

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Susan E. Wiesner (SBN 156425) Amanda B. Harvey (SBN 245523) Susan E. Wiesner, A Law Corporation 9113 Sunset Boulevard Los Angeles, California 90069 TELEPHONE NO.: (310) 281-2553 FAX NO.: (310) 281-2557 ATTORNEY FOR (Name): JON CRYER	FOR COURT USE ONLY ORIGINAL FILED FEB 11 2010 LOS ANGELES SUPERIOR COURT
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	
PETITIONER/PLAINTIFF: JON CRYER RESPONDENT/DEFENDANT: SARAH TRIGGER CRYER	
RESPONSIVE DECLARATION TO ORDER TO SHOW CAUSE OR NOTICE OF MOTION	CASE NUMBER: BD 405890
HEARING DATE: March 1, 2010 TIME: 8:30 a.m. DEPARTMENT OR ROOM: 65	

1. ☐ **CHILD CUSTODY**
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested but I consent to the following order:
2. ☐ **CHILD VISITATION**
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested but I consent to the following order:
3. ☐ **CHILD SUPPORT**
- a. ☐ I consent to the order requested.
- b. ☐ I consent to guideline support.
- c. ☐ I do not consent to the order requested, but I consent to the following order:
- (1) ☐ Guideline
- (2) ☐ Other (specify):
4. ☐ **SPOUSAL SUPPORT**
- a. ☐ I consent to the order requested.
- b. ☐ I do not consent to the order requested.
- c. ☐ I consent to the following order:
5. ☒ **ATTORNEY FEES AND COSTS**
- a. ☐ I consent to the order requested.
- b. ☒ I do not consent to the order requested.
- c. ☒ I consent to the following order: Respondent's request for attorney's fees be denied, and for an Order that Respondent is to pay Petitioner \$7,375 in sanctions pursuant to CCP 2023.010, 2023.030, 2030.090(d), 2030.300(d), and FC 271.

PETITIONER/PLAINTIFF: JON CRYER	CASE NUMBER:
RESPONDENT/DEFENDANT: SARAH TRIGGER CRYER	BD 405890

6. ☐ PROPERTY RESTRAINT

- a. ☐ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

7. ☐ PROPERTY CONTROL

- a. ☐ I consent to the order requested.
b. ☐ I do not consent to the order requested.
c. ☐ I consent to the following order:

8. ☒ OTHER RELIEF

- a. ☐ I consent to the order requested.
b. ☒ I do not consent to the order requested.
c. ☒ I consent to the following order: That Respondent's Motion be denied in its entirety.

9. ☒ SUPPORTING INFORMATION

☒ contained in the attached declaration.

Declarations of John Cahill, David Dickey, Jon Cryer, and Susan E. Wiesner.

NOTE: To respond to a request for domestic violence restraining orders requested in the *Request for Order (Domestic Violence Prevention)* (form DV-100) you must use the *Answer to Temporary Restraining Order (Domestic Violence Prevention)* (form DV-120).

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

Date: February 11, 2010

Amanda Harvey, Esq.

(TYPE OR PRINT NAME)

► Amanda Harvey
(SIGNATURE OF DECLARANT)

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MEMORANDUM OF POINTS AND AUTHORITIES

Petitioner, JON CRYER, submits this Memorandum of Points and Authorities in response to Respondent's Motion for Issue Sanctions, a Protective Order, et. al.

**I.
SUMMARY OF ARGUMENT**

On January 26, 2010, the week that Respondent's discovery responses were due to Petitioner, Respondent filed a Motion for a Protective Order, asking that this Court preclude Respondent from having to produce *one piece of paper* on Petitioner, based on her *false* claims that 1) Petitioner has not complied with discovery, 2) that Petitioner is trying to "publicly humiliate" Respondent, and 3) Petitioner is attempting to "financially destroy" Respondent. **Notably, each of these claims are easily disproved. For instance, Respondent's claims that Petitioner has failed to comply with discovery falls flat, since Respondent has never filed a Motion to Compel any discovery, and her time to file such a Motion expired three (3) months ago. Respondent's claim that Petitioner is attempting to "publicly humiliate" Respondent is belied by the fact that Petitioner has never released any information regarding Respondent to the media, nor has he authorized any of his agents to do so. In fact, as is made clear from a review of any media attention given to Respondent in the past year, it is Respondent who has perpetuated the media interest in her, by routinely and repeatedly giving "exclusive" interviews and making statements (or allowing her attorney to make a statement on her behalf) to the tabloids. Respondent's claims that Petitioner is attempting to "financially destroy" Respondent falls flat because, as this Court knows, Petitioner has paid Respondent, a non-custodial parent \$86,000 in child support since she lost custody of Charlie last year, and because Petitioner has paid almost 100% of Respondent's family law attorney's fees in connection with this post-Judgment litigation.**

Respondent's argument in her Motion for a Protective Order is that if Petitioner does not magically read Respondent's mind and produce some documents in response to some amorphous discovery request *which has never been served on Petitioner*, then Respondent should not have to provide relevant information in response to Petitioner's properly served discovery requests. Notably, such an argument is without basis in law, and defies the notions of logic and common sense.

2 Essentially, Respondent is saying that she should not have to comply with discovery simply because
3 she does not want to do so.

4 Further, Respondent's position is that her expenditures for Charlie in the past (when she was
5 the custodial parent), is not relevant to this Court's determination of adjusting child support for the
6 future. As the Court will recall, the March 2010 review hearing on child support was set based upon
7 the presumption that Respondent would have a greater timeshare of custody by that time. Although,
8 to date, Respondent's time share has not changed, Respondent has notified both this Court and
9 Petitioner that she will be arguing for an *increase* of child support paid to her. As such, Petitioner
10 is entirely within his rights to request documents regarding Respondent's past expenses, in making
11 a determination of the reasonable amount of support needed for Charlie.

12 Moreover, Respondent has asked the Court for attorney's fees and costs in each and every
13 filing she has submitted in this case. Thus, Petitioner is entitled to information regarding
14 Respondent's assets and debts, in his evaluation of her need or ability to pay her own fees.¹

15 Respondent's *only* objections to Petitioner's propounded discovery, as stated in her Motion
16 for Protective Order, is a blanket statement that *all* of the discovery propounded upon her is
17 "harassing and burdensome." Respondent fails to state, with specificity, *why* any of the categories
18 of discovery are "harassing and burdensome," given the outstanding issues involved in this litigation.

19 **Petitioner requests that the Court recognize Respondent's Motion for Protective Order**
20 **for what it is- a devious and costly way for Respondent to avoid having to produce her financial**
21 **information to Petitioner to allow him to prepare for the review hearing on child support,**
22 **currently set for March 23, 2010.** The reason for Respondent's adamant refusal to produce *one*
23 *piece of paper* is likely because she is aware that her production will belie the fact that she is
24 receiving income that she wishes to hide from Petitioner and this Court, and/or that she has utilized
25 the child support monies she has received to pay her dependency counsel and her experts in that

26
27 ¹Petitioner is clearly entitled to Respondent's redacted billing statements which would show the amount of
28 fees Respondent's has incurred in this litigation, as well as the amount of fees she has paid to date. Despite her
numerous fee requests, Respondent has never produced *any* billing statements either to the Court or to Petitioner.

2 matter, which request for fees was denied by this Court.

3 **II.**

4 **RESPONDENT HAS FALSELY ACCUSED PETITIONER OF RELEASING**
5 **INFORMATION ABOUT RESPONDENT IN THE PRESS; IN FACT, RESPONDENT IS**
6 **THE ONLY PARTY TO THIS ACTION WHO HAS EVER RELEASED ANY**
7 **INFORMATION REGARDING THESE PROCEEDINGS, OR THE COMPANION**
8 **DEPENDENCY MATTER, TO THE PRESS**

9 As the Court is aware, Petitioner has fought vigorously to seal the pleadings in this action;
10 particularly the pleadings that contain information which will harm Charlie should they be
11 disseminated throughout the tabloid media. Respondent, on the other hand, has vociferously argued
12 that she should be able to use the press as a litigation tool, regardless of the detriment that the
13 dissemination of such personal and horrific information would have upon Charlie. Based upon
14 Respondent's objections, this Court ruled that only information regarding the companion dependency
15 action may be sealed in the family law files.

16 Now, Petitioner attempts to re-write history in her Memorandum of Points and Authorities
17 when she states, "Respondent opposed the request, in part, based on her right to clear her good name,
18 *without only Petitioner's distorted version of what he claims to have occurred in the press...*"

19 [Emphasis added.] See Respondent's Memorandum of Points and Authorities, page 1, lines 13-15.

20 **Petitioner absolutely never spoke to the press about either Respondent's arrest on suspicion of**
21 **child abuse, or about the FBI investigation of Respondent regarding a possible death threat**
22 **made against both him and David Dickey.** Notably, there is absolutely *no reference* to a statement
23 made by Mr. Cryer, or made on Mr. Cryer's behalf, or even a statement *authorized* by Mr. Cryer or
24 his agents to *any* media source in *any* of the articles improperly attached to Respondent's moving
25 paperwork as Exhibit "A."² **This is because Mr. Cryer will not speak to the media about**
26 **Respondent, and he has not authorized anyone on his behalf to speak to the media about**
27 **Respondent.**

28 The fact that Respondent is now claiming that "Petitioner, or someone on his behalf, has made

²Notably, there is absolutely no foundation for *any* of the articles that Respondent has attached to her moving papers as Exhibit "A." Indeed, there is no declaration which references the Exhibits, which are rank hearsay and can not be admitted into evidence under any circumstance.

2 matters worse for Respondent and their child”³ by circulating a story about Petitioner’s “concerns for
3 his life since Respondent allegedly hired a “hitman” to kill him,”⁴ is wholly shocking, considering
4 that the genesis of this story is from Respondent herself.

