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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

**AG**

**FEB 26 2009**  
N. Tavaglione

**FEB 27 2009**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

J.K. PROPERTIES, INC.

Plaintiff,

v.

CHURCH OF SCIENTOLOGY  
INTERNATIONAL, ET AL,

Defendants.

CHURCH OF SCIENTOLOGY  
INTERNATIONAL

Cross-Complainant

v.

J.K. PROPERTIES, INC. and DOES 1 to 5,

Cross-Defendants

CASE NO. RIC 461032

**PLAINTIFF'S/CROSS DEFENDANT'S  
AMENDED NOTICE OF OBJECTION  
AND OBJECTION TO EVIDENCE  
SUBMITTED BY DEFENDANT/CROSS  
COMPLAINANT CHURCH OF  
SCIENTOLOGY INTERNATIONAL IN  
SUPPORT OF ITS MOTION FOR  
SUMMARY JUDGMENT; REQUEST  
FOR HEARING ON OBJECTIONS  
AND/OR WRITTEN FINDINGS AS TO  
OBJECTIONS; POINTS AND  
AUTHORITIES IN SUPPORT  
[Code of Civ. Proc. §437c(b)5; Cal Rules of  
Court Rule 3.1354 (b)]**

Date: March 10, 2009  
Time: 8:30 a.m.  
Dept.: 7

Complaint Filed: 11/22/06  
Answer: 1/9/08  
Cross Complaint Filed: 1/9/08  
Answer to Cross Complaint: 4/14/08  
Trial Date: None yet Assigned





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**Objection Number 5**

“At my direction, an [sic] November 4, 2006, a representative of the Church, Linda Greilich, spoke by telephone with Pinkal [sic] Jogani, one of the principals of J.K., endeavoring to negotiate an extension of the lease.” (Fraser Declaration, Page 1, lines 26-28)

**Grounds for Objection 5:** Foundation-lack of personal knowledge (Evid. Code, §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions; (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

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**Objection Number 6**

“Arising out of that call, Ms. Greilich faxed a letter to Mr. Jogani on November 4, 2006, which stated: ‘Dear Mr. Jogani, this is to put in writing what we agreed per our phone conversation of today’s date that we, Golden Era Productions, will give you 90 days notice to move out, and we will pay you 60 days bonus of rent when we move out.’ (A true and correct copy I caused to be sent by Ms. Grielich is appended hereto as Exhibit I.)” (Fraser Declaration, Page 1 lines 28- Page 2, line 5)

**Grounds for Objection 6:** Foundation-lack of personal knowledge (Evid. Code, §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions; (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

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**Objection Number 7**

“On November 5, 2006, J.K.’s attorney wrote and characterized the letter from Ms. Greilich not as an agreement, but as an “offer.” (A true and correct copy is appended hereto as Exhibit J.)” (Fraser Declaration, Page 2, lines 6-8)

**Grounds for Objection 7:** Foundation-lack of personal knowledge (Evid. Code, §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions; (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

**Objection Number 8**

“In a further letter sent to Church counsel and forwarded to me from Mr. Bhatia, on November 14, 2006, he stated: “Please note that there is no agreement between the

1 *parties to date, including any discussion between the parties on November 5, 2006.*  
2 *Golden Era's letter does not bind my clients...Please be clear: there will be no*  
3 *agreement until both parties execute a written extension of the lease, after all terms*  
4 *have been resolved...Otherwise, please note that my clients will move forward on*  
5 *their unlawful detainer claim." (A true and correct copy is appended hereto as*  
6 *Exhibit Ex. [sic] K.)(Emphasis in original)" (Fraser Declaration, Page 2, lines 9-16)*

7 **Grounds for Objection 8:** Foundation-lack of personal knowledge (Evid. Code,  
8 §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions;  
9 (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

10 **Objection Number 9**

11 *"...Meanwhile, the parties engaged in settlement discussions, however, such*  
12 *discussions failed to result in resolution of the case or agreement on an amended*  
13 *lease. No agreement was achieved, and no new lease or addendum to the existing*  
14 *lease was signed. Reaching no agreement on an extension of the lease..."(Fraser*  
15 *Declaration, Paragraph 2, lines 17-21).*

16 **Grounds for Objection 9:** Settlement discussions; (Evid. Code §1152); Irrelevant  
17 (Evid. Code §§210, 350-351).

18 **Objection Number 10**

19 *"...on July 15, 2007, as a courtesy to plaintiff, I instructed counsel to give a new 30-*  
20 *day notice to J.K. Properties that it would be vacating the premises on August 15,*  
21 *2007. (A true and correct copy is appended hereto as Exhibit N")" (Fraser*  
22 *Declaration, Page 2, lines 21-23)*

23 **Grounds for Objection 10:** Irrelevant (Evid. Code §§210, 350-352). Hearsay (Evid.  
24 Code §1200); Foundation-lack of personal knowledge (Evid. Code, §§403, 702 (a),  
25 1400-1401).

