



INFINITY SELECT INSURANCE COMPANY

P.O. BOX 830807
BIRMINGHAM, AL 35283-0807TELEPHONE
800-782-2020

DATE: 11/07/13

POLICY: 504653232013001

CLAIM NUMBER: 20001981033

DATE OF LOSS: 06/12/13

INSURED NAME:

GUERRA, MARIO A

CLAIMANT NAME:

LEDUC

MARSHA

GEORGESON BELLARDINELLI NOYES
7060 N FRESNO ST STE 250

FRESNO

CA 93720-2925

Please be advised that we are unable to conclude the pending bodily injury claim(s) of your client(s) due to the following reason(s):

() We have ordered and are awaiting all medical reports, notes and billing statements to properly evaluate your client's bodily injury claim.

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NF23B R0003 20001981033 005 BI 473 20131107 CLAI0001

LP0000578



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800-782-2020

POLICY NUMBER: 504653232013001

CLAIM NUMBER: 20001981033

If you have any questions about this matter, please feel free to
contact me at 205-803-8822

Sincerely,

JENNIFER CERAVOLO

Claims Adjuster

NF23B R0003 20001981033 005 BI 473 20131107 CLAI0001

LP0000579



INFINITY SELECT INSURANCE COMPANY

P.O. BOX 830807
BIRMINGHAM, AL 35283-0807TELEPHONE
800-782-2020GEORGESON BELLARDINELLI NOYES
7060 N FRESNO ST STE 250

FRESNO

CA 93720-2925

DATE: 11/07/13
POLICY: 504653232013001
CLAIM NUMBER: 20001981033
DATE OF LOSS: 06/12/13
INSURED NAME:
GUERRA, MARIO A
CLAIMANT NAME:
ABBY, TORI KAY

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CLAIM NUMBER: 20001981033

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Sincerely,

JENNIFER CERAVOLO

Claims Adjuster

NF23B R0003 20001981033 002 BI 473 20131107 CLAI0001

LP0000581

INFINITY SELECT INSURANCE COMPANY

P.O. BOX 830807
BIRMINGHAM, AL 35283-0807TELEPHONE
800-782-2020

DATE: 11/07/13

POLICY: 504653232013001

CLAIM NUMBER: 20001981033

DATE OF LOSS: 06/12/13

INSURED NAME:

GUERRA, MARIO A

CLAIMANT NAME:

ABBY

MILEY

GEORGESON BELLARDINELLI NOYES
7060 N FRESNO ST STE 250

FRESNO

CA 93720-2925

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NF23B R0003 20001981033 004 BI 473 20131107 CLAI0001

LP0000582



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POLICY NUMBER: 504653232013001

CLAIM NUMBER: 20001981033

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Sincerely,

JENNIFER CERAVOLO

Claims Adjuster

NF23B R0003 20001981033 004 BI 473 20131107 CLAI0001

LP0000583



INFINITY SELECT INSURANCE COMPANY

P.O. BOX 830807
BIRMINGHAM, AL 35283-0807TELEPHONE
800-782-2020

DATE: 12/10/13

POLICY: 504653232013001

CLAIM NUMBER: 20001981033

DATE OF LOSS: 06/12/13

INSURED NAME:

GUERRA, MARIO A

CLAIMANT NAME:

LEDUC

MARSHA

GEORGESON BELARDINELLI & NOYES
7060 N FRESNO ST STE 250

FRESNO CA 93720-2925

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POLICY NUMBER: 504653232013001

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Sincerely,

JENNIFER CERA VOLO

Claims Adjuster

NF23B R0003 20001981033 005 BI 473 20131210 CLAI0001

LP0000585



INFINITY SELECT INSURANCE COMPANY

P.O. BOX 830807
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TELEPHONE
800-782-2020



GEORGESON BELARDINELLI & NOYES
7060 N FRESNO ST STE 250

FRESNO CA 93720-2925

DATE: 12/10/13
POLICY: 504653232013001
CLAIM NUMBER: 20001981033
DATE OF LOSS: 06/12/13
INSURED NAME:
GUERRA, MARIO A
CLAIMANT NAME:
ABBY, TORI KAY

