SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Northwest District, Van Nuys Courthouse East, Department U

23VECV04262 March 25, 2025
IDEAL LIVING, LLC, et al. vs DAVID NAJAR 8:30 AM

Judge: Honorable Valerie Salkin CSR: None
Judicial Assistant: R. Duron ERM: None
Courtroom Assistant: E. Vince Cruz Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): NICHOLAS SOLTMAN Via LACourtConnect

For Defendant(s): Benjamin Samuel Taylor Via LACourtConnect

NATURE OF PROCEEDINGS: Hearing on Motion - Other Financial Discovery of Defendant David Najar; Hearing on Motion for Order Directing Charter Communications, Inc. to Produce Records Pursuant to the Federal Communications Act; Order to Show Cause Re: mediation completion by 4-1-25

The matters are called for hearing.

The Court reads and considers the moving papers, opposition, and reply, if any.

The Court's tentative is emailed to parties.

~~~~~~~~~~~~~~~~~~TENTATIVE RULING~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

BACKGROUND

On September 26, 2023, Plaintiffs Ideal Living, LLC ("Ideal"), Peter Spiegel ("Spiegel"), and Kathleen Williams ("Williams") filed their complaint against Defendant David Najar ("Najar"), alleging: (1) civil extortion; (2) duress; (3) intentional interference with contractual relations; (4) intentional infliction of emotional distress; and (5) unfair business practices in violation of Business & Professions Code section 17200.

Also on September 26, 2023, Plaintiffs filed a request for a civil restraining order against Najar in case #23VERO01608. After hearing testimony and evidence, Judge Karen Moskowitz entered a three-year civil restraining order in favor of Spiegel and Williams and against Najar in case #23VERO01608 on January 17, 2024. (See Soltman decl., ¶ 2, Exhs. 9-10.)

On November 15, 2023, Najar filed his answer to the complaint in this case, asserting his general denial and several affirmative defenses.
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On February 7, 2025, Plaintiffs filed their motion to compel/permit financial discovery against Najar under Civil Code section 3295 (c).

Also on February 7, 2025, Plaintiffs filed their motion for an order directing Non-Party Charter Communications, Inc. ("Charter") to produce records under the Cable Privacy Act.

On February 13, 2025, Najar filed his opposition brief as to Plaintiffs' motion to compel/permit financial discovery. (Najar has filed no opposition brief re: Plaintiffs' motion to direct production from Charter.)

On March 18, 2025, Plaintiffs filed their reply brief, which addresses both their motion to compel/permit financial discovery and their motion to direct production from Charter.

As of 5:00 P.M. on March 21, 2025, nothing further had been filed in this matter by any party.

LEGAL STANDARD

Motion to Compel/Permit Financial Discovery

Before the trial court may enter an order allowing discovery of financial condition information, it must: (1) weigh the evidence presented by both sides; and (2) make a finding that it is very likely the plaintiff will prevail on his claim for punitive damages. Civ. Code, § 3295 (c); Jabro v. Superior Court (2002) 95 Cal.App.4th 754, 755 (Jabro).

Motion to Compel Discovery Under the Cable Privacy Act

The Cable Privacy Act, codified under 47 U.S.C. section 551, generally prohibits a cable operator from disclosing personally identifiable information regarding its subscribers without those subscribers' prior written or electronic consent. 47 U.S.C., § 551 (c)(1). However, a cable operator may disclose such information pursuant to a court order. 47 U.S.C., § 551 (c)(2)(B).

DISCUSSION

Plaintiffs move to compel/permit financial discovery against Najar under Civil Code section 3295 (c). Plaintiffs also move for an order directing Non-Party Charter to produce records under the Cable Privacy Act.

Both motions will be granted.

Review of Plaintiffs' Submitted Evidence

The Court has reviewed and considered the following evidence submitted by Plaintiffs in support of their motion to compel/permit financial discovery:

The declaration of Plaintiffs' counsel Nicholas Soltman;

The declaration of Peter Spiegel;

A copy of an email from Myra Nishizaki to Spiegel and Williams dated February 8, 2023 (Exh. 1);

A copy of a police report of "attempt[ed] extortion" filed by Spiegel on February 9, 2023 (Exh. 2);

Copies of anonymous emails sent to Spiegel and Williams on September 20, 2023, September 23, 2023, and October 10, 2023 (Exhs. 3-7);

The transcript of a voicemail from Najar to Spiegel dated September 19, 2023 (Speigel decl., ¶ 10, Exh. 8);