26 **Objection Number 11**

27 *"Mr. Jones sent me a letter regarding the results of the walk-through, indicating 'I*  
28 *must commend your organization on the overall condition of the apartments. I found*



1 to amend the complaint to assert a fraud cause of action. I write again in an effort to  
2 resolve this matter and urge you to reconsider this highly inadvisable course of  
3 conduct.

4 I am setting forth the key points of the chronology here for your information in an  
5 effort to prevent the need to respond later to legal positions by your client which lack  
6 merit and which are based upon conclusions not warranted by the correct facts. (Ex.  
7 A)" (Moxon Declaration, Page 1, lines 10-21)

8 **Grounds for Objection 15:** Irrelevant, (Evid. Code §§210, 350-352); Hearsay  
9 (Evid. Code §1200); Settlement discussions; (Evid. Code §1152).

10 **Objection Number 16**

11 "My letter thereafter set forth the essential facts addressed in the instant summary  
12 judgment motion. The letter concluded: Given that your client has not sought to rent  
13 any of the other units it received last summer, the exemplary condition which the  
14 property was maintained by the Church, and that the Church is not in possession,  
15 there is no basis for damages in this case and thus no reason to continue any  
16 litigation and the unnecessary further expenditure of funds." (Moxon Declaration,  
17 Page 1, lines 23-Page 2 line 2)

18 **Grounds for Objection 16:** Irrelevant, (Evid. Code §§210, 350-352); Hearsay (Evid.  
19 Code §1200); Settlement discussions; (Evid. Code §1152).

20 **Objection Number 17**

21 "Plaintiff and its counsel ignored the letter. I thereafter spoke to Mr. Jones about the  
22 issues in the case and offered to address any point he might wish to avoid further  
23 litigation,[sic] but he declined." (Moxon Declaration, Page 2, lines 3-5)

24 **Grounds for Objection 17:** Irrelevant, (Evid. Code §§210, 350-352); Settlement  
25 discussions; (Evid. Code §1152).

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1 **Objection Number 18**

2 *"Attorney Mason Yost took over primary responsibility of the case for plaintiff*  
3 *thereafter, and indicated he intended to file an amended complaint addressing these*  
4 *same theories of recovery. I spoke to him about the lack of merit and contradictory*  
5 *nature of the plaintiff's theories by telephone, and then again during the several*  
6 *depositions of his clients. All of these efforts were unavailing."* (Moxon Declaration,  
7 Page 2, lines 6-10)

8 **Grounds for Objection 18:** Irrelevant, (Evid. Code §§210, 350-352); Settlement  
9 discussions; (Evid. Code §1152).

10 **Objection Number 19**

11 *"Because of plaintiff's frivolous positions, I was required to take 4 depositions of*  
12 *present and former Anza Management Company employees and one of the principals*  
13 *of J.K. Properties to acquire the evidence set forth in the motion for summary*  
14 *judgment."* (Moxon Declaration, Page 2, lines 11-13)

15 **Grounds for Objection 19:** Irrelevant, (Evid. Code §§210, 350-352, 800).

16 **Objection Number 20**

17 *"My client pays my firm a reduced rate flat [sic] retainer fee of \$4,500 per week for*  
18 *my work for it, which runs from no time some weeks to as much as 45 hours some*  
19 *other weeks, depending upon litigation circumstances. The average is 20 hours per*  
20 *week for such services, which equates to \$225 per hour on this reduced rate.*  
21 *However, I request my normal fee of \$300/hr as a reasonable fee for my work on this*  
22 *case, which is a low fee for my level of experience as a litigator in this community."*  
23 (Moxon Declaration, Page 2, lines 14-19)

24 **Grounds for Objection 20:** Irrelevant, (Evid. Code §§210, 350-352, 800).

25 **Objection Number 21**

26 *"...substantial...given plaintiff's assertion of frivolous litigation positions."* (Moxon  
27 Declaration, Page 3, lines 5-7)



1 **Grounds for Objection 21:** Irrelevant, (Evid. Code §§210, 350-352, 800).

2 **Objection Number 22**

3 *"...The court reporter fees for the four depositions in this case, and the fees for the*  
4 *translator demanded by J.K. Properties' representative, cost \$3,574.24"* (Moxon  
5 Declaration, Page 3, lines 7-8)

6 **Grounds for Objection 22:** Irrelevant, (Evid. Code §§210, 350-352, 800);  
7 Foundation-lack of personal knowledge (Evid. Code, §702 (a)); Hearsay (Evid. Code  
8 §1200).