5 On December 21, 2009, John Cahill, dependency counsel for Mr. Cryer, received a frantic
6 phone call from Angela diDonato, dependency counsel for Respondent. On that date, Ms. diDonato
7 informed Mr. Cahill that Respondent had broken up with her boyfriend, Eddie Sanchez,⁵ and that Mr.
8 Sanchez made a threat against the lives of both Mr. Cryer and David Dickey, Respondent’s second
9 husband (and the father of her three-year-old son). Ms. diDonato encouraged Mr. Cahill to seek a
10 restraining order against Mr. Sanchez, even stating that Respondent would sign a declaration in
11 support of such an Order.

12 The following day, Ms. diDonato followed up her telephone conversation with an e-mail to
13 Mr. Cahill (as well as Mr. Dickey’s dependency counsel), asking if he was “taking any action or
14 seeking restraining orders.” Thereafter, Mr. Dickey contacted Mr. Sanchez⁶ and asked him about
15 Respondent’s representation that Mr. Sanchez made a threat against both Mr. Cryer and Mr. Dickey.
16 Mr. Sanchez not only flatly denied making such a statement, but he said that it was Respondent who
17 had contacted him on numerous occasions, stating that she wanted to see the pair dead, and even
18 asking Mr. Sanchez if he would kill the pair, or if he would not, inquiring whether she could speak
19 with Mr. Sanchez’s father about this issue.

20 Upon receiving information that both Respondent and Mr. Sanchez acknowledged that a
21 threat against his life had been made (although it was unclear from *whom* the threat was made), Mr.
22 Cryer informed the head of security at Warner Brothers Studios about a possible threat against his
23

24 ³See Respondent’s Memorandum of Points and Authorities, page 1, lines 15-16.

25 ⁴See Respondent’s Memorandum of Points and Authorities, page 1, lines 16-17.

26 ⁵Respondent previously earmarked Mr. Sanchez as a witness who could testify on her behalf that the injury
27 to Alex Dickey was an accident, as she claimed she was speaking to Mr. Sanchez on the phone at the time of the
28 injury. To date, Respondent has not provided any written statement by Mr. Sanchez which verifies her account of
the injury, and Mr. Sanchez now denies that he was on the phone with Respondent when Alex was injured.

⁶Mr. Dickey knew Mr. Sanchez for four years, and was friends with him.

life, and requested that security on his set be heightened until he obtained more information as to the credibility of the threat. Thereafter, Mr. Cryer was contacted by the FBI and local law enforcement, who requested information regarding this possible death threat. Immediately after Mr. Cryer spoke with law enforcement officials, a story appeared on TMZ.com that there was a potential threat against Petitioner's life. The article also erroneously reported that the set of Two and a Half Men was closed, due to this potential threat. What is noteworthy, though, in the original article to appear in the media on this topic- minutes after Mr. Cryer spoke with the authorities- is that while neither Mr. Cryer nor anyone on his behalf is quoted in the article, Vicki Greene, counsel for Respondent, is.

Subsequent to the publication of the original story by TMZ.com on January 15, 2010, Mr. Cahill received an e-mail from Ms. diDonato, which stated, "We told you about the threat that Eddie made against Jon right away. I also asked that you inform me if you were seeking a restraining order so that Sarah could help and maybe even request her own with yours." Ms. diDonato continued that Mr. Cryer's "people are allegedly reporting it is connected to her."

Mr. Cahill responded to Ms. diDonato's baseless allegation that Mr. Cryer (or his "people") were spreading rumors about Respondent via e-mail on January 18, 2010. On that date, Mr. Cahill stated, "My client does not know where this story came from. I have read the TMZ article. It does not say that his show is reporting that the threat came from Sarah. The allegation that my client's people are reporting the threat is connected to Sarah is nowhere stated in the article and is flat out false. Neither my client nor my client's people are the source of this story or in any way involved with it. My client would very much like to know the source of the TMZ article."

Four hours after she received this response from Mr. Cahill, Ms. diDonato sent him an e-mail that she had received from Eddie Sanchez. In Mr. Sanchez's e-mail, he states, "I have tried to talk to you or sarah, but i did not know that she's trying to blame me for something she always wanted to do! tell her how many times she told me over the phone how much she will like to have someone ???? jon and david!"

Thus, Respondent's own attorney confirmed the report from Mr. Dickey that Mr. Sanchez

2 claimed that Respondent has made threatening statements against both of her children's fathers.
3 Moreover, it was Respondent's own attorney who first brought attention to a potential threat against
4 Mr. Cryer's life, and it was Mr. Cryer's own attorney who encouraged him to "take action" in
5 regards to the potential threat against his life.

6 Thereafter, Ms. Greene, also Respondent's attorney, waged war against Mr. Cryer in the
7 media, speaking with anybody and everybody who would listen. For example, on January 21, 2010,
8 Ms. Greene was quoted as saying, "Maybe he's tired of Charlie Sheen getting all of the attention.
9 None of this is going on. I can't even believe this whole story. It's a fabrication of his imagination."⁷
10 On January 22, 2010, Ms. Greene was quoted as saying, "He enjoys the publicity...Jon is claiming
11 to whomever he is claiming it to. They are publicity-wise milking this for everything they can...What
12 can I tell you, this is Hollywood. Jon's a big celebrity and he should be making a statement saying
13 that he knows the mother of his child did not do what the news is reporting."⁸

14 On January 23, 2010, Ms. Greene was quoted as saying, "I think Jon should be ashamed of
15 himself and he should make a public statement clearing Sarah's name because this is ridiculous," "Jon
16 could say he knows darn well that there is nothing to this. That Sarah didn't do this," and "I don't
17 think this is nice what Jon's putting her through. He should [be clearing Trigger's name] for his
18 child."⁹

19 On January 15, 2010, Respondent spoke to Radaronline.com, and said, "I don't know the
20 nature of the threats...I have nothing to do with what happened. I personally didn't make any threats
21 or comments *on the set to anyone*."¹⁰ [Emphasis added.] In the same article, Radaronline.com

23 ⁷"Cryer Death Threat Report Slammed By Ex-Wife's Lawyer," January 21, 2010,
24 <http://www.imdb.com/news/ni1450059/>.

25 ⁸"Exclusive: Lawyer Demands Jon Cryer Clear Ex's Name In Hitman Plot," January 23, 2010,
26 <http://www.radaronline.com/exclusives/2010/01/exclusive-jon-cryers-exs-lawyer-demands-he-clear-exs-name-hitman-plot>

27 ⁹Detoni, Meilei Sawyer, "Jon Cryer Told to Clear Ex-Wife's Name." January 23, 2010,
28 <http://www.limelife.com/blog-entry/Jon-Cryer-Told-to-Clear-ExWifes-Name/32240.html>.

¹⁰"Exclusive Interview: Jon Cryer's Ex Denies Any Involvement in On-Set Chaos," January 15, 2010,
<http://www.radaronline.com/print/23898>

specifically notes that a “rep for Cryer did not immediately respond for comment.”

Out of dozens of articles written on this subject, *not one* references a comment or a quote stemming from Mr. Cryer, or any of his agents. Meanwhile, virtually *every* article on this subject features a dig against Mr. Cryer from Respondent or Ms. Greene. Further, while Respondent was fully aware of the fact that she claimed the threat stemmed from Eddie Sanchez, *she never revealed this information in any media inquiry*. Although Respondent’s counsel demands that Mr. Cryer “clear” Respondent’s name, she had the opportunity to do so herself *and chose to attack Petitioner instead*.¹¹

As is clearly evidenced by the above, Respondent’s statement that “what is being reported had to start with Petitioner” *is knowingly false*. As Respondent knows, the FBI Investigation into the alleged death threats made against Mr. Cryer stem from *her own admissions of same via her attorney*. This distinction is extremely important, as Respondent has endeavored throughout the course of this litigation to portray Petitioner as some all-powerful puppet master, whose only purpose is to wreck havoc on the weak, helpless Respondent. It is clear from this most recent baseless accusation against Petitioner, it is Respondent who is creating chaos not only in the media, but in the life of Petitioner and the parties’ minor child, who is no doubt negatively effected by Respondent’s actions.

III.

PETITIONER HAS COMPLIED WITH ALL DISCOVERY REQUESTS IN THIS CASE AND RESPONDENT’S REQUEST FOR ISSUE SANCTIONS AGAINST RESPONDENT IS WITHOUT BASIS, AS HE HAS NOT PREVIOUSLY BEEN COMPELLED TO PROVIDE FURTHER RESPONSES TO DISCOVERY

Pursuant to her moving papers, Respondent is requesting that Petitioner be sanctioned under *Code of Civil Procedure* §2031.310(c). Respondent represents that this code section states as follows,

“if a party then fails to obey an order compelling inspection, copying, testing or sampling, the court may make those orders that are just, including the imposition of an issue sanction, an evidence sanction, or a terminating sanction under Chapter 7 (commencing with Section 2023.010). In lieu of or in addition to that sanction, the court may

¹¹Indeed, information obtained from Ms. diDonato indicates that Respondent *has*, in fact, made statements against Mr. Cryer’s life. Therefore, Respondent actually demanded via the media that Petitioner “clear” her of conduct that *her own agent* has confirmed occurred!

2 impose a monetary sanction under Chapter 7 (commencing with
3 Section 2023.010)..."

4 *However, a brief review of the Code of Civil Procedure reveals that this is NOT what*

5 *§2031.310(c) says.* Code of Civil Procedure §2031.310(c) actually states the following:

6 "Unless notice of this motion is given within 45 days of the service of
7 the response, or any supplemental response, or on or before any
8 specific later date to which the demanding party and the responding
9 party have agreed in writing, the demanding party waives any right to
10 compel a further response to the [4] demand."

