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8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 GREGG "ROCKY" BROOKS,

12 Plaintiff,

13 vs.

14 JOHN C. DEPP, an individual; MIRIAM
SEGAL, an individual; BRAD FURMAN, an
individual; GOOD FILM PRODUCTIONS
15 US, INC., a New York Corporation;
INFINITUM NIHIL, A Californian
16 Corporation; And DOES 1-50,

17 Defendants.

CASE NO. BC713123

ASSIGNED FOR ALL PURPOSES TO
HON. HOLLY J. FUJIE, DEPT. 56

**NOTICE OF MOTION AND MOTION TO
RECLASSIFY AS LIMITED CIVIL
CASE; MEMORANDUM OF POINTS
AND AUTHORITIES; AND
DECLARATION OF CAMILLE M.
VASQUEZ IN SUPPORT THEREOF**

DATE: September 3, 2019
TIME: 8:30 a.m.
DEPT: 56

RESERVATION ID: 191622024212

COMPLAINT FILED: July 6, 2018
TRIAL DATE: October 21, 2019

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

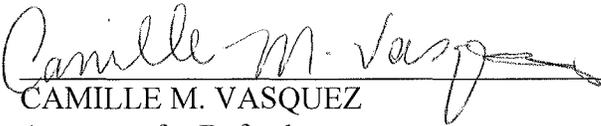
2 PLEASE TAKE NOTICE that on September 3, 2019, at 8:30 a.m. in Department 56 of the
3 above-entitled Court, located at 111 North Hill Street, Los Angeles, California 90012, Defendants
4 John C. Depp, II (“Mr. Depp”) and Infinitum Nihil (collectively, “Defendants”) will and hereby do
5 move the Court to reclassify the above-captioned action as a limited civil case (“Motion”). The
6 Motion is made pursuant to Code of Civil Procedure § 403.040, on the grounds that Plaintiff Gregg
7 “Rocky” Brooks (“Plaintiff”) has incorrectly classified this action as an unlimited civil case,
8 despite the fact that Plaintiff’s maximum possible recovery is necessarily less than \$25,000.

9 As discussed more fully in the attached Memorandum of Points and Authorities, the Motion
10 is warranted and should be granted because Plaintiff is seeking only nominal damages in this
11 action, and any punitive damages sought are subject to Constitutional limitations, and the total
12 recovery for Plaintiff could not exceed \$25,000. Defendants have good cause for not seeking
13 reclassification at an earlier date, as the parties have been engaged in negotiations to dismiss
14 Infinitum Nihil from this action and resolve this matter out of Court, and have been engaged in
15 meet and confer efforts to reclassify the case by stipulation. Because these efforts have thus far
16 proven unsuccessful, Defendants now bring the present Motion.

17 This Motion is based on this Notice of Motion and Motion; the concurrently filed
18 Declaration of Camille M. Vasquez; the Complaint; the Case Management Statement filed by
19 Plaintiff; all pleadings and papers on file in this action; and such other evidence and argument as
20 may be presented at the hearing on the Motion.

21 DATED: July 17, 2019

BROWN RUDNICK LLP

22
23 By: 
24 CAMILLE M. VASQUEZ
25 Attorneys for Defendants,
26 JOHN C. DEPP, II AND INFINITUM NIHIL
27
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 1. INTRODUCTION

3 Plaintiff Gregg “Rocky” Brooks’ (“Plaintiff”) filings with this Court effectively concede
4 that his purported damages fall far short of the threshold amount required for this matter to proceed
5 as an unlimited civil case. In his Case Management Statement filed on October 23, 2018, *Plaintiff*
6 *admitted that he is seeking only “nominal” damages*, along with a claim for punitive damages.
7 Here, no combination of nominal and punitive damages can plausibly justify allowing this case to
8 continue in unlimited civil jurisdiction, which requires that a minimum of \$25,000 be at issue.
9 Nominal damages are inherently limited in amount, while punitive damages are subject to
10 Constitutional limitations, and are not permitted to exceed a single-digit ratio to actual damages,
11 absent extraordinary circumstances not alleged (or capable of being alleged) in Plaintiff’s
12 Complaint. Consequently, even if Plaintiff were entitled to recover punitive damages (which is not
13 the case), the amount in controversy in this action is still less than \$25,000. This action should not
14 have been designated as an unlimited civil case, and the Court should reclassify it accordingly.

