KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
NICHOLAS C. SOLTMAN (SBN 277418)
nsoltman@khiks.com
11766 Wilshire Boulevard, Suite 750
Los Angeles, California 90025
Telephone: 310.566.9800
Facsimile: 310.566.9850

Attorneys for Peter Spiegel, Kathleen Williams, and Ideal Living, LLC

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES, NORTHWEST DISTRICT**

IDEAL LIVING, LLC, a Delaware limited liability company, PETER SPIEGEL, an individual, and KATHLEEN WILLIAMS, an individual,

Plaintiffs,

vs.

DAVID NAJAR, an individual, and DOES 1 through 10, inclusive,

Defendant.

Case No. 23VECV04262
*Assigned to Hon. Valerie Salkin*, Dept. U

**PLAINTIFFS' NOTICE OF MOTION AND MOTION TO COMPEL ANSWERS TO DEPOSITION QUESTIONS**

*[Filed concurrently with Separate Statement of Deposition Questions; Declaration of Nicholas Soltman; and [Proposed] Order]*

Date: April 3, 2025
Time: 8:30 a.m.
Dept. U

**Reservation No.: 430601084549**

Action Filed: September 26, 2023
Trial Date: April 21, 2025

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:**

PLEASE TAKE NOTICE that on April 3, 2025 at 8:30 a.m., or as soon thereafter as the matter may be heard, in Department U of the Los Angeles Superior Court, located at 6230 Sylmar Ave., Van Nuys, CA 91401, the Hon. Valerie Salkin presiding, Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams ("Plaintiffs") shall move the above-entitled court for an order compelling Defendant David Najar to answer questions that he refused to answer without an instruction from counsel.

Plaintiffs' Motion is made pursuant to Code of Civil Procedure §§ 2025.460 and 2025.480 on the grounds that Najar's refusal to answer deposition questions about his co-conspirators was improper under California law. Plaintiffs' counsel attempted to meet and confer with Najar's counsel in an effort to resolve the issues raised herein, or even to obtain agreement on conducting an informal discovery conference before the filing of this motion. Najar's counsel did not respond. (Declaration of Nicholas Soltman ("Soltman Decl.") ¶ 12.)

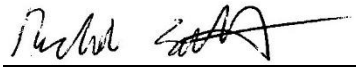
Plaintiffs also move for an order imposing evidence or issue sanctions against Najar precluding him from disputing that he sent the anonymous emails at issue, if the Court agrees that further deposition would be futile. Alternatively, the Court should sanction Najar in the amount of $13,005 to cover the attorneys' fees and costs that Plaintiffs have incurred in connection with this motion and $3,530 to cover the attorneys' fees and costs that Plaintiffs will incur in connection with the resumption of Najar's (including court reporter and videographer expenses).

This Motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, the attached Declaration of Nicholas Soltman, the Separate Statement Of Deposition Questions, the records and files herein, and such other matters as the Court may consider.

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

DATED: March 11, 2025

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP

By: 

Nicholas C. Soltman
Attorneys for Peter Spiegel, Kathleen Williams, and Ideal Living, LLC

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

## TABLE OF CONTENTS

**Page**


I. INTRODUCTION ..... 7

II. FACTUAL AND PROCEDURAL BACKGROUND ..... 8

A. Najar's Initial Demands on Behalf of His Girlfriend ..... 8

B. Beginning in September 2023, Najar Ups His Campaign of Pseudonymous Terror ..... 9

C. After a Four-Day Hearing, Plaintiffs Obtain a Three-Year Restraining Order Against Najar ..... 10

D. Najar's Responses Under Penalty of Perjury Force Plaintiffs To Engage in Significant Third-Party Discovery ..... 10

E. Despite Denying That He Sent Any Anonymous Emails, Najar Refuses To Identify Any of His Co-Conspirators ..... 12

III. ARGUMENT ..... 13

A. At a Minimum, Najar Should Be Ordered To Answer the Questions About His-Conspirators ..... 13

1. Najar waived any objection to the discoverability of his co-conspirators. ..... 13

2. Even if Najar's refusal to identify his co-conspirators were construed as a protean "privacy" objection, Plaintiffs' right to discover the alleged wrongdoers trumps any privacy interests these non-parties might have. ..... 14

B. Najar's Refusals To Answer Suggest A Second Deposition Would Be Futile ..... 17

IV. CONCLUSION ..... 19



KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

# TABLE OF AUTHORITIES

**Page(s)**

**Cases**

*Am. Airlines, Inc. v. Superior Court*,
114 Cal. App. 4th 881 (2003) ..... 15

*In re Anonymous Online Speakers*,
661 F.3d 1168 (9th Cir. 2011) ..... 16

*Bodenheimer v. Superior Court*,
108 Cal. App. 3d 885 (1980) ..... 16

*Boler v. Superior Court*,
201 Cal. App. 3d 467 (1987) ..... 14

*Castro v. Doe*,
2023 WL 9232964 (N.D. Cal. Oct. 12, 2023) ..... 16

*Cottini v. Enloe Med. Ctr.*,
226 Cal. App. 4th 401 (2014) ..... 18

*County of Los Angeles v. Superior Court*,
65 Cal. App. 5th 621 (2021) ..... 14

*Do It Urself Moving & Storage, Inc. v Brown, Leifer, Slatkin & Berns*,
7 Cal. App. 4th 27 (1992) ..... 18

*Farmland Partners Inc. v. Fortunae*,
2020 WL 12575073 (D. Colo. May 18, 2020) ..... 17

*Flatley v. Mauro*,
39 Cal. 4th 299 (2006) ..... 15

*Fults v. Superior Court*,
88 Cal. App. 3d 899 (1979) ..... 15

*Gonzalez v. Superior Court*,
33 Cal. App. 4th 1539 (1995) ..... 13

*John B. v. Superior Court*,
38 Cal. 4th 1177 (2006) ..... 14

*Lopez v. Watchtower Bible and Tract Soc. of N.Y. Inc.*,
246 Cal. App. 4th 566 (2016) ..... 13

*McGinty v. Superior Court*,
26 Cal. App. 4th 204 (1994) ..... 18

*New Albertsons, Inc. v. Superior Court*,
168 Cal. App. 4th 1403 (2008) ..... 18

*R.A.V. v. City of St. Paul*,
505 U.S. 377 (1992) ..... 15

*Sines v. Kessler*,
2018 WL 3730434 (N.D. Cal. Aug. 6, 2018) ..... 16

*Spiegel v. Najar*,
No. 23VERO01608 (Van Nuys Super. Ct. filed Sept. 26, 2023) ..... 10

*USA Techs., Inc. v. Doe*,
713 F. Supp. 2d 901 (N.D. Cal. 2010) ..... 15

*Vinson v. Superior Court*,
43 Cal. 3d 833 (1987) ..... 14

*Williams v. Superior Court*,
3 Cal. 5th 531 (2017) ..... 14, 15, 16

**Statutes**

Cal. Code Civ. Proc. § 2017.010 ..... 13

Cal. Code Civ. Proc. § 2023.010(d) ..... 17

Cal. Code Civ. Proc. § 2023.030 ..... 17

Cal. Code Civ. Proc. § 2025.460(b) ..... 14

Cal. Code Civ. Proc. § 2025.480(a) ..... 13, 17

Cal. Code Civ. Proc. § 2025.480(h) ..... 7, 8

Cal. Code. Civ. Proc. § 2025.480(k) ..... 18

Cal. Evid. Code § 452 ..... 10

**Constitutions**

First Amendment ..... 15, 16, 17

California Constitution ..... 14

**Other Authorities**

Weil & Brown, *Cal. Prac. Guide: Civ. Pro. Before Trial* ¶ 8:725 ..... 13

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

## MEMORANDUM OF POINTS AND AUTHORITIES

### I. INTRODUCTION

This case centers on the campaign of terror on which Defendant David Najar embarked in the late summer and early fall of 2023, which, "coincidentally," stopped as soon as Plaintiffs Peter Spiegel and Kathleen Williams obtained a three-year restraining order against him. The hundreds of anonymous emails and text messages were strikingly similar. Plaintiffs were falsely accused of running a secret Hindu "cult" that preys on young women and girls and of assisting a clergyman with fleeing the country after his conviction (and before his sentencing) for sex crimes. If they did not pay a nine-figure "exit package" or "severance agreement" to Najar's longtime domestic partner in exchange for an "NDA," then the anonymous sender(s) would report their "findings" to law enforcement, investigative reporters, or well-known plaintiffs' lawyers.

Another judge in this courthouse has already found that Najar sent at least some of the text messages and emails. As discussed in Plaintiffs' pending Motion for Financial Discovery, these findings are entitled to preclusive action. Nevertheless, Najar denies sending any emails to Plaintiffs.[1] Instead, he claims that they are the work of co-conspirators whom *he refuses to identify*. Not in obedience to any instructions by his counsel, but on his own accord. (*See* Plaintiff's Separate Statement of Deposition Questions in Dispute.) His counsel is right not to instruct Najar. The identity of the *actual* tortfeasors (if Najar is to be believed) is the most relevant information possible. Najar should be ordered to appear for deposition to answer the questions that he failed to answer, along with reasonable follow-up. Alternatively, unless Najar indicates in opposition that he will comply with a Court order to this effect—his rationale for refusing to answer suggests he will not—the Court should issue evidentiary sanctions: namely, an adverse inference that Najar sent every anonymous email and text from the six anonymous Gmail accounts at issue.

[1] True and correct copies of excerpts from the transcript of Najar's deposition are appended to the attached Declaration of Nicholas C. Soltman ("Soltman Decl.") as Exhibits 4 and 5. A certified copy of the relevant parts of the transcript will be lodged with the Court once Plaintiffs receive it, but no later than five days before the hearing on the instant motion. *See* Cal. Code Civ. Proc. § 2025.480(h).

## II. FACTUAL AND PROCEDURAL BACKGROUND

### A. Najar's Initial Demands on Behalf of His Girlfriend

Najar is the boyfriend of a former Ideal Living ("Company") employee, Myra Nishizaki. (Compl. ¶ 8.) In late 2020, Nishizaki introduced Spiegel to Najar and asked that the Company hire him in an outside sales position as a consultant. (*Id.*) Spiegel agreed. Najar did not work out—among other reasons, he had misstated his experience in business-to-business, or B2B, sales, and none of the Requests for Proposals that he led were successful.

In late January 2023, Spiegel and Williams had a meeting with, among others, Thomas Macherelle, the Company's then Vice President of Commercial Sales. (Najar Tr. at 86:24-25, 95:19-24.) At that meeting, Macherelle, who was new to the Company, suggested re-hiring Najar. (*Id.* at 86:24-25.) Spiegel, the co-CEO, refused—as noted above, Najar's return on investment had been negative. (Compl. ¶ 8.) Spiegel was also perturbed that Nishizaki had gone around Spiegel to "lobb[y] other Company executives" for her boyfriend to be re-hired. (*Id.*) For her part, Nishizaki was upset that her efforts were neither fruitful nor "well received" by her superiors. (*Id.*)

"Coincidentally," as Najar tells it, a week later, Spiegel was meeting with Nishizaki when, out of the blue, she accused Spiegel and Williams of having covered up criminal wrongdoing, the Company of issuing false financial statements, and "all of us" at the Company of concealing the *true* ownership and control of Ideal Living. (*Id.* ¶ 9.) Although Williams and Spiegel own the Company, Nishizaki asserted that she knew that it was actually owned and controlled by what she termed a "religious cult." (*Id.*) Before she left the Company at the end of the week, Nishizaki demanded a substantial severance payment tied to the overall enterprise value of the Company,[2] a payment that she pegged in the tens of millions of dollars. (*Id.*) While she repeatedly couched this payment as an "exit package," she told Spiegel she needed an answer in 36 hours. (*Id.*)

Less than an hour later, when Spiegel was in his office for a regularly-scheduled meeting with Helen Christoni, Najar stormed in, accompanied by another Company employee, Jonah Shah,

[2] Nishizaki testified that it was tied to *revenue*, not enterprise value. (Soltman Decl. ¶ 10 Ex. 6 [Nishizaki Rough Depo. Tr. at 90:24-91:6].) This distinction is immaterial because she acknowledged that the revenue figure was itself in the nine figures. (*Id.*)

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

who was (and remains) friendly with Nishizaki. (*Id.* ¶ 10.) While Shah blocked the door, Najar began threatening Spiegel and said that if he did not pay Nishizaki "nine figures," he and Nishizaki would carry out the extortionate demand that Nishizaki had just made. (*Id.*) Spiegel and Christoni were so fearful for their safety that Christoni called 911. (*Id.*)

**B. <u>Beginning in September 2023, Najar Ups His Campaign of Pseudonymous Terror</u>**

Shortly after Nishizaki's separation from the Company, "various Company representatives, as well as Mr. Spiegel and Ms. Williams began to receive cryptic and threatening text messages from various unknown cell phone numbers." (*Id.* ¶ 11.) Starting in July 2023, Spiegel and Williams began to receive "emails from an ostensible anonymous sender. Similar e-mails [were] also [ ] directed to other recipients from the Company, including the Company's SVP of Business Development, head of Human Resources, general counsel," etc. (*Id.*)

In September 2023, Nishizaki finally filed the wrongful termination lawsuit against Ideal Living that she had threatened back in February. (*See Nishizaki v. Ideal Living*, No. 23VECV03833 (Van Nuys Super. Ct. filed Sept. 1, 2023).) Plaintiffs then began to receive even more harassing emails. (Compl. ¶¶ 12-13.) The gist of the threats was ever and always the same: The sender(s) would falsely accuse Spiegel and Williams of running a secret Hindu "cult" that preys on young women and girls and of assisting a clergyman with fleeing the country after his conviction (and before his sentencing) for sex crimes. (*Id.*) Only the precise mechanism of the threats ever changed. Sometimes, the sender(s) threatened to go to law enforcement (e.g., the FBI). (*Id.* ¶ 13.) Other times, the sender(s) threatened to go investigative reporters (e.g., Ronan Farrow). (*Id.*) Still other times, the sender(s) teased specific lawyers (e.g., Gloria Allred). (*Id.*) The only way to prevent this, they said, was for Plaintiffs to make "a substantial, multi-million dollar payment" in return for an NDA. (*Id.*)

On September 19, 2023, Najar eliminated any shred of doubt that he was behind the "anonymous" emails and texts. Shortly after 8 pm, he left a voicemail identifying himself as "David" and threatening to "contact social media influencers with whom Ideal Living did business" and inform them about "really, really bad new things" concerning Spiegel. (*Id.* ¶ 15.)

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

Minutes later, Najar texted Spiegel, "hi friend, check your voice messages. *i'm here. i see you*." (*Id.*)

Plaintiffs filed this Action on September 26. Although they alleged that "Najar … personally extorted and threatened Plaintiffs" and "followed up on these threats by sending Plaintiffs threatening text messages and emails, which messages continue" (*id.* ¶ 35), they also alleged that if he was not "the sender of these text messages and emails," then the senders were either "his agents and those acting in concert with him" (*id.* ¶ 14.) The same day, they filed a request for a restraining order against Najar. (*See Spiegel v. Najar*, No. 23VERO01608 (Van Nuys Super. Ct. filed Sept. 26, 2023).)