11 As Respondent has not properly put Petitioner on notice as to the basis of the relief she is
12 seeking, her request *must* be denied.

13 Further, as the Court clarified on February 9, 2010, *there has been no Motion to Compel*
14 *granted against Petitioner in this case.* On October 20, 2009, Respondent served a "Motion in
15 Limine" on Petitioner, with a hearing date of November 2, 2009. Said "Motion in Limine" was
16 actually a Motion to Compel, seeking responses to discovery from Petitioner *that Respondent had*
17 *never actually requested in the first place.* On November 2, 2009, the Court denied Respondent's
18 Motion in Limine in it's entirety. As the Court noted on February 9, 2010, the Court then encouraged
19 Petitioner to comply with discovery in this case.¹²

20 On September 4, 2009, Respondent propounded a Demand for Production and Inspection of
21 Documents on Petitioner. Petitioner provided his responses to the discovery request on October 5,
22 2009. Pursuant to the *actual Code of Civil Procedure* §2031.310(c), Respondent had forty-five (45)
23 days from October 5, 2009 (or November 19, 2009)¹³ to file a Motion Compelling Further Responses
24 to her discovery request. She elected not to do so. As such, Respondent is out of time to file any
25 Motion to Compel on this issue.

26 It is anticipated that Respondent will argue that she elected not to file a Motion to Compel
27 Further Responses to Request for Production of Documents, based upon the Court's comments
28 (which Respondent included in her proposed Statement of Decision, and Order After Hearing) that

12 Notably, Petitioner complied with Respondent's discovery request on October 5, 2009. No further
requests for production of documents were served on Petitioner by Respondent until February 9, 2010, as an
attachment to a Notice of Deposition.

13 Subsequent to the denial of her Motion in Limine, Respondent had an additional seventeen (17) days to
timely file a properly noticed Motion to Compel, yet chose not to do so.

2 Petitioner is "ordered" to comply with "discovery." It is clear from the Court's comments on
3 February 9, 2010 that these comments were not intended to be an "order," as no discovery issues
4 were properly pending before the Court on November 2, 2009.

5 Nonetheless, it is anticipated that Respondent will argue that she relied in good-faith on the
6 Court's comments to be the granting of a "Motion to Compel" against Petitioner, such that this
7 Motion should be granted, or that she be excused from following the tenants of *Code of Civil*
8 *Procedure* §2031.310(c), which provides the time frame in which she must file a Motion to Compel.
9 However, it is clear that Respondent did not, in fact, have a reasonable belief that the Court granted
10 a Motion to Compel Further Response on November 2, 2009, for the following reasons: 1)
11 Respondent never filed such a Motion; 2) there was no Motion regarding discovery responses
12 properly before the Court on November 2, 2009; 3) Respondent's Motion in Limine, which was
13 actually a Motion to Compel served out of compliance with *Code of Civil Procedure* §1005(b), was
14 flatly denied by the Court; and 4) even *after* Respondent's disguised Motion in Limine requesting
15 that the Court compel discovery from Petitioner was denied, she had another *three weeks* to file a
16 proper Motion to Compel, but chose not to do so.

17 Further, there is *no legal precedence* that gives this Court the authority to excuse a party from
18 the time limits set forth in *Code of Civil Procedure* §2031.310(c). In fact, *Code of Civil Procedure*
19 §2031.310(c) expressly addresses the manner in which the time to file a Motion to Compel may be
20 extended- that is, it is extended *only* by mutual agreement of the parties. There was no such
21 agreement in this case.

22 Certainly, it would be a most Draconian Order to determine that Petitioner is unable to present
23 any evidence on any issue, based upon a phantom Motion to Compel that Respondent insists was
24 granted. Even if the Court reverses it's position and is swayed that the November 2, 2009 Order
25 contains an Order Compelling discovery from Petitioner, the actual Order from that date is not
26 specific enough to put Petitioner on notice as to what discovery, if any, he is compelled to respond.
27 Indeed, Respondent should not be allowed to rely on some amorphous Order (which Order has
28 essentially been set-aside, per the Court's ruling on February 9, 2010) to obtain severe sanctions

2 against Petitioner, when Petitioner has complied with *all* discovery requests from Petitioner.

3 Finally, Respondent states that Petitioner has precluded her from obtaining evidence as to
4 *Petitioner's lifestyle*. She then quotes *Johnson v. Superior Court* (1998) 66 Cal.App.4th 68.
5 Assuming that Respondent's counsel have actually read the case which they cite, then they are fully
6 aware that the *Johnson* case sets forth the authority that where the extraordinarily high earner parent's
7 income level and the amount of child support are contested, *limited discovery* must be permitted to
8 enable the court to make "net disposable income" assumptions least favorable to the higher earner,
9 and that the extent of allowable discovery in these circumstances ordinarily will be restricted to
10 *income* information; in deference to the high earner's privacy rights.

11 Despite her actual knowledge that evidence of Petitioner's "lifestyle" is not relevant to this
12 case, she not only has improperly filed a Motion for Issue Sanctions against Petitioner, *but she has*
13 *also served a Deposition Notice with a document request seeking documents evidencing Petitioner's*
14 *lifestyle*.

15 It is clear that Respondent has filed her Motion, as well as propounded discovery *solely to*
16 *harass Petitioner*, and entirely in bad faith.

17 **IV.**

18 **RESPONDENT'S REQUEST FOR A PROTECTIVE ORDER IS WITHOUT MERIT**

19 Pursuant to California Code of Civil Procedure §2030.090:

20 (b) The court, for good cause shown, may make any order that justice
21 requires to protect any party or other natural person or organization
from unwarranted annoyance, embarrassment, or oppression, or undue
burden and expense...

22 One of the central purposes of discovery is "testing the pleadings" by enabling a party to
23 determine what his opponent's contentions are and the facts upon which those contentions are based.
24 Burke v. Superior Court, 71 Cal. 2d 276, 281, 78 Cal. Rptr. 481 (1969). A party may obtain
25 discovery regarding any matter that is relevant to the subject matter of the action and is reasonably
26 calculated to lead to the discovery of admissible evidence. Cal. Civ. Proc. Code § 2017.010; See
27 also, Alpine Mutual Water Co. v. Superior Court for Ventura Co., 259 Cal. App. 2d 45, 53 (1968).
28 In fact, the discovery rules are applied liberally in favor of discovery, and even fishing expeditions

2 are permissible. Stewart v. Colonial Western Agency, Inc., 87 Cal. App. 4th 1006 (2001). In turn,
3 the responding party is obligated to make a "reasonable and good faith effort to obtain the
4 information" requested and provide a response that is **"as complete and straightforward"** as
5 possible. Cal. Civ. Proc. Code § 2030.220 [Emphasis added]; Deyo v. Kilbourne (1978) 84 Cal. App.
6 3d 783, 149 Cal. Rptr. 509; Regency Health Services, Inc. v. Superior Court (1998) 64 Cal. App. 4th
7 1496, 1504, 76 Cal. Rptr. 2d 95, 100.

8 Form Interrogatories "are designed to elicit fundamental information common to virtually all
9 marriage dissolution litigation." See Hogoboom & King, Cal. Practice Guide: Family Law (The
10 Rutter Group 2009 Westlaw), ¶ 11:229.

11 Here, Respondent is refusing to respond to form interrogatories and a request for production
12 of documents, which assess Respondent's income, assets, and expenses, which are crucial in a
13 determination of child support and Respondent's requests for attorney's fees and costs.

14 Currently, the parties have a hearing regarding child support and attorneys fees scheduled to
15 be heard on March 23, 2010. Petitioner's Request for Production of Documents (served on December
16 29, 2009) attempts to ascertain Respondent's income, assets, and expenses. As an example, Request
17 No. 1 requests Respondent's federal and state tax returns. This information is relevant to
18 Respondent's current and historical income (which is relevant to the issue of Respondent's ability
19 to work to support Charlie). In general:

20 1. Request numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 27, 30, 31, 39, 43, 44, and 49
21 are relevant to a determination of Respondent's income, a factor in calculating the child support to
22 which Respondent, as a non-custodial parent, is entitled.

23 2. Request numbers 1, 2, 3, 8, 9, 15, 16, 17, 18, 23, 26, 28, 29, 32, 41, 42, 43, 44, 45, 46,
24 47, 48, 51, and 52 seek information regarding Respondent's assets, to assist Petitioner in assessing
25 Respondent's need for or ability to pay attorney's fees and costs.

26 3. Request numbers 8, 9, 10, 11, 12, 13, 14, 19, 20, 21, 22, 24, 25, 31, 33, 34, 35, 36, 37,
27 38, 40, 49, 50, 51, 53, and 54 seek information regarding Respondent's expenses, an issue which is
28 relevant to both Respondent's claimed need for child support and attorney's fees.

2 Respondent's Form Interrogatory (served on Petitioner on December 29, 2010) Nos. 2, 6, 7,
3 8, 9, 10, 11, 12, and 13, are calculated to seek information regarding Respondent's income. Form
4 Interrogatory Nos. 2, 3, 4, 5, 10, 15, 16, 17, 19, 20, and 21 request information regarding
5 Respondent's expenses. Form Interrogatory Nos. 2, 3, 9, 10, 11, 12, 13, 14, seek information related
6 to Respondent's assets, relevant to her ability to pay attorney's fees and costs. Form Interrogatory
7 No. 1 requests basic background information regarding Respondent. Form Interrogatory No. 18
8 requests information regarding any physical or emotional condition that limits Respondent's ability
9 to work, which is relevant to a determination regarding child support. All of the above requested
10 information is relevant to the issues of child support and/or attorney's fees and costs, the only two
11 issues now pending before this Court.