15 2. BACKGROUND

16 Plaintiff commenced this action on July 6, 2018 with the filing of his Complaint, in which
17 Plaintiff alleged a laundry list of claims against multiple disparate defendants. Most of Plaintiff’s
18 claims have now been dismissed. Plaintiff filed a dismissal of his fourth, fifth, sixth, seventh,
19 eighth, and ninth causes of action on December 5, 2018. Defendants John C. Depp, II (Mr. Depp”)
20 and Infinitum Nihil have been engaged in subsequent discussions with Plaintiff to dismiss
21 Infinitum Nihil on the grounds that it is not a proper defendant, as well as overarching discussions
22 related to the resolution of this matter. Plaintiff has not yet dismissed Infinitum Nihil, and the
23 matter has not resolved.

24 Plaintiff alleges in his remaining causes of action that Mr. Depp struck him on the set of a
25 film. Plaintiff does not claim that he has suffered any medical expenses as a result of this incident,
26 and Mr. Depp denies that this incident even occurred. Indeed, Emma Danoff, Script Supervisor on
27 the set of “City of Lies,” then titled “Labyrinth,” and an eyewitness to the parties' interactions on
28 the evening in question, has given a declaration attesting to the fact that no physical altercation

1 occurred between Mr. Depp and Mr. Brooks that night, and that she took multiple
2 contemporaneous photographs that confirm her testimony and Mr. Depp's account. A copy of Ms.
3 Danoff's declaration is attached as Exhibit "1" to the Declaration of Camille M. Vasquez in
4 Support of the Motion ("Vasquez Decl."). In his Complaint, Plaintiff asserts generically that "the
5 matter in controversy... exceeds the jurisdictional minimum of the Court," but fails to allege
6 damages in excess of \$25,000. (Complaint ¶ 1). Indeed, the Prayer in the Complaint does not
7 request any amount of damages at all. (Complaint 14:5-12). In his Case Management Statement
8 filed on or about October 23, 2018, Plaintiff described his damages as follows: "*Plaintiff seeks*
9 *nominal damages* for the intentional tort as well as punitive damages for the intentional conduct."
10 (Case Management Statement, page 2) (emphasis added). A copy of the Case Management
11 Statement is attached as Exhibit "2" to the Vasquez Declaration.

12 Mr. Depp and Infinitum Nihil sought to stipulate with Plaintiff to reclassify this case as a
13 limited civil case, given that Plaintiff is seeking only nominal damages. Plaintiff refused to do so.
14 (Vasquez Decl. at ¶ 6). This Motion followed.

15 3. LEGAL STANDARD

16 It is well settled that a case is not properly heard in unlimited civil court when the amount in
17 controversy does not exceed \$25,000, subject to exceptions not pertinent here. *See* Code of Civil
18 Procedure § 85 ("[a]n action... *shall* be treated as a limited civil case if... [t]he amount in
19 controversy does not exceed twenty-five thousand dollars") (emphasis added).

20 California Code of Civil Procedure § 403.040 permits a motion to reclassify a case when it
21 has been incorrectly classified, providing, in pertinent part, as follows:

22 (a) The plaintiff, cross-complainant, or petitioner may file a motion for
23 reclassification within the time allowed for that party to amend the initial pleading.
24 The defendant or cross-defendant may file a motion for reclassification within the
25 time allowed for that party to respond to the initial pleading. The court, on its own
26 motion, may reclassify a case at any time. A motion for reclassification does not
27 extend the moving party's time to amend or answer or otherwise respond. The court
28 shall grant the motion and enter an order for reclassification, regardless of any fault
or lack of fault, if the case has been classified in an incorrect jurisdictional
classification.

(b) If a party files a motion for reclassification after the time for that party to amend
that party's initial pleading or to respond to a complaint, cross-complaint, or other
initial pleading, the court shall grant the motion and enter an order for

1 reclassification only if both of the following conditions are satisfied.

2 (1) The case is incorrectly classified.