### C. <u>After a Four-Day Hearing, Plaintiffs Obtain a Three-Year Restraining Order Against Najar</u>

The restraining order hearing took place over four days, and involved the direct and cross-examinations of, among others, Spiegel, Williams, Najar, and Shah. At the conclusion, the Court (Judge Moskowitz) issued a three-year restraining order against Najar. (*See* Soltman Decl. ¶ 2, Ex. 1 [Jan. 17, 2024 restraining order]; Cal. Evid. Code § 452(d)(1) ("Judicial notice may be taken of the following matters … Records of (1) any court of this state …").) This order was supported by the Court's specific factual findings on the record: namely, that Plaintiffs

> met their burden of showing by clear and convincing evidence a course of conduct that constitutes unlawful harassment, a course of conduct over time, including voicemails, texts, emails, and at least one personal meeting …
>
> [In addition,] at least two, if not more, of the emails, even though apparently you did use some sort of program to disguise where they were coming from, have enough indicia in [them] for any reasonable person to conclude that they came from you, including your phone number.

(Soltman Decl. ¶ 2, Ex. 2 [Jan. 17, 2024 hearing transcript] at 21:26-22:13.)

### D. <u>Najar's Responses Under Penalty of Perjury Force Plaintiffs To Engage in Significant Third-Party Discovery</u>

While Judge Moskowitz's findings are entitled to preclusive effect for the reasons set forth in Plaintiffs' Motion for Financial Discovery, Najar still denies sending any anonymous emails and all but one or two text messages. (*See, e.g.*, Soltman Decl. ¶ 4, Ex 4 [Najar Vol. 1] at 78:22-

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

79:16, 109:9-16, 133:14-18, 172:18-173:2.) Not only that; under penalty of perjury, he has attested that documents "referenc[ing]" the anonymous email accounts, including "documents that show the registration/signing-up for said email address[es]," "*never existed*." (Soltman Decl. ¶ 3, Ex. 3 [Najar Response to RFP No. 35] at 17-18 (emphasis added).) Likewise, he denies the existence, at *any* time, of *any* "text messages" and "emails" after November 1, 2022 even "*referenc[ing]* Peter Spiegel, Kathleen Williams … or Ideal Living." (*Id.* at 4-5 [Najar Responses to RFP Nos. 1, 2].) In fact, Najar produced *zero* documents—not a single page—in response to *all* of Plaintiff's requests for production. (Soltman Decl. ¶ 3.)

Thus, out of an abundance of caution, Plaintiffs have also sought an order authorizing Charter Communications, Inc. to produce subscriber information for the Internet Protocol (IP) addresses of the "anonymous" email senders of the extortionate emails at issue in this Action.[3] *In theory*, if the Charter subscriber information proves that the anonymous Google accounts *registered to his email account and phone number*[4] were accessed from Najar's apartment, then that should be decisive evidence of Najar's direct involvement. *In reality*, Najar will simply assert, as he did in deposition, that he lets unnamed individuals use his email address, his phone number, and *even his home internet* to take down Spiegel, Williams, and the Company. (*See, e.g.*, Soltman Decl. Ex. 5 [Najar Rough Depo.] at 8:21-9:11, 13:3-25.) Indeed, the claim that Najar hosts his (ex-) high school students at his apartment or the school at all hours of the day (*id.* at 14:18-15:9, 19:6-9) is not even his most incredible bit of testimony; that honor is reserved for his assertion that his accomplices created a bot to send the anonymous emails without human intervention. (Soltman Decl. Ex. 4 [Najar Vol. 1] at 109:18-110:7.)

---

[3] At the Court's behest, immediately after the February 14 ex parte hearing, in which the Court indicated that the Charter motion would be granted, Plaintiffs' counsel suggested that the parties stipulate to the release of the subscriber information. (Soltman Decl. ¶ 9.) Plaintiffs' counsel then prepared a consent to release using the form provided by Charter. (*Id.*) Despite multiple follow-ups, including during a break *at* the deposition in question, Plaintiffs' counsel has not received a response. (*Id.*) It appears Najar is attempting to run out the clock.

[4] As discussed in Plaintiffs' Motion for Financial Discovery and the Charter Motion, to prove this link, Plaintiffs had to serve third-party subpoenas on Google and then meet and confer with Google about its initial round of objections—yet another example of the work created by Najar's disregard for his obligations in discovery.

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

### E. Despite Denying That He Sent Any Anonymous Emails, Najar Refuses To Identify Any of His Co-Conspirators

Because Najar denies sending any emails, Plaintiffs are entitled to ask him to identify the actual senders and attendees of the meetings at his apartment, who might have accessed the Google accounts from the IP address(es) associated therewith. Which is exactly what they did. Over two sessions (the parties stipulated to complete the deposition in a second session when the reporter was too tired to continue past 5 pm (Soltman Decl. ¶ 6)) Plaintiffs asked:

- Who attends the meetings at his apartment (besides Nishizaki)
- Who notified him that they had received a notice of third-party subpoena from Google
- Who the "doer-makers" on his "team" are (Najar referred to himself as a "thinker maker")
- Who (besides one of Plaintiffs' neighbors) "worked with [Najar] on emails … from the Peterpaidpassport account"
- Who (besides one of Plaintiffs' neighbors) sent emails from the peterspiegelkripalu account
- Who sent a LinkedIn message from the pseudonymous account "Douglass Groove" and to whom he lent his credit card to purchase the premium subscription of "Douglass Groove"
- What former students allegedly gave "a prompt to GitHub [ ] that result[ed] in an email [going] out"
- "[H]ow many people are," allegedly, "interacting with the GitHub"

(Soltman Decl. Ex. 5 [Najar Rough Depo.] at 4:20-5:4, 24:19-25:3, 51:21-52:5; Soltman Decl. Ex. 4 [Najar Vol. 1] at 68:7-12; *id.* at 69:13-70:1; *id.* at 78:14-18, 79:4-19; *id.* at 90:17-23; *id.* at 218:10-16; *id.* at 223:3-7.) Najar declined or refused to answer every single one of these questions, without any instruction from his counsel.[5]

[5] For this reason, Plaintiffs do not seek sanctions jointly and severally against his counsel.

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

## III. ARGUMENT

"California law provides parties with expansive discovery rights." *Lopez v. Watchtower Bible and Tract Soc. of N.Y. Inc.*, 246 Cal. App. 4th 566, 590–91 (2016) (affirming trial court orders compelling discovery). Code of Civil Procedure § 2017.010 states: "[A]ny party may obtain discovery regarding any matter, not privileged, that is relevant to the subject matter involved in the pending action or to the determination of any motion made in that action, if the matter either is itself admissible in evidence or appears reasonably calculated to lead to the *discovery* of admissible evidence." For this reason, "and (contrary to popular belief), fishing expeditions *are* permissible in some cases." *Gonzalez v. Superior Court*, 33 Cal. App. 4th 1539, 1546 (1995).

Depositions are one of the methods of discovery authorized by California law. If a party served with a notice of deposition thereafter "fails to answer any question … the party seeking discovery may move the court for an order compelling that answer." Cal. Code Civ. Proc. § 2025.480(a).

In this case, Najar, without any instruction *or even objection* from his counsel, simply declined to answer numerous deposition questions. In most instances, he did so (he claimed) to "protect" his co-conspirators from "harassment" by the lawyers of a "child sex cult." Plaintiffs are nothing of the sort, but regardless, the defendant's say-so is not a basis for resisting discovery—and *certainly* not when he denies sending the anonymous emails underlying the Plaintiffs' entire case. Because Najar's refusal was not based on any legal objection, let alone instruction, the Court should issue evidentiary sanctions in lieu of monetary sanctions and a compelled second deposition unless his Opposition expressly agrees to comply with a court order.

### A. At a Minimum, Najar Should Be Ordered To Answer the Questions About His-Conspirators

#### 1. Najar waived any objection to the discoverability of his co-conspirators.

As noted above, Najar was never instructed on any of the questions at issue. The questions were not even *objected* to. He simply refused to answer. "Objections as to the … discoverability of information sought are generally waived unless properly raised." Weil & Brown, *Cal. Prac.*

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

*Guide: Civ. Pro. Before Trial* ¶ 8:725 (citing Cal Code Civ. Proc. § 2025.460(b)). Although some courts have suggested this rule does not apply to the right of privacy, *see County of Los Angeles v. Superior Court*, 65 Cal. App. 5th 621, 636 (2021) (medical patients); *Boler v. Superior Court*, 201 Cal. App. 3d 467, 472 n.1 (1987) ("sexual activity with unnamed women not parties to the lawsuit"), Plaintiffs are aware of no case applying this waiver exception to co-conspirators who actively participated in the conduct at issue in the litigation. Nor is such an exception implicit in those cases. In *Boler*, for example, the court reasoned that "the unknown, unnamed female partners of Boler" were not "even necessarily aware their privacy interests are endangered by the deposition question." 201 Cal. App. 3d at 472 n.1. Here, by contrast, Najar claims that he reached out to Plaintiffs' counsel after being notified that Google had contacted one or more co-conspirators to inform "them" of Plaintiffs' non-party subpoena. (Soltman Decl. Ex. 5 [Najar Rough Depo Tr.] at 24:10-25:1.) Indeed, while Najar refused to provide any names, he offered to "bring them in" for a "second day" of deposition—"hundreds" of them. (Soltman Decl. Ex. 4 [Najar Vol. 1] at 90:13-16.) The non-parties here are fully aware of the litigation, not strangers to it.

**2. Even if Najar's refusal to identify his co-conspirators were construed as a protean "privacy" objection, Plaintiffs' right to discover the alleged wrongdoers trumps any privacy interests these non-parties might have.**

While the California Constitution does recognize a right to privacy in some circumstances, this right is qualified and it does not justify a parties' wholesale refusal to make discovery. When privacy rights are implicated, the Court "must balance the right of civil litigants to discover relevant facts against the privacy interests of persons subject to discovery." *John B. v. Superior Court*, 38 Cal. 4th 1177, 1199 (2006) (citing *Vinson v. Superior Court*, 43 Cal. 3d 833, 842 (1987)). The framework to be used by California courts in evaluating objections based on privacy was spelled out by the California Supreme Court in *Williams v. Superior Court*, 3 Cal. 5th 531, 552 (2017). As explained in *Williams*:

> The party asserting a privacy right must establish a legally protected privacy interest, an objectively reasonable expectation of privacy in the given circumstances, and a threatened intrusion that is serious. . . . The party seeking

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
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> information may raise in response whatever legitimate and important countervailing interests disclosure serves, while the party seeking protection may identify feasible alternatives that serve the same interests or protective measures that would diminish the loss of privacy. A court must then balance these competing considerations.

*Id.* If the objecting party fails to establish any of these three threshold requirements, the privacy claim fails and the Court does not need to proceed to a balancing test. *Id.* at 555. If the threshold requirements are met, then "the party seeking information may raise in response whatever legitimate and important countervailing interests disclosure serves." *Id.* at 552. "A court must then balance these competing considerations." *Id.* Here, Najar cannot establish the required threshold elements because he does not have a legally protected privacy interest in protecting the identities of his co-conspirators/fellow tortfeasors.

Notably, as both the California and U.S. Supreme Courts have explained, "Extortion is not a constitutionally protected form of speech." *Flatley v. Mauro*, 39 Cal. 4th 299, 328 (2006); *R.A.V. v. City of St. Paul*, 505 U.S. 377, 420 (1992) (Stevens, J., concurring) ("Although the First Amendment broadly protects 'speech,' it does not protect the right to ... 'extort.'"); *see also USA Techs., Inc. v. Doe*, 713 F. Supp. 2d 901, 906 (N.D. Cal. 2010) ("The Constitution does not, however, protect tortious, defamatory, or libelous speech."). Threatening to publicize salacious information unless a party makes a large cash payment is the textbook definition of extortion. *See Flatley*, 39 Cal. 4th at 329 (finding that a purported demand letter constituted criminal extortion, because it threatened "to publicly accuse Flatley of rape and to report and publicly accuse him of other unspecified violations of various laws unless he 'settled' by paying … 'seven figures' or, at minimum, $1 million.").

By the same token, extorters and harassers have no cognizable privacy interest in that form of speech. *Cf., e.g., Fults v. Superior Court*, 88 Cal. App. 3d 899, 905 (1979) (discovery refused where the defendant in a paternity case sought to learn "the most intimate aspects of (the mother's) sexual life"). Their privacy interest, or lack thereof, is more akin to that of employees uttering "racial slurs about other employees on an employer's property." *Am. Airlines, Inc. v. Superior Court*, 114 Cal. App. 4th 881, 896 (2003) ("Furthermore, there is no compelling reason to

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

conclude that [such] employees … have a privacy interest in those statements or the fact that they made them.”).

Anonymous speech does not receive heightened protection simply because it is anonymous: “The right to speak, whether anonymously or otherwise, is not unlimited, [ ] and the degree of scrutiny varies depending on the circumstances and the type of speech at issue.” *In re Anonymous Online Speakers*, 661 F.3d 1168, 1173 (9th Cir. 2011) (affirming trial court ruling ordering the identification of three anonymous online speakers, whom the deponent had refused to identify on First Amendment grounds). Thus, for example, in affirming a trial court order compelling a defendant to answer whether he was a member, knew any members, or participated in any meetings of an activist organization, the Court of Appeals *agreed* with the defendant “that it would be permissible to ask if he knows any members of the Grass Roots Alliance who were involved in the writing of the [allegedly defamatory] materials.” *Bodenheimer v. Superior Court*, 108 Cal. App. 3d 885, 889 (1980).

Here, Najar cannot establish *any* of the threshold elements set forth in *Williams*, 3 Cal. 5th at 552: namely, that he *has* “a legally protected privacy interest [and] an objectively reasonable expectation of privacy in the given circumstances,” or that “threatened intrusion [ ] is serious.” The questions at issue, which go to his defense, were plainly relevant and must be answered. *See Bodenheimer*, 108 Cal. App. 3d at 889.

But even assuming, *arguendo*, that Najar *had* a cognizable privacy right *and* a reasonable expectation of privacy with respect to his co-conspirators, the balance between discovery and anonymity tips in Plaintiffs’ favor. As numerous courts have found, when the particular speakers are Doe defendants, the Plaintiffs’ interest in uncovering their identity trumps any privacy interest they might have as non-parties. *See, e.g.*, *Castro v. Doe*, 2023 WL 9232964, at *6 (N.D. Cal. Oct. 12, 2023) (“[I]n balancing the need for the discovery against the First Amendment interest at stake, the undersigned finds Castro’s need to identify [a Wikipedia user] weighs in favor of compelling disclosure,” because “if Wikimedia doesn’t identify [him], [the plaintiff] would be left without a means by which to ‘vindicate his good name.’”); *Sines v. Kessler*, 2018 WL 3730434, at *15 (N.D. Cal. Aug. 6, 2018) (“Discovering Doe’s account information is rationally related to

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
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TEL 310.566.9800 • FAX 310.566.9850

obtaining evidence regarding the alleged violent conspiracy, including evidence of Defendants' intent, because the leaked messages suggest that [the anonymous online user at issue] was, at least to some degree, a coconspirator in planning the events on August 11 and 12. There is reason to believe that Doe could be an integral witness in the case, even if not named as a defendant.").

In *Farmland Partners Inc. v. Fortunae*, 2020 WL 12575073, at *8 (D. Colo. May 18, 2020), for example, the court, although "sympathetic" to a pseudonymous user's "asserted interest in remaining anonymous … under the First Amendment," found that his "refusal to reveal his identity … preclude[d] meaningful discovery and severely prejudices [the plaintiff's] ability to fairly litigate its claims against [the user] and the John Does, identify potential fact witnesses, and investigate the perceived inconsistencies in [the user's] discovery responses." *Id.* While the user disputed "that he was assisted by third parties in drafting the article," there was evidence "that anonymous third parties contributed to the editorial process by discussing the Article with [the user] prior to its publication and by contributing their own research and writing." *Id.* at *6. That was enough to warrant discovery into their identity.