12 Petitioner propounded discovery upon Respondent so that he would be able to obtain the
13 information necessary for him to fully prepare for the upcoming hearing on child support. It was not
14 served to annoy, embarrass, or oppress Respondent. At the hearing on February 9, 2010,
15 Respondent's counsel made a representation that the request for a protective order was filed, due to
16 the time frame requested for the production of documents. Although Respondent's moving
17 paperwork sets forth no such argument, common sense dictates that this argument is not correct. For
18 example, the Form Interrogatories served on Respondent were created by the Judicial Counsel to
19 ensure that parties to an action have an inexpensive manner in which to propound discovery on very
20 basic information. Further, Petitioner's Request for Production of Documents requests three years
21 worth of documents. Such a time frame is reasonable in this case for two reasons: 1) mother is a
22 fluctuating wage earner, and Petitioner must assess her average income over time, and 2) Respondent
23 has made it clear that she will be requesting an upward modification of child support at the March
24 23, 2010 hearing (presumably under the assumption that Respondent will have more than eight (8)
25 hours of monitored visitation with Charlie per week). If this is the case, then Petitioner is entitled
26 to discovery which sets forth what Respondent's past expenses (i.e., Charlie's historical needs) have
27 been. Respondent has not been Charlie's primary caretaker in nearly ten (10) months. Clearly, a
28 document request limiting her expenses for Charlie to a year or less would *not* show her true "need"

2 for support in the scenario postulated by Respondent (however unlikely it seems at this time) that she
3 becomes Charlie's custodial parent prior to the hearing on March 23, 2010.

4 As explained above, good cause exists for Petitioner's request, as such documents are relevant
5 to the instant proceedings. Accordingly, Respondent's request for a Protective Order is without
6 merit, and Respondent should be compelled to produce documents and responses to Petitioner's
7 discovery request.

8 **V.**

9 **THE COURT SHOULD DENY RESPONDENT'S REQUEST FOR ATTORNEY'S FEES**

10 **A. Respondent's attorney's fees are not reasonable**

11 Pursuant to *Family Code* §2030(a), an attorney fee request must be found to be reasonable,
12 or no fees may be awarded. Pursuant to the January 26, 2010 Declaration of Vicki Greene, Esq., for
13 Respondent's nine page Memorandum of Points and Authorities, and Ms. Greene's one and a half
14 page declaration, she would have us believe that a total of approximately twenty-four (23.75) hours
15 was spent by her office in the drafting of same. The amount of time expended is not proportional to
16 the amount of work produced, and is unreasonable on its face.

17 Additionally, Ms. Greene's declaration failed to comport with the specificity requirements
18 as required by *Marriage of Keech*. Notably, Ms. Greene does not supply this Court with her redacted
19 billing statements to show the amount or type of work billed to Respondent for her Motion.
20 Accordingly, Ms. Greene has caused the Court to be unable to make a determination regarding
21 whether any of the fees as stated in her declaration are reasonable.

22 **B. Ms. Greene's declaration failed to comply with LASC Rule 14.10**

23 Ms. Greene had failed to state her qualifications (years in practice, professional certifications)
24 in her declaration. Additionally, Ms. Greene mentioned two other people, Natalie S. Lowe and Sarah
25 M. Starkey, who assisted her in the preparation of Respondent's response. However, she failed to
26 state how either of these people relate to her representation of Respondent, or their qualifications.

27 **C. Respondent failed to file a current Income and Expense Declaration**

28 Pursuant to California *Rules of Court*, Rule 5.118, a completed Income and Expense
Declaration must be attached to a Motion to which it is relevant for the relief requested. Respondent

last filed an Income and Expense Declaration on October 19, 2009. Accordingly, Respondent does not have a "current" Income and Expense Declaration on file as defined in California *Rules of Court*, Rule 5.128(a).

For the reasons stated above, Petitioner respectfully requests that the Court deny Respondent's request for attorney's fees as her attorney's fees were not reasonable, and she failed to comply with LASC Rule 14.10, and the *Family Code* and California *Rules of Court*.

VI.
**RESPONDENT MUST BE SANCTIONED IN THE AMOUNT OF \$7,375 IN
CONNECTION WITH HER ABUSE OF THE DISCOVERY PROCESS**

California *Code of Civil Procedure* §2023.010 defines a misuse of the discovery process as "(d) Failing to respond or to submit to an authorized method of discovery...(e) Making, without substantial justification, an unmeritorious objection to discovery...(h) Making or opposing, unsuccessfully and without substantial justification, a motion to compel or to limit discovery." California *Code of Civil Procedure* §2023.030, the court may impose monetary sanctions, including attorney's fees, against anyone engaging in conduct that is a misuse of the discovery process. California *Code of Civil Procedure* §2023.090(d) requires the court to impose a monetary sanction against any party who unsuccessfully makes a motion for protective order. Further, *Family Code* §271 provides for an award of attorney's fees as a sanction against a party who frustrates the police to promote settlement of litigation.

The entirety of Respondent's Motion is a misuse of the discovery process. Respondent is well aware that no Motion to Compel has ever been granted by this Court against Petitioner. Respondent is also fully aware that Petitioner has previously complied with her discovery requests, and that she failed to file a Motion to Compel further responses. Respondent is aware that she did not file such a Motion *because Petitioner complied with her discovery requests to the extent that the law provides that he, as a high-wage earner, must do*. The one and only category to which Respondent complains that Petitioner did not produce documents was a request for Petitioner's lifestyle expenses, documents *to which Respondent is fully aware that she is not entitled under the Johnson case, which she has cited in her moving papers*.

2 The balance of Respondent's Motion, wherein she requests a Protective Order, is completely
3 without merit. Nowhere in her moving papers does Respondent inform either this Court or Petitioner
4 *why* she claims that Petitioner's discovery is "overly burdensome." In fact, Respondent's request for
5 a Protective Order seems to be predicated on the fact that *any* discovery served upon her by Petitioner
6 is "overly burdensome" because Petitioner served a "Motion to Audit Respondent." *See*
7 Respondent's Memorandum of Points and Authorities, page 8, lines 5-6. Respondent's position that
8 she should not have to respond to discovery based upon a then-pending unrelated Motion is without
9 basis in law.

10 On February 9, 2010, this Court made it clear that it had *not* previously granted an Order
11 compelling Petitioner to provide discovery to Respondent. Despite this clear indication from the
12 Court, Respondent has chosen *not* to take this improperly-filed Motion off-calendar, but has rather
13 decided to forge ahead. This behavior clearly indicates that the Motion is *not* made in good faith, but
14 rather, was filed to annoy and harass Petitioner, to cause him to incur substantial fees in having to
15 respond to same (and, possibly for the payment of fees to Respondent's counsel, who prepared this
16 improperly filed Motion), and to preclude Respondent from obtaining the discovery from Respondent
17 he needs to be able to properly prepare for the March 23, 2010 hearing.

18 Petitioner respectfully requests that Respondent's egregious conduct be addressed by the
19 Court by a sanction in the amount of \$7,375 which amount represents the attorneys' fees Petitioner
20 was forced to incur in connection with responding to Respondent's improper Motion. Petitioner
21 further requests that Respondent's request for attorney's fees be denied in its entirety.

22 **VII.**
CONCLUSION

23 Based upon the foregoing, Petitioner respectfully requests the Court deny Respondent's
24 Motion in its entirety, and Order Respondent to pay Petitioner the amount of \$7,375 in sanctions.

25 Dated: February 11, 2010

Respectfully Submitted,
SUSAN E. WIESNER,
A LAW CORPORATION

27 By: Amanda B. Harvey
AMANDA B. HARVEY
Attorneys for Petitioner
JON CRYER

2 DECLARATION OF JOHN CAHILL

3 I, JOHN CAHILL, declare as follows:

4 1. I am not a party to this action. I am an attorney at law licensed to practice in all the
5 courts of the State of California, and am an attorney of record for Petitioner, JON CRYER
6 ("Petitioner"), in the dependency matter pending against Respondent, SARAH TRIGGER
7 ("Respondent"). I have firsthand knowledge of the facts stated herein, and if called upon as a witness,
8 could and would competently testify hereto under oath.

9 2. I submit this declaration in response to Respondent's Motion for Issue Sanctions, a
10 Protective Order and to Continue Hearing if Necessary.

11 3. On December 21, 2009, I received a telephone call from Respondent's dependency
12 counsel, Angela diDonato. Ms. diDonato told me that she had just spoken to Ms. Trigger, and that
13 Ms. Trigger and her boyfriend, Eddie Sanchez, had broken up. Ms. diDonato then told me that prior
14 to the break-up, Mr. Sanchez had made statements to Respondent that he was going to kill both Jon
15 Cryer and David Dickey, the fathers of Respondent's children. Ms. diDonato informed me that Ms.
16 Trigger would be willing to provide a declaration against Mr. Sanchez in support of a restraining
17 order brought by my client, if he so chose. During this conversation, Ms. diDonato was very adamant
18 that a threat had been made against Mr. Cryer, and she seemed extremely concerned. She told me that
19 she was letting me know, so that Mr. Cryer could take the appropriate action to protect himself.

20 4. The following day, I received an e-mail from Ms. diDonato (also addressed to Ernesto
21 Rey, Mr. Dickey's dependency counsel), which stated, "I take it that both of you have informed your
22 clients about our conversation from yesterday. Are they taking any action or seeking restraining
23 orders? Please let me know right away. Thanks." A true and correct copy of this e-mail is attached
24 hereto as **Exhibit "A."**

25 5. Thereafter, on January 15, 2010, I received an e-mail from Ms. diDonato stated that
26 she told me "about the threat that Eddie made against Jon right away." She further stated that she
27 asked that I inform her if we would be seeking a restraining order "so that Sarah could help and
28 maybe even request her own with yours." A true and correct copy of this e-mail is attached hereto

as **Exhibit “B.”** In this e-mail, Ms. diDonato also accused Mr. Cryer’s “people” of reporting that the death threat was “connected to her.”