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10 **Objections to Deposition transcript (portions) of Debra Berutich**

11 **Objection Number 23**

12 *Exhibit "C"-18 Pages, 7, 8, 11, 14, 34, 37, 38, 39, 40, 41,42, 57, 59, 71, 72, 73, 75,*  
13 *and 76-no lines referenced-irrelevant [said pages are incorporated hereat by*  
14 *reference]. (Attached as Exhibit "C" to Scientology's Motion for Summary*  
15 *Judgment).*

16 **Grounds for Objection 23:** Irrelevant, (Evid. Code §§210, 350-352).

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18 **Objections to Deposition transcript (portions) of Anil Mehta**

19 **Objection Number 24**

20 *Exhibit "D"-22 Pages 10, 13, 29, 30, 31, 42, 43, 53, 54, 55, 58, 59, 60, 63, 64, 67, 68,*  
21 *69, 82, 83, 84, and 85- no lines referenced-irrelevant [said pages are incorporated*  
22 *hereat by reference]. (Attached as Exhibit "D" to Scientology's Motion for Summary*  
23 *Judgment).*

24 **Grounds for Objection 24:** Irrelevant, (Evid. Code §§210, 350-352).

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1                   **Objections to Deposition transcript (portions) of William Jones**

2                                   **Objection Number 25**

3                   *Exhibit "E"-3 Pages 6, 17, and 18- no lines referenced-irrelevant [said pages are*  
4                   *incorporated hereat by reference]* (Attached as Exhibit "E" to Scientology's Motion  
5                   for Summary Judgment).

6                   **Grounds for Objection 25:** Irrelevant, (Evid. Code §§210, 350-352).

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8                                   **Objections to Exhibit "F" (Letter of August 7, 2006)**

9                                   **Objection Number 26**

10                   *Exhibit "F"-1 Page [said page is incorporated hereat by reference]* (Attached as  
11                   Exhibit "F" to Scientology's Motion for Summary Judgment).

12                   **Grounds for Objection 26:** Foundation-lack of personal knowledge (Evid. Code,  
13                   §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200).

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15                                   **Objections to Exhibit "G" (Letter of November 1, 2006)**

16                                   **Objection Number 27**

17                   *Exhibit "G"-2 Pages [said page is incorporated hereat by reference]* (Attached as  
18                   Exhibit "G" to Scientology's Motion for Summary Judgment).

19                   **Grounds for Objection 27:** Foundation-lack of personal knowledge (Evid. Code,  
20                   §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200).

21                                   **Objections to Exhibit "H" (Letter of November 3, 2006)**

22                                   **Objection Number 28**

23                   *Exhibit "H"-1 Page [said page is incorporated hereat by reference]* (Attached as  
24                   Exhibit "H" to Scientology's Motion for Summary Judgment).

25                   **Grounds for Objection 28:** Foundation-lack of personal knowledge (Evid. Code,  
26                   §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions;  
27                   (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

1                                   **Objections to Exhibit "I" (Letter of November 5, 2006)**

2   **Objection Number 29**

3                   *Exhibit "I"-1 Page [said page is incorporated hereat by reference]* (Attached as  
4                   Exhibit "I" to Scientology's Motion for Summary Judgment).

5                   **Grounds for Objection 29:** Foundation-lack of personal knowledge (Evid. Code,  
6                   §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions;  
7                   (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

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9                                   **Objections to Exhibit "J" (Letter of November 6, 2006)**

10   **Objection Number 30**

11                   *Exhibit "J"-1 Page [said page is incorporated hereat by reference]* (Attached as  
12                   Exhibit "J" to Scientology's Motion for Summary Judgment).

13                   **Grounds for Objection 30:** Foundation-lack of personal knowledge (Evid. Code,  
14                   §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions;  
15                   (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

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17                                   **Objections to Exhibit "K" (Letter of November 14, 2006)**

18   **Objection Number 31**

19                   *Exhibit "K"-1 Page [said page is incorporated hereat by reference]* (Attached as  
20                   Exhibit "K" to Scientology's Motion for Summary Judgment).

21                   **Grounds for Objection 31:** Foundation-lack of personal knowledge (Evid. Code,  
22                   §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200); Settlement discussions;  
23                   (Evid. Code §1152); Irrelevant (Evid. Code §§210, 350-352).

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25                                   **Objections to Exhibit "M" (Opposition to Demurrer)**

26   **Objection Number 32**

27                   *Exhibit "M"-6 Pages [said page is incorporated hereat by reference]* (Attached as  
28                   Exhibit "M" to Scientology's Motion for Summary Judgment).

1 **Grounds for Objection 32:** Irrelevant (Evid. Code §§210, 350-352).

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3 **Objections to Exhibit "N" (Letter of July 16, 2007)**

4 **Objection Number 33**

5 *Exhibit "N"-1 Page [said page is incorporated hereat by reference]* (Attached as  
6 Exhibit "N" to Scientology's Motion for Summary Judgment).