Here, Najar has *admitted* to working with others on the anonymous extortionate emails. Plaintiffs' interest in discovering "their identities" is no less significant than was the *Farmland* plaintiff's interest in "undertak[ing] meaningful discovery into whether third parties had a role in the editorial process" of an allegedly defamatory article. *Id.*

**B. <u>Najar's Refusals To Answer Suggest A Second Deposition Would Be Futile</u>**

A court may issue a variety of sanctions against those who "misuse[] the discovery process," including monetary sanctions, evidentiary sanctions, issue sanctions and terminating sanctions. Cal. Code Civ. Proc. § 2023.030. Parties may "misuse[] the discovery process" in a variety of ways, including by (i) "failing to respond or to submit to an authorized method of discovery;" (ii) "*making, without substantial justification, an unmeritorious objection to discovery"*; or (iii) "making an evasive response to discovery." *Id.* § 2023.010(d), (e), (f) (emphasis added). Similarly, unsuccessfully opposing a motion to compel following the failure to answer a question at a deposition is a separate and distinct ground on which the Court can impose monetary sanctions. *See id.* § 2025.480(a), (j).

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

While nonmonetary sanctions are typically appropriate only after a party willfully violates a discovery order from the court, *see id.* § 2025.480(k), a trial court can properly impose issue or evidentiary sanctions without the violation of a prior court order if "sufficiently egregious[] misconduct [was] committed in connection with the failure to produce evidence in discovery." *New Albertsons, Inc. v. Superior Court,* 168 Cal. App. 4th 1403, 1426 (2008); *see also Cottini v. Enloe Med. Ctr.*, 226 Cal. App. 4th 401 (2014); *McGinty v. Superior Court,* 26 Cal. App. 4th 204, 212 (1994). Evidentiary sanctions are also available without a prior order where such an order would have been futile. *See Do It Urself Moving & Storage, Inc. v Brown, Leifer, Slatkin & Berns* 7 Cal. App. 4th 27, 36 (1992) ("Here, it is conceded that plaintiffs are unable to provide the promised items of discovery. Under the circumstances of this case, a warning to plaintiffs, in the form of a formal order to comply, would have been futile"), *superseded by statute on other grounds as stated in Union Bank v Superior Court*, 31 Cal. App. 4th 573, 583 (1995).

Here, Najar's refusal to answer was egregious. He was not instructed not to answer. His counsel did not even object. He simply arrogated to himself the power to prohibit discovery of his co-conspirators because of his (completely unfounded) belief that they would be "harassed" by a "child sex cult." For the same reason, there is no reason to believe that Najar will comply with any Court order directing him to respond. His refusal to answer questions going to the core of his defense—literally, "I didn't do it"—was purely ideological, not legal. Thus, unless he expressly affirms in his Opposition that he will comply with an order compelling him to identify his co-conspirators, a court order would be futile, and the Court should impose evidentiary sanctions. Specifically, the Court should preclude Najar from denying that he sent the anonymous emails and text messages at issue in this Action.

At the very least, Najar's refusal to answer deposition questions was unmeritorious and his conduct lacked substantial justification. Accordingly, the Court should issue monetary sanctions against him in the amount of $13,005 to cover the attorneys' fees and costs that Plaintiffs have incurred and will incur in connection with this motion. (Soltman Decl. ¶¶ 13-14.) The Court should also issue monetary sanctions in the amount of $3,530 to cover the attorneys' fees and

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

costs that Plaintiffs will incur in connection with the resumption of Najar's deposition (including court reporter and videographer expenses). (*Id.* at ¶¶ 14-15.)

## IV. CONCLUSION

David Najar may fancy himself a "whistleblower" rather than an extorter, but he does not get to deny sending extortionate emails *and* refuse to identify the individual(s) who did. The Court should either compel him to identify his co-conspirators or preclude him from pointing the finger at non-parties he will not disclose.

DATED: March 10, 2025

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP

By: _____

Nicholas C. Soltman
Attorneys for Peter Spiegel, Kathleen Williams, and Ideal Living, LLC

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

**DECLARATION OF NICHOLAS SOLTMAN**

I, Nicholas C. Soltman, declare as follows:

1. I am an attorney duly admitted to practice before this Court. I am a partner with Kinsella Holley Iser Kump Steinsapir LLP, attorneys of record for Peter Spiegel, Kathleen Williams, and Ideal Living, LLC. If called as a witness, I could and would competently testify to all the facts within my personal knowledge except where stated upon information and belief.

2. On September 26, 2023, Plaintiffs filed a request for a restraining order against Defendant David Najar. (*See Spiegel v. Najar*, No. 23VERO01608 (Van Nuys Super. Ct. filed Sept. 26, 2023).) At the conclusion of the four-day hearing, the Superior Court in Van Nuys, Judge Karen Moskowitz, entered a three-year restraining order, a true and correct copy of which is attached hereto as **Exhibit 1**.[6] This order was supported by factual findings on the record. (A true and correct copy of the relevant portion of the proceeding is attached hereto as **Exhibit 2**.)

3. On March 29, 2024, Najar served verified responses to Plaintiffs' first set of Requests for Production, a true and correct copy of which is attached hereto as **Exhibit 3**. He produced *zero* documents in response to *all* of Plaintiff's requests for production.

4. On October 9, 2024, Plaintiffs deposed Najar. At his deposition, Najar denied having sent every single anonymous email about which he was questioned. For example, he denied that he sent a message from LinkedIn user "Douglas Groove," stating that while he "know[s] the people who did," he would "not tell you because they are afraid of Peter Spiegel." (Vol. 1 Depo. at 78:22-79:16.) He denied that he sent emails from peterspiegelnews@gmail.com. (*Id.* at 109:9-16.) He denied sending an email from peterspiegelkripalu@gmail.com. (*Id.* at 133:14-18.) And he sending an email from peterpickedapooper@gmail.com. (*Id.* at 172:18-173:2.) (A true and correct copy of excerpts from this deposition is attached hereto as **Exhibit 4**.)

5. Najar also refused to identify who (besides one of Plaintiffs' neighbors) "worked with [Najar] on emails … from the Peterpaidpassport account"; who (besides one of Plaintiffs'

[6] This is a record of a "court of this state" and is therefore judicially noticeable under Cal. Evid. Code § 452(d)(1) ("Judicial notice may be taken of the following matters … Records of (1) any court of this state …").

neighbors) sent emails from the peterspiegelkripalu account; what former students allegedly gave "a prompt to [the computer code repository] GitHub [ ] that result[ed] in an email [going] out"; and "how many people are," allegedly, "interacting with the GitHub." (*Id.* at 68:7-12; *id.* at 69:13-70:1; *id.* at 90:17-23; *id.* at 218:10-16; *id.* at 223:3-7.)

6. At 4:57 pm on October 9, 2024, at the request of the fatigued court reporter, the parties agreed to adjourn the deposition with approximately 1 hour and 55 minutes of record time remaining. *See* Cal. Code Civ. Proc. § 2025.460(e) ("If a deponent fails to answer any question … the party seeking that answer … may adjourn the deposition or complete the examination on other matters without waiving the right at a later time to move for an order compelling that answer … under Section 2025.480.").

7. On November 14, 2024, I requested that Najar provide his available dates for the remaining portion of the deposition the week of December 9, 2024. On November 19, Najar's counsel responded, "Working on dates. December is a little tough." On December 5, I asked if Najar was available on December 12 or 13, or if not, the week of January 6, 2025. On December 6, Najar's counsel responded that he had "not been able to reach my client." Two weeks later, I followed up again. On December 23, in response to Najar's request for dates in January, I wrote, "January 7-8 or 15-17." I did not receive a response.

8. Finally, on January 2, 2025, *still* not having heard back from Najar's counsel, Plaintiffs noticed his deposition for January 16, 2025. On January 14, after Najar's counsel asked to move the deposition on account of the fires, Plaintiffs re-noticed the deposition for February 7. When Najar's counsel indicated that *he* was unavailable that day, Plaintiffs *again* re-noticed the deposition, this time for February 19. On January 31, Najar's counsel asked to reschedule the deposition a third time, to February 25. It went forward that day by stipulation.

9. At the Court's behest, immediately after the February 14 ex parte hearing, in which the Court indicated that the Charter motion would be granted, I proposed that the parties stipulate to the release of the subscriber information. To that end, I prepared a consent to release using the form provided by Charter. Despite multiple follow-ups, including during a break *at* Najar's deposition, I have still not received a response from Najar's counsel.

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
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LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

10. On February 25, at the second session of Najar's deposition, Najar refused to identify who attends the meetings at his apartment besides his live-in girlfriend, Myra Nishizaki (and, thus, might have accessed the Charter IP address(es) assigned to him); who notified him that they had received a notice of third-party subpoena from Google; and who the "doer-makers" on his "team" are (Najar referred to himself as a "thinker maker"). (Najar Rough[7] Depo. at 4:20-5:4, 24:19-25:3, 51:21-52:5.) (A true and correct copy of excerpts from this deposition is attached hereto as **Exhibit 5**.)

11. Also on February 25, Plaintiffs deposed Myra Nishizaki. She testified that her demand for an "exit package" was tied to *revenue*, not enterprise value. (*See* Nishizaki Rough Depo. Tr. at 90:24-91:6.) (A true and correct copy of excerpts from this deposition is attached hereto as **Exhibit 6**.)

12. On February 28, I emailed Najar's counsel asking him to "confirm that your client is standing on his refusal to identify his alleged co-conspirators/fellow travelers and former [ ] students who have attended 'gatherings' at his apartment." I also asked him if he was open to "attending an informal discovery conference" and offered to conduct a telephonic meet-and-confer before any such IDC. I never received a response.[8]

13. As noted in the Motion, Plaintiffs are seeking monetary sanctions only in the alternative (i.e., if the Court declines to issue evidentiary sanctions). If monetary sanctions are imposed, then Plaintiffs submit as follows. I am a Partner at Kinsella Holley Iser Kump Steinsapir LLP ("KHIKS"). KHIKS is widely recognized as one of the country's leading entertainment litigation firms, and its lawyers are recognized for their expertise in complex litigation. I am a

---

[7] Plaintiffs will lodge excerpts of the certified final transcript (along with replacement cites) upon receipt from the court reporter.

[8] As a result, and especially in light of the discovery motion deadline (which is only imminent because Najar refused to sit for deposition for over 10 weeks), Plaintiffs are excused from any formal meet-and-confer requirement. *See Stewart v. Colonial Western Agency*, 87 Cal. App. 4th 1006, 1016–17 (2001) (informal resolution attempts of plaintiff's counsel were adequate, even though they did not involve separate in-person or telephonic discussion, where defendant's objections to deposition questions were made at deposition so that counsel had opportunity to discuss matter face-to-face, issue was relatively simple, and there was need for immediate action because of upcoming trial and discovery cutoff dates).

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

2006 graduate of Amherst College with a Bachelor's degree in Anthropology and French (magna cum laude) and a 2010 graduate of the University of Chicago Law School (with honors). I then clerked for Hon. Sandra Ikuta of the Ninth Circuit, in Pasadena, California. I have 15 years of experience in civil litigation, and have represented clients in matters involving contract and partnership disputes, trademark and copyright infringement, fraud, defamation, breach of fiduciary duty, and unfair competition. I have been named a Rising Star in Media & Entertainment by Law360 and to The Daily Journal's Top 40 Under 40 list, in addition to being named a "Rising Star" by Southern California Super Lawyers Magazine every year since 2016 and a "Super Lawyer" this year.

14. My current billing rate for this matter is $765. I spent more than 10 hours researching, drafting, and revising this Motion and the supporting papers. I further estimate that I will spend at least five hours on the reply in support of the Motion and at least two additional hours to prepare for and attend the hearing on the Motion. Finally, I anticipate that it would take two hours to examine Najar on the subject matter at issue in this Motion during a resumed deposition. This will result in fees of no less than $14,535, for which Plaintiffs will be billed.

15. In addition, I estimate reporter and videographer expenses for a two-hour resumed deposition would cost another $2,000.

16. Accordingly, Plaintiffs' alternative request for monetary sanctions seeks $16,535.

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

Executed on this 11th day of March, 2025, at Los Angeles, California.

Nicholas C. Soltman

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

# EXHIBIT 1

# CH-130 Civil Harassment Restraining Order After Hearing

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of Los Angeles
JAN 17 2024
David W. Slayton, Executive Officer/Clerk of Court
By: M. Samoza, Deputy

*Person in (1) must complete items (1), (2), and (3) only.*

## (1) Protected Person

a. Your Full Name: Peter Spiegel

Your Lawyer *(if you have one for this case)*
Name: Michael A Sherman State Bar No.: 94783
Firm Name: Stubbs Alderton & Markiles LLP

b. Your Address *(If you have a lawyer, give your lawyer's information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or email.)*
Address: 15620 Ventura Blvd. 20th Fl.
City: Sherman Oaks State: CA Zip: 91403
Telephone: (818) 444-4528 Fax: (818) 444-6328
Email Address: masherman@stubbsalderton.com

Fill in court name and street address:

**Superior Court of California, County of**

LOS ANGELES SUPERIOR COURT
NORTHWEST DISTRICT - EAST BLDG.
6230 SYLMAR AVE. ROOM 107
VAN NUYS, CA 91401

Court fills in case number when form is filed.

**Case Number:** 23VER001608

## (2) Restrained Person

*(Give all the information you know. Information with a star (*) is required to add this order to the California police database. If age is unknown, give an estimate.)*

*Full Name: David Andrew Najar *Age: 53 Date of Birth: Oct 14 1969
*Race: Caucasian Height: Approx 6' Weight: 125 Hair Color: Black Eye Color: Brown
*Gender: ☑ M ☐ F ☐ Nonbinary Home Address: 1010 Sycamore Ave, Unit 315
City: South Pasadena State: CA Zip: 91030
Relationship to Protected Person: Boyfriend of former employee

## (3) ☑ Additional Protected Persons

In addition to the person named in (1), the following family or household members of that person are protected by the orders indicated below:

| Full Name | Gender | Age | Lives with you? | How are they related to you? |
|---|---|---|---|---|
| Kathleen "Kate" Williams | F | 64 | ☑ Yes ☐ No | Domestic Partner |
| | | | ☐ Yes ☐ No | |
| | | | ☐ Yes ☐ No | |
| | | | ☐ Yes ☐ No | |

☐ *Check here if there are additional persons. List them on an attached sheet of paper and write "Attachment 3—Additional Protected Persons" as a title. You may use form MC-025,* Attachment.

## (4) Expiration Date

***This Order, except for any award of lawyer's fees, expires at***

Time: _____ ☐ a.m. ☐ p.m. ☑ midnight on *(date)*: 1-17-2027

If no expiration date is written here, this Order expires three years from the date of issuance.

**This is a Court Order.**

Case Number: 23VER001608

## 5 Hearing

a. There was a hearing on *(date)*: 1-17-24 at *(time)*: 1:30 PM in Dept.: Z Room: _____
*(Name of judicial officer)*: Judge Moskowitz made the orders at the hearing.

b. These people were at the hearing:

(1) ☑ The person in 1. (3) ☑ The lawyer for the person in 1 *(name)*: Michael Amory Sherman

(2) ☐ The person in 2. (4) ☐ The lawyer for the person in 2 *(name)*: _____

☐ Additional persons present are listed at the end of this Order on Attachment 5.

c. ☐ The hearing is continued. The parties must return to court on *(date)*: _____ at *(time)*: _____.

