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MARINA J BOYD, ANITA FAYE BOYD
ALEXIS BOYD-HOLLING
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ORIGINAL FILED
Superior Court of California
County of Los Angeles
AUG 06 2015
Sherri R. Carter, Executive Officer/Clerk
By Darnetta Smith, Deputy

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

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

Plaintiff,

vs.

CITIMORTGAGE, INC. & SKYWAY
REALTY, MARK ALTON

Defendants

) CASE NO. SC117126
)
) **DECLARATION OF MARINA J BOYD IN**
) **SUPPORT OF PLAINTIFFS MOTION TO**
) **COMPEL DEFENDANT CITIMORTGAGE,**
) **INC. TO PROVIDE FURTHER RESPONSES**
) **TO PLAINTIFF REQUEST FOR**
) **PRODUCTION OF DOCUMENTS AND**
) **DEMAND FOR SANCTIONS**
) Hearing Date: February 17, 2016
) Hearing Time: 8:30am
) Room: 2nd Floor, Department O
) Presiding Judge: Hon. Lisa Hart Cole
)
) COMPLAINT FILED: May 18, 2012

I, Marina J Boyd, declare, I am a Plaintiff in the above entitled action.

The information contain herein is based on my own personal knowledge and if called to testify, I could, and would, testify competently thereto.

On March 9, 2014, I caused to be served Requests for Production of Documents, Set One, on the Defendant Citimortgage, Inc. (“CMI”). A true copy with proof of service is attached (**EXHIBIT A**) of which Defendant, “CMI”s responses were initially due on April 9, 2014.

Between April 9, 2014, and July 29, 2019, I agreed to grant Defendant “CMI’s” four separate

1 request for extension of 30 day extensions with which to provide requested documents, ultimately
2 extending the deadline to September 19, 2019 (**EXHIBIT B**).

3 On July 23, 2014, I sent a letter to Samantha Lamm, counsel for Defendant, “**CMI**” (**EXHIBIT**
4 **C**) offering to meet and confer after having received no responses by July 9, 2014 and advising that
5 Plaintiffs would proceed with a motion to compel. Finally, on July 28, 2014, Samantha Lamm, counsel
6 for “**CMI**” sent an e-mail agreeing to meet and confer on July 29, 2015 after a scheduled court hearing.

7 On July 29, 2014, I meet with Samantha Lamm and Plaintiff made **SIGNIFICANT**
8 concessions on the Discovery Request, and agreed to extend Defendant, “**CMI**” time to respond to
9 September 19 2014 to provide the requested documents (**EXHIBIT D**).

10 On September 19, 2014, “**CMI**” served responses to Plaintiffs Form Interrogatories, Request
11 for Admissions and provided additional e-mail documents in response to Plaintiffs Request for
12 Production of Documents. However, the documents served in response to Plaintiffs request for
13 Production of Documents, were virtual copies to documents which “**CMI**” had attached to their
14 Motion for Summary Judgment filed on or about October 3, 2013, and ignored Plaintiffs specific
15 request that “**CMI**” provide “*e-mail, notes, entries and attachments in the RES.NET system or any*
16 *other system used to track, manage or communicate regarding the SUBJECT PROPERTY*”.

17 On October 15, 2014, I sent correspondence to Samantha Lamm, counsel for “**CMI**” in an
18 effort to meet and confer and provide specific clarification to “**CMI**” regarding outstanding discovery
19 issues, however, Plaintiffs never received an acknowledgement or response to this inquiry. (**EXHIBIT**
20 **E**).

21 On November 20, 2014, I forwarded a signed Stipulation to meet and resolve discovery issues
22 informally (**EXHIBIT F**) along with a copy of the October 15, 2014 correspondence (**EXHIBIT E**)
23 to Samantha Lamm, counsel for “**CMI**”, and this communication was also ignored

24 On December 8, 2014, I placed a call to Samantha Lamm to in hopes of discovering the reason
25 Plaintiffs communications had gone unacknowledged and to inquire if “**CMI**” had any intention to
26 cooperate with Plaintiffs attempts to resolve discovery issues however, the response from Ms. Lamm
27 was inappropriate and unprofessional of which Plaintiff’s follow up response thereto is attached
28 (**EXHIBIT G**).