7 **Grounds for Objection 33:** Irrelevant (Evid. Code §§210, 350-352). Hearsay (Evid.  
8 Code §1200); Foundation-lack of personal knowledge (Evid. Code, §§403, 702 (a),  
9 1400-1401); *California Evidence Code* §1152 et seq.

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11 **Objections to Exhibit "O" (Letter of August 20, 2007)**

12 **Objection Number 34**

13 *Exhibit "O"-2 Pages [said page is incorporated hereat by reference]* (Attached as  
14 Exhibit "O" to Scientology's Motion for Summary Judgment).

15 **Grounds for Objection 34:** Irrelevant (Evid. Code §§210, 350-352). Hearsay (Evid.  
16 Code §1200); Foundation-lack of personal knowledge (Evid. Code, §§403, 702 (a),  
17 1400-1401.)

18 **Objections to Exhibit "P" (Email of August 19, 2007)**

19 **Objection Number 35**

20 *Exhibit "P"-Not referenced in Plaintiff's Separate Statement-1 Page [said page is*  
21 *incorporated hereat by reference]* (Attached as Exhibit "P" to Scientology's Motion  
22 for Summary Judgment).

23 **Grounds for Objection 35:** Irrelevant (Evid. Code §§210, 350-352). Hearsay (Evid.  
24 Code §1200); Foundation-lack of personal knowledge (Evid. Code §§403, 702 (a),  
25 1400-1401.)

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1                   **Objections to Exhibit "Q" (Final Statement dated September 4, 2007)**

2                                   **Objection Number 36**

3                   *Exhibit "Q"-Final Statement of Account-2 Pages [said page is incorporated hereat*  
4                   *by reference]* (Attached as Exhibit "Q" to Scientology's Motion for Summary  
5                   Judgment).

6                   **Grounds for Objection 36:** Foundation-lack of personal knowledge (Evid. Code,  
7                   §§403, 702 (a), 1400-1401); Hearsay (Evid. Code §1200).

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9                   **Objections to Exhibit "R" (Reporter's Transcript of September 24, 2008)**

10                                   **Objection Number 37**

11                   *Exhibit "R"-Reporter's Transcript of Oral Proceedings-3 Pages,[said pages*  
12                   *incorporated hereat by reference]* (Attached as Exhibit "R" to Scientology's Motion  
13                   for Summary Judgment).

14                   **Grounds for Objection 37:** Irrelevant (Evid. Code §§210, 350-352); Foundation-  
15                   (Evid. Code, §§403, 702 (a), 1400-1401);

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17                   **Objections to Filing of Third Declaration of Kendrick Moxon**

18                                   **Objection Number 38**

19                   *Notice of Filing of Third Declaration of Kendrick Moxon and Declaration of*  
20                   *Kendrick Moxon-5 Pages [said pages incorporated hereat by reference]* (Filed with  
21                   this Court on 2/13/09).

22                   **Grounds for Objection 38:** Irrelevant, (Evid. Code §§210, 350-352); Untimely,  
23                   Code of Civ. Proc. §437c; Code of Civ. Proc. 1005 (b); Improper Pleading, Code of  
24                   Civ. Proc. §§435-436.

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1                   **Objections to Filing of Revised Separate Statement of Undisputed Facts**

2                                   **Objection Number 39**

3                   *Revised Separate Statement of Undisputed Facts in Support of Motion for Summary*  
4                   *Judgment on Complaint and on Cross Complaint-14 Pages [said pages incorporated*  
5                   *hereat by reference]* (Filed with this Court on 2/13/09).

6                   **Grounds for Objection 39:** Irrelevant, (Evid. Code §§210, 350-352); Untimely,  
7                   Code of Civ. Proc. §437c; Code of Civ. Proc. 1005 (b); Improper Pleading, Code of  
8                   Civ. Proc. §§435-436.

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10                   **Objections to Filing of Second Declaration of Kendrick Moxon**

11                                   **Objection Number 40**

12                   *Notice of Filing of Second Declaration of Kendrick Moxon and Declaration of*  
13                   *Kendrick Moxon-3 Pages [said pages incorporated hereat by reference]* (Filed with  
14                   this Court on 2/10/09).

15                   **Grounds for Objection 40:** Irrelevant, (Evid. Code §§210, 350-352); Untimely,  
16                   Code of Civ. Proc. §437c; Code of Civ. Proc. 1005 (b); Improper Pleading, Code of  
17                   Civ. Proc. §§435-436.

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20                   Dated: February 26, 2009

LAW OFFICE OF KEVIN B. JONES

21                   Respectfully Submitted,

22  
23                   By: 

24                   Kevin B. Jones, Esq.  
25                   Attorneys for Plaintiffs and Cross Defendant  
26                   J.K. Properties, Inc.

