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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' OMNIBUS MOTION IN LIMINE NOS. 1–5

[Filed concurrently with Omnibus Declaration of Nicholas C. Soltman, and [Proposed] Order]

Final Status Conference
Date: April 11, 2025
Time: 9:00 a.m.
Dept.: U

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

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

PLEASE TAKE NOTICE that on April 11, 2025 at 9:00 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") will move this Court in limine ("Omnibus Motion in Limine") for an order instructing Defendant's counsel and witnesses to refrain from referring to, commenting on, or attempting to introduce into evidence materials regarding the below:

- **Motion in Limine No. 1: To Exclude Illegally Obtained Audio Recordings and Transcripts Thereof.**
- **Motion in Limine No. 2: To Exclude Evidence of or Reference to Spiegel and Williams' Religious Affiliation and Preclude Use of the Phrases "Cult" and "Child Sex Cult."**
- **Motion in Limine No. 3: To Exclude Evidence, Reference to, or Mention of, the Parties' Wealth.**
- **Motion in Limine No. 4: To Exclude Opinion or Evidence Regarding Competence, Practice Area and Other Clients of Counsel.**
- **Motion in Limine No. 5: To Require 48-Hour Notice of Witness Testimony.**

This Omnibus Motion in Limine is made on the grounds that the above evidence is (1) irrelevant and immaterial because it has no "tendency to prove or disprove any fact of consequence to the determination of the action," Cal. Evid. Code §§ 210, 350; and (2) would confuse the issues, mislead the jury, and waste time, *id.* § 352.

As required by Local Rule 3.57, and as stated in the Omnibus Declaration of Nicholas Soltman, Plaintiffs discussed the subject of this Motion in Limine with counsel for Defendant David Najar. The parties were unable to reach agreement on the initial call, and Najar's counsel did not conduct the planned second call. (Soltman Decl. ¶ 10.)

This Motion in Limine is based on this Notice, the accompanying Memorandum of Points and Authorities, the Omnibus Declaration of Nicholas C. Soltman, and exhibits thereto, all

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pleadings filed herein and upon the oral arguments of counsel presented at the hearing on this Omnibus Motion in Limine.

DATED: March 19, 2025

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP

By: _____

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

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TABLE OF CONTENTS

Page

I. INTRODUCTION 8

II. STATEMENT OF FACTS 9

A. Najar's Initial Demands on Behalf of His Girlfriend 9

B. Beginning in September 2023, Najar Ups His Campaign of Pseudonymous Terror—Which Ends As Soon as Plaintiffs Obtain a Three-Year Restraining Order Against Him 10

C. Najar's Conduct in Discovery Necessitates Copious Third-Party Discovery and Numerous Discovery Motions 11

III. ARGUMENT 12

A. Legal Standard 13

B. Motions in Limine Nos. 1–5 Should Be Granted 13

Motion in Limine No. 1: To Exclude Illegally Obtained Audio Recordings and Transcripts Thereof 13

1. The recordings are inadmissible under Cal. Pen. Code § 632(d). 13

2. The recordings are also inadmissible because Najar failed to produce them. 14

Motion in Limine No. 2: To Exclude Evidence of or Reference to Spiegel and Williams' Religious Affiliation and Preclude Use of the Phrases "Cult" and "Child Sex Cult" 16

1. This evidence is irrelevant if not constitutionally prohibited. 16

2. Evidence of Spiegel and Williams' faith risks inviting xenophobia. 18

Motion in Limine No. 3: To Exclude Reference to, or Mention of, the Parties' Wealth. 19

Motion in Limine No. 4: To Exclude Opinion or Evidence Regarding Competence, Practice Area and Other Clients of Counsel 19

Motion in Limine No. 5: To Require 48-Hour Notice of Witness Testimony. 20

IV. CONCLUSION 21

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TABLE OF AUTHORITIES

Page(s)

Cases

A & M Records, Inc. v. Heilman,
75 Cal. App. 3d 554 (1977) 15

Beverly Hosp. v. Superior Court,
19 Cal. App. 4th 1289 (1993) 15

Bushling v. Fremont Medical Center,
117 Cal. App. 4th 493 (2004) 17

Clemens v. Am. Warranty Corp.,
193 Cal. App. 3d 444 (1987) 13

Duarte v. St. Paul Fire and Marine Ins. Co.,
2015 WL 7709433 (W.D. Tex. Sept. 25, 2015) 16

Faries v. Atlas Truck Body Mfg. Co.,
797 F.2d 619 (8th Cir. 1986) 18

Flanagan v. Flanagan,
27 Cal. 4th 766 (2002) 14

Gearhart v. Uniden Corp. of Am.,
781 F.2d 147 (8th Cir. 1986) 18

Greyhound Corp. v. Super. Ct.,
56 Cal. 2d 355 (1961) 15

Hernandez v. Paicius,
109 Cal. App. 4th 452 (2003) 13, 16

Hoffman v. Brandt,
65 Cal. 2d 549 (1966) 19

Jinro America Inc. v. Secure Investments, Inc.,
266 F.3d 993 (9th Cir. 2001) 18

Karlsson v. Ford Motor Co.,
140 Cal. App. 4th 1202 (2006) 16

Katz v. Superior Court,
73 Cal. App. 3d 952 (1977) 18

Kelly v. New West Fed. Savings,
49 Cal. App. 4th 659 (1996) 13

Leslie G. v. Perry & Assocs.,
43 Cal. App. 4th 472 (1996) 17

Marich v. MGM/UA Telecommunications, Inc.,
113 Cal. App. 4th 415 (2003) 14

In re Marriage of Hoffmeister,
161 Cal. App. 3d 1163 (1984) 15

Mezger v. Bick,
66 Cal. App. 5th 76 (2021) 14

Morrill v. Nightingale,
93 Cal. 452 (1892) 16

Pate v. Channel Lumber Co.,
51 Cal. App. 4th 1447 (1997) 16

People v. Babbitt,
45 Cal. 3d 660 (1988) 13

People v. Leon,
91 Cal. App. 4th 812 (2001) 17

People v. Ortiz,
95 Cal. App. 3d 926 (1979) 17

People v. Umana,
138 Cal. App. 4th 625 (2006) 17

Phillips v. Honeywell Int'l Inc.,
9 Cal. App. 5th 1061 (2017) 13

Poeschl v. Superior Court,
229 Cal. App. 2d 383 (1964) 15

Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church,
393 U.S. 440 (1969) 18

Puerto v. Superior Court,
158 Cal. App. 4th 1242 (2008) 15

Thoren v. Johnston & Washer,
29 Cal. App. 3d 270 (1972) 15

United States v. Runyon,
707 F.3d 475 (4th Cir. 2013) 18

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Wagner v. Benson,
101 Cal. App. 3d 27 (1980) 17, 19

Statutes

Cal. Code Civ. Proc. § 128 20

Cal. Code Civ. Proc. § 527.6 8

Cal. Evid. Code § 210 ..... 13, 19

Cal. Evid. Code § 350 ..... *passim*

Cal. Evid. Code § 352 ..... *passim*

Cal. Evid. Code § 452 11

Cal. Evid. Code § 789 ..... 16, 18

Cal. Evid. Code § 801 17

Cal. Pen. Code § 632 14

Court Rules

FRCP 34 16

Constitutions

First Amendment 18

Other Authorities

James T. Richardson, *Definitions of Cult: From Sociological-Technical to Popular-Negative* 19

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This case is about Defendant David Najar's extortion campaign in fall 2023, which escalated after Plaintiff Ideal Living (the "Company") declined to pay a nine-figure "exit package" or "severance agreement" to Najar's longtime domestic partner in exchange for an "NDA." It is *not* about a convicted cleric who skipped bail after his conviction for sex crimes 15 years ago in Texas. And it is certainly not about how the owners of a privately held company choose to spend their money.

