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Superior Court of California
County of Los Angeles
AUG 06 2015
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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,
ALEXIS BOYD-HOLLING

Plaintiff,

vs.

CITIMORTGAGE, INC. & SKYWAY
REALTY, MARK ALTON

Defendants

) CASE NO. SC117126
)
) **PLAINTIFFS SEPARATE STATEMENT OF**
) **ITEMS IN DISPUTE IN SUPPORT OF**
) **PLAINTIFFS MOTION TO COMPEL**
) **FURTHER RESPONSES FROM**
) **DEFENDANT CITIMORTGAGE, INC.**
)
) Hearing Date: February 17, 2016
) Hearing Time: 10:00am
) Room: 8th Floor, Room C
) Presiding Judge: Hon. John E. McDermott
)
) COMPLAINT FILED: May 18, 2012

REQUEST FOR PRODUCTION SET 1, NO. 1

Please produce all DOCUMENTS in your possession relative to the SUBJECT PROPERTY, including, but not limited to any written, printed, recorded, graphic or photographic matters of any kind or description, however produced or reproduced, including, without limitation, any tapes, mechanical recordings or transcriptions or such recordings or an oral material or other sound or visual reproductions; and drawings, sketches, schematics, blueprint or any other descriptive materials; any

1 memoranda, logs, notes, letters, calendar schedules; and any originals, including handwritten notes,
2 interlineation, stamps or any other markings, e-mail, notes, entries and attachments in the RES.NET
3 system or any other system used to track, manage or communicate regarding the SUBJECT
4 PROPERTY which are now or at any time in your actual or constructive possession or in the custody
5 or control of your systems, attorneys, investigators, experts or consultants having any information or
6 knowledge.

7
8 **“CMI’s” RESPONSE TO PLAINTIFFS REQUEST FOR PRODUCTION SET ONE, NO. 1**

9 On September 19, 2015, “CMI” served documents which they identified as being in response
10 to this request, however, it only contained e-mail documents from the RES.NET system, and the
11 documents were produced in a manner which would not allow for legibly formatted printing.

12
13 ON October 24, 2014, Plaintiff sent a letter to “CMI” in an effort to meet and confer and
14 clarified the request as follows:

15
16 “The “further” responses I received to the Request for Production No 1 ONLY include e-mails tracked
17 in the Res.Net system. I am again specifically requesting, as indicated in the request and in my July
18 24, 2014 meet and confer letter “e-mail documents which are not stored or tracked in the Res.Net
19 system”.

20 *“Please produce all DOCUMENTS in your possession relative to the SUBJECT PROPERTY including but*
21 *not limited to any written, printed, recorded, graphic including, without limitation anye-mail....in the*
22 *RES.NET system **OR ANY OTHER SYSTEM USED TO TRACK, MANAGE OR COMMUNICATE regarding the***
23 ***SUBJECT PROPERTY** which are now or at any time in your actual or constructive possession or in the custody or*
24 *control of your systems,”*

25 In the interest of reaching a resolution in addition to the heavily redacted and edited e-mail records
26 from the RES.NET system, I am request the following documents in response to the Request for
27 Production No. 1

1 Any e-mails between the following Mark Alston, or any representative of Skyway Realty and
2 the following employees of CITIMORTGAGE, INC.

3 Employee Agent	e-mail address	Start Date	End Date
4 Ashley Drake	Ashley.drake@citi.com	11/1/2010	Current Date
5 Krista McCullough	Krista.denise.mccullough@citi.com	11/1/2010	Current Date
6 Demetrious (Jim) Bageris	Demitrios.g.bageris@citi.com	11/1/2010	Current Date
7 Ester Robinson	Ester.robinson@citi.com	11/1/2010	Current Date
8 Sarah Oberender	Sarah.anne.oberender@citi.com	11/1/2010	Current Date
9 Tyrone Powell	Tyrone.powell@citi.com	11/1/2010	Current Date
10 Stephanie Jones	Stephanie.marie.jones@citi.com	11/1/2010	Current Date

11
12 From any Outlook, Groupwise, Android, Blackberry, IOS, Exchange Servers, any e-mails transmitted
13 through GCG-NAOT, any e-mails transmitted through the citi.com domain or transmitted through any
14 of the citi.com domain alias', any information that would be considered "company e-mail" within the
15 date ranges above, from or to the individuals above regarding the Ocean Park Property.

16
17 **REASONS WHY FURTHER RESPONSE TO PLAINTIFFS REQUEST FOR PRODUCTION**
18 **SET ONE, NO. 1 SHOULD BE COMPELLED:**

19 A. "CMI" response to Plaintiffs initial request for production of e-mail documents was
20 incomplete. The RES.NET system from which "CMI" produced e-mail and other
21 documents is not a complete or exhaustive repository of e-mail communications. Rather,
22 it is a repository of "SELECTED" e-mail communications which were selected by "CMI"
23 to disclose.