On December 15, 2014, I filed and served to “**CMI**” a request for “Informal Discovery

1 Conference” on behalf of Plaintiffs, with the in the west district of the Los Angeles Superior Court
2 **(EXHIBIT H)**.

3 On December 22, 2014 the Defendant filed a notice of Removal from Los Angeles Superior
4 Court to this US District Court and identified new counsel, Cathy Granger, for Defendant, “CMI”.

5 On January 25, 2015, Marina J Boyd and Anita Faye Boyd met with Cathy Granger, counsel
6 for “CMI” for an Initial Status Conference Pursuant to FRP 26 and during the meeting provided her
7 with a copy of the previous correspondence dated October 15 2015 which was sent to Samantha Lamm,
8 and attempted to confer with Ms. Granger regarding resolution of outstanding discovery issues.

9 On February 15, 2015 and February 23, 2015 I followed up with Ms. Granger, counsel for
10 “CMI” by e-mail **(EXHIBIT I)** again attempting to meet and confer to address outstanding discovery
11 issues, Ms. Granger, made no request for clarification, expressed no further objections.

12 On February 24, 2015, I met with Ms. Cathy Granger, counsel for “CMI” and again conferred
13 further regarding the outstanding discovery issues raised in Plaintiffs February 15, 2015 and February
14 23, 2015 communications, however again Ms. Granger relayed that “CMI” was “looking into the
15 issue”.

16 On February 25, 2015, Plaintiffs served to “CMI”, Request for Production of Documents Set
17 Two, wherein Request No 2, specifically demands production of e-mail documents in Electronically
18 Stored form (ESI) in accordance with Plaintiffs’ meet and confer letter dated October 15, 2015, where
19 Plaintiffs attempted to clarify for “CMI” the nature of the discovery requested and to specifically
20 clarify that Plaintiffs are seeking Electronically Stored Information (ESI), however “CMI’s” objected
21 to the request as duplicates request **(EXHIBIT J)** to those in Request for Production Set One, although
22 they never provided documents responsive to Plaintiff Request for Production Set One.

23 On March 2, 2015 via e-mail to Cathy Granger **(EXHIBIT K)**, Plaintiffs advised, Cathy
24 Granger, Counsel for “CMI” of their intention to pursue discovery compliance; however, pursuant to
25 Ms. Granger’s response on March 3, 2015, “CMI”, it would appear, is now implying the e-mails “may
26 not exist” **(EXHIBIT L)**.

27 On March 6, 2015, Plaintiff brought a motion to compel “CMI” to provide further responses,
28 in U S District Court, Central District, which was denied by the court without prejudice on April 2,
2015.¹

On March 23, 2015, “CMI” filed their opposition to Plaintiffs Motion to Compel further

¹ Plaintiffs motion to compel in U.S. District court was denied on procedural grounds for Plaintiffs failure to submit a Joint Stipulation regarding Discovery Pursuant to FRCP 37-2

1 Responses, wherein the Declaration of Travis Nurse (**EXHIBIT M**) attached to the opposition,
2 contradicts “CMI” requirement to issue a Litigation Hold instructing employees to save all e-mails
(in addition to other documents) in this case, not just selected e-mails in the RES.NET system.

3 On April 1, 2015, “CMI” served to Plaintiffs Second Set of Further responses to Plaintiffs
4 Request for Production of Documents, Request for Production No. 2.

5 On May 6, 2015, Plaintiffs delivered to “CMI” a signed Joint Stipulation regarding Discovery
6 pursuant to Local Rule 37-2 (**EXHIBIT N**).

7 On May 15, 2015, “CMI” served a Third Set of Further Responses to Plaintiffs Request for
8 Production of Documents.

9 While the May 15, 2015 responses contained e-mails reported by “CMI” to be in response to
10 Plaintiffs’ Request for Production of Documents, Set One, Request No. 1, they still did not include the
e-mails from outside of the RES.NET system as Plaintiff specifically included in their request.