3 (2) The moving party shows good cause for not seeking reclassification earlier.

4 See Code of Civil Procedure § 403.040(a)-(b).

5 Generally, the amount in controversy in a case is to be determined by reference to the
6 pleadings. See, e.g., *Sharples v. Chole* (1994) 29 Cal.App.4th 1213, 1219 (“subject matter
7 jurisdiction based upon the amount in controversy is ordinarily measured by the pleadings”).

8 However, courts have broad discretion to determine whether or not a case is appropriately heard in
9 unlimited civil court, and when it appears from pleadings, other filings, or evidence, that a case will
10 necessarily involve a judgment of less than \$25,000, reclassification from unlimited to limited civil
11 jurisdiction is appropriate. See, e.g., *Walker v. Superior Court* (1991) 53 Cal.3d 257, 262; *Ytuarte*
12 *v. Superior Court* (2005) 129 Cal.App.4th 266, 276-77.

13 4. ARGUMENT

14 A. Plaintiff Incorrectly Classified This Action As An Unlimited Civil Case

15 (1) Plaintiff’s Filings Establish That The Amount In Controversy Does Not
16 Exceed \$25,000

17 Plaintiff’s Case Management Statement indicates that Plaintiff is seeking nominal damages
18 and punitive damages. Nominal damages are available where there has been an intrusion on a
19 plaintiff’s rights, but no actual damages have resulted or can be proven. “When a breach of duty
20 has caused no appreciable detriment to the party affected, he may yet recover nominal damages.”
21 Civil Code § 3360. As the name suggests, however, nominal damages are *de minimis* in amount.
22 See, e.g., *Avina v. Spurlock* (1972) 28 Cal.App.3d 1086, 1089 (noting the rule that “nominal
23 damages are limited to an amount of a few cents or a dollar”). It is thus readily apparent that a
24 plaintiff seeking only nominal damages cannot properly proceed in an unlimited civil court,
25 because the amount in controversy is necessarily less than \$25,000.

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1 (2) Plaintiff's Claims For Punitive Damages Cannot Plausibly Exceed \$25,000
2 When Plaintiff Is Otherwise Seeking Nominal Damages

3 Plaintiff cannot justify continuing to prosecute this action in unlimited civil court on the
4 grounds that he also seeks punitive damages. No punitive damages award could properly elevate
5 this case to unlimited civil jurisdiction, when the only other damages sought are nominal in nature.
6 Punitive damages are subject to Constitutional restrictions, and are generally limited in amount to
7 (at most) a ratio to compensatory damages of nine to one. *See, e.g., Gober v. Ralphs Grocery Co.*
8 (2006) 137 Cal.App.4th 204, 215 (“ratios exceeding 9 to 1 are presumptively unconstitutional
9 absent extraordinary factors”); *State Farm Mut. Auto Ins. Co. v. Campbell* (2003) 538 U.S. 408,
10 410 (“few awards exceeding a single-digit ratio between punitive and compensatory damages will
11 satisfy due process”). Any single-digit multiple of the nominal damages sought by Plaintiff would
12 be well under \$25,000. Certainly, Plaintiff has not pled cannot prove the type of extraordinary
13 facts that could possibly warrant exceeding the normal Constitutional restrictions on the ratio of
14 punitive to actual damages. Consequently, the amount in controversy is necessarily less than
15 \$25,000, and the Motion should be granted.

16 B. Defendants Have Good Cause To Bring This Motion At This Time

17 Defendants have acted with reasonable diligence, and had good cause not to seek
18 reclassification at an earlier date. Defendants were not (and could not have been) alerted to the fact
19 that Plaintiff seeks only nominal damages and accompanying punitive damages until the filing and
20 service of Plaintiff's Case Management Statement, on or about October 23, 2018. (Vasquez Decl.
21 at ¶6.) As noted above, although Plaintiff's Complaint fails to adequately allege or request
22 damages in excess of \$25,000, it does contain boilerplate language to the effect that Plaintiff's
23 claims exceed the jurisdictional minimum of the Court. Due to this lack of clarity in Plaintiff's
24 pleadings, Defendants were unable to immediately seek reclassification. Upon learning of the
25 limited nature of Plaintiff's actual claims, Defendants sought twice (once in November of 2018 and
26 again in July of 2019) to reach a stipulation with Plaintiff to reclassify the case, but Plaintiff
27 refused. *Id.* In the ensuing months, Defendants have engaged in discussions with Plaintiff in the
28 hope of resolving this matter and obtaining a dismissal of *Infinitem Nihil*. (Vasquez Decl. at ¶7.)