But if Plaintiffs' motions in limine are not granted, it is all but certain that the trial in this Action will devolve into a series of mini trials on those and other collateral and prejudicial subjects. Did a part-time consultant of the Company assist the cleric's flight from justice? Is Spiegel building what Najar calls an "ashram" or rather a Hindu meditation center in his backyard? Does he live in an "Orthodox Jewish neighborhood"? Are Spiegel and fellow Plaintiff Katie Williams on the board of a local religious group? Is that group affiliated with a particular Hindu group in India? *It does not matter.* None of the answers to these questions make it more or less probable that Najar attempted to extort Plaintiffs.

There is no reason to offer this prejudicial, misleading, and patently irrelevant evidence at trial other than to confuse the jurors as to the issues they must decide or, worse, to bias them against Spiegel and Williams for being practicing Hindus. This is tantamount to asking the jury to return a verdict based on improper factors rather than the facts of this case, the merits of the claims and defenses, and the jury instructions provided by this Court. *See* Cal. Evid. Code § 352. Plaintiffs therefore respectfully request that this Court grant Motions in Limine Nos. 1–5.[1]

[1] Separately, Plaintiffs have already requested that the Court give preclusive effect to the three-year restraining order for harassment under Cal. Code Civ. Proc. § 527.6. (*See* Mot. For Financial Discovery at 13–16.) If that Motion is granted, then, necessarily, Najar should be precluded from denying liability on Spiegel and Williams' claim for intentional infliction of emotional distress. Plaintiffs have also moved for evidentiary sanctions based on Najar's refusal to identify his alleged co-conspirators. (*See* Mot. To Compel Depo Answers at 17–18.) If *that* motion is granted, then Najar should be precluded from denying that he sent the anonymous emails and text messages at issue in this Action.

II. STATEMENT OF FACTS

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. (*Id.*)

In late January 2023, Nishizaki "lobbied other Company executives … for other potential roles [ ] Najar might play within the Company." (*Id.*) When Spiegel got wind of her efforts, he shut them down—as noted above, Najar's return on investment had been negative. (*Id.*) Spiegel was also perturbed that Nishizaki had gone around Spiegel, the co-CEO. (*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, which 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.*) *Unbeknownst to Spiegel—not only then, but until three weeks ago—Nishizaki recorded this meeting*. (Declaration of Nicholas Soltman ("Soltman Decl.") Ex. 4 [Nishizaki Tr.] at 200:11–201:5.) Despite repeated requests by Plaintiffs' counsel, Najar has produced neither this recording nor the transcript that Nishizaki allegedly had prepared. (*Id.* at 225:6–15; *see* Soltman Decl. ¶ 9.)

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, who was (and remains) friendly with Nishizaki. (Compl. ¶ 10.) While Shah blocked the door,

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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 91l. (*Id.*) *Unbeknownst to Spiegel and Christoni, Shah recorded this meeting, too*. (Soltman Decl. Ex. 3 [Najar Vol. 2] at 333:11–16, 338:13–17, 341:10–16.) Despite repeated requests by Plaintiffs' counsel, this recording has not been produced, either. (*See* Soltman Decl. ¶ 7.)

B. Beginning in September 2023, Najar Ups His Campaign of Pseudonymous Terror—Which Ends As Soon as Plaintiffs Obtain a Three-Year Restraining Order Against Him

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." (Compl. ¶ 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.* ¶ 12) 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.*)

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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.) 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. 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).) After a four-day hearing, which involved the direct and cross-examinations of, among others, Spiegel, Williams, Najar, and Shah, 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 …").)

C. <u>Najar's Conduct in Discovery Necessitates Copious Third-Party Discovery and Numerous Discovery Motions</u>

As the Court is aware from the trio of motions that preceded Plaintiff's Omnibus Motions in Limine, Najar produced *zero* documents—not a single page—in response to *all* of Plaintiff's requests for production. (Soltman Decl. ¶ 3.) Even after the Court indicated that the Charter motion would be granted, Najar simply ignored Plaintiffs' counsel suggestion that the parties stipulate to the release of the subscriber information—without even bothering to file an opposition to the motion. (*Id.* ¶ 6.) Although the anonymous Google accounts were *registered to his email account and phone number*, Najar denied sending all but a handful of texts (and no emails)—but refused to answer questions about *which* unnamed individuals her permitted to use his email address, his phone number, and *even his home internet* to take down Spiegel, Williams, and the Company. (*Id.* ¶ 8.)

Even this understates Najar's contempt for the legal process. Najar repeatedly refused to answer questions posed by a lawyer for a "child sex cult." (*Id.*) After being told (on a call *Najar* initiated) that counsel could not communicate with him under the California Rules of Professional

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Conduct, Najar called again, which counsel sent to voicemail. (*Id.* ¶ 4.) On the resulting voicemail, Najar asked, "did you know that my brother directed Meghan Markle in a play at Loyola High School. Okay. Have a great day, Nick." (Soltman Decl. Ex. 3 [Najar Vol. 2] at 297:17–22.) When asked what possible relevance that had to this action, Najar replied, "You represented Meghan Markle …." (*Id.* at 299:25–300:2.) The implication—much like his extortionate threats in September 2023—was clear: Najar was threatening to interfere with counsel's *other* client relationships in retaliation for his representation of Plaintiffs.

Simply put, Najar has no interest in letting the trier of fact determine his liability. He wants to make this case a referendum on alleged sexual abuse by a long-dead cleric. His hero complex—quite literally, he testified, "*I put my life on the line* for thousands … of young men, young children and women. When this comes out, the hotline will be so much bigger than P. Diddy" (Soltman Decl. Ex. 2 [Najar Vol. 1] at 197:25–198:3)—requires that the motions in limine at issue be granted.

III. <u>ARGUMENT</u>

Before any proceedings occur in the presence of the jury, and prior to *voir dire*, Plaintiffs seek to exclude any and all matters that are irrelevant, inadmissible, or prejudicial. If such matters are introduced through a party, witness, or attorney, such introduction will cause irreparable harm to Plaintiffs, which would not be cured by any jury instruction.

Plaintiffs therefore request that the Court order that Najar, his attorney, and all other persons involved on their behalf are instructed not to mention or bring the Jury, either directly or indirectly, upon *voir dire*, opening statements, interrogation of witnesses, argument, objections before the jury, or any other means or manner inform the jury or bring to its attention any of the matters set forth below, unless and until such matters have been first called to the Court's attention, outside of the presence of the jury, and a favorable ruling has been received.

Plaintiffs further request that the Court order that counsel for Najar be instructed to inform all witnesses called by Najar (including and especially his live-in girlfriend, Myra Nishizaki) not to volunteer, disclose, state or mention to the jury any of the below-enumerated matters, without first asking for a ruling from the Court, out of the hearing of the jury, on the admissibility of the

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evidence. Violation of these instructions would deprive Plaintiffs of their right to a fair and impartial trial, and any violation may constitute contempt and necessitate a mistrial.

A. <u>Legal Standard</u>

A motion *in limine* is commonly used to preclude the presentation of "any kind of evidence which could be objected to at trial, either as irrelevant or subject to discretionary exclusion as unduly prejudicial." *Clemens v. Am. Warranty Corp*., 193 Cal. App. 3d 444, 451 (1987); *see also Kelly v. New West Fed. Savings*, 49 Cal. App. 4th 659, 669 (1996). "The purpose of the motion [*in limine*] is to avoid the obvious futile attempt to 'unring the bell' in the event a motion to strike is granted in the proceedings before the jury." *Clemens*, 193 Cal. App. 3d at 451.