6. I responded to Ms. diDonato on January 18, 2010, noting that Mr. Cryer does not know how the media got information relating to this issue, and noting that Ms. diDonato’s claims that Mr. Cryer’s “people” were reporting that the threat came from Sarah is not stated in the article, and was false. A true and correct copy of my January 18, 2010 e-mail to Ms. diDonato is attached hereto as **Exhibit “B.”**

7. That evening, Ms. diDonato forwarded an e-mail to me that she had apparently received from Eddie Sanchez. In this e-mail, Eddie states, “I have tried to talk to you or Sarah but i did not know that shes trying to blame me for something she always wanted to do! **Tell her how many times she told me over the phone how much she will like to have someone ??? jon and david!**” [Emphasis added.] A true and correct copy of this e-mail is attached hereto as **Exhibit “C.”**

8. I have never spoken to the media regarding Mr. Cryer or Ms. Trigger, nor have I authorized anybody to do so on Mr. Cryer’s behalf. As this Court is aware, as dependency court counsel I am bound pursuant to the law and local court rules regarding confidentiality, and, therefore, I am restrained from speaking to the media about any portion of my representation of Mr. Cryer.

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

Executed this 10th day of February 2010, at Los Angeles, California.


JOHN CAHILL

2 **DECLARATION OF DAVID DICKEY**

3 I, DAVID DICKEY, declare as follows:

4 1. I am not a party to this action. I have firsthand, personal knowledge of the facts
5 contained in this declaration.

6 2. I submit this declaration in response to Respondent's Motion for Issue Sanctions, a
7 Protective Order and to Continue Hearing if Necessary and Attorney Fees and Costs and Sanctions.

8 3. On or about December 21, 2009, the social worker from DCFS informed me that
9 Respondent was claiming that her ex-boyfriend, Eddie Sanchez, was threatening both Jon Cryer and
10 myself. It was my understanding that Respondent was claiming that Mr. Sanchez had made threats
11 against our lives.

12 4. I personally know Mr. Sanchez for four years. I was friends with Mr. Sanchez. I had
13 invited him to my wedding, and he was at my house for Thanksgiving dinner in 2008, prior to the
14 beginning of the dissolution proceedings between Respondent and I.

15 5. I could not understand why Mr. Sanchez would want to kill either me or Mr. Cryer
16 (who has never met Mr. Sanchez), given that Mr. Sanchez and Respondent were no longer in a
17 relationship, as asserted by Respondent's dependency attorney. Accordingly, I then called Mr.
18 Sanchez to ascertain whether he had in fact threatened to kill us.

19 6. On January 10, 2010, I called Mr. Sanchez at approximately 9:00 p.m., and asked Mr.
20 Sanchez if he had ever stated that he wanted to kill either me or Mr. Cryer. He immediately told me
21 that he had never made any such statement. I then told him that Respondent had represented to us
22 that he had made such a threat, and that she was encouraging us to seek a restraining order against
23 him. Mr. Sanchez then told me that Respondent had created this story as a method to control him,
24 and to prevent me and Mr. Cryer from speaking to him regarding the child custody matter, as he had
25 enough proof for her to lose custody of the children.

26 7. On January 11, 2010, I spoke to Mr. Sanchez, and he stated to me that Respondent was
27 the threat against me and Mr. Cryer, not him. On the same day, I spoke to Mr. Cryer and told him
28 that Mr. Sanchez denied he ever had the intention to kill me or Mr. Cryer.

2 8. On January 13, 2010, I spoke with Mr. Sanchez that evening. He told me that
3 Respondent had asked him to kill Mr. Cryer and myself, or for him to arrange our deaths, and that
4 he refused to do so. He also stated that Respondent had met with someone three weeks prior to our
5 conversation (which would have been around the week of December 21, 2009) to have us followed,
6 or "I don't know [for what]".

7 9. On January 14, 2010, I contacted Mr. Cryer and informed him of Mr. Sanchez's
8 statement that Respondent had requested that he kill us, or find someone to do it for her.

9 10. The following week, I was contacted by law enforcement personnel who are presently
10 investigating the threats that both Respondent and Mr. Sanchez state were made against us.

11 11. At no time have I ever spoken to anyone, or written to any person, regarding this case,
12 the dependency case, or the FBI investigation currently pending against Respondent and Mr. Sanchez
13 (other than law enforcement personnel). Moreover, I have not authorized any agent (including, but
14 not limited to, my attorneys, relatives, friends, co-workers, or acquaintances) to speak to the media
15 regarding any of those subjects.

16
17 I declare under penalty of perjury under the laws of the State of California that the foregoing
18 is true and correct.

19 Executed this 11th day of February 2010, at Los Angeles, California.

20
21 **SEE ATTACHED SIGNATURE**

22 DAVID DICKEY

1 In Re Marriage of Cryer

L.A.S.C. Case No. BD 405890

2 8. On January 13, 2010, I spoke with Mr. Sanchez that evening. He told me that
3 Respondent had asked him to kill Mr. Cryer and myself, or for him to arrange our deaths, and that he
4 refused to do so. He also stated that Respondent had met with someone three weeks prior to our
5 conversation (which would have been around the week of December 21, 2009) to have us followed,
6 or "I don't know [for what]".

7 9. On January 14, 2010, I contacted Mr. Cryer and informed him of Mr. Sanchez's
8 statement that Respondent had requested that he kill us, or find someone to do it for her.

9 10. The following week, I was contacted by law enforcement personnel who are presently
10 investigating the threats that both Respondent and Mr. Sanchez state were made against us.

11 11. At no time have I ever spoken to anyone, or written to any person, regarding this case,
12 the dependency case, or the FBI investigation currently pending against Respondent and Mr. Sanchez
13 (other than law enforcement personnel). Moreover, I have not authorized any agent (including, but
14 not limited to, my attorneys, relatives, friends, co-workers, or acquaintances) to speak to the media
15 regarding any of those subjects.

16
17 I declare under penalty of perjury under the laws of the State of California that the foregoing
18 is true and correct.

19 Executed this 11th day of February 2010, at Los Angeles, California.

20
21 
22 DAVID DICKEY
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2 **DECLARATION OF JON CRYER**

3 I, JON CRYER, declare as follows:

4 1. I am the Petitioner in this action. I have firsthand, personal knowledge of the facts
5 contained in this declaration, and if called as a witness, I could and would competently testify hereto
6 under oath.

7 2. I submit this declaration in response to Respondent's Motion for Issue Sanctions, a
8 Protective Order and to Continue Hearing if Necessary and Attorney Fees and Costs and Sanctions.

9 3. I have absolutely never, ever, spoken to the media regarding this case, the dependency
10 case, or the FBI investigation currently pending against Respondent and Mr. Sanchez. Moreover,
11 I have not authorized any agent (including, but not limited to, my publicist, attorneys, relatives,
12 friends, co-workers, or acquaintances) to speak to the media regarding any of those subjects.

13 4. I have no idea who leaked the information regarding the threats against me to the
14 press, although I am aware that TMZ cited "law enforcement sources" in one of their articles.

15 5. I have not commented on *any* stories in the media regarding Respondent, as I do not
16 believe that perpetuating the media interest in this case is best for our son. My publicist was
17 contacted for a response to the story from me, and for responses to Ms. Greene's negative comments
18 about me, and I would not authorize any statements to be made in my defense or on my behalf. It is
19 a complete falsity to assert that I am in any way responsible for the media's becoming aware of the
20 story. In fact, I took great pains to ensure that the story would not be reported to the media.

21 6. I have never told anybody that Respondent hired a "hitman" to kill me.

22 7. On December 21, 2009, I was contacted by the DCFS worker assigned to our case,
23 Kelly Figoten. Ms. Figoten asked me if I had heard that Respondent's counsel, Ms. diDonato, was
24 reporting that Respondent was afraid that Eddie Sanchez would kill both Mr. Dickey and me, based
25 upon an alleged threat made by him.

26 8. On the morning of January 14, 2010, Mr. Dickey informed me that he had spoken with
27 Mr. Sanchez, who flatly denied threatening us, but stated that Respondent had asked him to kill us,
28 or find someone who would do so.

2 9. The next day, January 15, 2010, was a Friday. My show films on Fridays, and it was
3 scheduled to be taped in front of a live audience that evening. Therefore, at approximately 1:00 p.m.,
4 I privately spoke to the head of security at Warner Brothers, and let him know that I had obtained
5 information that there was a possible threat against me. I spoke with the security officer privately,
6 and no announcement was made on the set, so that this issue would remain private. When the head
7 of security asked whether I wanted to inform LAPD threat management, I asked him not to contact
8 them at that time. At approximately 2:00 p.m., I was informed that my co-star requested that we do
9 not film in front of a live audience as he felt there were too many distractions. To be clear, the set
10 was not closed because of any threat made against me on the set on that date, nor did I ever claim that
11 there was a threat to the set. Additionally, in the past, the show has been filmed without an audience
12 due to illness and occasional production issues. Therefore, filming without an audience is not an
13 unprecedented occurrence.

14 10. It is my understanding that Warner Brothers Security was in contact with LAPD
15 Threat Management at some point regarding this possible threat. However, the LAPD Officer who
16 came to check on my home that evening was informed of the threat by the FBI.

17 11. It is my understanding that the FBI is currently investigating both Respondent and Mr.
18 Sanchez.

19 12. The first time I became aware of the TMZ story was when my publicist informed me
20 that the story had just been posted on TMZ.com.