1 As these discussions have so far proven unsuccessful, however, Defendants now bring this Motion.

2 5. CONCLUSION

3 For all the foregoing reasons, the Motion should be granted.

4
5 DATED: July 17, 2019

Respectfully submitted,

6 BROWN RUDNICK LLP

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8 By: 
9 CAMILLE M. VASQUEZ
Attorneys for Defendants,
10 JOHN C. DEPP, II AND INFINITUM NIHIL
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1 **DECLARATION OF CAMILLE M. VASQUEZ**

2 I, CAMILLE M. VASQUEZ, declare as follows:

3 1. I am an attorney at law duly licensed to practice before the above-entitled Court, and
4 am an associate of the law firm of Brown Rudnick LLP, attorneys of record for Defendants John C.
5 Depp, II and Infinitum Nihil (collectively, the “Defendants”).

6 2. I have first-hand personal knowledge of the matters set forth herein, and if called
7 upon as a witness, would and could competently testify thereto.

8 3. This declaration is submitted in support of Defendants Motion to Reclassify
9 (“Motion”). Unless otherwise stated, all capitalized terms have the same meaning as in the Motion.

10 4. A true and correct copy of Emma Danoff’s Declaration is attached hereto as Exhibit
11 “1.”

12 5. A true and correct copy of Plaintiff’s Case Management Statement is attached hereto
13 as Exhibit “2.”

14 6. Defendants were not alerted to the fact that Plaintiff seeks only nominal damages
15 and accompanying punitive damages until the filing and service of Plaintiff’s Case Management
16 Statement, on or about October 23, 2018. Upon learning of the limited nature of Plaintiff’s claims,
17 Defendants sought to reach a stipulation with Plaintiff to reclassify the case. On or about
18 November 26, 2018, I spoke to Arbella Azizian, counsel for Plaintiff, and inquired whether she
19 would stipulate to reclassify the case. Ms. Azizian indicated that Plaintiff would likely be
20 unwilling to do so. Then, on July 12, 2019, I spoke with Ms. Azizian once again about stipulating
21 to reclassify the case. She told me that her client was not willing to stipulate at this time.

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7. Subsequently, Defendants have engaged in discussions with Plaintiff regarding the dismissal of Infinitum Nihil from this action, as well as the potential resolution of this matter out of Court. As of the date of this filing, however, these discussions have proven unsuccessful.

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

Executed July 17, 2019, at Irvine, California.


CAMILLE M. VASQUEZ

Exhibit 1

DECLARATION OF EMMA DANOFF

I, EMMA DANOFF, declare as follows:

1. I am an individual over the age of 18, and am a resident of the City of _____, State of California. I have first-hand personal knowledge of the matters set forth herein and if called upon as a witness, would and could competently testify thereto.

2. I worked on the film *City of Lies* then titled *Labyrinth*. My job title was "Script Supervisor." My function as script supervisor includes photographing and monitoring every detail of on-set filming, closely following every detail for verbal and visual consistency and continuity.

3. At 7:00 p.m. on April 12, 2017, I photographed John C. Depp, II ("Mr. Depp") meeting with homeless individuals who were on the street where the *City of Lies* filming was taking place. The photograph shows Mr. Depp speaking with a small group of homeless individuals. He gave them money and gifts.

4. We moved outside and were to begin filming our exterior scene at 10:55 p.m. At precisely 11:08 p.m. on the evening of April 12 (per the time clock on the photograph), Mr. Depp was sitting a few inches away from me on a bench looking together at the monitor. His breath did not smell of alcohol and he was not inebriated or under any influence that I could observe or had observed during a long day of work. Mr. Depp had already been working all day on the film. This was a special day on the set, as Christopher Wallace AKA Biggie Small's mother, Violetta Wallace, and Russell Poole's widow and family were visiting the set to watch filming.