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FRESNO CA 93720-2925

DATE: 12/10/13
POLICY: 504653232013001
CLAIM NUMBER: 20001981033
DATE OF LOSS: 06/12/13
INSURED NAME:
GUERRA, MARIO A
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ABBY MILEY

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JENNIFER CERAVOLO

Claims Adjuster

NF23B R0003 20001981033 004 BI 473 20131210 CLAI0001

LP0000589



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Sincerely,

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Claims Adjuster

NF23B R0003 20001981033 004 BI 473 20140109 CLAI0001

LP0000591



FIDELITY SELECT INSURANCE COMPANY

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800-782-2020GEORGESON BELARDINELLI & NOYES
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LP0000595

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

Attorneys At Law
7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

February 6, 2014

Mario Alberto Guerra
11811 Peach Avenue
Hesperia, CA 92345

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Mr. Guerra:

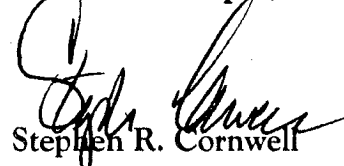
We are in receipt of the Answer that was served on your behalf in the above-referenced matter. Enclosed please find a copy of a Proof of Service of Summons which indicates that you were also served on behalf of Guerra Produce on January 31, 2014. A response to the Complaint on behalf of Guerra Produce is therefore due by March 3, 2014. I urge you to turn this in to your insurance company as soon as possible.

Also, enclosed is a copy of a Notice of Calendar Setting continuing the Case Management Conference which was previously scheduled for April 14, 2014, to May 5, 2014.

Thank you.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:llq
Enclosure

LP0000596

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

Attorneys At Law
7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559) 431-3142
Facsimile (559) 436-1135
www.cornwellsample.com

March 14, 2014

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Joe:

Enclosed please find discovery directed to Mario Alberto Guerra. We previously propounded Form Interrogatories on Mr. Guerra when he served his Answer in pro per. Since you are now representing Mr. Guerra, we will withdraw the set served on February 10, 2014, and replace it with the enclosed discovery.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:llq
Enclosures

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
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March 18, 2014

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

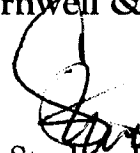
Re: *LeDuc v. General Motors Corporation, et al.*

Dear Joe:

Enclosed please find a copy of the Answer of Defendant Guerra Produce we received in yesterday's mail filed by Guerra Produce, in Pro Per.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:llq
Enclosure

LP0000598

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
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March 24, 2015

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Joe:

This confirms our conversation last week about the policy insuring Messrs. Guerra and Canchola. We discussed the policy insuring Guerra and Canchola for \$750,000. This was a private conversation and not in the way of any admissions in Court.

I think we both agree that the law in California requires that a commercial vehicle be insured for \$750,000. I think it is clear that Mr. Guerra's vehicle was his commercial vehicle and was being used in that manner that is to haul his own goods. And in fact that is exactly what Mr. Canchola was doing at the time of the incident.

The agent apparently wrote the policy for 25/50 whereas it is clear that under the law it is required to be \$750,000. After the damage to the vehicle, Mr. Guerra replaced that vehicle with another vehicle which weighed somewhat more than the crash vehicle. A new agent wrote substituted a new vehicle into the policy. The insurance carrier issued a certificate that that policy was for \$750,000 and had been since June 3, some days before the incident in question.

You indicated that I said in an earlier conversation I would accept the \$750,000 if offered. What I said then and reiterate now is I would have to speak to my clients and the referring attorney about it. It is not my decision to make alone.