21
22 I declare, under penalty of perjury, under the laws of the State of California, that the foregoing
23 is true and correct.

24 Executed this 11th day of February 2010, at Los Angeles, California.

25
26 **SEE ATTACHED SIGNATURE**
27 JON CRYER
28

9. The next day, January 15, 2010, was a Friday. My show films on Fridays, and it was scheduled to be taped in front of a live audience that evening. Therefore, at approximately 1:00 p.m., I privately spoke to the head of security at Warner Brothers, and let him know that I had obtained information that there was a possible threat against me. I spoke with the security officer privately, and no announcement was made on the set, so that this issue would remain private. When the head of security asked whether I wanted to inform LAPD threat management, I asked him not to contact them at that time. At approximately 2:00 p.m., I was informed that my co-star requested that we do not film in front of a live audience as he felt there were too many distractions. To be clear, the set was not closed because of any threat made against me on the set on that date, nor did I ever claim that there was a threat to the set. Additionally, in the past, the show has been filmed without an audience due to illness and occasional production issues. Therefore, filming without an audience is not an unprecedented occurrence.

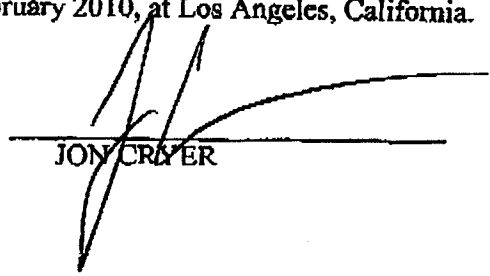
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11. It is my understanding that the FBI is currently investigating both Respondent and Mr. Sanchez.

12. The first time I became aware of the TMZ story was when my publicist informed me that the story had just been posted on TMZ.com.

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

Executed this 11th day of February 2010, at Los Angeles, California.



JON CRYER

2 **DECLARATION OF SUSAN E. WIESNER**

3 I, SUSAN E. WIESNER, declare as follows:

4 1. I am not a party to this action. I am an attorney at law licensed to practice in all of
5 the courts of the State of California, and am the attorney of record for Petitioner, JOHN CRYER
6 ("Petitioner"). I have firsthand knowledge of the facts stated herein, and if called upon as a witness,
7 could and would competently testify hereto under oath.

8 2. I submit this declaration in response to Respondent's Motion for Issue Sanctions, a
9 Protective Order and to Continue Hearing if Necessary and Attorney Fees and Costs and Sanctions.
10 Additionally, I submit this declaration in support of Petitioner's request for the Court to order
11 Respondent to pay Petitioner the amount of \$7,375 in sanctions, pursuant to *Code of Civil Procedure*
12 §§2023.010, 2023.030, 2030.090(d) and 2030.300(d), and *Family Code* §271.

13 3. Respondent's counsel has never served my office with a Motion to Compel Further
14 Responses to any discovery requests. Additionally, Respondent's deadline to file such a Motion to
15 Compel expired three (3) months ago.

16 **MEDIA ATTENTION ON THIS ISSUE**

17 4. Upon my review of any media attention given to Respondent in the past year, it is
18 *Respondent* who has perpetuated the media interest in her, by routinely and repeatedly giving
19 "exclusive" interviews and making statements (or allowing her attorney to make a statement on her
20 behalf) to the tabloids.

21 5. In the original article that appeared in the media on this topic, which was published
22 minutes after Mr. Cryer spoke with the authorities, neither Mr. Cryer nor anyone on his behalf were
23 quoted in the article. However, Vicki Greene, counsel for Respondent, was quoted in the article.
24 Moreover, as set forth here, Ms. Greene and her client have been routinely quoted in the media in
25 connection with this matter.

26 6. After the original article was published in the media, Ms. Greene waged a war against
27 Mr. Cryer in the media, speaking with anyone and everyone who would listen. For example:

28 A. On January 21, 2010, Ms. Greene was quoted as saying, "Maybe he's tired of

Charlie Sheen getting all of the attention. None of this is going on. I can't even believe this whole story. It's a fabrication of his imagination." A true and correct copy of the January 21, 2010 article titled "Cryer Death Threat Report Slammed By Ex-Wife's Lawyer" on <http://www.imdb.com/news/ni1450059/> is attached hereto as **Exhibit "D."**

B. On January 22, 2010, Ms. Greene was quoted as saying, "He enjoys the publicity...Jon is claiming to whomever he is claiming it to. They are publicity-wise milking this for everything they can...What can I tell you, this is Hollywood. Jon's a big celebrity and he should be making a statement saying that he knows the mother of his child did not do what the news is reporting." A true and correct copy of the January 22, 2010 article titled "Exclusive: Lawyer Demands Jon Cryer Clear Ex's Name in Hitman Plot" on <http://www.radaronline.com/exclusives/2010/01/exclusive-jon-cryers-exs-lawyer-demands-he-clear-exs-name-hitman-plot> is attached hereto as **Exhibit "E."**

C. On January 23, 2010, Ms. Greene was quoted as saying, "I think Jon should be ashamed of himself and he should make a public statement clearing Sarah's name because this is ridiculous," "Jon could say he knows darn well that there is nothing to this. That Sarah didn't do this," and "I don't think this is nice what Jon's putting her through. He should [be clearing Trigger's name] for his child." A true and correct copy of the January 23, 2010 article on <http://www.limelife.com/blog-entry/Jon-Cryer-Told-to-Clear-ExWifes-Name/32240.html> is attached hereto as **Exhibit "F."**

7. On January 15, 2010, Respondent spoke to Radaronline.com, and said, "I don't know the nature of the threats...I have nothing to do with what happened. I personally didn't make any threats or comments *on the set to anyone*." [Emphasis added.] A true and correct copy of the January 15, 2010 article on <http://www.radaronline.com/print/23898> is attached hereto as **Exhibit "G."** In the same article, Radaronline.com specifically notes that a "rep for Cryer did not immediately respond for comment."

8. Neither I nor anyone in my office have ever spoken to the media regarding this case, the Petitioner, or the Respondent.

9. On February 1, 2010, I sent correspondence to Ms. Greene wherein I specifically noted that it was false to claim that Mr. Cryer went to the press regarding anything to do with Ms. Trigger. A true and correct copy of this letter is attached hereto as **Exhibit "H."**

DISCOVERY ISSUES

A. Petitioner properly responded to Respondent's discovery request

10. On October 20, 2009, Respondent served a "Motion in Limine" on Petitioner, with a hearing date of November 2, 2009, at which I was present. Said "Motion in Limine" was actually a Motion to Compel, seeking responses to discovery from Petitioner *that Respondent had never actually requested in the first place*. On November 2, 2009, the Court denied Respondent's Motion in Limine in its entirety. As the Court noted on February 9, 2010, the Court then encouraged Petitioner to comply with discovery in this case.

11. On September 4, 2009, Respondent propounded a Demand for Production and Inspection of Documents on Petitioner. Petitioner provided his responses to the discovery request on October 5, 2009. Pursuant to the *actual Code of Civil Procedure* §2031.310(c), Respondent had forty-five (45) days from October 5, 2009 (or November 19, 2009) to file a Motion Compelling Further Responses to her discovery request. She elected not to do so. As such, Respondent is out of time to file any Motion to Compel on this issue.

12. No further requests for production of documents were served on Petitioner by Respondent until February 9, 2010, as an attachment to a Notice of Deposition.

B. Respondent's refusal to provide responses to Petitioner's discovery requests.

13. On December 29, 2009, my office caused Petitioner's Request for Production of Documents (Set One) and Form Interrogatories (Set One) to be served on Respondent's counsel, Vicki Greene. Please refer to Petitioner's Motions to Compel Further Responses to Form Interrogatories (Set One) and Request for Production of Documents (Set One) filed on February 5, 2010, Exhibit "A."

14. That afternoon, Respondent objected to all categories requested as being "too broad." Please refer to Petitioner's Motions to Compel Further Responses to Form Interrogatories (Set One)

2 and Request for Production of Documents (Set One) filed on February 5, 2010, Exhibit "B."
3 Notably, my office had limited the time period of Petitioner's discovery requests to three years, given
4 Respondent's status as a fluctuating income earner.

5 15. On January 4, 2010, I sent a letter addressing Ms. Greene's concerns, noting that
6 Petitioner's discovery requests specifically address Respondent's income and expenses (which are
7 relevant to the issues of child support and attorney's fees), and thus Petitioner's discovery is not
8 overly broad, burdensome or oppressive. Please refer to Petitioner's Motions to Compel Further
9 Responses to Form Interrogatories (Set One) and Request for Production of Documents (Set One)
10 filed on February 5, 2010, Exhibit "C." My office has never received a response to this letter from
11 Ms. Greene.

12 16. On January 27, 2010, I received Respondent's Motion for a Protective Order,
13 objecting to one hundred percent (100%) of Petitioner's discovery requests. To date, Respondent has
14 not produced one document to my office in response to Petitioner's properly-served requests.

15 17. On February 1, 2010, I sent a letter to Ms. Greene noting that Respondent failed to
16 provide a response to Petitioner's discovery requests, which was due on January 29, 2010. I further
17 requested that Respondent provide responses forthwith. Please refer to Petitioner's Motions to
18 Compel Further Responses to Form Interrogatories (Set One) and Request for Production of
19 Documents (Set One) filed on February 5, 2010, Exhibit "D."

20 18. Later that day, I received an e-mail from Ms. Greene, expressing that Respondent's
21 filing of a protective order excused her non-compliance with Petitioner's discovery requests. Please
22 refer to Petitioner's Motions to Compel Further Responses to Form Interrogatories (Set One) and
23 Request for Production of Documents (Set One) filed on February 5, 2010, Exhibit "E."