Only relevant evidence is admissible in California courts. *See* Cal. Evid. Code § 350. Relevant evidence is "evidence . . . having any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action." *See id.* § 210. Trial courts lack discretion to admit irrelevant evidence. *Hernandez v. Paicius*, 109 Cal. App. 4th 452, 460 (2003); *People v. Babbitt*, 45 Cal. 3d 660, 681 (1988).

Even if relevant, Evid. Code section 352 permits the Court to exclude evidence when the probative value of such evidence is "substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury." Cal. Evid. Code § 352. The Court must balance the evidence's probative value against its potential prejudicial effect. *See Phillips v. Honeywell Int'l Inc.*, 9 Cal. App. 5th 1061, 1081 (2017) (requiring the trial court to complete "a weighing process … that considers the unique facts and issues of the case" to balance "probative value versus undue prejudice").

B. <u>Motions in Limine Nos. 1–5 Should Be Granted</u>

<u>Motion in Limine No. 1</u>: To Exclude Illegally Obtained Audio Recordings and Transcripts Thereof

1. The recordings are inadmissible under Cal. Pen. Code § 632(d).

Plaintiffs request an order to exclude two separate audio recordings of Spiegel that Najar and Nishizaki made without Spiegel's consent. Recording in such a manner is a crime and the

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resulting recordings are inadmissible in this proceeding by statute. Cal. Pen. Code § 632(a), (d). In their depositions, both Najar and Nishizaki referred to recordings in their possession of (a) Nishizaki's long meeting with Spiegel and (b) of Najar's confrontation with Spiegel and fellow Company executive Helen Christoni, respectively. (Soltman Decl. ¶¶ 7, 9; Ex. 4 [Nishizaki Tr.] at 200:11–17; Ex. 3 [Najar Vol. 2] at 338:13–17.) By Najar's own admission, they did so *knowing* California is a two-party consent, and *knowing* they did not have Spiegel or Christoni's consent. (Ex. 3 [Najar Vol. 2] at 333:11–16, 341:10–16.) Indeed, Spiegel and Chirstoni were not even aware they were being recorded. (Ex. 4 [Nishizaki Tr.] at 200:18–201:5.)

Given that these meetings occurred in Spiegel's office, he and Christoni had an objectively reasonable expectation that they were not being overheard or recorded. *See Flanagan v. Flanagan*, 27 Cal. 4th 766, 776–77 (2002) (a conversation is confidential under section 632 "if a party to that conversation has an objectively reasonable expectation that the conversation is not being overheard or recorded"); *cf. Mezger v. Bick*, 66 Cal. App. 5th 76, 89 (2021) (no expectation of confidentiality when speaking loudly "in an outdoor residential setting, with neighbors nearby"). Accordingly, not only did crimes occur the moment these secret recordings were created, but they are inadmissible and should thus be excluded in this proceeding. *See* Cal. Pen. Code § 632(d); *Marich v. MGM/UA Telecommunications, Inc.*, 113 Cal. App. 4th 415, 425 (2003) ("Penal Code section 632 is violated the moment a confidential communication is recorded without consent, regardless of whether it is subsequently disclosed.").

2. The recordings are also inadmissible because Najar failed to produce them.

The purpose of discovery is "for the parties to obtain the fullest possible knowledge of the issues and facts before trial." *Greyhound Corp. v. Super. Ct.*, 56 Cal. 2d 355, 376, 385 (1961). Discovery is meant to do away with "the sporting theory of litigation—namely, surprise at the trial." *Thoren v. Johnston & Washer*, 29 Cal. App. 3d 270, 274 (1972); *Puerto v. Superior Court*, 158 Cal. App. 4th 1242, 1249 (2008); *Beverly Hosp. v. Superior Court*, 19 Cal. App. 4th 1289, 1294 (1993) (the "purposes of California's discovery statutes are . . . to expedite and facilitate preparation and trial; to prevent delay; and to safeguard against surprise"). To use the same

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previously withheld materials in trial is anathema to the point of discovery, and is thus rightly prohibited. *See, e.g.*, *In re Marriage of Hoffmeister*, 161 Cal. App. 3d 1163, 1171 (1984) (barring the use at trial of evidence previously withheld by a party at a deposition on the basis of attorney-client privilege); *A & M Records, Inc. v. Heilman*, 75 Cal. App. 3d 554, 566 (1977) (defendant precluded from testifying at trial on matters as to which he asserted privilege against self-incrimination at deposition).

In accordance with well-settled law, this Court should preclude Najar from referring to or introducing at trial the recordings (and any transcripts thereof) that he did not produce despite repeatedly offering to do so both on- and off-the-record at deposition. (*See, e.g.*, Soltman Decl. ¶ 5 Ex. 2 [Najar Vol. 1] at 195:15–20 [defending his failure to produce "those recordings" by claiming that he "didn't have them" but acknowledging he did "have [them] now"]; *id.* at 203:20–21 [volunteering that he had "the recordings certified and sitting right next to me"].) If a party cannot even *depose* a party about recordings before producing them, *see Poeschl v. Superior Court*, 229 Cal. App. 2d 383, 387 (1964) (issuing writ of mandate directing trial court to order that the recordings be "produce[d] before taking the deposition of petitioner"), then Spiegel cannot be examined at *trial* about recordings that Najar has refused to produce.

The prejudice from the Nishizaki recording is even more manifest. An order compelling discovery and imposing lesser sanctions would be futile where, as here, Plaintiffs did not even learn of its existence until after "the discovery cutoff had passed, and ... trial was imminent." *Karlsson v. Ford Motor Co.*, 140 Cal. App. 4th 1202, 1215 (2006). (*See* Soltman Decl. ¶ 6.) When the failure to produce documents is not discovered until such a "late date, [an] evidentiary sanction" precluding the responding party's use of wrongfully withheld discovery materials is "virtually the only viable option available." *Pate v. Channel Lumber Co.*, 51 Cal. App. 4th 1447, 1455 (1997). That is all the more true where Plaintiffs attempted, *three separate times*, to obtain the recording and transcript from Najar's counsel (Soltman Decl. ¶ 9), after Najar testified that he

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himself had a copy of the recording.[2] (*Id.* ¶ 7 Ex. 3 [Najar Vol. 2] at 339:1–17 ["*I* have a recording there. *We* have a recording of Peter and Myra. … *I* can give it to you."] (emphasis added).)

Motion in Limine No. 2: To Exclude Evidence of or Reference to Spiegel and Williams' Religious Affiliation and Preclude Use of the Phrases "Cult" and "Child Sex Cult"

Plaintiffs request an order excluding reference to Spiegel and Williams' religious affiliation as well as the terms "cult" and "child sex cult" as irrelevant, prejudicial, and inadmissible character evidence. Cal. Evid. Code §§ 350, 352, 789. Only relevant evidence is admissible, and because Plaintiffs' religion has no bearing on any claim or defense, it must be excluded. *See Hernandez v. Paicius*, 109 Cal. App. 4th 452, 460 (2003) (trial courts lack discretion to admit irrelevant evidence).