5. At that moment, the film's location scout Rocky Brooks encountered an African-American homeless woman about 25 feet from where I was sitting with Mr. Depp. Mr. Brooks loudly and aggressively berated the woman with racial and derogatory slurs for being in his presence and in his way and he was pissed she was unable to follow his commands. I heard most of Mr. Brooks' unkind words to her.

6. Mr. Depp also heard it. He immediately stood up from our shared seat on the edge of a planter bench and went over to Brooks to stand up for the woman. Mr. Depp said to Mr. Brooks, "you can't talk to her like that. You think you she is something less than you? Who do you think you are? How dare you?" Johnny exchanged words with Mr. Brooks in this manner for approximately 20 seconds, as confirmed by my photographs, and then he came and sat back down at 11:09 pm, as confirmed by the time stamped photograph. There were no punches or shoves. There was no offer of \$100,000 to punch Mr. Depp. They were close to each other but Mr. Depp never touched Mr. Brooks. I remained ten feet away from the incident during its short duration.

7. I have 40 time stamped photographs of the entire incident.

8. Later, after filming wrapped at 12:31 a.m. April 13, 2017 inside the Barclay Hotel (per a time stamped photograph), I was in the hallway doing post-shoot paperwork. Mr. Depp went up to and Mr. Brooks appeared about 5 feet from me and hugged. Mr. Depp said "no hard feelings" after Mr. Brooks said what he said was "in the heat of the moment." Then they both departed.

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

Executed 08/27/2018, 2018, at Los Angeles California.

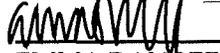

EMMA DANOFF

Exhibit 2

| | |
|---|--------------------------|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Arbella Azizian 294696 Baker Olson LeCroy & Danielian 100 West Broadway, Suite 990, Glendale CA 91210 TELEPHONE NO.: 818-502-5600 FAX NO. (Optional): 818-241-2653 E-MAIL ADDRESS (Optional): azizian@boldlaw.com ATTORNEY FOR (Name): Gregg "Rocky" Brooks | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse | |
| PLAINTIFF/PETITIONER: Gregg "Rocky" Brooks DEFENDANT/RESPONDENT: John C. Depp et al | |
| CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less) | CASE NUMBER: BC713123 |
| A CASE MANAGEMENT CONFERENCE is scheduled as follows: Date: November 6, 2018 Time: 8:31 am Dept.: 56 Div.: Room: Address of court (if different from the address above): <input type="checkbox"/> Notice of Intent to Appear by Telephone, by (name): | |

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
 - a. This statement is submitted by party (name): Gregg Rocky Brooks
 - b. This statement is submitted jointly by parties (names):

2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
 - a. The complaint was filed on (date): July 6, 2018
 - b. The cross-complaint, if any, was filed on (date):

3. **Service** (to be answered by plaintiffs and cross-complainants only)
 - a. All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
 - b. The following parties named in the complaint or cross-complaint
 - (1) have not been served (specify names and explain why not):
 - (2) have been served but have not appeared and have not been dismissed (specify names):
Brad Furman
 - (3) have had a default entered against them (specify names):
 - c. The following additional parties may be added (specify names, nature of involvement in case, and date by which they may be served):

4. **Description of case**
 - a. Type of case in complaint cross-complaint (Describe, including causes of action):
 Complaint arises out of an assault and battery that occurred on set. Causes of action include Assault, Battery, intentional infliction of emotional distress and negligent infliction of emotional distress. (Employer has been dismissed from the suit)

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|--|--------------------------|
| PLAINTIFF/PETITIONER: Gregg "Rocky" Brooks | CASE NUMBER: BC713123 |
| DEFENDANT/RESPONDENT: John C. Depp et al | |

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
 Defendant assaulted and battered Plaintiff inflicting severe emotional distress. Plaintiff seeks nominal damages for the intentional tort as well as punitive damages for the intentional conduct. Medical damages are unknown at this time however, Plaintiff has sought medical treatment for depression, anxiety and extreme stress brought on by the incident.