**To the Person in 2:**

**The court has granted the orders checked below. If you do not obey these orders, you can be arrested and charged with a crime. You may be sent to jail for up to one year, pay a fine of up to $1,000, or both.**

## 6 ☒ Personal Conduct Orders

a. You must **not** do the following things to the person named in 1

☒ and to the other protected persons listed in 3:

(1) ☒ Harass, intimidate, molest, attack, strike, stalk, threaten, assault (sexually or otherwise), hit, abuse, destroy personal property of, or disturb the peace of the person.

(2) ☒ Contact the person, either directly or indirectly, in **any** way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by interoffice mail, by email, by text message, by fax, or by other electronic means.

(3) ☒ Take any action to obtain the person's address or location. If this item (3) is not checked, the court has found good cause not to make this order.

(4) ☐ Other *(specify)*:

☐ Other personal conduct orders are attached at the end of this Order on Attachment 6a(4).

_____

b. Peaceful written contact through a lawyer or process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

## 7 ☒ Stay-Away Orders

a. You **must** stay at least 100 yards away from *(check all that apply)*:

(1) ☒ The person in 1.

(2) ☒ Each person in 3.

(3) ☒ The home of the person in 1.

(4) ☒ The job or workplace of the person in 1.

(5) ☐ The school of the person in 1.

(6) ☐ The school of the children of the person in 1.

(7) ☐ The place of child care of the children of the person in 1.

(8) ☒ The vehicle of the person in 1.

(9) ☐ Other *(specify)*:

_____

b. This stay-away order does not prevent you from going to or from your home or place of employment.

**This is a Court Order.**

Case Number: 23VER001608

## (8) No Firearms (Guns), Firearm Parts, or Ammunition

a. You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get any prohibited items listed below in b.

b. **Prohibited items are:**

(1) Firearms (guns);

(2) Firearm parts, meaning receivers and frames, or any item that may be used as or easily turned into a receiver or frame (see Penal Code section 16531); and

(3) Ammunition.

c. If you have not already done so, you must:

- Within 24 hours of being served with this Order, sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts in your custody or control or that you possess or own.
- File a receipt with the court within 48 hours of receiving this Order that proves that your firearms (guns) and firearm parts have been turned in, sold, or stored. (You may use *Receipt for Firearms and Firearm Parts* (form CH-800) for the receipt.)

d. ☐ The court has received information that you own or possess a firearm (gun), firearm parts, or ammunition.

e. ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code of Civil Procedure section 527.9(f). Under California law, the person in (2) is not required to relinquish this firearm *(specify make, model, and serial number of firearm(s))*: _____

The firearm must be in his or her physical possession only during scheduled work hours and during travel to and from his or her place of employment. Even if exempt under California law, the person in (2) may be subject to federal prosecution for possessing or controlling a firearm.

## (9) ☒ Lawyer's Fees and Costs

The person in ___ must pay to the person in ___ the following amounts for

☐ lawyer's fees ☐ costs:

| Item | Amount | Item | Amount |
|---|---|---|---|
| TBD on noticed motion | $ | | $ |
| | $ | | $ |

☐ Additional items and amounts are attached at the end of this Order on Attachment 9.

## (10) ☐ Possession and Protection of Animals

a. ☐ The person in (1) is given the sole possession, care, and control of the animals listed below, which are owned, possessed, leased, kept, or held by him or her, or reside in his or her household. *(Identify animals by, e.g., type, breed, name, color, sex.)*

_____

_____

b. ☐ The person in (2) must stay at least _____ yards away from, and not take, sell, transfer, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of, the animals listed above.

**This is a Court Order.**

(11) ☐ **Other Orders** *(specify):*

_____

_____

_____

☐ Additional orders are attached at the end of this Order on Attachment 11.

**To the Person in (1):**

(12) **Mandatory Entry of Order Into CARPOS Through CLETS**

This Order must be entered into the California Restraining and Protective Order System (CARPOS) through the California Law Enforcement Telecommunications System (CLETS). *(Check one):*

a. ☐ The clerk will enter this Order and its proof-of-service form into CARPOS.

b. ☒ The clerk will transmit this Order and its proof-of-service form to a law enforcement agency to be entered into CARPOS.

c. ☐ By the close of business on the date that this Order is made, the person in (1) or his or her lawyer should deliver a copy of the Order and its proof-of-service form to the law enforcement agency listed below to enter into CARPOS:

| Name of Law Enforcement Agency | Address *(City, State, Zip)* |
|---|---|
| | |
| | |

☐ Additional law enforcement agencies are listed at the end of this Order on Attachment 12.

(13) **Service of Order on Restrained Person**

a. ☒ The person in (2) personally attended the hearing. No other proof of service is needed.

b. ☐ The person in (2) did not attend the hearing.

(1) ☐ Proof of service of form CH-110, *Temporary Restraining Order,* was presented to the court. The judge's orders in this form are the same as in form CH-110 except for the expiration date. The person in (2) must be served with this Order. Service may be by mail.

(2) ☐ The judge's orders in this form are different from the temporary restraining orders in form CH-110. Someone—but not anyone in (1) or (3)—must personally serve a copy of this Order on the person in (2).

(14) ☐ **No Fee to Serve (Notify) Restrained Person**

The sheriff or marshal will serve this Order without charge because:

a. ☐ The Order is based on unlawful violence, a credible threat of violence, or stalking.

b. ☐ The person in (1) is entitled to a fee waiver.

(15) Number of pages attached to this Order, if any: _____

Date: 1-17-24

*Judicial Officer*

**This is a Court Order.**

## Warning and Notice to the Restrained Person in 2:

### You Cannot Have Firearms (Guns), Firearm Parts, or Ammunition

Unless item 8e is checked, you cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get any prohibited items listed in item 8b on page 3 while this Order is in effect. If you do, you can go to jail and pay a $1,000 fine. You must sell to or store with a licensed gun dealer, or turn in to a law enforcement agency, any firearms (guns) and firearm parts that you have or control as stated in item 8 above. The court will require you to prove that you did so.

## Instructions for Law Enforcement

### Enforcing the Restraining Order

This Order is enforceable by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Restraining and Protective Order System (CARPOS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the Order and then must enforce it. Violations of this Order are subject to criminal penalties.

### Start Date and End Date of Orders

This Order *starts* on the date next to the judge's signature on page 4 and *ends* on the expiration date in item 4 on page 1.

### Arrest Required If Order Is Violated

If an officer has probable cause to believe that the restrained person had notice of the order and has disobeyed it, the officer must arrest the restrained person. (Pen. Code, §§ 836(c)(1), 13701(b).) A violation of the order may be a violation of Penal Code section 166 or 273.6. Agencies are encouraged to enter violation messages into CARPOS.

### Notice/Proof of Service

The law enforcement agency must first determine if the restrained person had notice of the order. Consider the restrained person "served" (given notice) if (Pen. Code, § 836(c)(2)):

- The officer sees a copy of the *Proof of Service* or confirms that the *Proof of Service* is on file; *or*
- The restrained person was at the restraining order hearing or was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the restrained person cannot be verified and the restrained person was not present at the court hearing, the agency must advise the restrained person of the terms of the order and then enforce it.

### If the Protected Person Contacts the Restrained Person

Even if the protected person invites or consents to contact with the restrained person, this Order remains in effect and must be enforced. The protected person cannot be arrested for inviting or consenting to contact with the restrained person. The orders can be changed only by another court order. (Pen. Code, § 13710(b).)

**This is a Court Order.**

## Conflicting Orders—Priorities for Enforcement

**If more than one restraining order has been issued protecting the protected person from the restrained person, the orders must be enforced in the following priority** (see Pen. Code, § 136.2 and Fam. Code, §§ 6383(h)(2), 6405(b)):

1. *Emergency Protective Order (EPO):* If one of the orders is an *Emergency Protective Order* (form EPO-001), provisions (e.g., stay-away order) that are more restrictive than in the other restraining/protective orders must be enforced. Provisions of another order that do not conflict with the EPO must be enforced.
2. *No-Contact Order:* If a restraining/protective order includes a no-contact order, the no-contact order must be enforced. Item 6a(2) is an example of a no-contact order.
3. *Criminal Protective Order (CPO):* If none of the orders include an EPO or a no-contact order, the most recent CPO must be enforced. (Fam. Code, §§ 6383(h)(2) and 6405(b).) Additionally, a CPO issued in a criminal case involving charges of domestic violence, Penal Code sections 261, 261.5, or former 262, or charges requiring sex offender registration must be enforced over any civil court order. (Pen. Code, § 136.2(e)(2).) All provisions in the civil court order that do not conflict with the CPO must be enforced.
4. *Civil Restraining Orders:* If there is more than one civil restraining order (e.g., domestic violence, juvenile, elder abuse, civil harassment), then the order that was issued last must be enforced. Provisions that do not conflict with the most recent civil restraining order must be enforced.

*Clerk's Certificate*
*[seal]*

*(Clerk will fill out this part.)*

**—Clerk's Certificate—**

I certify that this *Civil Harassment Restraining Order After Hearing* is a true and correct copy of the original on file in the court.

Date: _____ Clerk, by _____, Deputy

**This is a Court Order.**

# EXHIBIT 2

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT VEZ HON. KAREN MOSKOWITZ, JUDGE

| | | |
|---|---|---|
| PETER SPIEGEL, PETITIONER, | ) | |
| VS. | ) | NO. 23VER001608 |
| DAVID ANDREW NAJAR, RESPONDENT. | ) | |

COPY

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, JANUARY 17, 2024

APPEARANCES:

FOR THE PETITIONER: STUBBS ALDERTON & MARKILES, LLP
BY: MICHAEL A. SHERMAN, ESQ.
15260 VENTURA BOULEVARD
20TH FLOOR
SHERMAN OAKS, CALIFORNIA 91403

IDEAL LIVING
BY: MARY KAUFMAN, ESQ.
14724 VENTURA BOULEVARD
SHERMAN OAKS, CALIFORNIA 91403

FOR THE RESPONDENT: DAVID ANDREW NAJAR,
IN PROPRIA PERSONA

JENNIFER HOLMES, CSR NO. 10976

OFFICIAL REPORTER

# M A S T E R  I N D E X

JANUARY 17, 2024

## INDEX OF WITNESSES


| PETITIONER'S WITNESSES: | DIRECT | CROSS | REDIRECT | RECROSS |
|---|---|---|---|---|
| NONE | | | | |

| RESPONDENT'S WITNESSES: | DIRECT | CROSS | REDIRECT | RECROSS |
|---|---|---|---|---|
| DAVID ANDREW NAJAR | | 4 | | |


## EXHIBITS


| PETITIONER'S | FOR IDENTIFICATION | BY REFERENCE | IN EVIDENCE |
|---|---|---|---|
| NONE | | | |

| RESPONDENT'S | FOR IDENTIFICATION | BY REFERENCE | IN EVIDENCE |
|---|---|---|---|
| NONE | | | |

CASE NUMBER: 23VER001608
CASE NAME: SPIEGEL VS. NAJAR
VAN NUYS, CA WEDNESDAY, JANUARY 17, 2024
DEPARTMENT VEZ HON. KAREN MOSKOWITZ, JUDGE
APPEARANCES: (AS HERETOFORE NOTED.)
REPORTER: JENNIFER HOLMES, CSR NO. 10976
TIME: P.M. SESSION

THE COURT: OKAY. CALLING THE ADD-ON TO TODAY'S CALENDAR, SPIEGEL VERSUS NAJAR, 23VER001608.

APPEARANCE BY COUNSEL, PLEASE.

MR. SHERMAN: GOOD AFTERNOON, YOUR HONOR. MICHAEL SHERMAN OF STUBBS ALDERTON & MARKILES, APPEARING ON BEHALF OF THE PETITIONER, PETER SPIEGEL. I'M JOINED BY MARY KAUFMAN, COUNSEL AS WELL FOR MR. SPIEGEL.

THE COURT: AND IF I CAN HAVE MR. NAJAR PLEASE STAND. RAISE YOUR RIGHT HAND.

THE CLERK: DO YOU SOLEMNLY STATE THAT THE TESTIMONY YOU MAY GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP YOU GOD?

THE RESPONDENT: I DO.

MR. SHERMAN: YOUR HONOR, I ASSUME THE COURT WANTS TO HEAR THE CROSS-EXAMINATION AT THIS POINT?

THE COURT: RIGHT.

MR. SHERMAN: THERE WERE ONE OR TWO LOOSE ENDS I JUST WANT TO BRING TO THE COURT'S ATTENTION FIRST.

1 TEACHER-STUDENT SPECIAL TRUST RELATIONSHIP WITH
2 CATHERINE AND USED HIS POSITION AS A TEACHER TO DEVELOP
3 INAPPROPRIATE PERSONAL RELATIONSHIPS WITH THE
4 PLAINTIFF."
5 YOU'RE AWARE OF THAT, AREN'T YOU?
6 A I NEVER WAS -- FILED THIS. I WAS NEVER
7 HANDED THIS. I HAVE NO IDEA WHAT IT IS IN THIS. I WAS
8 NEVER HANDED THIS. I NEVER WENT TO COURT FOR IT. I
9 DON'T KNOW.
10 Q YOU'RE AWARE THAT CATHERINE GRAHAM AND HER
11 PARENTS ACCUSED YOU OF BEING A SEXUAL PREDATOR?
12 A NO, I DON'T.
13 Q THIS LAWSUIT WAS SETTLED, WASN'T IT?
14 A I HAVE NO IDEA. I'VE NEVER BEEN A PART OF
15 IT, NOT ONE BIT. IF YOU CAN FIND ME IN THERE, YOU
16 CAN -- THAT I WAS PART OF THE SETTLEMENT.
17 MR. SHERMAN: NO FURTHER QUESTIONS, YOUR HONOR.
18 THE COURT: THANK YOU.
19 SINCE YOU DO NOT HAVE AN ATTORNEY, IS THERE
20 ANYTHING THAT WAS RAISED IN CROSS-EXAMINATION THAT YOU
21 WOULD BRIEFLY LIKE TO REPLY TO?
22 THE RESPONDENT: NO, THANK YOU. BRIEFLY, NO,
23 THANK YOU.
24 THE COURT: AND NO REPLY, THE CASE IS DEEMED
25 SUBMITTED.
26 I FIND IN THIS CASE THAT THE PLAINTIFFS
27 HAVE MET THEIR BURDEN OF SHOWING BY CLEAR AND CONVINCING
28 EVIDENCE A COURSE OF CONDUCT THAT CONSTITUTES UNLAWFUL

1 HARASSMENT, A COURSE OF CONDUCT OVER TIME, INCLUDING
2 VOICEMAILS, TEXTS, EMAILS, AND AT LEAST ONE PERSONAL
3 MEETING WHERE YOU CONDUCTED YOURSELF IN A THREATENING
4 AND OFFENSIVE MANNER THAT WOULD SERIOUSLY ALARM, ANNOY,
5 AND HARASS ANY REASONABLE PERSON, DID SO TO THIS
6 PETITIONER, AND CAUSED THIS PETITIONER SIGNIFICANT
7 EMOTIONAL DISTRESS.
8 THE COURT FURTHER FINDS THAT AT LEAST TWO,
9 IF NOT MORE, OF THE EMAILS, EVEN THOUGH APPARENTLY YOU
10 DID USE SOME SORT OF PROGRAM TO DISGUISE WHO THEY WERE
11 COMING FROM, HAVE ENOUGH INDICIA IN THE EMAILS FOR ANY
12 REASONABLE PERSON TO CONCLUDE THAT THEY CAME FROM YOU,
13 INCLUDING YOUR PHONE NUMBER. THE COURT IS GOING TO
14 GRANT THE RESTRAINING ORDER FOR A PERIOD OF THREE YEARS.
15 MR. NAJAR, I SUGGEST YOU LISTEN TO THE
16 ORDER CAREFULLY BECAUSE THIS IS THE ONLY NOTICE YOU'RE
17 GOING TO GET OF THE ORDER, AND IF YOU VIOLATE THIS
18 ORDER, EVEN THOUGH THIS IS A CIVIL COURT, THAT VIOLATION
19 MAY SUBJECT YOU TO IMMEDIATE ARREST AND IMPRISONMENT --
20 SIR, PAY ATTENTION.
21 THE RESPONDENT: OKAY.
22 THE COURT: YOU'RE NOT GOING TO GET ANY OTHER
23 NOTICE.
24 THE RESPONDENT: OKAY.
25 THE COURT: IF YOU VIOLATE THIS ORDER, YOU MAY BE
26 SUBJECT TO ARREST AND IMPRISONMENT FOR UP TO ONE YEAR
27 FOR EACH VIOLATION.
28 THIS ORDER WILL INCLUDE KATHLEEN, ALSO

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT VEZ HON. KAREN MOSKOWITZ, JUDGE

| | | |
|---|---|---|
| PETER SPIEGEL, | ) | |
| PETITIONER, | ) | NO. 23VER001608 |
| VS. | ) | |
| DAVID ANDREW NAJAR, | ) | REPORTER'S CERTIFICATE |
| RESPONDENT. | ) | |

I, JENNIFER HOLMES, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT I DID CORRECTLY REPORT THE PROCEEDINGS CONTAINED HEREIN AND THAT THE FOREGOING PAGES 1 THROUGH 25, INCLUSIVE, COMPRISE A FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS AND TESTIMONY TAKEN IN THE MATTER OF THE ABOVE-ENTITLED CAUSE ON WEDNESDAY, JANUARY 17, 2024.