1. This evidence is irrelevant if not constitutionally prohibited.

As an initial matter, the truth or falsity of Najar's allegations is *completely irrelevant*. "It certainly would be no defense to the accusation of extortion that the charges or publications threatened to be made by the defendant … were true. *The truth or falsity of these matters form no element in establishing the guilt or innocence of a defendant charged with extortion*." *Morrill v. Nightingale*, 93 Cal. 452, 456–57 (1892) (emphasis added); *People v. Umana*, 138 Cal. App. 4th 625, 638 (2006) ("conviction for attempted extortion does not turn on whether the conduct threatened to be exposed is true," either). Thus, the Court should preclude *all* "evidence"—most of which would be rank hearsay and speculation, anyway[3]—as to the purported "truth" of Najar's

[2] Najar's counsel was authorized to (and did) accept service of the deposition subpoena directed to Nishizaki. (Soltman Decl. ¶ 9.) Regardless of whether Najar's counsel "represents" Nishizaki in any other capacity, there is no question that Najar has possession, custody or control of his "partner's" recording. (Soltman Decl. Ex. 3 [Najar Vol. 2] at 335:20–336:2 [describing her as his "partner"].) *Accord Duarte v. St. Paul Fire and Marine Ins. Co.*, 2015 WL 7709433, at *5 (W.D. Tex. Sept. 25, 2015) (under Fed. R. Civ. P. 34, a "party must make a reasonable search of all sources reasonably likely to contain responsive documents, including the party's "attorney … *spouse*, agent, etc.") (internal quotation omitted).

[3] Najar is not an "expert" on anything, let alone the happenings in Texas 15 years ago. *See* Cal. Evid. Code § 801(b) (opinion testimony requires "special knowledge, skill, experience, training, and education[] *perceived by* or *personally known* to the witness") (emphasis added). And even expert opinions "may not be based on assumptions of fact that are without evidentiary

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claims about the Company's "true ownership," Spiegel's awareness (or lack thereof) of the cleric's plans to flee, the sincerity of his beliefs as to the cleric's innocence *before* trial, etc. These points are all irrelevant to whether Najar extorted Plaintiffs or whether they suffered emotional distress from that extortion.

Failing such an order, the case will devolve into a series of irrelevant and confusing mini-trials—precisely the kind of distracting "evidence" whose exclusion the Court of Appeal affirmed in *Wagner v. Benson*, 101 Cal. App. 3d 27 (1980). *See id.* at 36 (holding that proposed evidence of the Bank's awareness of the risks involved in a cattle-raising business "could have easily overwhelmed and confused the jury, obscuring the more immediate question of whether the alleged misrepresentation was ever made"). At the very least, there is a significant risk "that jurors would focus more on [Spiegel's] conduct [15 years ago] than on the elements of the" causes of action. *People v. Leon*, 91 Cal. App. 4th 812, 816 (2001).

Even if the Court does not order a blanket prohibition, Najar can make all the same points by noting that Plaintiffs belong to *a* religious group. That is, to defend the claims against him, Najar need not demonstrate that any of the Plaintiffs are affiliated with any *specific* religion or religious subgroup, so any reference thereto is irrelevant. *See* Cal. Evid. Code § 350; *People v. Ortiz*, 95 Cal. App. 3d 926, 933 (1979) (in case where man was killed by sacrificial knife, specifics of religious animal sacrifices were irrelevant because they did "not tend to establish any material fact for the prosecution nor to overcome any material matter sought to be proved by the defense"). For example, while any attempt to use Plaintiffs' religion to undermine *their* credibility is verboten, *see* Cal. Evid. Code § 789 (prohibiting attacks on a witness's credibility based on their religious beliefs), Najar could argue that a witness is biased in Plaintiffs' favor due to shared religious beliefs without identifying the *specific* religion at issue.

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support or based on factors that are speculative or conjectural." *Bushling v. Fremont Medical Center*, 117 Cal. App. 4th 493, 510 (2004). An expert may reach conclusions only "on the basis of the established facts. *He may not himself create the facts upon which the conclusion is based*." *Leslie G. v. Perry & Assocs.*, 43 Cal. App. 4th 472, 487 (1996) (internal quotation omitted).

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Beyond that, however, testimony as to any alleged specifics of Plaintiffs' faith or the specific practices that Najar alleges are associated with it (e.g., supposed total devotion to the cleric) are barred by the First Amendment. The First Amendment prohibits civil courts from engaging in "the interpretation of particular church doctrines and the importance of those doctrines to the religion." *Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440, 450 (1969). As the Court of Appeal has observed, "When the court is asked to determine whether [the lifestyle of religious devotees] was induced by faith or coercive persuasion is it not in turn investigating and questioning the validity of that faith?" *Katz v. Superior Court*, 73 Cal. App. 3d 952, 987 (1977).

2. Evidence of Spiegel and Williams' faith risks inviting xenophobia.

The lack of probative value to this species of "evidence" notwithstanding, any reference to Plaintiffs' specific faith should also be barred as unduly prejudicial under Evidence Code section 352. "The Supreme Court has long made clear that statements that are capable of inflaming jurors' racial or ethnic prejudices degrade the administration of justice." *United States v. Runyon*, 707 F.3d 475, 494 (4th Cir. 2013) (internal quotation omitted). Here, references to Indian names, temples, "ashrams," and the like would serve only to remind the jury that the white individual Plaintiffs are members of a traditionally *Eastern* religion. It is undeniable that certain jurors may hold conscious or unconscious biases against "foreign" religious affiliations, *especially* those adopted by white congregants. *Cf. Jinro America Inc. v. Secure Investments, Inc.*, 266 F.3d 993, 1007 (9th Cir. 2001) (excluding expert testimony that Korean businesses were culturally predisposed to corrupt and fraudulent business practices); *Gearhart v. Uniden Corp. of Am.*, 781 F.2d 147, 153 (8th Cir. 1986) (on retrial, remarks about Far Eastern parent corporations and "foreign goods" or "foreign products" should not be permitted because of "xenophobia" amid then- "current United States-Japanese trade imbalance"), *abrogated on other grounds by Faries v. Atlas Truck Body Mfg. Co.*, 797 F.2d 619 (8th Cir. 1986). Such evidence would run the risk of playing on such biases.

Similarly, because Najar's case does not turn on demonstrating the existence of a "cult" or "child sex cult," these terms should be prohibited for the substantial prejudice they would cause

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against Plaintiffs. The prejudice invited by such inflammatory terms is self-evident. *See* James T. Richardson, *Definitions of Cult: From Sociological-Technical to Popular-Negative*, 34 REVIEW OF RELIGIOUS RESEARCH 348, 355 (June 1993) ("The term cult should also be disallowed in legal proceedings where involvement in an exotic religious group is an issue. … The term simply carries too much baggage to allow its casual use in proceedings designed to have rational judgments made about important issues."). More to the point, it is precisely the kind of unfair prejudice that Evidence Code § 352 is designed to prevent. Najar cannot be permitted to exploit such biases to distract from the actual issues in this case.

For these reasons, the Court should exclude any reference to Plaintiffs' religious affiliation. It is irrelevant, highly prejudicial, and legally improper. Allowing it would do nothing but invite juror bias and divert attention from the real issues.

Motion in Limine No. 3: To Exclude Reference to, or Mention of, the Parties' Wealth.

Evidence of Plaintiffs' financial condition or net worth or the parties' relative wealth is wholly irrelevant as it has no "tendency in reason to prove or disprove any disputed fact that is of consequence to the determination" of this action. Evid. Code § 210. Because such evidence is irrelevant, it is inadmissible. *See id.* § 350. Such evidence will also create a high likelihood of misleading the jury. *Wagner v. Benson*, 101 Cal. App. 3d 27, 36 (1980); *Hoffman v. Brandt*, 65 Cal. 2d 549 (1966) (argument of counsel regarding claimed lack of wealth of defendant improperly appealed to sympathy of jury). Here, evidence of Plaintiffs' wealth includes not just Spiegel and Williams' net worth, but also, the amount of the bond that Spiegel forfeited in Texas and the cost/size of the meditation center being built in Tarzana (if reference thereto is not barred more generally). Granting such a motion does not prejudice Plaintiffs' ability to adduce evidence of the fact or amounts of their alleged damages, or of Najar's monetary demands, only Plaintiffs' ability (or lack thereof) to *pay* his nine-figure demands.