24 19. On February 5, 2010, my office filed Petitioner's Motions to Compel Further
25 Responses to Form Interrogatories (Set One) and Request for Production of Documents (Set One).

26 20. The reason for Respondent's adamant refusal to produce *one piece of paper* is likely
27 because she is aware that her production would evidence the fact that she is receiving income that
28 she wishes to hide from Petitioner and this Court, and further, that she is using the child support

2 received from Petitioner to pay for her private dependency counsel and experts in the dependency
3 matter.

4 21. At the hearing on February 9, 2010, Respondent's counsel made a representation that
5 the request for a protective order was filed, due to the time frame requested for the production of
6 documents.

7 **ATTORNEY'S FEES AND COSTS**

8 22. I have reviewed the relevant billing statements generated in connection with this
9 matter. Based upon my review of the billing statements, I can attest that the following fees were
10 incurred by Petitioner in connection with the preparation of this Motion:

11 A. On February 11, 2010, Jenny C. Feng, an associate at my firm, spent 3.5 hours
12 at a billable rate of \$275 per hour further drafting this response, including the memorandum of points
13 and authorities, and declaration, as well as reviewing the file for the exhibits to this Motion. (3.5 x
14 \$275 = \$962.50)

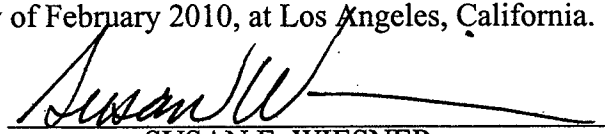
15 B. On February 10 and 11, 2010, Amanda B. Harvey, an associated at my firm,
16 spent 13.5 hours at a billable rate of \$300 per hour drafting this response, including the memorandum
17 of points and authorities and this declaration, as well as reviewing the file for additional exhibits to
18 this Motion. (13.5 x 300 = \$4050)

19 C. On February 11, 2010, I spent 0.5 hour at a billable rate of \$525 per hour
20 reviewing this response. I anticipate that Susan E. Wiesner, Esq., will expend 4.0 hours, at a billable
21 rate of \$525 per hour, preparing and for attending the hearing on this matter. (4.5 x 525 = 2362.50)

22 23. Therefore, Petitioner will incur a total \$7,375 in attorneys' fees in connection with
23 bringing the instant Motion.

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

26 Executed this 11th day of February 2010, at Los Angeles, California.

27 
28 SUSAN E. WIESNER

From: Angela di Donato [mailto:angela@sdchildlaw.com]
Sent: Tuesday, December 22, 2009 5:26 PM
To: Ernesto P. Rey; CONSTANT AND CAHILL
Subject: trigger

Ernesto and John-

I take it that both of you have informed your clients about our conversation from yesterday. Are they taking any action or seeking restraining orders? Please let me know right away. Thanks.

Angela Pierce di Donato

Sherman & di Donato

800 East Colorado Blvd., Suite 820

Pasadena, CA 91101

(626) 796-7771 Office

(626) 796-7779 Fax

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Exhibit A

Amanda Harvey

From: CONSTANT AND CAHILL [constantandcahill@prodigy.net]

Sent: Monday, January 18, 2010 5:06 PM

To: Angela di Donato

Subject: Re: immediate attention

Angela-

My client does not know where this story came from. I have read the TMZ article. It does not say that his show is reporting that the threat came from Sarah. The allegation that my client's people are reporting the threat is connected to Sarah is nowhere stated in the article and is flat out false. Neither my client nor my client's people are the source of this story or in any way involved with it. My client would very much like to know the source of the TMZ article.

John Cahill, Esq.

Certified Child Welfare Law Specialist (CWLS)*

2550 Hollywood Way, Suite 202

Burbank, California 91505-5016

Telephone: (818) 565-0440

Facsimile: (818) 566-7875

*National Association of Counsel for Children

Accredited by the State Bar of California, Board of Legal Specialization and the American Bar Association

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--- On Fri, 1/15/10, Angela di Donato <Angela@sdchildlaw.com> wrote:

From: Angela di Donato <Angela@sdchildlaw.com>

Subject: immediate attention

To: "CONSTANT AND CAHILL" <constantandcahill@prodigy.net>

Date: Friday, January 15, 2010, 4:41 PM

Exhibit B

2/9/2010

John-

We told you about the threat that Eddie made against Jon right away. I also asked that you inform me if you were seeking a restraining order so that Sarah could help and maybe even request her own with yours. We never heard back from you. now TMZ is reporting that Jon's show wont tape with an audience tonight because of a "significant threat" and his show is telling them that it is Sarah. Please get this corrected right away. It has nothing to do with her and she did the right thing but telling Jon so that he could take action. This is not right that his people are allegedly reporting it is connected to her.

Angela Pierce di Donato

Sherman & di Donato

800 East Colorado Blvd., Suite 820

Pasadena, CA 91101

(626) 796-7771 Office

(626) 796-7779 Fax

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2/9/2010

Exhibit B

--- On Mon, 1/18/10, Angela Pierce di Donato <Angela@SDchildlaw.com> wrote:

From: Angela Pierce di Donato <Angela@SDchildlaw.com>
Subject: Fwd: stop using me
To: "CONSTANT AND CAHILL" <constantandcahill@prodigy.net>
Date: Monday, January 18, 2010, 9:08 PM

Sent from my iPhone

Begin forwarded message:

From: eddie sanchez <eddiesanchez2010@hotmail.com>
Date: January 16, 2010 5:58:46 PM PST
To: <angela@sdchildlaw.com>
Subject: RE: stop using me

From: eddiesanchez2010@hotmail.com
To: [REDACTED]
Subject: RE: stop using me
Date: Sat, 16 Jan 2010 08:58:28 -0800

From: eddiesanchez2010@hotmail.com
To: angelela@dschildlaw.com
CC: [REDACTED]
Subject: stop using me
Date: Sat, 16 Jan 2010 08:36:54 -0800

angela and sarah: i so the e mail you send to jons lawers about tmz where you and sarah are trying to blame me for life threat against jon and the show, why is she trying to used me again on her case „she already used me for 10 months and all i did was help her! stop using me! or iam going to have to take legal action against her! I have tried to talk to you or sarah but i did not know that shes trying to blame me for something she always wanted to do! tell her how many times she told me over the phone how much she will like to have someone ???? jon and david! also she lying about me trying to kill her,. I always told her that people can fix anything

2/9/2010

Exhibit C

in life by talking to each others if she have listening to me she would have her kids back already!, because have talk to jon and he was willing to work things out she can still do it! I want to help her let me know if she wants to fix it and get her kids back! wish her my best!. att eddie.

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

Your E-mail and More On-the-Go. Get Windows Live Hotmail Free. [Sign up now.](#)

Hotmail: Powerful Free email with security by Microsoft. [Get it now.](#)

TMZ

2/9/2010

Exhibit C

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Cryer Death Threat Report Slammed By Ex-wife's Lawyer

21 January 2010 5:36 PM, PST | [WENN](#) | [See recent WENN news »](#)



A lawyer representing [Jon Cryer's](#) ex-wife [Sarah Trigger](#) has lashed out at reports her client was behind alleged death threats made against the actor last week.

Security on the set of Cryer's U.S. sitcom *Two & A Half Men* was reportedly boosted after the actor received a menacing phone call - and members of a studio audience were sent home.

Agents from the Federal Bureau of Investigation (FBI) were then brought in to get to the bottom of the alleged threats.

Sources close to the show told [TMZ.com](#) that the star believed his ex could have hired a hitman to kill him, but Trigger's lawyer Vicki Greene is fuming at the suggestions.

She tells [Eonline.com](#), "This is the father of her child and I think it's outrageous that these rumours are being spread. I can tell you that Sarah and I have not been contacted by the FBI. I don't think she's involved at all."

Meanwhile, Greene has taken aim at [Pretty in Pink](#) star Cryer in a separate interview with [RadarOnline.com](#), suggesting the actor is envious of the attention his co-star [Charlie Sheen](#) has been getting since his arrest following a bust-up with his wife on Christmas Day.

She adds, "Maybe he's tired of Charlie Sheen getting all of the attention. None of this is going on. I can't even believe this whole story. It's a fabrication of his imagination."

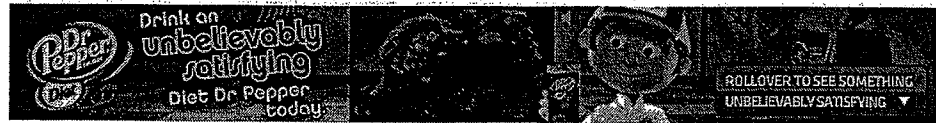
Cryer and Trigger went through an acrimonious divorce in 2004 after five years of marriage. They have a nine-year-old son called Charlie.

Exhibit D



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EXCLUSIVE: Lawyer Demands Jon Cryer Clear Ex's Name In Hitman Plot

SHARE

Posted on Jan 22, 2010 @ 02:32PM

print it send it



Ramey Photo

Two and a Half Men's Jon Cryer told authorities that he suspected his ex-wife hired a hit man to kill him and the FBI went to her house Thursday to interview her. But RadarOnline.com spoke to Sarah Trigger's attorney Vicki Greene who maintains Trigger's innocence and even demanded that Cryer publicly clear his ex's name.

"I think Jon should be ashamed of himself and he should make a public statement clearing Sarah's name because this is ridiculous," Greene told RadarOnline.com exclusively.

"Jon could say he knows damn well that there is nothing to this. That Sarah didn't do this."

EXCLUSIVE INTERVIEW: Jon Cryer's Ex Denies Any Involvement In On-Set Chaos

Greene says that the FBI did not contact her but confirmed that they did interview Trigger. She warned people not to add undue meaning to the visit.

