding the
28 deposition of Travis Nurse, requiring Plaintiff to bring this motion. California Code of Civil Procedure

1 2023.010(c) states: “The court may impose an evidence sanction by an order prohibiting any party
2 engaging in the misuse of the discovery process from introducing designated matters in evidence. This
3 section supports Plaintiffs request that the Court should strike the testimony by Travis Nurse in the
4 form of discovery verifications and his declaration in opposition to Plaintiffs previous Motion to
5 Compel Further Responses.

6 The Court can reasonably conclude that the objections raised by “CMI” to the deposition of
7 Travis Nurse were solely for the purpose of creating a delay because they most certainly could have
8 been overcome were it not for the refusal of “CMI” to meet and confer and “the court acted within its
9 discretion in imposing sanctions based upon the ample evidence that the objections and responses to
10 the interrogatories constituted a misuse of the discovery process” (Clement v. Alegre, 177 Cal. App.
11 4th 1277 (Cal. App. 1st Dist. 2009). This circumstance is analogous.

12 Plaintiff attempted to meet and confer with “CMI” for several weeks prior to noticing the
13 Deposition of Travis Nurse for August 31, 2015 and attempted to meet and confer for several days
14 following receipt of their objection to the Deposition of Travis Nurse and give Plaintiffs diligent
15 efforts, there is no mistake or misunderstanding, “CMI’s” actions were a wilful misuse of the
16 discovery process because their actions in this instance are part of a pattern of discovery abuses which
17 include “CMI” ignoring Plaintiffs efforts to meet and confer to resolve discovery disputes then
18 blaming Plaintiff and Plaintiff’s Pro Per status for the increasing delay and expense of litigating this
19 case. California Code of Civil Procedure 2025.010(i) states, “failing to confer” is a misuse of the
20 discovery process and as such, the requested sanctions against “CMI” and their counsel is appropriate.

21 22 **V. CONCLUSION**

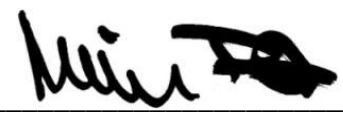
23 “CMI” has gambled on a litigation strategy that a “Pro Per” Plaintiff will not possess
24 intellectual or financial resources to overcome their discovery abuses, and except for the tenacity of
25 Plaintiff, this might have been a successful, if not totally unethical strategy.

26 The reality is that while Plaintiff is making every effort to seek proper redress from the Court
27 in response to “CMI’s” discovery abuses, Plaintiff is greatly prejudiced by the ongoing delays and
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1 associated expense of having to bring this or any Motion to Compel "CMI" to perform the most basic
2 of actions which the legislature has made clear is expected of them without court intervention.

3 If the court does not grant the relief for which Plaintiffs prays, there is no reason for "CMI" to
4 correct their behavior or to comply with any of their discovery obligations. Plaintiff prays in earnest
5 that the court will view "CMI's" objection to the deposition of Travis Nurse through the filter of their
6 extreme discovery abuses throughout these proceedings and grant all relief prayed for by Plaintiffs in
7 this Motion.

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9 Date: September 10, 2015

10 By: 
11 MARINA J BOYD, PLAINTIFF in PRO PER

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**MARINA J BOYD, ANITA FAYE BOYD
ALEXIS BOYD-HOLLING
10951 NATIONAL BOULEVARD, APT 302
LOS ANGELES, CALIFORNIA 90064
(310) 663-4811**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES WEST DISTRICT**

MARINA J BOYD, ANITA FAYE BOYD,) CASE NO. SC117126
ALEXIS BOYD-HOLLING)
Plaintiff,) **DECLARATION OF MARINA J BOYD IN**
vs.) **SUPPORT OF PLAINTIFF’S MOTION TO**
CITIMORTGAGE, INC. & SKYWAY) **COMPEL DEFENDANT CITIMORTGAGE**
REALTY, MARK ALTON) **TO PRODUCE FOR DEPOSITION TRAVIS**
Defendants) **NURSE**
) Hearing Date: February 3, 2016
) Hearing Time: 8:30am
) Presiding Judge: Hon. Lisa Hart Cole
) **COMPLAINT FILED: May 18, 2012**

DECLARATION OF MARINA J BOYD

I, Marina J Boyd, a Plaintiff in this matter and hereby make the following declarations based on my personal knowledge, and if called upon to do so, I could and would testify to these facts.

This declaration is submitted in support of Motion to Compel Citimortgage, Inc. to produce for Deposition Travis Nurse and for Production of Documents at the time of Deposition and Demand for Sanctions.

I have attempted to meet and confer with counsel for “CMI” pursuant to California Code of Civil Procedure 2016.

1 On June 9, 2015, I advised Cathy L. Granger, counsel for "CMI" of my wish to depose
2 Travis Nurse and ask when he could be available (EXHIBIT A), and I did not receive response to my
3 inquiry.

4 On August 4, I e-mailed Cathy Granger, Rik Tozzi and Bryan Balogh, all counsel for "CMI"
5 advising them again of my wish to depose Travis Nurse (EXHIBIT B) and inquired about his
6 availability, but none of the attorneys acknowledged or addressed my request.

7 On August 5, 2015, I served a Notice of Deposition and of Travis Nurse and Request for
8 Production of Documents at the time of Deposition (EXHIBIT C).

9 On August 26, 2015, I received an objection from "CMI" to the deposition of Travis Nurse
10 (EXHIBIT D).

11 On August 27, I e-mailed Cathy Granger, Rik Tozzi and Bryan Balogh, asking to meet and
12 confer regarding "CMI's" objections to the Deposition of Travis Nurse (EXHIBIT E) and none of
13 the aforementioned attorneys responded to my e-mails.

14 On August 29, 2015, I called Cathy Granger who was not available to speak with me and I
15 left a detailed message regarding my wish to meet and confer regarding "CMI's" objections to the
16 Deposition of Travis Nurse.

17 On August 31, 2015, I called Rik Tozzi and Bryan Balogh, neither were available to speak
18 with me and again, I left each a detailed message regarding my wish to meet and confer regarding
19 "CMI's" objections to the Deposition of Travis Nurse.

20 I have incurred costs in the amount of \$9,600.00 to research and prepare this motion of which
21 I am entitled to recover by way of an award of monetary sanctions payable by "CMI" and their
22 counsel.

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

25
26 DATED: September 3, 2015

27
28 By: 
Marina J Boyd, Pro Se Plaintiff