Motion in Limine No. 4: To Exclude Opinion or Evidence Regarding Competence, Practice Area and Other Clients of Counsel

Based on Najar's conduct in deposition, Plaintiffs believe that he may seek to testify regarding the practice area of Plaintiffs' counsel—in particular, to brand him as an "entertainment

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lawyer." (*See* Soltman Decl. ¶ 8.) Najar has also made reference to other clients of Plaintiff's counsel, insinuating that Plaintiffs needed an "entertainment lawyer" because his supposed whistleblower allegations risked implicating celebrities. (*Id.*) Finally, Najar has alluded to *other* lawyers at Plaintiffs' counsel's firm and the clients *they* represent, including in criminal matters. (*Id.*)

None of this is remotely relevant to this case. There is no dispute over Plaintiffs' counsel's competence, practice areas, or other clients, let alone those of his partners. The dispute between the parties solely revolves around Najar's conduct between February and September 2023—*before Plaintiffs had even retained the undersigned counsel*. It follows that any of this subject matter is irrelevant and, therefore, inadmissible. Cal. Evid. Code § 350. Further, Najar should not be permitted to invite improper and prejudicial inferences that risk biasing or inciting the jury against Plaintiffs by rendering a verdict based the jurors' passions and prejudices toward their counsel (and his firm)'s *other* clients. Plaintiffs are entitled to their choice of counsel, and due process precludes Najar from attempting to bias the jury against Plaintiffs. The probative value of any evidence is substantially outweighed by the risks of unfair prejudice. Cal. Evid. Code §§ 352.

Plaintiffs thus respectfully request that this Court enter an order preventing any mention of counsel's competence, practice area or other clients by any party herein, in opening statements, in the questioning of witnesses, in documentary evidence and exhibits, in closing arguments or in any other manner before the jury.

<u>Motion in Limine No. 5</u>: To Require 48-Hour Notice of Witness Testimony.

Pursuant to Cal. Civ. Proc. Code § 128, this Court possesses ample authority to effectuate the orderly conduct of proceedings before it. *See Cooper v. Superior Court*, 55 Ca1. 2d 291 (1961). Requiring at least 48-hours advance notice of a parties' intent to call witnesses at trial supports the orderly conduct of proceedings because it will ensure the parties are prepared in advance. It is especially appropriate here, where Najar resides with his "star" witness (Nishizaki), and therefore is well aware of her schedule and availability.

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IV. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully requests that the Court issue an order instructing Najar, his counsel and his witnesses to refrain from referring to, commenting on, or attempting to introduce any evidence related to Motions in Limine Nos. 1–4.

DATED: March 19, 2025

KINSELLA HOLLEY ISER KUMP STEINSAPIR LLP

By: _____

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

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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**.[4]

3. On March 29, 2024, Najar served verified responses to Plaintiffs' first set of Requests for Production. He produced *zero* documents in response to *all* of Plaintiff's requests for production. Nor has he produced any documents thereafter.

4. In April 2024, Najar called me from a blocked number. Immediately upon realizing who he was, I informed him that I could not communicate with him, because he was a represented litigant. A week later, I received another call from a blocked number. This time, I surmised—correctly—that it was Najar. I therefore sent the call to voicemail. Najar left a message, which he concluded by asking, "did you know that my brother directed Meghan Markle in a play at Loyola High School. Okay. Have a great day, Nick." (*See* **Ex. 3** [Najar Vol. 2] at 297:17–22.) I have represented (and continued to represent) Meghan, The Duchess of Sussex, and understood Najar to be threatening to interfere with my *other* client relationships in retaliation for my representation of Plaintiffs.

5. On October 9, 2024, Plaintiffs deposed Najar. (A true and correct copy of excerpts from this deposition is attached hereto as **Exhibit 2**.) Relevant here, he testified that he had

[4] 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 …").

recorded his meeting with Spiegel, and offered both on- and off-the-record to produce the recording. (*See id.* at 195:15–20, 203:20–21.)

6. Najar's cooperation in discovery has been non-existent. As noted above, he has not produced a single email, text message, or document in this Action. He has sometimes claimed that none ever existed. Other times he has claimed that they existed but were deleted, before launching into a metaphysical discussion of whether deleted text messages ever "existed" and whether Code-compliant responses acknowledging their deletion is possible if the responding party has forgotten the messages were deleted. In addition, as discussed in more detail in Plaintiffs' Motion To Compel Deposition Answers, it took nearly 10 weeks (and four separate deposition notices) to arrange for Najar's second deposition session. (For the convenience of the witnesses, Plaintiffs offered to conduct Najar's second session the same day as Nishizaki's non-party deposition.) By the time the depositions took place, the deadline to serve requests for production had passed a week prior. Finally, immediately after the February 14, 2025 ex parte hearing, in which the Court indicated that the Charter motion would be granted, I suggested to Najar's counsel that the parties stipulate to the release of the subscriber information. Despite multiple follow-ups, Mr. Taylor never responded. This was not because Najar opposed the Charter motion—to the contrary, Najar did not even file an opposition.

7. On February 25, Plaintiffs were finally able to conduct the second session of Najar's deposition. (A true and correct copy of excerpts from this deposition is attached hereto as **Exhibit 3**.) Relevant here, Najar testified that Jonah Shah had recorded his and Najar's meeting with Spiegel and Helen Christoni, without Spiegel or Christoni's knowledge or consent. (*Id.* at 333:11–16, 338:13–17, 341:10–16.) Despite my three requests (on March 5, March 10, and again on March 17), this recording has not been produced.

8. At both sessions of his deposition, Najar repeatedly referred to me as the lawyer for a "child sex cult." (*See, e.g.*, **Ex. 2** [Najar Vol. 1] at 197:12–18; **Ex. 3** [Najar Vol. 2] at 291:25–292:18, 299:15–20, 300:16–21.) At both sessions of his deposition, Najar denied sending all but a handful of texts (and no emails)—despite acknowledging that the anonymous Google accounts were *registered to his email account and phone number*. Nonetheless, he refused to answer

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questions about *which* unnamed individuals her permitted to use his email address, his phone number, and *even his home internet* to take down Spiegel, Williams, and the Company. Finally, Najar repeatedly referred to me as an "entertainment lawyer" and insinuated that Plaintiffs needed an "entertainment lawyer" because his supposed whistleblower allegations risked implicating other celebrities. (*See* **Ex. 2** [Najar Vol. 1] at 69:19–70:1, 79:14–19.) Najar also alluded to other clients my partners represent, including in criminal matters.

9. Also on February 25, Plaintiffs deposed Myra Nishizaki, pursuant to a deposition subpoena for which Najar's counsel was authorized to (and did) accept service. (A true and correct copy of excerpts from this deposition is attached hereto as **Exhibit 4**.) Relevant here, she testified that she had recorded her February 7, 2023 meeting with Spiegel, without his knowledge or consent. (*Id.* at 200:11–201:5.) Despite my three requests (on March 5, March 10, and again on March 17), neither this recording nor the transcript that Nishizaki allegedly had prepared have been produced, either.