DATED THIS 15TH DAY OF FEBRUARY, 2024.

JENNIFER HOLMES, CSR NO. 10976
OFFICIAL REPORTER

# EXHIBIT 3

BENJAMIN TAYLOR (State Bar No. 240636)
btaylor@taylorlawfirmpc.com
THE LAW OFFICES OF BENJAMIN TAYLOR
A Professional Corporation
1880 Century Park East, Suite 714
Los Angeles, California 90067
Telephone: (310) 201-7600
Facsimile: (310) 201-7601

Attorneys for Defendant
DAVID NAJAR

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

| | |
|---|---|
| IDEAL LIVING, LLC, a Delaware limited liability company, PETER SPIEGEL, an individual, and KATHLEEN WILLIAMS, an individual,<br><br>Plaintiffs,<br><br>v.<br><br>DAVID NAJAR, an individual, and DOES 1 through 10, inclusive,<br><br>Defendant. | **CASE NO. 23VECV04262**<br><br>[Assigned to Hon. Valerie Salkin, Dept. U]<br><br>**DEFENDANT DAVID NAJAR'S RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE**<br><br>Action filed: September 26, 2023<br>Trial date: None |

**PROPOUNDING PARTY:** **Plaintiffs Ideal Living, LLC, Peter Spiegel and Kathleen Williams**

**RESPONDING PARTY:** **Defendant David Najar**

**SET NUMBER:** **One (1)**

Pursuant to California Code of Civil Procedure section 2031.010, *et. seq.*, Defendant David Najar ("Responding Party"), by and through his undersigned counsel, hereby responds to the Requests for Production of Documents propounded by Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams ("Propounding Party"), as follows:

**PRELIMINARY STATEMENT**

This Responding Party has not fully completed investigation of the facts relating to this case, and has not fully completed discovery in this action and has not completed preparation for trial. All of the responses contained herein are based upon the documents that are presently available to or specifically known to this Responding Party.

Responding Party anticipates that further discovery, investigation, research, and analysis, will supply additional facts, add meaning to known facts, as well as establishing entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in, and variations from the contentions herein set forth. The following production responses are given without prejudice to Responding Party's right to produce evidence of any subsequently discovered fact or facts that this responding party may later recall. Responding Party accordingly reserves the right to change any and all answers herein as additional facts are ascertained, analyses are made, legal research is completed and contentions are made. The answers contained herein are made in good faith effort to supply as much factual information and as much specification of legal contentions as is presently known which should in no way be to the prejudice of this Responding Party in relation to further discovery, research or analysis.

**GENERAL OBJECTIONS**

The following general objections apply to the Requests, and are incorporated by this reference into each and every response hereinafter stated as if set forth in full therein.

A. Responding Party objects to the Requests on the grounds, and to the extent, that they call for information: (i) that is protected by any privilege or protection, including, without limitation, the attorney-client privilege and the attorney work product doctrine; (ii) that was prepared in anticipation of litigation; (iii) that is a trade secret or confidential or proprietary information; and/or (iv) that is otherwise protected from disclosure under any statutory or common law. Inadvertent

production or disclosure of any such information and/or documents is not intended to and shall not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to such information and/or document, or with respect to the subject matter thereof. Nor shall such inadvertent production or disclosure waive Responding Party's right to object to the use of any such information and/or document during this action or in any other proceeding. Responding Party claims all such privileges and invokes all such protections.

B. Responding Party objects to the Requests on the grounds, and to the extent, that they seek information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party.

C. Responding Party objects to the Requests on the grounds, and to the extent, that they seek information that is equally available to Propounding Party or is in the public record, because such requests are unduly burdensome and oppressive and cause the Responding Party unnecessary burden and expense.

D. Responding Party objects to the Requests on the grounds, and to the extent, that they seek information that is not within Responding Party's possession, custody or control.

E. Responding Party objects to the Requests on the grounds, and to the extent, that they seek information that is neither relevant to the subject matter of the pending proceedings nor reasonably calculated to lead to the discovery of admissible evidence.

F. Responding Party objects to the Requests on the grounds, and to the extent, that they are designed to cause undue annoyance, harassment, or oppression.

G. Responding Party objects to the Requests on the grounds, and to the extent, that they are overly broad as to the subject matter, time or otherwise.

H. Responding Party objects to the Requests on the grounds, and to the extent, that they are vague or ambiguous, or both and, as such, would require the Responding Party to speculate as to the meaning of the Requests.

I. Responding Party objects to the Propounding Party's terms "you" and "your" and "person" as they are overly broad and, compound and purport to included Responding Party's

counsel.

J. Responding Party objects to the Requests on the grounds, and to the extent, that they have already been propounded upon, and responded to by, Responding Party.

K. These responses are submitted subject to, and without waiving or intending to waive, the Preliminary Statement and General Objections set forth herein.

**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

All text messages YOU sent or received at any time between November 1, 2022 and the present that reference Peter Spiegel, Kathleen Williams, Helen Christoni, or Ideal Living, including texts to/from Myra Nishizaki.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all text messages." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Subject to and without waiving these objections, Responding Party responds as follows:

Responding Party conducted a diligent search and reasonable inquiry, and is unable to comply with this Request because the requested documents never existed.

**REQUEST FOR PRODUCTION NO. 2:**

All emails YOU sent or received at any time between November 1, 2022 and the present that reference Peter Spiegel, Kathleen Williams, Helen Christoni, or Ideal Living, including emails to/from Myra Nishizaki.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary

Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all emails." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Subject to and without waiving these objections, Responding Party responds as follows:

Responding Party conducted a diligent search and reasonable inquiry, and is unable to comply with this Request because the requested documents never existed.

**REQUEST FOR PRODUCTION NO. 3:**

All webpages or web posts YOU created at any time between November 1, 2022 and the present that reference Peter Spiegel, Kathleen Williams, Helen Christoni, or Ideal Living.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all webpages or web posts." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Subject to and without waiving these objections, Responding Party responds as follows:

Responding Party conducted a diligent search and reasonable inquiry, and is unable to comply with this Request because the requested documents never existed.

**REQUEST FOR PRODUCTION NO. 4:**

All documents YOU or Myra Nishizaki have prepared, edited, commented on, or used for any purpose, between November 1, 2022 and the present that reference Peter Spiegel, Kathleen

Williams, Helen Christoni, or Ideal Living.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges. Subject to and without waiving these objections, Responding Party responds as follows:

Responding Party conducted a diligent search and reasonable inquiry, and is unable to comply with this Request because the requested documents never existed.

**REQUEST FOR PRODUCTION NO. 5:**

All information in whatever form Myra Nishizaki has given or shared with YOU between November 1, 2022 and the present that (a) reference Peter Spiegel, Kathleen Williams, Helen Christoni, or Ideal Living, or (b) which to YOUR knowledge was ever resident on computer networks or computers used for the business of Ideal Living.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all information in whatever form." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private

information of Responding Party and a third party. Subject to and without waiving these objections, Responding Party responds as follows:

Responding Party conducted a diligent search and reasonable inquiry, and is unable to comply with this Request because the requested documents never existed.

**REQUEST FOR PRODUCTION NO. 6:**

All DOCUMENTS that pertain to or support YOUR First Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 7:**

All DOCUMENTS that pertain to or support YOUR Second Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 8:**

All DOCUMENTS that pertain to or support YOUR Third Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary

Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 9:**

All DOCUMENTS that pertain to or support YOUR Fourth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 10:**

All DOCUMENTS that pertain to or support YOUR Fifth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 11:**

All DOCUMENTS that pertain to or support YOUR Sixth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 12:**

All DOCUMENTS that pertain to or support YOUR Seventh Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 13:**

All DOCUMENTS that pertain to or support YOUR Eighth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 14:**

All DOCUMENTS that pertain to or support YOUR Ninth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 15:**

All DOCUMENTS that pertain to or support YOUR Tenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 16:**

All DOCUMENTS that pertain to or support YOUR Eleventh Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents

and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 17:**

All DOCUMENTS that pertain to or support YOUR Twelfth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 18:**

All DOCUMENTS that pertain to or support YOUR Thirteenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 19:**

All DOCUMENTS that pertain to or support YOUR Fourteenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party

objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 20:**

All DOCUMENTS that pertain to or support YOUR Fifteenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 21:**

All DOCUMENTS that pertain to or support YOUR Sixteenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 22:**

All DOCUMENTS that pertain to or support YOUR Seventeenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary

Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 23:**

All DOCUMENTS that pertain to or support YOUR Eighteenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 24:**

All DOCUMENTS that pertain to or support YOUR Nineteenth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 25:**

All DOCUMENTS that pertain to or support YOUR Twentieth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 26:**

All DOCUMENTS that pertain to or support YOUR Twenty-First Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 27:**

All DOCUMENTS that pertain to or support YOUR Twenty-Second Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 28:**

All DOCUMENTS that pertain to or support YOUR Twenty-Third Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 29:**

All DOCUMENTS that pertain to or support YOUR Twenty-Fourth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 30:**

All DOCUMENTS that pertain to or support YOUR Twenty-Fifth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents

and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 31:**

All DOCUMENTS that pertain to or support YOUR Twenty-Sixth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 32:**

All DOCUMENTS that pertain to or support YOUR Twenty-Seventh Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 33:**

All DOCUMENTS that pertain to or support YOUR Twenty-Eighth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party

objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 34:**

All DOCUMENTS that pertain to or support YOUR Twenty-Ninth Affirmative Defense.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 34:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges.

**REQUEST FOR PRODUCTION NO. 35:**

All DOCUMENTS that reference each and every one of the following e-mail addresses, and/or social media accounts, including DOCUMENTS that show the registration/signing-up for said email address and/or social media account:

- Email: peterpaidpassport@gmail.com
- Email: peterspiegelkripalu@gmail.com
- Email: petermiraclebladejoke@gmail.com
- Email: peterpickedapooper@gmail.com
- Email: peterspiegelnews@gmail.com
- Email: newpersonpeterspiegel@gmail.com
- YouTube: peterspiegelnews (@user-qy2xx3rn7f)

**RESPONSE TO REQUEST FOR PRODUCTION NO. 35:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is

overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges. Subject to and without waiving these objections, Responding Party responds as follows:

Responding Party conducted a diligent search and reasonable inquiry, and is unable to comply with this Request because the requested documents never existed.

**REQUEST FOR PRODUCTION NO. 36:**

All DOCUMENTS that constitute proof of YOUR matriculation at each and every college or university, any bachelor's degree program or any program post-bachelor's.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 36:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Responding Party objects that this Request seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 37:**

All DOCUMENTS that constitute proof of YOUR graduation at each and every college or university either in a bachelor's degree program or post-bachelor's.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 37:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Responding Party objects that this Request seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 38:**

All DOCUMENTS that reference present-day ownership and changes in ownership, over time, involving Global Prep Academy, including without limitation ownership and changes in ownership of Myra Nishizaki.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 38:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges. Responding Party objects that this Request seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

**REQUEST FOR PRODUCTION NO. 39:**

All DOCUMENTS that YOU have treated, or utilized either for YOUR own purposes or through third parties, as financial statements of Global Prep Academy for any period of time from

January 1, 2022 through the present, including without limitation DOCUMENTS showing payments to YOU as an employee of Global Prep Academy or distributions to YOU or Myra Nishizaki on account of investments either YOU or Myra Nishizaki made in Global Prep Academy.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 39:**

Responding Party incorporates by reference as though fully set forth herein the Preliminary Statement and General Objections set forth above. Responding Party objects that this request is overbroad, unduly burdensome and oppressive in that it seeks "all documents." Responding Party objects that the documents requested are equally available to and already in the possession of Propounding Party. Responding Party objects to this request on the basis that it seeks information that contains confidential and/or private information of a third party, or the confidential and/or private information of the Responding Party, or the joint confidential and/or private information of Responding Party and a third party. Responding Party objects to this request on the basis that it seeks documents and information that are shielded from discovery by the attorney-client and/or attorney work product privileges. Responding Party objects that this Request seeks information that is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.

DATED: March 29, 2024

THE LAW OFFICES OF BENJAMIN TAYLOR
A Professional Corporation

By: _____
BENJAMIN TAYLOR
Attorneys for Defendant
DAVID NAJAR

## VERIFICATION

I, David Najar, am a party to this action. I have read the foregoing **DEFENDANT DAVID NAJAR'S RESPONSES TO PLAINTIFFS' REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE** and know the contents thereof. The same is true of my own knowledge, except as to those matters that are therein stated on information and belief, and concerning those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 29th day of March 2024, at Valencia, CA.

David Najar

David Najar

## PROOF OF SERVICE

**STATE OF CALIFORNIA** )
) **ss.**
**COUNTY OF LOS ANGELES** )

At the time of service, I was over 18 years of age and not a party to this action. My business address is 1880 Century Park East, Suite 714, Los Angeles, CA 90067. On March 29, 2024, I served ☐ the original ☒ a true copy of the within document(s) described as

**DEFENDANT DAVID NAJAR'S RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE**

on all interested parties in this action, as follows:

Nicholas Soltman, Esq.
Kinsella Holley Iser Kump Steinsapir, LLP
11766 Wilshire Blvd., Suite 750
Los Angeles, CA 90025

nsoltman@khiks.com

**Attorneys for Plaintiffs Ideal Living, LLC, Peter Spiegel, and Kathleen Williams**

☒ **BY E-MAIL**: I sent the above document(s) via electronic mail to the recipients listed above at the e-mail addresses listed above, and I did not receive any notification that the e-mail was not received.

☒ **(State)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **March 29, 2024** at Los Angeles, California.