A copy of a test message sent from Najar to Spiegel on September 20, 2023 (Spiegel decl., ¶ 11);

A copy of Judge Moskowitz's restraining order entered in favor of Spiegel and Williams and against Najar in case #23VERO01608 (Exh. 9);

Excerpts from the transcript of the proceedings on Plaintiffs' request for a restraining order in case #23VERO01608 (Exh. 10);

Excerpts from Najar's deposition transcript (Exh. 11); and

Copies of documents produced by LinkedIn and Google, offered for the purpose of showing Najar sent anonymous emails to Spiegel and Williams (Exhs. 12-13).

Najar submits no evidence in opposition to the motion.

The motion to compel/permit financial discovery will be granted.

Plaintiffs move to compel/permit financial discovery against Najar under Civil Code section 3295 (c).

Before the trial court may enter an order allowing discovery of financial condition information, it must: (1) weigh the evidence presented by both sides; and (2) make a finding that it is very likely the plaintiff will prevail on his claim for punitive damages. Civ. Code, § 3295 (c); Jabro, supra, 95 Cal.App.4th at p. 755. The trial court will grant a plaintiff's motion for a court order allowing pretrial discovery of a defendant's financial condition "if the court finds, on the basis of the supporting and opposing affidavits presented, that the plaintiff has established that there is a substantial probability that the plaintiff will prevail on the claim pursuant to Section 3294." Civ. Code, § 3295 (c).

Plaintiffs present substantial evidence that they will prevail on at least their civil extortion claim. See Fuhrman v. California Satellite Systems (1986) 179 Cal.App.3d 408, 426, 432 (necessary elements for extortion: [1] defendant's wrongful attempt to extort money; and [2] resulting damages to plaintiff), overruled on other grounds by Silberg v. Anderson (1990) 50 Cal.3d 205, 212. Specifically, Plaintiffs' submitted evidence reveals as follows.

Spiegel and Williams are the co-CEOs of Ideal, a direct-to-consumer marketing business. (Spiegel decl., ¶ 2.) Najar is the purported romantic partner of Myra Nishizaki, Ideal's off-and-on employee from 2019 to 2023. (Spiegel decl., ¶ 4.) In 2020, and at Ms. Nishizaki's request, Ideal employed Najar for a time until Ideal decided not to renew Najar's employment because, among other reasons, Najar had misstated his experience in business-to-business sales. (Spiegel decl., ¶ 4.)

On February 7, 2023, Spiegel met with Ms. Nishizaki, who "out of the blue" accused Plaintiffs of criminal wrongdoing and issuing false financial statements. (Spiegel decl., ¶ 5.) Ms. Nishizaki accused Spiegel and Williams, both of whom have been practicing Hindus for more than forty (40) years, of operating a "religious cult." (Spiegel decl., ¶¶ 3, 5.) Before leaving Ideal as an employee at the end of the week, Ms. Nishizaki demanded a severance payment or "exit package" in the tens of millions of dollars. (Spiegel decl., ¶ 5.)

Less than an hour later, Najar entered Spiegel's office and threatened that if Plaintiffs did not pay Ms. Nishizaki "nine figures," Najar and Ms. Nishizaki would cause Ideal to collapse. (Spiegel decl., ¶ 6.) The following day, Ms. Nishizaki emailed Spiegel and Williams to demand an "exit package," accusing them of running "a cult under the guise of Hinduism that has perpetrated

extensive and systemic child molestation and rape by two gurus." (Exh. 1, p. 1, ¶ 2.) Ms. Nishizaki's email goes on to state, apparently with reference to Spiegel and his past support for a Hindu temple in Austin, Texas, that "the optics of a Jewish millionaire protecting a convicted pedophile that molested little white girls in a non-Christian religious organization in Texas could attract dangerous and armed right-wing conspiracy theorists that could not only put [Spiegel's] and [Williams'] lives at risk but also employees of the company." (Spiegel decl., Exh. 1, pp. 2-3.) Ms. Nishizaki concludes her email by again requesting that she and Spiegel "work on an exit plan … as quickly as possible." (Spiegel decl., Exh. 1, p. 3, ¶ 2.)

On February 8, 2023, Spiegel filed a police report documenting Ms. Nishizaki and Najar's "attempt[ed] extortion." (Spiegel decl., Exh. 2, p. 1.)

In September and October of 2023, Spiegel and Williams received anonymous emails from "peterpickedapooper@gmail.com," "peterspiegelnews@gmail.com," and "peterspiegelkripalu@gmail.com." (See Spiegel decl., ¶ 9, Exhs. 3-7.) Plaintiffs present evidence that at least the email address "peterspiegelnews@gmail.com" is registered to Najar's cellphone number. (See Soltman decl., ¶ 4, Exh. 13.)

