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November 16, 2020

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**ATTORNEY-CLIENT COMMUNICATION**

**Via E-Mail**

Debra Gravert  
Chief Administrative Officer  
California State Assembly  
[Debra.Gravert@asm.ca.gov](mailto:Debra.Gravert@asm.ca.gov)

Re: *De Raadt v. California State Assembly, et al.*

Dear Ms. Gravert:

Please accept this correspondence as an update in the above-entitled matter. We are pleased to inform you that the Court has granted Defendant's Motion for Terminating or Other Sanctions and has dismissed this action with prejudice. Attached for your files, please find a copy of the Court's order of dismissal.

We will now proceed with closing our file on this case. It has been a pleasure working with you. Should you require any advice or assistance in the future, please do not hesitate to contact us at any time.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Parker'.

ALDEN J. PARKER  
Regional Managing Partner  
For FISHER & PHILLIPS LLP

AJP:wrhm  
Enclosure

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LAW AND MOTION DEPARTMENT  
SUPERIOR COURT  
OF CALIFORNIA  
SACRAMENTO COUNTY

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CALIFORNIA STATE ASSEMBLY,  
12 ASSEMBLY RULES COMMITTEE,  
STATE OF CALIFORNIA, DEVON MATHIS,  
13 and JUSTIN TURNER

14  
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF SACRAMENTO - GORDON D. SCHABER COURTHOUSE

17 JUANITA DE RAADT a/k/a JANIE  
18 SUSTAITA,

19 Plaintiff,

20 v.

21 CALIFORNIA STATE ASSEMBLY,  
ASSEMBLY RULES COMMITTEE, STATE  
22 OF CALIFORNIA, DEVON MATHIS,  
JUSTIN TURNER, TOSHA CHERRY, and  
DOES 1 through 25, inclusive

23 Defendants.  
24

CASE NO.: 34-2018-00233443

*Assigned for all purposes to the  
Honorable Kevin R. Culhane, Dept. 23*

**[PROPOSED] ORDER GRANTING  
DEFENDANT CALIFORNIA STATE  
ASSEMBLY'S MOTION FOR  
TERMINATING OR OTHER SANCTIONS**

DATE: June 18, 2020  
TIME: 2:00 p.m.  
DEPT: 53

*Exempt from Fees (Gov. Code, § 6103)*

Complaint Filed: May 21, 2018  
FAC Filed: October 4, 2018  
Trial Date: July 14, 2020



1 On June 18, 2020 at 2:00 p.m. the Court held a hearing on Defendant CALIFORNIA STATE  
2 ASSEMBLY'S ("Defendant") Motion for Terminating or Other Sanctions. No appearances by counsel  
3 were made as no party contested the Court's tentative ruling of June 17, 2020 on Defendant's Motion.

4 After considering Defendant's Motion, Defendant's Separate Statements, the Declaration of  
5 William R.H. Mosher filed in support thereof, Plaintiff JUANITA DE RAADT'S ("Plaintiff") non-  
6 opposition to Defendant's Motion, and good cause appearing for the requested relief, it is ordered that:

- 7 1. Defendant's Motion for Terminating or Other Sanctions is GRANTED;
- 8 2. This action is dismissed with prejudice;
- 9 3. Plaintiff's counsel, Chad Morgan, Esq., is ordered to pay Defendant monetary sanctions  
10 in the amount of \$1,675 on or before July 18, 2020; and
- 11 4. If Plaintiff's counsel does not pay Defendant the required sanctions by July 18, 2020,  
12 Defendant may prepare a formal order for the Court's signature and the order may be enforced as a  
13 separate judgment.

14 The Court affirmed the tentative ruling on June 18, 2020. A true and correct copy of the Court's  
15 Minute Order is attached hereto as **Exhibit A.**

16 **IT IS SO ORDERED.**

17  
18 DATED: JUL 13 2020



19 Hon. David I. Brown  
20 Judge of the Sacramento Superior Court  
21  
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**PROOF OF SERVICE**  
(CCP § 1013(a) and 2015.5)

I, the undersigned, am at least 18 years old and not a party to this action. I am employed in the County of Sacramento with the law offices of Fisher & Phillips LLP and its business address is 621 Capitol Mall, Suite 1400, Sacramento, California 95814.

On July 6, 2020, I served the foregoing document(s), **[PROPOSED] ORDER GRANTING DEFENDANT CALIFORNIA STATE ASSEMBLY'S MOTION FOR TERMINATING OR OTHER SANCTIONS**, on the person(s) listed below as follows:

Chad D. Morgan  
LAW OFFICE OF CHAD D. MORGAN  
4470 Sunset Blvd., #91734  
Los Angeles, CA 90027

Attorneys for Plaintiff  
JUANITA DE RAADT a/k/a JANIE SUSTAITA  
  
Facsimile: 866.495.9985  
Email: [chad@chadmorgan.com](mailto:chad@chadmorgan.com)

- [by MAIL] - I enclosed the document(s) in a sealed envelope or package addressed to the person(s) whose address(es) are listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Sacramento, California, in a sealed envelope with postage fully prepaid.
- [by ELECTRONIC SERVICE] - Based on a court order or an agreement of the parties to accept service by electronic transmission, I electronically served the document(s) to the person(s) at the electronic service address(es) listed above.
- [by OVERNIGHT DELIVERY] - I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the address(es) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight carrier.
- [by PERSONAL SERVICE] - I delivered the document(s) to the person(s) at the address(es) listed above by (1) (a) personal delivery, or (b) by leaving the documents in an envelope/package with an individual in charge of the office, or (c) by leaving them in a conspicuous place in the office between the hours of 9:00 a.m. and 6:00 p.m., or (2) by messenger – a copy of the Messenger Declaration is attached.