Benjamin Taylor
Type or Print Name

Signature

# EXHIBIT 4

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

IDEAL LIVING, LLC, a Delaware )
limited liability company, )
PETER SPIEGEL, an individual, )
and KATHLEEN WILLIAMS, an )
individual, )
Plaintiffs, )
VS. ) NO. 23VECV04262
DAVID NAJAR, an individual, and)
DOES 1 through 10, inclusive, )
Defendants. )
_____)

VIDEOTAPED DEPOSITION OF:
DAVID NAJAR
WEDNESDAY, OCTOBER 9, 2024
9:36 A.M.

REPORTED BY:
Sari M. Knudsen
CSR No. 13109



Veritext Legal Solutions
Calendar-CA@veritext.com 866-299-5127

Deposition of DAVID NAJAR, taken on behalf of the DEFENDANTS, at 11766 Wilshire Boulevard, Suite 750, Los Angeles, California, on WEDNESDAY, OCTOBER 9, 2024, before Sari M. Knudsen, CSR No. 13109.

APPEARANCES OF COUNSEL:

FOR THE PLAINTIFF:

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
BY: NICHOLAS SOLTMAN, ESQ.
11766 Wilshire Boulevard, Suite 750
Los Angeles, California 90025
310-566-9800

FOR THE DEFENDANT:

THE TAYLOR LAW FIRM
BY: BENJAMIN TAYLOR, ESQ.
1880 Century Park East, Suite 714
Los Angeles, California 90067
310-201-7600

ALSO PRESENT:

JONATHAN HERNANDEZ, VIDEOGRAPHER



Veritext Legal Solutions
Calendar-CA@veritext.com 866-299-5127

I N D E X


| WITNESS | EXAMINATION | PAGE |
|---|---|---|
| DAVID NAJAR | (BY MR. SOLTMAN) | 9 |


E X H I B I T S


| EXHIBIT NO. | PAGE | DESCRIPTION |
|---|---|---|
| Exhibit 1 | 23 | Minute Order in the case of Daniel Lee vs David Najar |
| Exhibit 2 | 32 | Clerk's Notice of Transfer/Reclassification and/or Consolidation |
| Exhibit 3 | 52 | Docket number from Michelle Beard vs David Najar case |
| Exhibit 4 | 54 | Defendant's Responses to Plaintiff's First Set of Special Interrogatories |
| Exhibit 5 | 58 | Defendant's Responses to First Set of Requests for Production of Documents |

E X H I B I T S


| EXHIBIT NO. | PAGE | DESCRIPTION |
|---|---|---|
| Exhibit 6 | 78 | LinkedIn message from Douglass Groove |
| Exhibit 7 | 88 | Multiple-page document with e-mail address, billings and LinkedIn Business Records Affidavit |
| Exhibit 8 | 93 | Blowup of Instagram comment |
| Exhibit 9 | 98 | Meta platform business records with Meta Affidavit |
| Exhibit 10 | 104 | Printout of Instagram account |
| Exhibit 10A | 104 | Printout of Instagram message |
| Exhibit 11 | 105 | Meta Platforms Business Records |
| Exhibit 12 | 109 | Meta Platform Business Records |
| Exhibit 13 | 120 | Plaintiff Myra Nishizaki's Complaint for Damages |
| Exhibit 14 | 126 | e-mail chain dated 9-18-23 from peterspiegelkripalu |
| Exhibit 15 | 136 | e-mail chain ending 9-24-23 from peterspiegelkripalu |

E X H I B I T S

| EXHIBIT NO. | PAGE | DESCRIPTION |
|---|---|---|
| Exhibit 16 | 139 | e-mail chain ending 9-19-23 between Peter Spiegel to Mary Kaufman and others |
| Exhibit 17 | 142 | e-mail dated 9-29-23 to Peter Spiegel |
| Exhibit 18 | 147 | e-mail chain ending 9-19-23 between Peter Spiegel, Katie Williams and others |
| Exhibit 19 | 159 | Peter Spiegel e-mail dated 10-10-23 |
| Exhibit 20 | 167 | e-mail dated 9-20-23 to Peter Spiegel and others from peterpickedapooper |
| Exhibit 21 | 172 | e-mail dated 9-20-23 to Michael Sherman from peterpickedapooper |
| Exhibit 22 | 175 | e-mail dated 9-20-23 to Mary Kaufman and others from peterpickedapooper |
| Exhibit 23 | 178 | e-mail dated 9-20-23 to Katie Williams from peterpickedapooper |

E X H I B I T S

| EXHIBIT NO. | PAGE | DESCRIPTION |
|---|---|---|
| Exhibit 24 | 188 | Reporter's Transcript dated 1-16-24 in Spiegel vs Najar case |
| Exhibit 25 | 204 | e-mail chain ending 9-21-23 between Katie Williams, Peter Spiegel and others from peterpickedapooper |
| Exhibit 26 | 224 | e-mail chain ending 9-21-23 between Katie Williams, Peter Spiegel from peterpickedapooper |
| Exhibit 27 | 234 | e-mail dated 9-23-23 to Peter Spiegel and Katie Williams from peterpickedapooper |
| Exhibit 28 | 240 | e-mail dated 9-17-23 from peterpickedapooper |
| Exhibit 29 | 248 | e-mail chain ending 9-19-23 between petermiraclebladejoke and Peter Spiegel |

E X H I B I T S

| EXHIBIT NO. | PAGE | DESCRIPTION |
| --- | --- | --- |
| Exhibit 30 | 256 | e-mail dated 9-29-23 between Peter Spiegel, Katie Williams and newpersonpeterspiegel |

LOS ANGELES, CALIFORNIA

WEDNESDAY, OCTOBER 9, 2024; 9:36 A.M.

THE VIDEOGRAPHER: Good morning. We are on the record. The time is 9:36 A.M. Pacific Daylight Time. Today is October 9, 2024.

My name is Jonathan Hernandez. I'm a video technician with Veritext Legal Solutions located in Los Angeles, California.

We are recording these proceedings at 11766 Wilshire Boulevard, Los Angeles, California.

This is the video deposition of David Najar in the action entitled "Ideal living, LLC, et al., versus David Najar, et al." This deposition is being taken on behalf of the plaintiffs. The case number is 23VECV04262.

Now would you all please identify yourself and who you represent, starting with the noticing attorney.

MR. SOLTMAN: Good morning. Nick Soltman, Kinsella Holley Iser Kump & Steinsapir, appearing on behalf of the plaintiffs.

MR. TAYLOR: Benjamin Taylor on behalf of the

witness. 9:37:54

THE VIDEOGRAPHER: Thank you. 9:37:56

Now will the court reporter please 9:37:57

administer the oath. 9:37:58

9:37:58

DAVID NAJAR, 9:37:58

having first been duly sworn, was 9:37:58

examined and testified as follows: 9:37:58

9:37:58

EXAMINATION 9:37:58

9:37:58

BY MR. SOLTMAN: 9:37:58

Q Great. Good morning, Mr. Najar. 9:38:16

Can you start by stating your full name, 9:38:18

including middle name and address, for the record. 9:38:20

A David Najar. I don't have a middle name. 9:38:22

My address is 1010 Sycamore Avenue, 9:38:25

No. 315, South Pasadena, California 91030. 9:38:31

Q And have you ever been deposed before, 9:38:33

Mr. Najar? 9:38:34

A I did for a traffic incident in Long Beach. 9:38:38

I don't remember much about it. But yeah. 9:38:39

Q Were you one of the parties to that 9:38:41

incident or a witness? 9:38:42

A A party -- I was rear-ended from behind and 9:38:45

So you are going to have difficulty finding that 10:59:40
person. 10:59:40
Q All right. 10:59:41
A And they were also in the newspaper. I 10:59:44
have multiple students at Columbia and/or pictured 10:59:46
on -- in "The New York Times." 10:59:46
Q So in other words, you are refusing to 10:59:48
identify who you worked with on e-mails related 10:59:52
to -- or from the Peterpaidpassport account? 10:59:58
A I will identify one. 10:59:59
Q Okay. Who was that? 11:00:00
A Steve Fromer who is -- lives across the 11:00:03
street from Peter Spiegel. He would love to speak 11:00:09
with you. 11:00:09
Q Okay. And other than Mr. Fromer, you are 11:00:14
not identifying anyone who has helped you send 11:00:17
e-mails from the Peterpaidpassport account. Is that 11:00:23
correct? 11:00:23
MR. TAYLOR: Objection. Misstates his 11:00:25
testimony. He can answer. 11:00:26
THE WITNESS: Could you ask that again? 11:00:28
BY MR. SOLTMAN: 11:00:28
Q Other than Mr. Fromer, you are not going to 11:00:30
give me any names who have been -- who have worked 11:00:33
with you, I should say, on sending e-mails from the 11:00:36

Peterpaidpassport account? 11:00:38
MR. TAYLOR: Same objection. 11:00:39
THE WITNESS: Same objection. 11:00:40
MR. TAYLOR: You don't have to object. Just 11:00:42
answer the question. 11:00:43
THE WITNESS: No. 11:00:44
BY MR. SOLTMAN: 11:00:44
Q And is your testimony any different with 11:00:47
respect to the other e-mail addresses below in this 11:00:49
request? 11:00:50
A Not one bit. Same -- same question -- 11:00:53
answer. Sorry. 11:00:54
Q So in other words, for all of the -- all 11:00:57
the e-mail addresses listed below, you worked with 11:01:03
others, shall we say, to send e-mails from these 11:01:09
accounts? 11:01:10
A Yes. 11:01:11
Q Okay. And other than Mr. Fromer, for these 11:01:15
other e-mail addresses, you are unwilling to 11:01:18
identify any of those individuals, for example, on 11:01:21
peterspiegelkripalu? 11:01:25
A The other people -- no. The other people 11:01:28
are afraid of being sued or harassed by Peter 11:01:34
Spiegel who has sued and harassed multiple people 11:01:38
and has an entertainment attorney in charge of a 11:01:41

Q And this is your digital signature? 11:10:35
A Yeah. 11:10:35
Q And these -- and these verifications -- I'm 11:10:38
sorry. These responses were verified as being true 11:10:41
under penalty of perjury. Correct? 11:10:43
A Just the way I answered them and just the 11:10:46
way I answered them with you. 11:10:47
Q Okay. Let me have you turn to what we will 11:10:57
mark as Exhibit 6. 11:11:20
(Whereupon Plaintiffs' Exhibit 6 11:11:20
was marked for identification) 11:11:21
BY MR. SOLTMAN: 11:11:21
Q All right. 11:11:22
And just for the record, this is a LinkedIn 11:11:31
message from a user named Douglass Groove -- that's 11:11:35
two s's -- to a woman named Lauren McClard, 11:11:40
M-C-C-L-A-R-D? 11:11:42
A Wow. Yeah. 11:11:43
Q And Mr. Najar, first of all, have you ever 11:11:49
seen this before? 11:11:51
A No. No. It's amazing. 11:11:54
Q Do you know anyone by the name of Douglass 11:11:56
Groove? 11:11:56
A No. 11:11:57
Q Okay. And do you see the date of this 11:12:04

message is November -- I'm sorry -- September 25, 2023? 11:12:07 11:12:08

A I absolutely do. 11:12:10

Q All right. And you -- I take it because you've never seen it, your testimony is you didn't send this? 11:12:16 11:12:18 11:12:19

A I did not send it. 11:12:21

Q Okay. 11:12:21

A But I will tell you I know the people who did. 11:12:24 11:12:27

Q Okay. 11:12:27

A I know -- I know -- I know the people who sent this e-mail. 11:12:30 11:12:31

Q And who are the people that sent this -- 11:12:33

A I will not tell you because they are afraid of Peter Spiegel who has sued victims of sexual abuse into silence, paid them off and hired an entertainment attorney because there are celebrities involved in this case. 11:12:36 11:12:47 11:12:54 11:12:57 11:13:02

Q Mr. Najar, I'm going to move to strike that as nonresponsive. And I'm going to warn you now that no matter how many times you refer to an entertainment lawyer, that does not make the question or the answer any more responsive. 11:13:04 11:13:08 11:13:11 11:13:13 11:13:17

A Oh. 11:13:17

You see that? 11:26:06
A Sure. 11:26:06
Q And a description for all of these is 11:26:09
"Premium career subscription renewal monthly"? 11:26:13
A Okay. 11:26:13
Q And sir, is it correct to say that you have 11:26:20
with credit cards paid hundreds of dollars to 11:26:23
LinkedIn for the account Douglass Groove? 11:26:27
A I paid -- I gave a credit card. 11:26:36
Q To LinkedIn? 11:26:36
A No. 11:26:38
Q You gave a credit card to -- 11:26:40
A I will not tell you. There are hundreds, 11:26:44
Mr. Soltman. I can bring them all in. I can bring 11:26:48
them in. I can bring them in. If we want to do a 11:26:51
second day, I will bring them in. 11:26:54
Q Mr. Najar, I'm asking you a simple 11:26:56
question, which is, to whom did you give the credit 11:27:00
card that was used on all of these transaction 11:27:03
dates? 11:27:04
A I will give you a simple answer. I will 11:27:06
not tell you because they are afraid of Peter 11:27:09
Spiegel's child sex cult. 11:27:13
Q Okay. Well, I will certainly be back a 11:27:16
second day. 11:27:17

Q Okay. So let me switch gears a moment and 12:12:26
switch platforms. 12:12:28
I'm going to hand you what we will mark as 12:12:32
Exhibit 12. 12:12:44
A Thank you. 12:12:57
(Whereupon Plaintiffs' Exhibit 12 12:12:57
was marked for identification) 12:12:57
BY MR. SOLTMAN: 12:12:57
Q Now, first of all, Mr. Najar, this is a 12:13:07
three-page document -- or a three-page e-mail chain 12:13:13
I should say. And you can see that all of the 12:13:18
e-mails from the sender's side are 12:13:21
peterspiegelnews@gmail.com. Correct? 12:13:25
A Yes. 12:13:26
Q Have you ever seen this document before? 12:13:28
A No. I will say that I've seen all of these 12:13:32
links before. All of the -- and the video links 12:13:35
before. It seems to be to me one of the generated 12:13:39
e-mails. 12:13:39
Q "Generated e-mails," what does that mean? 12:13:48
A It's -- it was not -- it's created by a 12:13:51
code. 12:13:52
Q Okay. 12:13:53
A It's created by code. 12:13:54
Q So an AI -- 12:13:56

Gmail extension? 12:43:38
A No. You don't have to. 12:43:39
Q All right. So recipient of an e-mail with 12:43:43
a MailTracker extension enabled would not know that 12:43:46
their activity and keystrokes were being logged. 12:43:51
Fair? 12:43:51
A We left the MailTracker in multiple 12:43:54
e-mails. They knew we were tracking. We let -- on 12:43:58
the bottom, there's a little logo that says, "This 12:44:01
was tracked by MailTracker." 12:44:02
And we did not figure out until much later, 12:44:06
probably in 2023, 20 -- or at the very end, oh, my 12:44:12
gosh. It says "MailTracker" inside of the e-mail. 12:44:14
Q Okay. And is it your testimony, sir, that 12:44:25
this September 18 e-mail from Peterspiegelkripalu, 12:44:31
you didn't send this? 12:44:33
A Look at this. I mean, again, I did not 12:44:35
send it. I did not send it. But I can tell you 12:44:38
that there are ideas in here, but I didn't send it. 12:44:43
Q Okay. And do you know who sent it? 12:44:45
A No. 12:44:45
Q Okay. And you recognize the ideas in here 12:44:52
that had been discussed with you or -- 12:44:57
A An idea that Eric Dexheimer, who wrote the 12:45:01
original -- Eric Dexheimer, who wrote the original 12:45:05