10. Pursuant to Local Rule 3.57, on March 17, 2025, I discussed the subject of this Motion in Limine with Ben Taylor, Najar's counsel. Mr. Taylor advised me that he would have to discuss the subject matter with his client, and we agreed to speak on the afternoon of March 18. On March 18, I called Mr. Taylor at 5:30 pm; he did not pick up, so I left a voicemail and followed up with an email. I called Mr. Taylor back at 6:01 pm. He did not pick up. On March 19, he emailed me at 8:09 am stating he had not "connect[ed] with David" and advising me to "go ahead" and "file your motions" if necessary.

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

Executed on this 19th day of March, 2025, at Los Angeles, California.

Nicholas C. Soltman

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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

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

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

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

case that has nothing to do with entertainment. 11:01:45
MR. SOLTMAN: Okay. I'm going to move to strike 11:01:46
as nonresponsive. 11:01:47
Q I'm just asking you a yes-or-no question. 11:01:48
Are you going to identify any names in response to 11:01:50
those e-mails or not? 11:01:51
A No. Because I'm protecting all of them 11:01:53
from the abuse of Peter Spiegel. 11:01:56
Q Okay. Well, we'll have to take that up 11:01:59
with the court. 11:02:00
But so I guess I'm a little bit uncertain 11:02:06
now in light of the nuance that you've testified to 11:02:09
as to why it's your testimony that it was truthful 11:02:14
to state the requested documents never existed. 11:02:16
A Existed in terms of a metaphysical way? Or 11:02:22
are you talking about existed in my presence? 11:02:24
Existed on a screen? Existed in the cloud? 11:02:28
That question is so broad. I have no idea 11:02:31
how to respond because I don't have existence of 11:02:33
them. 11:02:35
Q Mr. Najar, this is your words. I didn't 11:02:37
use the word "never existed." You did. 11:02:40
So tell me what does "never existed" mean 11:03:01
to you? And I don't want to hear a metaphysical 11:03:01
answer from Derrida or from -- 11:03:01

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

Q Did you divulge to Mr. Spiegel that there 3:24:04
was a recording device during the meeting on 3:24:07
February 8, 2023? 3:24:08
A No. Neither did Myra. 3:24:10
Q Okay. And did Jonah divulge that there was 3:24:15
a recording device? 3:24:16
A No. 3:24:17
Q Who was holding the device? 3:24:19
A Jonah held the device, and Myra held the 3:24:21
device. 3:24:22
Q Okay. And your testimony is that neither 3:24:27
you nor Jonah nor Myra disclosed that there was a 3:24:34
recording device that was in operation. Correct? 3:24:37
A Correct. 3:24:37
Q Okay. And you haven't produced in this 3:24:44
litigation that recording or those recordings. 3:24:46
Correct? 3:24:47
A I didn't have them. I did not have them. 3:24:49
Q Okay. Do you have those now? 3:24:52
A Yes. 3:24:55
Q Other than the recordings, which you 3:24:58
mentioned two-party consent, was there anything else 3:25:02
whose legality you were unsure of in the TRO 3:25:05
proceeding that we -- that you, therefore, didn't 3:25:09
testify to? 3:25:10

mentioned? 3:26:24

A I will -- I -- I would rather keep this in 3:26:28

protection. I'm going to protect the people and 3:26:31

protect myself. 3:26:36

Q Well, putting aside those people for a 3:26:38

moment, when you say protect yourself, what do you 3:26:43

mean? 3:26:45

A That I could be killed. That I could be 3:26:49

killed. I -- my goddaughter is being stalked by 3:26:52

Indians on her Face -- on her Instagram. This is 3:26:56

very serious. 3:26:59

Q Okay. And what, if anything, does that 3:27:01

have to do with the testimony that you are refusing 3:27:04

to provide today? Because I'm not seeing the -- I'm 3:27:07

not seeing the connection. 3:27:10

A You are the attorney for a child sex cult, 3:27:12

and the information that I give to you will go back 3:27:15

to Peter. And Peter is a dangerous criminal. Katie 3:27:20

is a dangerous criminal. 3:27:21

And I -- and I need to protect my -- I have 3:27:24

now -- we've hired security. Myra has been in -- 3:27:28

Myra lost 25 pounds. I have to protect my loved 3:27:33

ones. This is a very, very dangerous situation, 3:27:37

Mr. Soltman. 3:27:38

I put my life on the line for thousands -- 3:27:41

I'm so sorry -- of young men, young children and 3:27:45
women. When this comes out, the hotline will be so 3:27:49
much bigger than P. Diddy. It's going to be insane. 3:27:53
Q Mr. Najar, we looked at countless e-mails 3:28:00
from September 19th, 20th, 23rd, which included 3:28:04
dozens of links to what you say are well-known news 3:28:09
outlets and magazines and articles. And yet you 3:28:12
seem to be acting like this would -- this would be 3:28:15
completely unheard of in the vein of the P. Diddy 3:28:19
allegations. 3:28:20
And I guess I'm just not understanding. 3:28:23
You keep pointing to existing articles. What would 3:28:25
be any different this time? 3:28:26
A That the recordings are damning. He lies 3:28:33
about everything. Why is he lying and covering up 3:28:38
everything? Why is Nick Soltman, his attorney, 3:28:43
putting these pieces together? 3:28:45
I'm going to walk out of this deposition 3:28:47
and go directly to everyone. I'm going to go to the 3:28:53
FBI. To the police immediately. Because there's a 3:28:56
pattern -- I already have an FBI agent. There's a 3:29:01
pattern of behavior that reveals a cover-up of 3:29:05
something dastardly. 3:29:06
He was given immunity. That's why he got 3:29:09
away with it. Mr. Spiegel. And this will not last. 3:29:15

THE WITNESS: You did. 3:32:41
BY MR. SOLTMAN: 3:32:41
Q So Mr. Najar, all of the names that you've 3:32:48
mentioned were names that were mentioned in 3:32:49
September of 2023. Is that right? The FBI? 3:32:53
A No. 3:32:54
Q The FBI was not mentioned in any of the 3:33:02
e-mails we looked at this morning. Is that right? 3:33:04
MR. TAYLOR: You are asking him if the letters 3:33:05
F-B-I appear in any of the 20 e-mails we looked at? 3:33:09
THE WITNESS: Absolutely. And the FBI told me 3:33:12
please don't tell people. But it's ongoing. 3:33:15
BY MR. SOLTMAN: 3:33:15
Q And the Texas Rangers? 3:33:17
A Ongoing. 3:33:17
Q And what other law -- law investigatory 3:33:23
agencies -- 3:33:24
A I'd rather not tell you. 3:33:29
Q Let me have you -- 3:33:33
A I have the recordings certified and sitting 3:33:37
right next to me. 3:33:38
MR. TAYLOR: There's no question pending. 3:33:40
Don't -- don't -- 3:33:42
THE WITNESS: Sorry. 3:33:45
MR. TAYLOR: Don't say anything further right 3:33:46

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 3

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, Case No. 23VECV04262
Plaintiffs,
vs.
DAVID NAJAR, AN INDIVIDUAL;
AND DOES 1 THROUGH 10,
INCLUSIVE,
Defendant.

CONTINUED VIDEOTAPED DEPOSITION OF
DAVID NAJAR, VOLUME II
Los Angeles, California
Tuesday, February 25, 2025

Reported by:
MARIA ELLERSICK, CSR No. 10531
Job No. 7189191A

PAGES 267 - 391

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

Los Angeles, California; Tuesday, February 25, 2025

9:32 a.m.

THE VIDEOGRAPHER: Good morning. We are going on the record at 9:32 a.m. on February 25th, 2025. 09:33:14

Please note that the microphones are sensitive and may pick up whispering and private conversations.

Please mute your phones at this time. 09:33:25

Audio and video recording will continue to take place unless all parties agree to go off the record.