(If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request a jury trial a nonjury trial. (If more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

a. The trial has been set for (date):

b. No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):

c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

a. days (specify number):

b. hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial by the attorney or party listed in the caption by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

f. Fax number:

e. E-mail address:

g. Party represented:

Additional representation is described in Attachment 8.

9. **Preference**

This case is entitled to preference (specify code section):

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel has has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party has has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation (if available).**

(1) This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. (specify exemption):

| | |
|--|--------------------------|
| PLAINTIFF/PETITIONER: Gregg "Rocky" Brooks DEFENDANT/RESPONDENT: John C. Depp et al | CASE NUMBER: BC713123 |
|--|--------------------------|

10. c. Indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in (*check all that apply and provide the specified information*):

| | The party or parties completing this form are willing to participate in the following ADR processes (<i>check all that apply</i>): | If the party or parties completing this form in the case have agreed to participate in or have already completed an ADR process or processes, indicate the status of the processes (<i>attach a copy of the parties' ADR stipulation</i>): |
|-------------------------------------|---|--|
| (1) Mediation | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Mediation session not yet scheduled <input type="checkbox"/> Mediation session scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete mediation by <i>(date)</i> : <input type="checkbox"/> Mediation completed on <i>(date)</i> : |
| (2) Settlement conference | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Settlement conference not yet scheduled <input type="checkbox"/> Settlement conference scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete settlement conference by <i>(date)</i> : <input type="checkbox"/> Settlement conference completed on <i>(date)</i> : |
| (3) Neutral evaluation | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Neutral evaluation not yet scheduled <input type="checkbox"/> Neutral evaluation scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete neutral evaluation by <i>(date)</i> : <input type="checkbox"/> Neutral evaluation completed on <i>(date)</i> : |
| (4) Nonbinding judicial arbitration | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> Judicial arbitration not yet scheduled <input type="checkbox"/> Judicial arbitration scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete judicial arbitration by <i>(date)</i> : <input type="checkbox"/> Judicial arbitration completed on <i>(date)</i> : |
| (5) Binding private arbitration | <input type="checkbox"/> | <input type="checkbox"/> Private arbitration not yet scheduled <input type="checkbox"/> Private arbitration scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete private arbitration by <i>(date)</i> : <input type="checkbox"/> Private arbitration completed on <i>(date)</i> : |
| (6) Other (<i>specify</i>): | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> ADR session not yet scheduled <input type="checkbox"/> ADR session scheduled for <i>(date)</i> : <input type="checkbox"/> Agreed to complete ADR session by <i>(date)</i> : <input type="checkbox"/> ADR completed on <i>(date)</i> : |

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|--|--------------------------|
| PLAINTIFF/PETITIONER: Gregg "Rocky" Brooks | CASE NUMBER: BC713123 |
| DEFENDANT/RESPONDENT: John C. Depp et al | |

11. Insurance

- a. Insurance carrier, if any, for party filing this statement (*name*):
- b. Reservation of rights: Yes No
- c. Coverage issues will significantly affect resolution of this case (*explain*):

12. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

- Bankruptcy Other (*specify*):

Status:

13. Related cases, consolidation, and coordination

- a. There are companion, underlying, or related cases.
- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:
- Additional cases are described in Attachment 13a.
- b. A motion to consolidate coordinate will be filed by (*name party*):

14. Bifurcation

- The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (*specify moving party, type of motion, and reasons*):

15. Other motions

- The party or parties expect to file the following motions before trial (*specify moving party, type of motion, and issues*):
Amendment to complaint anticipated by mid November.

16. Discovery

- a. The party or parties have completed all discovery.
- b. The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------|-------------|
| Plaintiff | written discovery | 1/7//19 |
| Plaintiff | Depositions | 2/18/19 |
- c. The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated (*specify*):
Plaintiff anticipates difficulties in finding and serving certain witnesses.

| | |
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| PLAINTIFF/PETITIONER: Gregg "Rocky" Brooks | CASE NUMBER: BC713123 |
| DEFENDANT/RESPONDENT: John C. Depp et al | |

17. Economic litigation

- a. This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.
- b. This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):

18. Other issues

- The party or parties request that the following additional matters be considered or determined at the case management conference (specify):

19. Meet and confer

- a. The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (if not, explain):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (specify):

20. Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: 10/18/2018

Arbella Azizian
(TYPE OR PRINT NAME)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

Additional signatures are attached.