LP0000599

Joseph D. Cooper, Sr.
March 24, 2015
Page 2

We are going to proceed with the depositions of the agents as I indicated.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:yx

LP0000600

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

April 21, 2014

File No. 70028.14

VIA FACSIMILE & FIRST CLASS MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*
Our Clients: Mario Guerra; Guerra Produce; Daniel Canchola

Dear Mr. Cornwell:

This confirms today's telephone conversation between our respective assistants, wherein our clients were granted a two-week extension to respond to all of your discovery in the above-referenced matter. Our discovery responses will now be due on May 5, 2014.

Thank you for your courtesy and cooperation in this matter.

Very truly yours,

COOPER & COOPER

*Dictated but not read—
sent to avoid delay*

Joseph D. Cooper Sr.

JDC/ss

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell; (559) 436-1135

DATE : April 21, 2014

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

CORNWELL & SAMPLE, LLP

Attorneys At Law

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René Turner Sample
Judith M. Harless
Sher A. Beard

7045 N. Fruit Avenue
Fresno, California 93711-0761

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Facsimile (559)436-1135
www.cornwellsample.com

April 30, 2014

Via Facsimile Only

Richard A. Belardinelli
GEORGESON, BELARDINELLI &
NOYES
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Vincent Galvin
Ryan A. McCarthy
BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Gregory S. Mason
McCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Enclosed is a copy of the minute order adopting the tentative ruling by Judge Snauffer with respect to the motion of Guerro, Guerro Produce and Canchola to strike punitive damages. In that Order, the Court notes that there is an Order to Show Cause set on July 9 to determine if this case is complex. Responses with respect to the Order to Show Cause set on July 9 are due on July 1. The Court has invited us to stipulate to continue the Case Management Conference, set for May 5, to a date after that hearing.

It makes sense to have a Case Management Conference after July 9 because the Court will determine whether the case is complex. Determining whether the case is complex will have an effect on what is done at the Case Management Conference. I would expect the Court would address the Case Management Conference issue informally at the July 9 hearing as well.

I suggest that we continue the Case Management Conference to early September. Specifically I suggest the date of September 3 or 4.

LP0000603

All Counsel
April 30, 2014
Page 2

May I please I hear from you at the earliest time so that we may accomplish this if necessary in a timely manner.

Very truly yours,

Cornwell & Sample, LLP

*Dictated but not read.
Sent in attorney's absence to avoid delay.*

Stephen R. Cornwell

SRC:yx
Enclosure

LP0000604

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Civil Department - Non-Limited		Entered by:
TITLE OF CASE: Cal LeDuc vs General Motors Corporation		
LAW AND MOTION MINUTE ORDER		Case Number: 13CECG03811 MWS

Hearing Date: **APRIL 23, 2014**

Hearing Type: **Motion to Strike**

Department: **503**

Judge/Temporary Judge: **Mark W Snauffer**

Court Clerk: **B. Danielson**

Reporter/Tape: **not reported**

Appearing Parties:

Plaintiff:

Defendant:

Counsel: **no appearance**

Counsel: **no appearance**

☐ Off Calendar

☐ Continued to ☐ Set for _____ at _____ Dept. _____ for _____

☐ Submitted on points and authorities with/without argument. ☐ Matter is argued and submitted.

☐ Upon filing of points and authorities.

☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.

☐ Taken under advisement

☐ Demurrer ☐ overruled ☐ sustained with _____ days to ☐ answer ☐ amend

☒ Tentative ruling becomes the order of the court. No further order is necessary.

☒ Pursuant to CRC 391(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.

☒ Service by the clerk will constitute notice of the order.

☐ Time for amendment of the complaint runs from the date the clerk serves the minute order.

☐ Judgment debtor _____ sworn and examined.

☐ Judgment debtor _____ failed to appear.

Bench warrant issued in the amount of \$ _____

Judgment:

☐ Money damages ☐ Default ☐ Other _____ entered in the amount of:
Principal \$ _____ Interest \$ _____ Costs \$ _____ Attorney fees \$ _____ Total \$ _____

☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to \$ _____ per _____

Further, court orders:

☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.

☐ \$ _____ to be released to judgment creditor and balance returned to judgment debtor.