This is Media Unit 1 of the video recorded deposition of David Najar, Volume II, taken by counsel for Plaintiff in the matter of Ideal Living, LLC, et al., versus David Najar, et al., filed in the Superior Court of the State of California, County of Los Angeles, Case No. 23BECV04262. 09:33:36

The location of this deposition is 11766 Wilshire Boulevard, Suite 750, Los Angeles, California 90025. 09:33:59

My name is Alex Klyusner representing Veritext Legal Solutions, and I'm the videographer. I am not a party -- I am not related to any party in 09:34:15

this action, nor am I financially interested in the outcome.

If there are any objections to proceeding, please state them at the time of your appearance.

Counsel and all present will now state 09:34:24
their appearances and affiliations for the record, beginning with the noticing attorney.

MR. SOLTMAN: Nick Soltman for Ideal Living and the Plaintiffs.

MR. TAYLOR: Benjamin Taylor on behalf of 09:34:34
Defendant and the witness.

THE REPORTER: Good morning. My name is Maria Ellersick. I'm a Certified Shorthand Reporter, CSR No. 10531.

DAVID NAJAR,

having been administered an oath, was examined and testified as follows:

EXAMINATION

BY MR. SOLTMAN:

Q Good morning. Welcome back, Mr. Najar. Because we are starting midstream, I'm going to remind you parenthetically or elliptically about the old rules, including, for example, that you're still 09:35:07

or around April 30th, 2024?

A I'm just reading the rest. "I tried a couple of times to break into his speech" --

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

THE WITNESS: Oh, I don't know. 09:55:59

MR. TAYLOR: You can read it to yourself, but answer the question, please.

THE WITNESS: Okay. I'm sorry. Let me just read the rest of it because I want to get the context. Let me just read the previous one. 09:56:08

BY MR. SOLTMAN:

Q Okay. The previous one has nothing to do with the voicemail. So I need to actually ask my question. Okay.

A I just want to contextualize this. 09:56:33

Q No. It's a completely unrelated E-mail. I'm not going to let you do that. You can't run out the clock on me. I'm not going to let you do it.

So Mr. Najar, do you remember a phone call that we had on or around April 30th, you and me? 09:56:42

A I don't remember a phone call with you.

Q Okay. Do you deny that one occurred or you just don't remember?

A No, I don't remember.

Q Okay. That's fine. Do you reading this 09:56:51

summary here that you read to yourself, do you disagree with that summary? Anything stand out as being false?

A The entire E-mail?

Q The one -- yeah, the summary of the call that I sent to Mr. Taylor. 09:57:01

A That you represent a child sex cult? No, I agree with it. I do believe that you represent a child sex cult because you do. So I agree with that, and I also agree that -- what else do you want me to agree with other than you're an attorney for a child sex cult? 09:57:16

Q Is there anything I wrote about our conversation that I mischaracterized? How about that. 09:57:32

A No, the child sex cult part where you're representing a child sex cult, that's totally right there.

Q All right, Mr. Najar. Do you know -- do you spend time in Temecula? 09:57:41

A No.

Q Do you know anyone out in Temecula?

A I've been to Pachanga and to the wineries.

Q But do you know anyone there?

A In Pachanga? 09:57:51

calling me saying that there's like these -- and they don't know who to go to. I mean, I guess, I can tell them to go to my lawyer, but they're not -- they don't have lawyers, man. So you're sending like 10:03:29 stuff to people, and they're trying to contact you, bro. Anyway, I hope you're having a good day. Everything's going well, but I don't know -- I don't know what -- you know, I guess, I could collect 10:03:47 them, but -- collect all these people, but they're people -- some people, I don't even know. I'll talk to my lawyer about it, but I'm just kind of cracking up over the whole thing, and I think you're fantastic, 10:04:01 and I think everyone's going to know about you. Did you know -- and by the way, did you know that my brother directed Meghan Markle in a play at Loyola High School. Okay. Have a great day, Nick, bye-bye.") 10:04:14

THE WITNESS: Yeah, my brother did. He directed -- it's still so amazing.

MR. TAYLOR: Wait for a question.

BY MR. SOLTMAN:

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

BY MR. SOLTMAN:

Q They know you?

A Yeah.

Q Okay. How do they know you?

A That I am a singular person breaking a 10:05:12
child sex cult that's global, worldwide Hindu organization.

Q Mr. Najar, is your phone publicly listed, your phone number?

A No idea. 10:05:26

Q Is your E-mail publicly listed?

A Everyone's E-mail is publicly listed. It's Spokeo. There are so many different things, but I have no idea.

Q You said, quote, "Everyone's going to know 10:05:36
about you." What did you mean?

A That the attorney for a child sex cult is going to be contacted by -- I don't know. Say a newspaper or a news organization is going to contact the lawyer for the child sex cult. As such, when 10:05:52
you respond, hypothetically, to -- I don't know -- an organization, it will come from you as such. If you're quoted inside of an article, everyone in the world will know your name.

Q And what is -- what is the relevance of 10:06:19

Meghan Markle to this action?

A You represented Meghan Markle in a -- I forget. You can tell me about it if you'd like. But Meghan Markle, my brother is friends with Meghan Markle, and he directed her. I forgot the name of 10:06:36 the play it was. He was the head of the choral music program at Loyola High School, and Meghan Markle was in the play and --

Q So what -- I'm sorry. What discussions have you had with your brother, if any, about this 10:06:48 case?

A I will not tell you that.

Q Okay. Is your brother an attorney?

A My younger brother is a choral music director. 10:07:03

Q Okay. So you're not claiming that that communication is privileged. He's not your husband; right?

A I'm not going to tell an attorney for a child sex cult about my conversations with a 10:07:13 brother.

Q Have you asked your brother to say anything to Meghan Markle about this case?

A I would never tell you that.

Q Okay. Do you think that a reasonable 10:07:24

knows, I'm recording this conversation?

A I did not because I knew they were going to lie and commit a crime. I would have never used this -- it's a two-party consent. However, you cannot use perjury as a shield for filing five false 10:54:17 police reports, including that day, lying in the TRO hearing saying that I was yelling and cussing and lasted 5 minutes. So at that point, that recording becomes admissible because you cannot use it as a shield for perjury. 10:54:40

Q Mr. Najar, I just asked you did you announce that you were recording or not?

A No.

Q Did you obtain verbal consent from Mr. Spiegel or Ms. Christoni to the recording? 10:54:51

A No.

Q The nine figures you mentioned, you said that an attorney had advised you. Is that what you told him?

A It's -- you know what you do when you are 10:55:02 faced with the head of a global child sex cult, you try to scare them a little bit, but you do it with money because Peter is about money. So I didn't want -- I'm not a physically imposing human being. I swim a little bit, but I wasn't going to be 10:55:19

Q Okay. And you are absolutely 100 percent positive that Myra had not contacted any attorneys at this point?

A Myra had not contacted any attorneys at that point. 10:56:28

Q And neither had you?

A I had not -- I didn't even know how to contact an attorney.

Q Not a shadow of a doubt?

A I did not contact. I am not Myra. I did not. I speak for me, not Myra. Myra is her own human being. 10:56:35

Q Okay. To your knowledge, Myra had not contacted an attorney?

MR. TAYLOR: Asked and answered like four times. I mean -- 10:56:46

THE WITNESS: Myra is her own human being. I have no idea.

BY MR. SOLTMAN:

Q You never discussed with your domestic partner -- 10:56:53

A We're not domestic partners.

Q Okay. How would you characterize it?

A Partners.

Q What does that mean? 10:56:59

A That we're in life together during this incredibly difficult time.