A Vetted and published by HarperCollins in 2:39:23
India. 2:39:24
Q And was it available on like Amazon -- 2:39:28
A It is on Amazon right now. 2:39:30
Q And you don't have any idea how many people 2:39:32
in your circle have read it? 2:39:35
A No. But a -- but -- no. 2:39:40
Q Have you recommended the book to other 2:39:41
people? 2:39:43
A I would not recommend that book to anybody 2:39:45
in this room unless you really want to be destroyed 2:39:48
because it is awful. 2:39:54
Q Okay. Let me hand you what we will mark as 2:39:59
Exhibit 21. 2:40:21
(Whereupon Plaintiffs' Exhibit 21 2:40:21
was marked for identification) 2:40:29
BY MR. SOLTMAN: 2:40:29
Q And as you can see, this was another 2:40:34
20th -- September 20 e-mail from peterpickedapooper 2:40:37
to Michael Sherman. 2:40:40
Do you see that? 2:40:41
A Yeah, I do. 2:40:41
Q Have you ever seen this e-mail before -- 2:40:43
A Yeah. I see -- I see a lot of my wording 2:40:45
in here. I do. 2:40:47

Q Did you send this e-mail? 2:40:48
A No. But I -- I see a lot of my -- I can -- 2:40:53
I can definitely see -- this one is different. 2:40:56
Q Okay. 2:40:56
A Yes. 2:40:57
Q And is -- which wording do you recognize as 2:40:59
your own? 2:41:00
A David or Goliath. I've kind of used that. 2:41:04
That -- that's a phrase that we put into the bank. 2:41:07
And then, 2:41:09
"I believe in education. I believe in 2:41:10
a more compassionate future where 2:41:13
capitalism does not take your soul or 2:41:18
molest your children." 2:41:18
I wrote that. 2:41:22
(Whereupon the reporter asked for 2:41:22
clarification) 2:41:22
THE WITNESS: "Do you believe the same? I hate 2:41:25
corruption. You vote for Trump and will 2:41:30
again. He is Peter. You are Michael Cohen 2:41:32
or Sid Powell or Eastman. Do you fight for 2:41:38
anything but for money?" 2:41:39
That part I do remember. 2:41:42
"And I am well-educated, 2:41:44
well-accomplished human being who fights 2:41:46

Q Okay. Somebody has got to enter a prompt. 3:48:32
Correct? 3:48:34
A Or you can ask the actual technology to 3:48:37
create some prompt. 3:48:39
Q Okay. Have you ever given a prompt to 3:48:43
GitHub to generate an e-mail? 3:48:44
A I've given content that has been stored 3:48:47
somewhere else. The GitHub, I have nothing to do 3:48:51
with. 3:48:52
Q Okay. Have you ever been aware of one of 3:48:57
your former students giving a prompt to GitHub and 3:49:01
that resulting in an e-mail that went out? 3:49:04
A I will not answer that question because I'm 3:49:08
going to protect the people who are in part of my 3:49:12
cadre of human beings who is trying to stop the 3:49:15
child sex cult. 3:49:16
Q Okay. Very noble. 3:49:17
Ms. Nishizaki -- 3:49:19
A It's not noble. 3:49:19
Q -- has she ever given a prompt to GitHub in 3:49:22
order to generate an e-mail? 3:49:23
MR. TAYLOR: Calls for speculation. 3:49:25
THE WITNESS: No idea. 3:49:26
BY MR. SOLTMAN: 3:49:26
Q Have you ever watched her do that? 3:49:29

A That -- people have given us remarkable 3:54:08
amounts of information, and then also random data 3:54:12
has been produced in a combination to produce 3:54:14
e-mails. 3:54:18
Q Are the e-mails self-generating, or do you 3:54:22
have -- or does somebody have to ask the repository 3:54:25
to spit out an e-mail? 3:54:27
A In the GitHub, you can ask to put Adele 3:54:36
lyrics in. 3:54:38
Q I don't know what that is. 3:54:41
A Adele is a singer. 3:54:42
You can ask it to put in random information 3:54:55
about buildings. You can put -- you can ask it to 3:54:57
go on to -- go to news sites and pull information 3:55:03
from vetted news sites. 3:55:05
Q Okay. And I'm asking you not what can it 3:55:07
do, but what has it done. 3:55:09
A That. 3:55:10
Q Okay. And has it done that at the 3:55:14
direction or request of an individual who was logged 3:55:18
on and interacting with the GitHub? 3:55:21
A There is no one individual. 3:55:23
Q Okay. With any -- with a group of 3:55:27
individuals that were interacting with the GitHub? 3:55:31
A I'm not a part of that team. 3:55:33

I, SARI M. KNUDSEN, CSR NO. 13109, in and for the State of California, do hereby certify:

That prior to being examined, the witness named in the foregoing deposition was by me duly sworn to testify as to the truth, the whole truth and nothing but the truth;

That said deposition was taken before me at the time and place therein set forth, and was taken down by me stenographically and thereafter transcribed via computer-aided transcription under my direction and is a true record of the testimony given;

I further certify that I am neither counsel for, nor related to, any party to said action, nor interested in the outcome thereof;

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of October, 2024.

SARI M. KNUDSEN, CSR NO. 13109

# EXHIBIT 5

1

2

3

4 **UNEDITED REALTIME TRANSCRIPT - NOT CERTIFIED**

5

6 Pursuant to Code of Civil Procedure Section 2025(r)(2) this rough draft transcript of the
7 deposition may not be certified and may not be used, cited, or transcribed as the certified transcript of
8 the deposition proceedings. The rough draft transcript may not be cited or used in any way or at
9 any time to rebut or contradict the certified transcript of deposition proceedings as provided by
10 the deposition officer.

11

12

13 Los Angeles, California; Tuesday, February 25, 2025

14 9:32 a.m.

15 09:33:12

16 THE VIDEOGRAPHER: Good morning. We are

17 going on the record at 9:32 a.m. on February 25th,

18 2025.

19 Please note that the microphones are

20 sensitive and may pick up whispering and private 09:33:22

21 conversations.

22 Please mute your phones at this time.

23 Audio and video recording will continue to

24 take place unless all parties agree to go off the

25 record. 09:33:32



file:///SVRFILE2/...ajar%20(30024-00002)/Deposition%20Transcripts/Najar,%20David/2025-02-25/David%20Najar%20-%2002-25-2025.txt[3/7/2025 4:38:41 PM]

3 A Yeah.

4 Q Have you used Mozilla FireFox?

5 A Absolutely. 09:35:58

6 Q Anything you don't use? Any of the

7 browsers you don't use?

8 A My kids keep me up on every browser known

9 to man -- human being. Excuse me.

10 Q And do you have an understanding of what an 09:36:07

11 IP address is?

12 A I do.

13 Q What's that?

14 A An IP address identifies when people are

15 over in my loft and we're all gathering and we're 09:36:18

16 all using the same IP address, which is an

17 identifier to Spectrum. So when we're all in the

18 room together using the computer, it uses the same

19 IP address which is an identifier of your internet.

20 Q You said we all, but you only live with 09:36:44

21 Ms. Nishizaki; right?

22 A We have meetings at my house all the time.

23 Q Okay and the meetings are -- I'm sorry.

24 The meetings are with Ms. Nishizaki and who else?

25 A I would rather not say. 09:37:00



1 Q Well, I would rather get the answer. So

2 are you declining to answer?

3 A I'm not implicating anybody else in this

4 matter.

5 Q Okay. Well, that's not an option to you, 09:37:08

6 but if you're not going to answer, you're not going

7 to answer.

8 Now, Mr. Najar, are you aware of what's

9 known as a spoofing service? You ever heard that

10 term? 09:37:25

11 A No.

12 Q Okay. Have you ever heard the term IP

13 spoofing -- IP address spoofing?

14 A Spoofing, no.

15 Q Have you ever heard the term IP address 09:37:33

16 masking?

17 A No, no. I know -- no.

18 Q Okay. Have you ever heard of the concept

19 of the disguising IP addresses using a service or a

20 software to do so? 09:37:49

21 A Yes.

22 Q Okay. And how do you refer to that if not

23 masking or spoofing?

24 A I think VPN.

25 Q And can you explain what a VPN is? 09:37:57



1 A A VPN just makes sure that let's say you're

2 going to -- back in the day when I was breaking a

3 story about the CIA making a coo in Iran, I didn't

4 really want to be known, and so I would use VPNs so

6 Q Okay and do you remember or do you know
7 what VPN service you used, like the name of the app?
8 A I don't. I don't.
9 MR. SOLTMAN: Let me hand you now what is
10 next in sequence Exhibit No. 31. 09:39:51
11 BY MR. SOLTMAN:
12 Q And sir, I'm going to represent to you that
13 this is a Google third party production from Google,
14 obviously, with a username subscriber information
15 identified as Peter Spiegel news. Do you see that 09:40:21
16 at the top of the page?
17 A Yes, I do.
18 Q And do you see the last login date in the
19 middle of the page of April 4, 2024?
20 A Yeah. 09:40:33
21 Q All right. And then right below that, you
22 should find a recovery SMS. Do you see that?
23 A Right below that?
24 Q In the account recovery section,
25 A Sorry. Oh, I do. 09:40:46



1 Q Yeah. And that 626 number, is that your
2 telephone number?
3 A Sure is.
4 Q Okay. And the user phone number right
5 below in the phone number section, same number; 09:40:53
6 right?

7 A Absolutely.

8 Q Also your number; correct?

9 A Yeah.

10 Q All right. And is it your testimony, sir, 09:41:00

11 that your phone number is linked to Peter Spiegel

12 News in the setting up of the account, and you have

13 used the Peter Spiegel News account to send E-mails

14 or no?

15 A I didn't set up this account. 09:41:21

16 Q Okay. And does that mean that somebody set

17 it up using your phone number?

18 A I'm going to assume yes.

19 Q Do you know who that person is?

20 A I don't. 09:41:34

21 Q And did you authorize any person to use

22 your phone number to set up a Google account?

23 A Once again, I authorized the usage of my

24 credit cards, my phone numbers. My students

25 consistently use my credit card, phone number, our 09:41:50



1 school phone number for logins and recoveries.

2 Q And is it your testimony sir that your --

3 this Google account for Peter Spiegel News was set

4 up by your students or one of your students at GPA?

5 A No. I was just using that as an example of 09:42:09

6 how people use my phone and my credit cards.

7 Q Okay. And the point was whoever set this

8 up, it wasn't unauthorized for them to use your

9 phone number; right?

10 A I'm an open book with my -- with my human 09:42:22

11 beings, I spread the love.

12 Q Okay. And putting aside who set up the

13 Peter Spiegel News account, is it your testimony sir

14 that you've never sent an E-mail from the Peter

15 Spiegel News account? 09:42:44

16 A I have never sent an E-mail using the Peter

17 Spiegel News account. I have never sent one.

18 Q Has anybody else done so?

19 A I don't know.

20 Q You've seen Peter Spiegel news E-mails 09:42:56

21 earlier in this deposition a few months ago. Do you

22 remember that?

23 A I don't remember Peter Spiegel news. I

24 remember Peter picked a pooper. That was a good

25 one, but I don't know this one. 09:43:09



1 Q Okay. But you don't deny that Peter

2 Spiegel news as an account sent E-mails right?

3 A I don't know. I mean --

4 Q You don't remember?

5 A I don't remember from previous. I don't 09:43:16

6 remember. Sorry.

7 Q So sir, if you look down at the bottom of

8 the page and then starting going three or four

11 BY MR. SOLTMAN:

12 Q Sure. I just want you to assume that one

13 or more of the overlapping IP addresses can be

14 traced to your account. Are you with me so far?

15 A To assume? 09:45:53

16 Q Just assume that for now.

17 A So this is philosophical experiment?

18 Q Yeah. So assuming that one or more IP

19 addresses that overlaps in multiple accounts was

20 identifiable to your either place of employment or 09:46:07

21 your apartment, would your testimony change at all

22 as to whether you would ever sent any E-mails from

23 these accounts?

24 A No.

25 Q Okay. Would it change as to whether you 09:46:20



1 had ever accessed these accounts?

2 A No.

3 Q Okay. And can you explain why an IP

4 address listed in one of these Google productions

5 that was traceable to you would not affect your 09:46:34

6 testimony?

7 A Pretty easily.

8 Q Okay.

9 A We have meetings, and in those meetings, we

10 gather at my beautiful place because the kids -- my 09:46:46

11 humans -- when I say the kids, I say people who I've

12 taught over my life. I guess, I call them kids, but

13 I now use the word humans. They're just my humans.

14 So when I have -- when we gather together, my humans

15 use my inter webs. They use my internet. As such, 09:47:06

16 they're accessing the same IP address that I am

17 accessing. So there is -- I don't know who is

18 accessing that IP address or I don't know what they

19 were accessing during that meeting or during our

20 other meetings because we have faculty meetings and 09:47:32

21 all kinds of things. There are people in my house

22 constantly.

23 Q Okay and when these meetings occur, are you

24 part of the meeting?

25 A I'm a host. 09:47:46



1 Q Okay. Is your apartment -- how big is your

2 apartment, just estimating?

3 A I think it's 1,183, something like that.

4 It's a loft. There's an upstairs. It was done by a

5 Disney imaginer. So it's really complicated. 09:48:02

6 Q And in the absence of walls being a loft,

7 are you able to hear the discussions at the meeting?

8 A No. There's loft, there's music, there's

9 loft, and a lot of music. My neighbors downstairs

10 sometimes get a little bit angry with me, but the 09:48:21

11 back far -- my bedroom when there's -- I have three

12 TVs, and I have loud music. When I'm in the back

13 room, I can't hear anything that's going on in the

14 front room or upstairs in the loft.

15 Q And are you always in the back room during 09:48:38

16 these meetings?

17 A I walk around. I'm a host.

18 Q And what time do these meetings typically

19 occur?

20 A There's no typical times in my life. There 09:48:46

21 are times when I'm at Prakses until 4:00 or 5:30 in

22 the morning because my students are applying to

23 colleges all over the country. We have a few

24 applying to Amherst this year, but my schedule is

25 the most unusual schedule perhaps on planet earth. 09:49:03



1 I went to bed last night at 5:00 A.M.

2 Q Focusing on your -- the meetings at your

3 apartment, are those meetings usually held -- have

4 they ever been held at 7:00 in the morning?

5 A They can -- they can get into 7:00 in the 09:49:19

6 morning, but I don't remember 7:00 in the morning.

7 Q Have those meetings ever been held at

8 10:00 p.m. at night?

9 A Absolutely. Nights are glorious. I'm a

10 night worker. 09:49:34

11 Q What about like 12:00 p.m. during the day

12 -- middle of the day?

13 A That would be, you know -- sure. I can't

14 remember an exact a 12:00 p.m. meeting, but people

15 are there. 09:49:47

16 Q Okay. And so are there ever times that you

17 would not -- you have hosted a meeting at your

18 apartment like, you know, 3:00 p.m. I would never

19 be hosting a meeting say at 3:00 p.m. any times

20 like that? 09:50:05

21 A The other thing is that my humans have keys

22 to my place and also keys to the school. So I have

23 no idea.

24 Q Okay. And how many people have keys to

25 your apartment? 09:50:21



1 A Oh, probably ten. I don't have a key to my

2 apartment on my ring. I don't have a key to my

3 school. The amount of times that we pass our keys

4 around is hilarious. It's an actual funny thing

5 that last night one of my students, Kenneth, who is 09:50:38

6 number one in his class at Valencia high school --

7 Q I'm going to have to cut you off Mr. Najar.

8 I don't have time for this kind of story.

9 A Well, I just have to finish that --

10 Q No you don't. Mr. Najar I'm cutting you 09:50:48

11 off. I asked you how many people have keys. You

12 said ten. That's the answer.