"An interview doesn't make her out to be anything other than the fact that she was interviewed," Green emphasized. "Obviously I can't talk about anything the FBI did... she didn't do anything wrong let's put it that way."

EXCLUSIVE: Charlie Sheen Cracks Up Co-Stars After Return To Work

Greene has one theory about why Cryer has yet to clear Trigger's name.

"He enjoys the publicity," Greene alleged. "Jon is claiming to whomever he is claiming it to. They are publicity-wise milking this for

everything they can.

"What can I tell you, this is Hollywood. Jon's a big celebrity and he should be making a statement saying that he knows the mother of his child did not do what the news is reporting."

Jon Cryer & Wife Adopt Baby Girl

Greene thinks Cryer should think about how this will affect his and Trigger's child.

"I don't think this is nice what Jon's putting her through. He should [be clearing Trigger's name] for his child."

VIDEO: Jon Gosselin, New Gal Pal Take In Sundance Film Festival

Movie Review: Creation

SHARE

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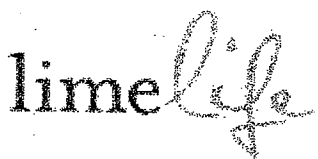
Jon Gosselin takes his new girlfriend to Hawaii. This guy just cant stay single can he?

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Exhibit



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Jon Cryer Told to Clear Ex-Wife's Name

In Celebs by Meili Sawyer Detoni , on Saturday, January 23, 2010, 6:44 AM (PST)

[Leave a Comment](#)



Courtesy of INFDaily.com

What is going on?

Earlier this week, *Two and a Half Men's* Jon Cryer told the cops that he believed his ex-wife, Sarah Trigger, wanted him dead-- and had hired a hit man to do it. After that swept gossip blogs and the FBI investigated the case, Sarah Trigger's lawyer is demanding that Cryer retract his statements.

Vicki Greene represents Trigger in the case and maintains her client's innocence, but insists that Jon Cryer must apologize for defaming his ex-wife.

"I think Jon should be ashamed of himself and he should make a public statement clearing Sarah's name because this is ridiculous," Greene told

RadarOnline in an exclusive interview.

"Jon could say he knows darn well that there is nothing to this. That Sarah didn't do this."

The lawyer confirmed that the FBI came to Trigger's home to interview her this past Thursday, but "she didn't do anything wrong." Greene commented that her client's name should be cleared for the happiness of Trigger's kid... that's so messed up! Imagine a kid learning about his or her mom tangled in FBI drama.

"I don't think this is nice what Jon's putting her through. He should [be clearing Trigger's name] for his child," Greene stated.

What do you make of this development? Do you think Cryer will eventually clear his ex-wife's name?

rated 1.0 by 2 people [?]

Exhibit F

S



Published on *RadarOnline.com* (<http://www.radaronline.com>)

[Home](#) > [Celebrity Divorce](#) > EXCLUSIVE INTERVIEW: Jon Cryer's Ex Denies Any Involvement in On-Set Chaos

EXCLUSIVE INTERVIEW: Jon Cryer's Ex Denies Any Involvement in On-Set Chaos

By *Jimmy*

Created 01/15/2010 - 8:10pm

There was turmoil on the set of *Two and a Half Men* on Friday after an apparent threat to star **Jon Cryer** but his ex-wife told **RadarOnline.com** exclusively that she had nothing to do with it.

Sarah Trigger went through a bitter divorce from Cryer and when **RadarOnline.com** asked her if she was involved in the situation that sent security scrambling she told us: "I don't know the nature of the threats...I have nothing to do with what happened. I personally didn't make any threats or comments on the set to anyone."

"Honestly it seems mean-spirited."

Jon Cryer & Wife Adopt Baby Girl

The nature of the threat has not been identified by officials and Trigger has not been officially linked or ruled out as having anything to do with it.

EXCLUSIVE: Charlie Sheen Cracks Up Co-Stars After Return To Work

According to reports, taping of the show continued but due to security concerns, there was no live audience.

Trigger and Cryer have a son together and divorced in 2004.

A rep for Cryer did not immediately respond for comment.

Getty Images

Exhibit

G

SUSAN E. WIESNER

A LAW CORPORATION

SUSAN E. WIESNER
BARBARA TYSON
AMANDA B. HARVEY
ADAM SCHANZ
JENNY C. FENG

9113 SUNSET BOULEVARD
LOS ANGELES, CALIFORNIA 90069
TELEPHONE (310) 281-2553
FACSIMILE (310) 281-2557

SAWSAN MANSOUR
Law Clerk

www.swiesnerlaw.com

February 1, 2010

Via Telecopier Only

Vicki J. Greene, Esq.
Law Offices of Vicki J. Greene
1900 Avenue of the Stars, 25th Floor
Los Angeles, CA 90067

Re: **Marriage of Cryer/Trigger**

Dear Vicki:

This letter is written in response to your letter dated January 6, 2010 [sic] received by my office via telecopier on January 29, 2010.

First, it is very interesting to this office that after agreeing in principal to your client taking a vocational exam since December of 2009, your client (not surprisingly) is now withdrawing her agreement, causing Mr. Cryer to incur fees to file the Motion for Vocational Exam. Your objections are nothing more than a thinly veiled attempt for your office to seek fees from Mr. Cryer, as you are well aware the Motion will be granted. We will, of course, seek fees from Ms. Trigger in connection with same.

Second, what is even more disingenuous of both you and your client is your false claim that Mr. Cryer went to the press about **anything** to do with this, or any other matter, involving Ms. Trigger. Indeed, the only individuals who are quoted **anywhere** are you and your client. Interestingly, Ms. Trigger apparently has now given an "exclusive" interview to yet another media outlet. Vicki, please cease the endless specious and outright falsehoods you perpetuate in this matter, including the media. While I am not surprised your client literally cares very little about how the media coverage is affecting the son she professes to care so deeply about, Mr. Cryer is very concerned. I suggest you reign in your client and her apparent obsession with perpetuating having her name in the media in connection with the investigation.

Finally, your client's refusal to submit to a vocational exam based upon a purely fictionalized account of what has transpired is clearly in line with her behavior at every juncture. Notwithstanding, I am sure you have advised her that hyperbole alone will not protect her from what amounts to a simple discovery request. I am sure you understand we are not at any point willing to

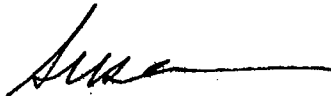
Exhibit 14

Vicki J. Greene, Esq.
Law Offices of Vicki J. Greene
February 1, 2010
Page Two

accept Ms. Trigger's simple statement by her agent (you) that she is seeking employment as an actress (which she has not done in over a decade), or as a pilates instructor (which she has not sought in five years.)

I look forward to reading your even more outrageous response to our Motion for a Vocational Exam. It will make for great bed time reading.

Very truly yours,



Susan E. Wiesner

SW:jz

cc: Jon Cryer
Amanda Harvey, Esq. (i/o)

Exhibit

H

***** TRANSMISSION REPORT *****

SID : SUSAN E. WIESNER

Number : 3102812557

Date : 02-01-10 11:17

Date/Time	2-01 11:16
Dialled number	13102828314
Subscriber	3102828314
Durat.	0' 45"
Mode	NORMAL
Pages	3
Status	Correct

**SUSAN E. WIESNER
A Law Corporation**

9113 Sunset Boulevard
Los Angeles, California 90069
Telephone: (310) 281-2553
Facsimile: (310) 281-2557
E-Mail: sew@swiesnerlaw.com

FAX COVER SHEET

Date: February 1, 2010
To: Vicki J. Greene, Esq.
Firm: Law Offices of Vicki J. Greene
Fax No.: (310) 282-8314
From: Amanda B. Harvey, Esq.
Firm: Susan E. Wiesner, A Law Corporation
Fax No.: (310) 281-2557
Re: Marriage of Cryer/Trigger

DOCUMENTS	NUMBER OF PAGES
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COMMENTS:

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11

2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and
5 not a party to the within action; my business address is 9113 Sunset Boulevard, Los Angeles,
California 90069;

6 On February 11, 2010, I served the foregoing documents described as **PETITIONER'S**
7 **RESPONSE TO RESPONDENT'S MOTION FOR ISSUE SANCTIONS, A PROTECTIVE**
8 **ORDER, AND TO CONTINUE HEARING IF NECESSARY** on the interested parties in this
action:

9 ☒ By placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed
as follows:

10 Vicki J. Greene, Esq.
11 Law offices of Vicki J. Greene
1900 Avenue of the Stars, 25th Floor
Los Angeles, CA 90067

13 ☐ VIA MAIL

14 ☐ I am "readily familiar" with the firm's practice of collection and processing
15 correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service
on that same day, with postage thereon fully prepaid, at 9113 Sunset Blvd., Los Angeles, California,
16 in the ordinary course of business. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date of postage meter date is more than one day after date of deposit for
mailing in affidavit.

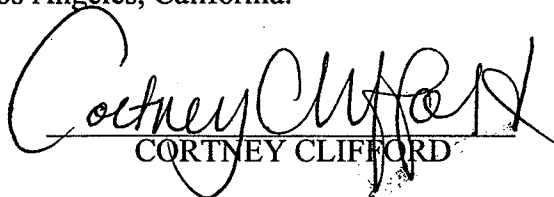
17 ☐ VIA FEDERAL EXPRESS

18 ☐ VIA TELECOPIER & ELECTRONIC MAIL

19 ☒ VIA PERSONAL SERVICE - UNITED EXPRESS MESSENGER

20 I declare, under penalty of perjury, under the laws of the State of California, that the above
21 is true and correct.

22 Executed February 11, 2010, at Los Angeles, California.

23
24 
CORTNEY CLIFFORD