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PROOF OF SERVICE BY MAIL
(State and Federal)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18, and not a party to the within entitled action; my business address is c/o Baker, Olson, LeCroy & Danielian 100 W. Broadway #990, Glendale, CA 91210.

On October 19, 2018, I served the foregoing "**Case Management Statement**" on the interested parties in this action

XX MAIL placing a true copy thereof enclosed in a sealed envelope with first class postage thereon fully prepaid in the United States mail at Glendale, California, severally addressed as follows:

___ PERSONAL DELIVERY by causing a true copy thereof in a sealed envelope to be personally delivered, severally addressed as follows:

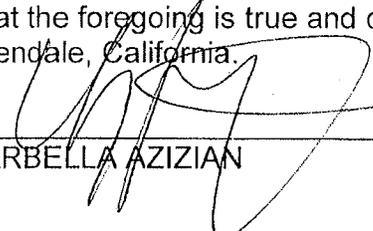
___ FAX by transmitting a true copy in accordance with CCP § 1005 and 1013 by facsimile severally to the fax numbers shown below; our fax machine provided a report indicating that such transmission was received.

___ OVERNIGHT DELIVERY by Express Mail or other method of delivery providing for overnight delivery in accordance with CCP § 1005 and 1013 by placing a true copy thereof in a sealed envelope with delivery charges prepaid or provided for in a box maintained for that purpose at Glendale, California, severally addressed as follows:

__ EMAIL as shown

| | |
|---|---------------------------------------|
| Randall A. Smith, Esq. | Michael Tenenbaum |
| Camille M. Vasquez, Esq. | The Office of Michael Tenenbaum, Esq. |
| BROWN RUDNICK LLP | 1431 Ocean Ave., Ste. 400 |
| 2211 Michelson Drive, 7 th Floor | Santa Monica, CA 90401-2136 |
| Irvine, CA 92612 | |

I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct and that this is executed on October 19, 2018, at Glendale, California.


ARBELLA AZIZIAN

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PROOF OF SERVICE

STATE OF CALIFORNIA,

COUNTY OF ORANGE

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 Orange, State of California. My business address is 2211 Michelson Drive, Seventh Floor, Irvine, CA 92612.

On July 17, 2019, I served true copies of the following document(s) described as **NOTICE OF MOTION AND MOTION TO RECLASSIFY AS LIMITED CIVIL CASE; MEMORANDUM OF POINTS AND AUTHORITIES; AND DECLARATION OF CAMILLE M. VASQUEZ IN SUPPORT THEREOF** on the interested parties in this action as follows:

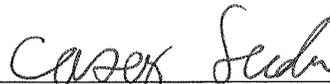
Arbella Azizian, Esq.
Baker, Olson, LeCroy & Danielian
100 West Broadway Blvd., Suite 990
Glendale, CA 91210
Telephone: (818) 502-5600
Facsimile: (818) 241-2653
Email: azizian@boldlaw.com

Attorneys for Plaintiff
GREGG "ROCKY" BROOKS

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Brown Rudnick LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 17, 2019, at Irvine, California.



CASEY SUDA



Court Reservation Receipt

Reservation

Reservation ID:
191622024212

Status:
RESERVED

Reservation Type:
Motion to Reclassify

Number of Motions:
1

Case Number:
BC713123

Case Title:
GREGG ROCKY BROOKS VS JOHN C DEPP ET
AL

Filing Party:
John C. Depp (Defendant)

Location:
Stanley Mosk Courthouse - Department 56

Date/Time:
September 3rd 2019, 8:30AM

Confirmation Code:
CR-EYV4G3SQM7QMXEHL

Fees

| Description | Fee | Qty | Amount |
|------------------------------------|-------|-----|----------------|
| Motion to Reclassify | 60.00 | 1 | 60.00 |
| Credit Card Percentage Fee (2.75%) | 1.65 | 1 | 1.65 |
| TOTAL | | | \$61.65 |

Payment

Amount:
\$61.65

Type:
MasterCard

Account Number:
XXXX5116

Authorization:
046576

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