13 A Oh, no I didn't say ten. I did not say

14 ten. I said I have no idea.

17 meetings with parents at 10:00 a.m. There are times

18 that we gather in a room in the library, and we're

19 working on a project at 10:55 because we just go

20 hey, want to go in the room. Let's go. Does that 09:53:45

21 answer the question?

22 Q Okay. So if I asked you is there ever a

23 time of day when you would not expect to have a

24 gathering at Prakses, is there an answer?

25 A If you would ask my students that, they 09:53:58



1 would say there is no time that we could not have a

2 meeting. Our gathering of humans, no time.

3 Q But I'm not asking them. I'm asking you,

4 ones that you attend?

5 A I've been there 36 straight hours. 09:54:14

6 Q Okay. So is it fair to say then that you

7 might have a gathering or you have had gatherings at

8 Prakses from zero o'clock to 23:59 o'clock?

9 A Absolutely we gather together, absolutely.

10 MR. SOLTMAN: I want to hand you what we 09:54:39

11 will mark as Exhibit 32.

12 (Exhibit 32^ was marked for

13 identification by the court reporter.)

14 BY MR. SOLTMAN:

15 Q And I'm going to direct your attention to 09:55:18

16 the E-mail on the middle of the first page on

17 April 30th that I sent to Mr. Taylor. Do you see

18 that?

19 A "Hey Ben," yes.

20 Q And just to situate you, I wrote, quote, 09:55:35

21 also I did want to inform you that I received a call

22 from a blocked number today. It was Mr. Najar

23 calling about a notice he had received from Google,

24 period. Let me just stop there.

25 Do you recall a phone call that we had on 09:55:52



1 or around April 30th, 2024?

2 A I'm just reading the rest. Oh, I don't

3 know.

4 MR. TAYLOR: Don't read it out loud. You

5 can read it to yourself, but answer the question 09:56:01

6 please.

7 THE WITNESS: Okay. I'm sorry. Let me

8 just read the rest of it because I want to get the

9 context. Let me just read the previous one.

10 BY MR. SOLTMAN: 09:56:27

11 Q Okay. The previous one has nothing to do

12 with the voicemail. So I need to actually ask my

13 question.

14 A I just want to contextualize this.

15 Q No. It's a completely unrelated E-mail. 09:56:35

16 I'm not going to let you do that. You can't run out

17 the clock on me. I'm not going to let you do it.

18 So Mr. Najar do you remember a phone call

22 E-mail to Mr. Taylor about the phone call you and I

23 had, what's the date of that E-mail?

24 A I'm sorry. I'm looking at "hot blooded

25 client." 10:00:37



1 Q Mr. Najar, I'm asking you a specific

2 question. What is the date of the E-mail that I

3 sent you -- that I sent Mr. Taylor in the middle of

4 the page on Exhibit 32?

5 A On April 30th, 2024. 10:00:49

6 Q Okay. So I think we can agree that's the

7 same date as this Google notice that we're looking

8 at in Exhibit 33?

9 A Sure.

10 Q Okay. And you saw that I wrote to 10:00:58

11 Mr. Taylor on April 30th that Mr. Najar was calling

12 about a notice he had received from Google?

13 A Oh, no, not that I received. If you look

14 at -- wait. Let me just go through this. Not that

15 I received. Is the voice message here? 10:01:21

16 Q That's a different day. We're talking

17 about a phone call that you and I had on April 30th.

18 That wasn't the one --

19 A Because my people told me that there was a

20 Google notice that went into the depository, and it 10:01:33

21 said specifically -- it said specifically to reach

22 out to Nicholas Soltman at Kinsella, Holley, Iser,

23 Kump, Steinsapir, LLP, if you had any questions.

24 Q And that's what you did; right?

25 A Well, for the people because they didn't 10:01:58



1 want to call you.

2 Q And so the people -- who are those people?

3 A I'm not going to tell you.

4 Q Okay. You understand you're going to be

5 back here answering those questions, you know, 10:02:10

6 come --

7 A I doubt it.

8 Q So Mr. Najar, I want to turn now actually

9 to -- go back to Exhibit 32, and now I want to get

10 on the topic of the voicemail because I know you 10:02:28

11 were eager to discuss it.

12 A Eager.

13 Q Okay. And so you mentioned a voicemail

14 that you left, and was that voicemail, to the best

15 of your recollection, on or about May 2nd, 2024? 10:02:43

16 A I don't remember the date.

17 Q I'd like to play that voicemail for you,

18 and if you could recall --

19 If you could transcribe this. I'm going to

20 make this as loud as I can. 10:03:06

21 (Whereupon audio was played:

22 "Hey, superpower Nick Solty, this is David

23 Najar. I have people writing me and calling me

24 saying that there's like these -- and they don't

25 know who to go to. I mean, I guess, I can tell them 10:03:23



1 go to my lawyer, but they're not -- they don't have

2 lawyers, man. So you're sending like stuff to

3 people, and they're trying to contact you, bro.

4 Anyway, I hope you're having a good day.

5 Everything's going well, but I don't know -- I don't 10:03:43

6 know what -- I guess, I could collect them, but --

7 collect all these people, but they're people -- some

8 people I don't even know. I'll talk to my lawyer

9 about it, but I'm just kind of cracking up over the

10 whole thing, and I think you're fantastic, and I 10:04:01

11 think everyone's going to know about you. Did you

12 know -- and by the way, did you know that my brother

13 directed Megan Markel in a play at

14 Loyola high school. Okay. Have a great day, Nick

15 bye-bye.") 10:04:17

16 THE WITNESS: Yeah, my brother did. He

17 directed -- it's still so amazing.

18 MR. TAYLOR: Wait for a question.

19 BY MR. SOLTMAN:

20 Q That's your voice right? 10:04:23

21 A Beautifully. I like my voice better now.

22 Q Okay. And the people that you referred to

23 in that voicemail, those are the same people you're

24 declining to identify?

22 me. I don't know.

23 Q So in other words, that number you gave me,

24 50 to 100, that was the collective number not just

25 you -- not you specifically right? 10:30:33



1 A Well, if we went for all of us, let's push

2 it over 100 because we had a spreadsheet.

3 Q And did that spreadsheet reflect the number

4 of intakes that advanced to a next stage?

5 A No, I don't know. I didn't keep the -- I 10:30:51

6 didn't keep the Excel spreadsheet. I don't even

7 know where my credit card is.

8 Q Who kept the spreadsheet?

9 A I don't know.

10 Q You don't know whether it was Emilio or 10:30:59

11 Jonah or Myra?

12 A I am not the thinker. I'm the

13 thinker-maker, not the doer-maker.

14 Q Who is the doer maker?

15 A I would say like Spike Lee has been a doer- 10:31:10

16 maker. Are you talking in general life?

17 Q No. I'm talking -- you were distinguishing

18 between yourself and the rest of the group.

19 A I have so many doer makers. They're

20 awesome. 10:31:22

21 Q Okay. So you weren't referring to anyone

22 in particular. You weren't saying Jonah is a

23 doer-maker?

24 A I have a team of doer-makers. I have such

25 a great team of doer-makers. They're awesome. I'm 10:31:26



1 the thinker maker.

2 Q And who would you call a doer-maker in your

3 team?

4 A I'm not going to say it to a child sex

5 cult. 10:31:36

6 Q Mr. Najar, you mentioned later on Peter,

7 I'm going to call David Aspri. Do you know who

8 David Aspri is?

9 A Yeah.

10 Q Who is he? 10:31:51

11 A Some influencer guy. I think he's like a

12 doctor or some kind of influencer BS'er. Like a

13 snake oil salesman like Peter.

14 Q And the Mr. Aspri -- why were you going to

15 call Mr. Aspri? 10:32:08

16 A If let's say, for example, that you were

17 working for a child sex cult, I would like to tell

18 you you're working for a child sex cult, Mr. Soltman

19 to warn you that don't work for a child sex cult.

20 Don't because it will hurt you. If you work for a 10:32:26

21 child sex cult -- let's say David Aspri's wife was

22 working with the boys & girl club of Los Angeles,

23 wouldn't that be a bad thing for David Aspri's wife

24 to be involved in the child sex cult. So I was

25 trying to reach out to influencers or I would say 10:32:44



1 maybe at the beginning of this I should tell these

2 influencers that they're influencing for a child sex

3 cult because I'm trying to protect human beings.

4 I'm trying to be a good human being.

5 Q Did you call David Aspri at any point? 10:33:00

6 A No, I don't -- I didn't get -- I don't

7 know.

8 Q Did you E-mail him at any point?

9 A No, idea. No idea.

10 Q Did you message him on Instagram at any 10:33:11

11 point?

12 A If -- I didn't. I did not.

13 Q Do you know if anyone in your team who

14 called David Aspri?

15 A Don't know. 10:33:21

16 Q Do you know of anyone in your team who sent

17 a direct message to David Aspri?

18 A I do not know.

19 Q You do not know one way or the other if

20 they did? 10:33:30

21 A I don't know.

22 Q At the bottom here you say "Peter, give me

23 a call back because tomorrow at 3:00 o'clock, I have

24 an appointment and that will be it." Do you recall

# EXHIBIT 6

1

2

3

4 **UNEDITED REALTIME TRANSCRIPT - NOT CERTIFIED**

5

6 Pursuant to Code of Civil Procedure Section 2025(r)(2) this rough draft transcript of the
7 deposition may not be certified and may not be used, cited, or transcribed as the certified transcript of
8 the deposition proceedings. The rough draft transcript may not be cited or used in any way or at any time to
9 rebut or contradict the certified transcript of deposition proceedings as provided by the deposition
10 officer.

11

12

13 Los Angeles, California; Tuesday, February 25, 2025

14 1:05 p.m.

15

16 ^ MYRA NISHIZAKI,

17 having been administered an oath, was examined and

18 testified as follows:

19

20 ^ EXAMINATION

21 BY MR. SOLTMAN:

22 Q Good afternoon. Could you start with your

23 full name and pronunciation so I get it right?

24 A Yes. It's Myra Nishizaki. Just call me

25 "Myra."



file:///SVRFILE2/....%20Najar%20(30024-00002)/Deposition%20Transcripts/Nishizaki,%20Myra/Myra%20Nishizaki%20-%2002-25-2025.txt[3/7/2025 4:46:37 PM]

7 at that point. I was not well. You know, again, not
8 eating, not sleeping, a lost significant weight. You
9 know my mental health was not well.
10 Q Okay. You mentioned that you were hoping to
11 transition out and that would involve an agreement for
12 your exit. Was that different in your mind from an
13 exit package or are you referring to agreement and
14 package as synonyms?
15 A So what you just said, that is my conclusion
16 now that I'm looking back at it right. But in that
17 moment, I was just asking him. I said I'm not
18 quitting, but I need to know how we -- like how do we
19 move forward from here. That is what I told him. I
20 didn't say anything else. He's the one who suggested
21 an exit package. I said I'm not quitting, but I am
22 sick to my stomach. I have cognitive dissonance that
23 is debilitating. I don't know how to -- it's all I can
24 think about. Again, I can't eat. I can't sleep. How
25 do we proceed from here.



1 Q And when he proposed that quote unquote exit
2 package, did he attach a number to it?
3 A No. He actually asked me for a number.
4 Q Did you provide a number?
5 A I did not. I asked him to take into
6 consideration all the years I've worked at the company,
7 how hard I've worked. You know, the fact that, you

8 know, helped turn these products into real brands, you
9 know, the revenue I helped generate during my time
10 there just in the last four years, and I asked him to
11 take that all that into consideration. I did not give
12 a number.
13 Q Did you quantify the value of your
14 contributions in the last four years to the AirDoctor
15 and AquaTru brands?
16 A Did I quantify it? No. I told him -- no, I
17 did not quantify it. I maybe -- let me see. I mean, I
18 helped them make over $150 million just like in the
19 last two years that I was there at the company. I
20 can't recall if I said that exactly. But what I
21 specifically told him was to take into consideration
22 all those things I just mentioned and yes, how much --
23 you know how successful I've helped the company become.
24 Q Okay. And you might have mentioned the
25 $150 million. You might not have. You were thinking



1 it at least that you had created $150 million of -- was
2 that revenue or --
3 A That would have been revenue. That would have
4 been revenue.
5 Q Not enterprise value, but actual revenue?
6 A Revenue specifically from my two brands.
7 Q And at any point, did you discuss with him
8 what it would mean to take that into account? Like

9 financially what it would mean monetarily or

10 financially to take that into account? I think that's

11 the expression you used.

12 A No. I told him to take everything into

13 account; how long I worked for the company, how hard --

14 he knows how hard I worked. If anybody does, Peter

15 does. And I told him, yeah, to take how long I've

16 worked for the company. I think I mentioned you know

17 over 15 years or half of my life or something along

18 those lines and the success I helped generate at the

19 company.

20 Q And why did you want to meet with Peter in

21 person rather than, you know, sending an E-mail or

22 something?

23 A It was already on the schedule, and I decided

24 that -- I mean, to be quite frank, given what he had

25 done to me and the manipulation over the years, I



1 wanted to tell him to his face. No matter how scared I

2 was, I wanted to tell him to his face because I knew

3 very well that could be the last time I ever speak to

4 him ever again, and I wanted to get everything off my

5 chest.

6 I told him also how it made me feel that he

7 took advantage of me in that way because he knew. He

8 knew my weaknesses. He knew my dad died when I was

9 younger. He knew my mom was involved in new age kind

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP
11766 WILSHIRE BOULEVARD, SUITE 750
LOS ANGELES, CALIFORNIA 90025
TEL 310.566.9800 • FAX 310.566.9850

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 1517 W Beverly Boulevard, Los Angeles, CA 90026.

On March 11, 2025, I served true copies of the following document(s) described as **PLAINTIFFS' NOTICE OF MOTION AND MOTION TO COMPEL ANSWERS TO DEPOSITION QUESTIONS** on the interested parties in this action as follows:

Benjamin Taylor, Esq. *Attorney for David Najar*
The Taylor Law Firm
1880 Century Park East, Suite 714
Los Angeles, CA 90067
Email: btaylor@taylorlawfirmpc.com
Telephone: (310) 201-7600

**BY PERSONAL SERVICE:** I personally delivered the document(s) to the person at the addresses listed in the Service List. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

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

Executed on March 11, 2025, at Los Angeles, California.

FIRST LEGAL

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# Make a Reservation

IDEAL LIVING, LLC, et al. vs DAVID NAJAR

Case Number: 23VECV04262 Case Type: Civil Unlimited Category: Other Commercial/Business Tort (not fraud/ breach of contract)
Date Filed: 2023-09-26 Location: Van Nuys Courthouse East - Department U

## Reservation

| | |
|---|---|
| Case Name: IDEAL LIVING, LLC, et al. vs DAVID NAJAR | Case Number: 23VECV04262 |
| Type: Motion to Compel ( Answers to Deposition Questions) | Status: RESERVED |
| Filing Party: Ideal Living, LLC (Plaintiff) | Location: Van Nuys Courthouse East - Department U |
| Date/Time: 04/03/2025 8:30 AM | Number of Motions: 1 |
| Reservation ID: 430601084549 | Confirmation Code: CR-DWUB5UPHKQZYCWDQG |

## Fees

| Description | Fee | Qty | Amount |
|---|---|---|---|
| Motion to Compel (name extension) | 0.00 | 1 | 0.00 |
| TOTAL | | | **$0.00** |

## Payment

| | |
|---|---|
| Amount: $0.00 | Type: NOFEE |
| Account Number: n/a | Authorization: n/a |
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