Q Okay. And for how long have you been partners?

A That's -- I don't know what you mean. 10:57:06
Partners in this?

Q No.

A Two years and one day. She went to go get her Master's. She was out working at different companies. Are you asking about my personal life? 10:57:16

Q I'm asking about the nature of your relationship with Myra because you're telling me you don't know what she had or hadn't done with an attorney. I just want to know how well you know her. 10:57:30

A We're not -- we're not married with children sitting at a dinner table discussing our days.

Q You live together; right?

A We live together and live total separate 10:57:38
lives.

Q Okay. And how long have you lived together? How about that.

A On and off -- I cannot tell you. I don't know because we've been in different cities and 10:57:51

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there. We didn't talk to an attorney to make that decision. I've run this whole thing, me.

Q Okay. And how did you arrive at the nine figures, like why that number?

A Because Peter likes to say "nine figures" a lot. He's Mr. Nine figures because -- oh, because I know because I -- because I interviewed him for an hour and a half, and Peter was talking about during the B2B, that he was looking to really build up this company. And so I know he was going for nine 10:59:13 10:59:35 figures. Wouldn't you want to take away all the money you can from a child sex cult? I would.

Q Okay. And do you recall stating something to the effect that Myra needed to be paid that money or else those allegations would be publicized? 10:59:54

A Do you want me to give you the recording and show you no? I did not.

Q Mr. Najar, I'm asking about your recollection. I'm not asking about anything else.

A I have a recollection of the tape I 11:00:05 listened to this morning, and that did not happen.

Q Okay. So the answer is you do not recall --

A I know for a fact that I did not and that Myra did not. I know for a fact. 11:00:16

Q What do you mean you know for a fact that Myra did not? You weren't there.

A Because I have a recording there. We have a recording of Peter and Myra.

Q Okay. And who recorded the meeting with Myra and Peter? 11:00:26

A Myra.

Q Okay. And did Myra announce that she was recording?

A He lied. Oh, sorry. No. 11:00:35

Q And how long is the recording, allegedly, with Myra?

A Not allegedly. I can give it to you.

Q I just asked how long is it?

A I know exactly. So don't "allegedly." 11:00:51

Q So what's the answer?

A 57 minutes.

Q Okay. And who decided to record your meetings with Mr. Spiegel?

A Smart guy here. 11:01:04

Q Okay.

A Genius here. Genius, genius.

Q And you did that knowing that it was a two-party consent state; right?

A I did it knowing he's a liar and a thief 11:01:14

MR. TAYLOR: And he said yes.

MR. SOLTMAN: No, he did not, actually, Ben.

MR. TAYLOR: Yeah, he did. Careful. Don't throw the mic around. If you want to terminate the 11:02:02 deposition, we'll go. It's up to you.

THE WITNESS: It's up to you. It's totally up to you.

BY MR. SOLTMAN:

Q Mr. Najar, this is the last time I'm going 11:02:10 to say this, and after that, I'm terminating. Yes or no, did you -- did you record or have Myra record conversations with Mr. Spiegel knowing California is a two-party consent state? Yes or no? I don't want to hear why. I want to hear a "yes" or "no." 11:02:26

A Yes.

Q Okay. That's all I was asking.

A Oh, I didn't know.

MR. SOLTMAN: So Mr. Najar, I want to turn now to -- 11:02:36

What exhibit are we up to?

MR. TAYLOR: Are we done with 37?

MR. SOLTMAN: Yes.

THE REPORTER: 38.

MR. TAYLOR: 38. 11:02:55

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: March 12, 2025

Maria Ellersick

MARIA ELLERSICK, CSR No. 10531

EXHIBIT 4

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, Case No. 23VECV04262
Plaintiffs,
vs.
DAVID NAJAR, AN INDIVIDUAL;
AND DOES 1 THROUGH 10,
INCLUSIVE,
Defendant.

DEPOSITION OF MYRA NISHIZAKI
Los Angeles, California
Tuesday, February 25, 2025

Reported by:
MARIA ELLERSICK, CSR No. 10531
Job No. 7189191B

PAGES 1 - 237
PAGES 150 - 167 ARE CONFIDENTIAL AND
AND BOUND SEPARATELY

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Los Angeles, California; Tuesday, February 25, 2025
1:05 p.m.

MYRA NISHIZAKI,
having been administered an oath, was examined and testified as follows:

EXAMINATION

BY MR. SOLTMAN:

Q Good afternoon. Could you start with your full name and pronunciation so I get it right?

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

Q Okay. And what city do you reside in?

A South Pasadena.

Q Have you ever been deposed before?

A Yes, I have.

Q How many times?

A Once.

Q And when was that?

A Oh, I don't remember the exact timing, but last year at some point.

Q And what was the nature of the action in which you were deposed?

A I was being deposed for my workers' comp

E-mail to know that I have been heard by you and by when I can expect to receive a proposal for my exit package on Friday." Do you see that?

A Yes, I do.

Q And is that the exit package that you claim -- I'm sorry -- that you testified Mr. Spiegel floated to you and not vice versa in that meeting on February 7th?

A Yes. Correct. And if you listen to the recording and read the transcript, you would know that.

Q And did you tell your -- strike that.

Did you produce your 57 minute recording of your meeting with Mr. Spiegel?

A Did I produce it?

Q Yeah, in discovery. Did you provide that and have it forwarded by Laurel in response to the subpoena?

A No.

Q Okay. Did you tell Peter, Peter, I'm recording you. I'll send you a copy of the recording after I leave here?

A No, absolutely not.

Q Okay. Was there any basis for Mr. Spiegel or anyone at Ideal Living to know that such a recording even existed?

A Was there any basis?

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Q Yeah.
A What do you mean by that?
Q How would Mr. Spiegel have had any idea that there was a recording?
A He wouldn't.
Q I'm sorry?
A He would not.
Q Okay. And so you told him -- you sent this E-mail on Wednesday at 3:40, and you said, quote, "I expect no later than 10:00 a.m. on Friday, which will allow me enough time to discuss in consultation" -- I think it may be missing a word -- "with my attorney and provide a response by EOD Friday to see if it is commensurate with the misrepresentation and the amount of emotional and physical distress I have from the heavy burden of all the details of this sorted sex cult," and it goes on from there. Do you see that?
A Yes, I do.
Q And again, when I asked you about the attorney in your text messages who was driving the car, you said you had no idea who I was talking about.
A Correct.
Q Okay. Now I'm asking about an E-mail you wrote where you were talking about needing to consult with your attorney. Who was that attorney?

A It was not this year.
Q It was not recent, you said?
A Listening to the recording?
Q Yes.
A No, I have not listened to it this year.
Q How about the transcript, have you read it in 2025?
A I have not read the whole thing, no.
Q In 2025 or --
A I have not read the whole thing. I have looked at it, but I have not studied it or else I would have quoted things more accurately.
Q And the transcript, who prepared that transcript?
A A company that does legal transcriptions.
Q And to the best of your recollection, when was the last time you looked at the transcripts? Was it more recent than the oral recording that you listened to?
A Yes.
Q And any idea if it was in the last six months that you read it?
A It's possible I looked at it. I don't know if I -- again, it was a really traumatic experience. I don't like to linger on it. I try to go off of my

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I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: March 17, 2025

Maria Ellersick

MARIA ELLERSICK, CSR No. 10531

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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 19, 2025, I served true copies of the following document(s) described as **PLAINTIFFS' OMNIBUS MOTIONS IN LIMINE NOS. 1–5** 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 E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address MSanks@khiks.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on March 19, 2025, at Los Angeles, California.

Mary L. Sanks