24 B. Plaintiffs request to inspect these e-mail conversations is reasonably calculated to lead to
25 the discovery of admissible evidence concerning, among other things, the deliberate nature
26 of "CMI's" actions, their knowledge that Plaintiffs had requested the return of their
27 Personal Property and the ratification of the actions of the employees of "CMI's" actions
28 by officers, directors and managing agents.

1 C. Plaintiffs have gone far above and beyond the courts requirements to meet and confer with
2 “CMI” in order to resolve Discovery issues, however, “CMI” has in fact abused the meet
3 and confer requirements in order to lull Plaintiffs into the believe that they either had
4 provided all available documents responsive to Plaintiffs request, or made false statements
5 to Plaintiffs about their ability to produce the documents Plaintiff has requested.
6

7 **REQUEST FOR PRODUCTION SET 2, NO. 1**

8 Please produce all e-mail COMMUNICATION between “YOU” and Mark Alston and/or any
9 representative of Skyway Realty, and/or between any “CMI” employees, agents, vendors, or
10 independent contractors regarding the SUBJECT PROPERTY. Request includes, but is not limited to
11 e-mail communication to and from the following employees of “CMI”, Ashley Drake, Krista
12 McCullough, Demetrious (Jim) Bageris, Ester Robinson, Sarah Oberender, Tyrone Powell and Susan
13 Shull, Stephanie Jones and Brenda Jenkins from January 1, 2010 through the Current date. This
14 request includes all e-mails WHETHER OR NOT THEY ARE STORED IN THE RES.NET
15 TRACKING SYSTEM, transmitted through any Outlook, Groupwise, Android, Blackberry, IOS,
16 Exchange Servers, GCG-NAOT, or through any citi.com, Citimortgage.com domain or any domain
17 owned by Citigroup through which electronic information for the specified individuals is transmitted
18 delivered in their native format with metadata.
19

20 **“CMI’s” RESPONSE TO PLAINTIFFS REQUEST FOR PRODUCTION SET ONE, NO. 1**

21 Objection. Responding Party objects that this request is substantially identical to a request
22 previously propounded in this action, to which Responding Party has responded (set one, request no.
23 1), and, thus, this request is unreasonably cumulative and duplicative. Fed.R.Civ.P. 26. Further
24 objection is made that, in seeking all e-mail communications “regarding the subject property, “the
25 request is vague as to time and subject matter, and therefore, overbroad and not reasonable calculated
26 to lead to the discovery of admissible evidence The burden of producing the documents would
27 therefore far outweigh the utility of the documents to the Requesting Party. Further, the request
28 contemplates e-mails involving other borrowers and loan activity having no relationship to this case

1 (i.e., loan origination, underwriting, servicing, assignment, etc.), which would implicate the private
2 information of persona not parties to this action, and objection is made to that extent.

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5 **REASONS WHY FURTHER RESPONSE TO PLAINTIFFS REQUEST FOR PRODUCTION**
6 **SET ONE, NO. 1 SHOULD BE COMPELLED:**

- 7 A. This request is not substantially identical to the previous request because this specifically
8 request Electronically Stored Information (ESI) and expands the documents demanded
9 from communications between the specified employees of “CMI” and Mark Alston and
10 Skyway Realty, but to other employees or vendors within “CMI” if it was in regard to
11 12321 Ocean Park Boulevard, Unit 1, Los Angeles, California 90064.
- 12 B. It is critical to require that “CMI” produce the demanded e-mail communications in their
13 native format with metadata to ensure that Production is complete. During the course of
14 these proceedings “CMI” has repeatedly presented the different versions of the same
15 information as discovery responses, and/or attachments to motions and Plaintiffs have been
16 able to identify “CMI” clear attempts to conceal conversations were not favorable in
17 subsequent productions of the same information.
- 18 C. The request is not ambiguous as to date as it specifies the beginning date of January 1, 2010
19 and because of the ongoing efforts of “CMI” to cover up their actions in this matter, the
20 request related directly to Plaintiffs claim that “CMI” has engaged in a conspiracy.

21
22 **LEGAL STANDARD SUPPORTING PRODUCTION**

23 Volkswagen v. Superior Court (2006) 139 Cal.App.4th 1481, 1497 (italics added) (citations
24 omitted) should be followed: [T]he party seeking discovery is entitled to substantial leeway.
25 Furthermore, California's liberal approach to permissible discovery generally has led the courts to
26 resolve any doubt in favor of permitting discovery. In doing so, the courts have taken the view if an
27 error is made in ruling on a discovery motion, it is better that it be made in favor of granting discovery

1 of the non-discoverable rather than denying discovery of information vital to preparation or
2 presentation of the party's case or to efficacious settlement of the dispute.

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4 Dated: August 5, 2015

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By: 
Marina J Boyd, Pro Se Plaintiff

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