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

Executed July 6, 2020, at Sacramento, California.

Vicki Rathke

Print Name

By: \_\_\_\_\_



Signature

# EXHIBIT A

[PROPOSED] ORDER GRANTING DEFENDANT CALIFORNIA STATE ASSEMBLY'S  
MOTION FOR TERMINATING OR OTHER SANCTIONS



On June 12, 2019, this Court granted Defendant's motions to compel Plaintiff Juanita De Raadt's further responses to form and special interrogatories, employment form interrogatories and requests for production. Responses were due by June 26, 2019. Plaintiff did not serve the responses by that date. Defendant then filed its first motion for terminating sanctions which the Court denied on November 20, 2019 but the Court ordered Plaintiff to serve the further responses by December 2, 2019 and also ordered Plaintiff's counsel to pay Defendant \$629.50 in monetary sanctions. The Court indicated that the failure to serve the responses could lead to the imposition of more serious sanctions, including terminating sanctions. (ROA 76) Parenthetically, the court has admonished Mr. Morgan on multiple occasions, over many months, to consider withdrawal in favor of other counsel to protect his client's interests, among other suggestions.

Plaintiff did not serve the responses by December 2, 2019. Defendant filed its second motion for terminating sanctions which was set to be heard on January 23, 2020. The Court continued the matter on its own motion to February 26, 2020 and ordered Plaintiff to serve the responses by February 10, 2020. The Court indicated that it would consider whether to dismiss the matter on February 26, 2020 or issue evidentiary/issue and/or monetary sanctions instead. (ROA 88) On February 26, 2020 the Court issued its order on Defendant's second motion for terminating sanctions. The Court denied the request for evidentiary/issue sanctions because Defendant did not file a separate statement as required by CRC Rule 3.1345(a)(7) and failed to specify how the desired sanctions flowed from the discovery that was not provided. The Court also denied the request for terminating sanctions in the absence of evidence that Plaintiff had not served the responses in time period between February 10 and 26, 2020. The Court imposed additional monetary sanctions in the amount of \$1,282.50 payable by Plaintiff's counsel. The Court also stayed the matter pending service of the discovery responses by March 20, 2020, advised Plaintiff's counsel (again), that failure to comply could lead to terminating sanctions, and also provided that if responses were not provided by March 20, 2020, Defendant could move ex parte for an OST for a motion for terminating sanctions. (ROA 89)

Once again, Plaintiff failed to serve the required responses. On May 14, 2020, this Court granted Defendant's ex parte application for an OST and set the matter on today's calendar. Plaintiff's opposition was due on June 5, 2020. No opposition was filed.

For misuse of the discovery process, including as is the case here, disobeying a court order to provide discovery, the Court may impose a terminating sanction by one of the following: an order striking out the pleadings or parts of the pleadings of any party engaging in the misuse of the discovery process or an order dismissing the action, or any part of the action, of that party. See, e.g. Code of Civil Procedure sections 2023.010(d) and (g), 2023.030(d)(1) and (3). The Court has broad discretion in selecting the appropriate sanctions under the factual circumstances before it. (*Cedars-Sinai Medical Center v. Superior Court* (1998) 18 Cal.4th 1, 12.)

In the instant case, Plaintiff's multiple failures to comply with the Court's order constitute a misuse of the discovery process warranting terminating sanctions. The Court has given Plaintiff numerous opportunities to provide the Court ordered responses. They were first ordered to be served by June 26, 2019, almost one year ago. The Court has accepted Plaintiff's counsel's previous admissions of responsibility for failing to serve the responses and took into consideration counsel's personal issues that he stated he was experiencing with his marriage in declining to impose terminating sanctions. The Court attempted on two occasions to impose monetary sanctions which has not achieved compliance with the Court's order. On numerous occasions the Court warned Plaintiff that continued failure to comply could lead to terminating sanctions. Still no responses have been served. Further, Plaintiff has failed to oppose the instant motion, which the Court sees as a concession on the merits. It is clear to this Court that terminating sanctions are appropriate at this time. The Court orders that Plaintiff's complaint against Defendant is dismissed.

Given the above, the Court need not address the alternate request for evidentiary/issue sanctions.

In addition, Defendant is awarded monetary sanctions from Plaintiff's counsel in the amount of \$1,675 (\$335/hr x 5 hr + \$60 filing fee). Sanctions are to be paid on or before July 18, 2020. If sanctions are not paid by that date, Defendant may prepare a formal order granting sanctions for the Court's signature, and the order may be enforced as a separate judgment. (*Newland v. Superior Court* (1995) 40 Cal.App.4th 608, 615.)

Defendant shall prepare a formal order for the Court's signature pursuant to C.R.C. 3.1312.

### **COURT RULING**

There being no request for oral argument, the Court affirmed the tentative ruling.