11 In a final effort to obtain evidence in this case to move forward to a trial on the merits, I sent
12 to Cathy Granger, counsel for “CMI” a final offer to meet and confer on June 4, 2015, and on June 9,
13 2015, I requested a date wherein Travis Nurse, the “CMI” employee who verified their discovery
14 responses would be available for deposition (**EXHIBIT O**). As of the date of this motion, “CMI” has
15 not acknowledged this communication, but instead has ask for dates when Plaintiff Marina J Boyd will
16 be available for continued deposition AND psychological exam, and has asked for dates which
17 Plaintiff Anita Faye Boyd will be available for deposition. They have also propounded more than fifty
18 additional Request for Production of Documents to Plaintiffs.

19 Defendant “CMI” begin their abuse of the discovery process in November 2013, when they
20 propounding the same discovery on minor Plaintiff Alexis Boyd-Holling (**EXHIBIT P**) who was only
21 fourteen years old at the time, with the same requests that were propounded on the adult plaintiffs.
22 Their discovery request of 14 year old Alexis consisted of 94 Special Interrogatories, 32 Request for
23 Admissions, and a Request for Alexis to produce 39 documents at the office of Wolfe & Wyman, LLP
24 in Irvine, CA on December 13, 2013, which was a school day. Further, “CMI” proceeded to take the
25 Deposition of Alexis Boyd-Holling on March 31, 2014. The actions of “CMI” were designed to
26 burden and harass Plaintiffs.

1 “CMI” has not only refused to provide e-mail documents requested by Plaintiffs, they have
2 actively obstructed Plaintiffs efforts to obtain discovery from other sources, by opposing subpoenas to
3 RES.NET (**EXHIBIT Q**), and Les Zieve and Associate (**EXHIBIT R**).

4 In the subpoena for documents from Les Zieve and Associates, “CMI” claimed the documents
5 were privileged, although the documents did not appear on any Privilege Log of “CMI” and although
6 Plaintiffs made clear that they were only seeking communication between Les Zieve and Associates
7 and Mark Alston and/or Skyway Realty, and “CMI’s” objection to this Subpoena is at odds with their
8 ongoing assertion that they believe Mark Alston and Skyway Realty to be Independent Contractors.

9 On August 4, 2015, I informed Cathy Granger of my intent to file a motion to compel further
10 responses, and she request that we attempt to agree to extend the deadline to file the motion to attempt
11 to resolve the issues.

12 On August 4, 2015, I sent an e-mail to Ms. Granger agreeing to extend the deadline until
13 September 4, 2015. Ms. Granger then responded that she did not believe Plaintiffs had additional time
14 to file a motion to compel, (**EXHIBIT S**), citing dates she “believed” to be cutoff dates for a motion
15 to compel based on the responses served on September 19, 2015.

16 The e-mail is a blatant attempt to mislead Plaintiffs because it intentionally exclude and ignores
17 the fact that “CMI” had submitted supplemental responses FAR beyond the date of the initial
18 response.

19 I have met and conferred with “CMI” in compliance with California Code of Civil Procedures
20 and California Rules o Court in an effort to resolve discovery matters, and have engaged in no less
21 than eight separate negotiations over more than 16 months, in an effort to resolve discovery matters
22 (**See Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G and Exhibit O**).

23 I have incurred legal expenses in the amount of \$2,115 as a direct result of Defendant’s abuse
24 of the Discovery request as identified herein.

25 I have incurred additional expenses in process service charges, and other document and
26 subpoena related services of which documentation will be presented at hearing.

27 That I have spent NO LESS than 332 hours researching and responding to the discovery abuses
28

1 of "CMI" over the last 22 months, which would not otherwise be required if not for the abuses of
2 "CMI" and the minimum amount that should be awarded based on a rate of \$200 per hour is \$66,400.

3 "CMI's" actions have clearly demonstrated that they do not intend produce the e-mail
4 documents which are the foundation of Plaintiffs case and their actions violate federal law and ethical
5 standards of conduct, and must be sanctioned to the fullest extent possible to maintain the integrity of
6 the judicial process and to deter such behavior by litigants.

7 I declare under penalty of perjury that the foregoing is true and correct.

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DATED: August 4, 2015

By: 
Marina J Boyd, Pro Se Plaintiff