The anonymous emails generally accuse Spiegel and Williams of running a secret Hindu sex "cult" that preys on young women and girls and of assisting a clergyman with fleeing the county after his conviction and before his sentencing for sex crimes. Some of the emails threaten to report Spiegel and Williams to the FBI, the LAPD, the U.S. Marshal, and the Texas Rangers baseball team, while other emails threaten to report Spiegel and Williams to specific investigative reporters, including Ronan Farrow and Eric Dexheimer. Still other emails tease reporting Spiegel and Williams to specific, high-profile lawyers, including John Manly and Gloria Allred. (See Spiegel decl., ¶ 9, Exhs. 3-7.)

Shortly after 8:00 P.M. on September 19, 2023, Najar left a voicemail on Spiegel's phone, identifying himself by his first name, and stating as follows: (1) "I saw that uh things are going well in the, in your backyard, in the compound as I like to call it"; (2) "I'm not threatening you at all. I'm your friend, I think you're great [snickering]"; (3) "You have until tomorrow, and I have everything set up"; (4) "I'm going to call David Asprey [a fitness advocate who has promoted Ideal's products] … I'm sure it'll be fine; all your influencers should be fine with what you've done in the past"; (5) "we have also found some new things Peter, some really, really bad new things and … I'm not threatening you there just appear to be facts so we're just gonna turn them over to the authorities"; and (6) "Peter, give me a call back because at tomorrow at 3:00 o'clock, I'm, I have an appointment and that'll be it." (Spiegel decl., ¶ 10, Exh. 8.)

Minutes later, Najar texted Spiegel, "hi friend, check your voice messages. i'm here. i see you." When Spiegel did not respond, Najar texted, "uncle?" (Spiegel decl., ¶ 11.)

On January 17, 2024, Judge Moskowitz entered a restraining order in favor of Spiegel and Williams and against Najar. Plaintiffs report having received no further threatening emails or text messages since Judge Moskowitz entered the restraining order. (Spiegel decl., ¶ 13.)

Spiegel attests that from September of 2023, through January of 2024, Plaintiffs incurred more than $313,000.00 in security expenses, including personal security expenses paid to Pinkerton and Black Box Security, as well as the cost of installing new security systems. (Spiegel decl., ¶ 14.)

The Court agrees with Plaintiffs that their submitted evidence sets forth a prima facie case for civil extortion against Najar. Plaintiffs' evidence shows Najar wrongfully attempted to extort money from Plaintiffs. Specifically, Mr. Najar appears to have used the termination of Ms. Nishizaki's employment with Ideal as an opportunity to demand a "nine figure" payout for Ms. Nishizaki, Najar's romantic partner. Mr. Najar appears to have threatened to falsely report Plaintiffs' support for a child sex cult to Plaintiffs' business partners, several government agencies, and prominent journalists and lawyers if Plaintiffs did not meet Ms. Nishizaki's demand for a payout. Plaintiffs' evidence is sufficient for Plaintiffs to meet their burden of showing they will probably prevail at showing Najar wrongfully attempted to extort money from them.

As to the element of damages, Plaintiffs present evidence that they incurred more than $313,000.00 in security expenses from September of 2023, through January of 2024. These expenses coincided with the onset of Mr. Najar's apparent harassment campaign, which also began in September of 2023. Plaintiffs meet their burden of showing they will probably prevail at proving Najar's conduct caused Plaintiffs damages.

Najar argues the Court should deny the motion because Plaintiffs have not met their burden of showing Najar engaged in malicious or despicable conduct. See Code Civ. Proc., § 3294 (c)(1) (punitive damages may be awarded where plaintiff proves defendant engaged in "despicable conduct which is carried on by the defendant with a willful and conscious disregard of the rights or safety of others"). The Court disagrees.

Plaintiffs' evidence shows Najar threatened to use the fact that Spiegel and Williams are practicing Hindus as a means of associating them with unfounded claims of supporting child sex abuse. Najar appears to have threatened to expose these false claims to the public if Plaintiffs did

not pay Najar's romantic partner a "nine figure" sum. Najar's conduct, if proven, is plainly malicious and despicable within the meaning of Code of Civil Procedure section 3294. As such, Plaintiffs have met their burden of showing they will probably prevail at obtaining punitive damages against Najar.

Finally, as to Najar's position that discovery of his financial condition "should be held by defense counsel until time of trial, and shared with Plaintiff only in the unlikely event that the trial proceeds to a phase 2" (Opposition, p. 3:5-7), the Court also disagrees. As Plaintiffs are very likely to succeed at pursuing punitive damages against Najar, it does not appear expedient that Plaintiffs be required to wait to obtain financial discovery until after the first phase of trial. The Court will allow discovery of Najar's financial condition pre-trial.

The motion to permit/compel financial discovery from Najar will be granted. Najar will be ordered to produce evidence of his net worth and income, as well as the value of his financial interests in any business entities/investments.

The motion for an order directing Non-Party Charter to produce records under the Cable Privacy Act will be granted.

Plaintiffs move for an order directing Non-Party Charter to produce records under the Cable Privacy Act.

The Cable Privacy Act, codified under 47 U.S.C. section 551, generally prohibits a cable operator from disclosing personally identifiable information regarding its subscribers without those subscribers' prior written or electronic consent. 47 U.S.C., § 551 (c)(1). However, a cable operator may disclose such information pursuant to a court order. 47 U.S.C., § 551 (c)(2)(B).

In January of 2025, Plaintiffs served a deposition subpoena to produce business records on Charter, which seeks the production of records or information that include personally identifiable information concerning the individual subscriber associated with the IP addresses related to the anonymous emails sent to Spiegel. (See Soltman decl., ¶ 8, Exh. 6.) In correspondence with Plaintiffs' counsel, Charter indicated it would not provide records responsive to the subpoena without a court order and supplied a proposed order that it would accept. (See Soltman decl., Exhs. 8-10.)

Plaintiffs have already presented evidence that at least the email address "peterspiegelnews@gmail.com" is registered to Najar's cellphone number. (See Soltman decl., ¶ 6, Exh. 5.) On September 20, 2023, Williams received an email from

"peterspiegelnews@gmail.com" that directed her "call me at 626-755-4278," Najar's phone number. (Soltman decl., ¶ 13, Exh. 9.)

Further evidence of the identity of the individual(s) behind the anonymous emails sent to Spiegel is plainly relevant to Plaintiffs' claims (and, for that matter, Najar's potential defenses). Plaintiffs' need for the documents outweighs any theoretical privacy concerns. Najar has filed no opposition brief to argue otherwise.

The motion for an order directing Non-Party Charter to produce records under the Cable Privacy Act will be granted.

CONCLUSION

Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams' motion for an order compelling/permitting financial discovery against Defendant David Najar under Civil Code section 3295 (c) is GRANTED. Defendant David Najar is ORDERED to produce evidence of his net worth and income, as well as the value of his financial interests in any business entities/investments.

Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams' motion for an order directing Non-Party Charter Communications, Inc. to produce records under the Cable Privacy Act is GRANTED.

Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams are ORDERED to give notice.

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Both sides submit on the Court's tentative.

The Court now rules as follows:

The Court adopts its tentative ruling as the order of the Court.

Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams' motion for an order compelling/permitting financial discovery against Defendant David Najar under Civil Code section 3295 (c) is GRANTED. Defendant David Najar is ORDERED to produce evidence of his net worth and income, as well as the value of his financial interests in any business
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entities/investments.

Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams' motion for an order directing Non-Party Charter Communications, Inc. to produce records under the Cable Privacy Act is GRANTED.

Counsel represent to the Court that mediation is scheduled on March 31, 2025 with John Shaw.

Plaintiffs Peter Spiegel, and Kathleen Williams and Defendant, David Najar are ordered to be personally present for mediation on March 31, 2025.

Trial Setting Conference is scheduled for 04/03/2025 at 08:30 AM in Department U at Van Nuys Courthouse East.

Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams are ORDERED to give notice.