☐ Levying Officer, County of _____, notified. ☐ Writ to issue

☐ Notice to be filed within 15 days. ☐ Restitution of Premises

☒ Other See attached copy of the tentative ruling.

☐ : _____

(19)

Tentative Ruling

Re: **LeDuc v. General Motors Corporation et al.**
Superior Court Case No. 13CECG03811

Hearing Date: April 23, 2014 (Department 503)

Motion: by defendants Guerro, Guerro Produce, and Canchola to strike punitive damages allegation in complaint

Tentative Ruling:

To grant for defendant Canchola. To deny for defendants Guerro and Guerro Produce.

The Court also sets this matter for an Order to Show Cause why this case should not be deemed Complex pursuant to California Rules of Court, Rule 3.400 et seq. A hearing for that OSC is set on July 9, 2014 at 3:30 p.m. in this Department. The parties are invited to file responses to the OSC on or before July 1, 2014, and may wish to stipulate to continue the Case Management Conference set May 5, 2014 to a date after that hearing.

Explanation:

Mr. Guerra sought and obtained a waiver of costs when filing his answer on February 3, 2014, which he did representing himself. He also was representing himself when he filed his answer for his DBA, Guerra Produce, on February 25, 2014. The motion to strike, where it concerns Mr. Guerra or Guerra Produce, was not timely. See Code of Civil Procedure section 435.

The motion to strike as well as the answer filed by counsel Cooper cannot be considered where same are asserted to be on behalf of the self-represented Mr. Guerra and Guerra Produce. This is because no substitution of attorney has been filed by Mr. Guerra changing his formal representation of record to Mr. Cooper. See Code of Civil Procedure sections 284 and 285, as well as *Forslund v. Forslund* (1964) 225 Cal. App. 2d 476, 488.

Filing of such a substitution with all due speed is recommended if Mr. Cooper will be representing the Guerra defendants.

Pursuant to Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued By: MWS on 4/22/2014
(Judge's initials) (Date)

SUPERIOR COURT OF CALIFORNIA • COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, CA 93724 (559)	FOR COURT USE ONLY
TITLE OF CASE: Cal LeDuc vs General Motors Corporation	
CLERK'S CERTIFICATE OF MAILING	CASE NUMBER: 13CECG03811 MWS

Name and address of person served:

Stephen R. Cornwell
Cornwell & Sample
7045 N. Fruit Ave.
Fresno, CA 93711

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the April 23, 2014 Minute Order was mailed first class, postage fully prepaid, in a sealed envelope addressed as shown below, and that the notice was mailed at, California, on:

Date: **April 24, 2014**

Clerk, by _____, Deputy

Stephen R. Cornwell, Cornwell & Sample, 7045 N. Fruit Ave., Fresno CA 93711
Joseph D. Cooper, Cooper & Cooper, 7519 N. Ingram Ave #105, Fresno CA 93711
Gregory S. Mason, McCormick, Barstow, PO Box 28912, Fresno CA 93729-8912
Ryan McCarthy, Bowman & Brooke, LLP, 1741 Technology Dr., Ste 200, San Jose CA 95110
Mario A. Guerra, 11811 Peach Ave, Hesperia CA 92345
Guerra Produce, 11811 Peach Ave., Hesperia CA 92345

* * * Communication Result Report (Apr. 30. 2014 9:56AM) * * *

1)
2)

Date/Time: Apr. 30. 2014 9:55AM

File No.	Mode	Destination	Pg(s)	Result	Page Not Sent
0059	Memory TX	5594470747	P. 6	OK	

Reason for error

E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
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CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
Rene Turner Sample
Judith M. Harless
Sheri A. Beard

Attorneys At Law
7045 N. Fruit Avenue
Fremont, California 93711-0761

Telephone (559) 431-3142
Facsimile (559) 436-1135
www.cornwellsample.com

FACSIMILE TRANSMISSION

DATE: April 30, 2014

TO:

NAME	FAX NO.	PHONE NO.
Richard A. Belardinelli	(559) 417-0747	
Vincent Galvin / Ryan McCarthy	(408) 279-5845	
Gregory S. Mason	(559) 433-2300	
Joseph D. Cooper, Sr.	(559) 442-1659	

FROM: Yer Xiong for Stephen R. Cornwell

Re: LeDuc v. General Motors, LLC, et al

NUMBER OF PAGES, INCLUDING COVER: 6

MESSAGE:

Please see attached sending of today's date.
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* * * Communication Result Report (Apr. 30. 2014 10:06AM) * * *

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2)

Date/Time: Apr. 30. 2014 9:56AM

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0060	Memory TX	14082795845 5594332300 5594421659	P. 6	OK OK OK	

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CORNWELL & SAMPLE, LLP

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Re: LeDuc v. General Motors, LLC, et al.

NUMBER OF PAGES, INCLUDING COVER: 6

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 IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
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Attorneys At Law
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Fresno, California 93711-0761

Telephone (559)431-3142
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www.cornwellsample.com

May 1, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Mr. Cooper:

This will confirm my telephone conversation with your secretary Sarah wherein you graciously extended the time in which all Plaintiffs have to respond to the discovery propounded by Daniel Canchola. The responses are now due May 27, 2014.

Thank you for your courtesy and cooperation in this regard.

Very truly yours,

Cornwell & Sample, LLP



Lisa L. Quiroz,
Paralegal to Stephen R. Cornwell

* * * Communication Result Report (May. 1. 2014 10:55AM) * * *

2}

Date/Time: May. 1. 2014 10:55AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0072 Memory TX	15594421659	P. 1	OK	

Reason for error

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CORNWELL & SAMPLE, LLP

Attorneys At Law
 Stephen R. Cornwell
 Ronald Turner Sample
 Judith M. Harless
 Sherr A. Beard
 7045 N. Fruit Avenue
 Fresno, California 93711-0761
 Telephone (559) 431-3142
 Facsimile (559) 436-1135
 www.cornwellsample.com

May 1, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
 COOPER & COOPER
 7519 N. Ingram Avenue, Suite 103
 Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

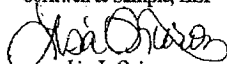
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Very truly yours,

Cornwell & Sample, LLP


 Lisa L. Quiroz,
 Paralegal to Stephen R. Cornwell

LP0000611

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

Attorneys At Law
7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

May 14, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Mr. Cooper:

In reviewing the file, we note that we never received your client GUERRA PRODUCE's responses to our discovery, which included Form Interrogatories and Request for Production of Documents, both Set One. You contacted us and were granted an extension of time to May 5 for your client to respond to said discovery. No additional request for an extension has been requested nor granted.

Since your responses are now overdue, you have waived your right to object. See *West Pico Furniture v. Superior Court* (1961) 56 Cal.2d 407, 414; *Coy v. Superior Court* (1962) 58 Cal.2d 210, 222; *Fuss v. Superior Court* (1969) 273 Cal.App.2d 807; Modern California Discovery 3d, Volume 1, at pgs. 313-315.

We wish to avoid the necessity and expense of filing a Motion to Compel. **Please provide us with verified responses without objections by May 21, 2014.** If you have any difficulties that will not allow you to serve your responses within that time frame, please contact me and we can discuss an alternative deadline.

Please do not hesitate to contact me should you wish to discuss.

Very truly yours,

Cornwell & Sample, LLP


Stephen R. Cornwell

SRC:yx

Just send me something!

LP0000612

* * * Communication Result Report (May. 15. 2014 7:47AM) * * *

1)
2)

Date/Time: May. 15. 2014 7:47AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0250 Memory TX	5594421659	P. 2	OK	

Reason for error

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CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
Rene Turner Sample
Judith M. Hadlow
Sher A. Beard

Attorneys At Law
7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559) 431-3142
Facsimile (559) 436-1135
www.cornwellsample.com

FACSIMILE TRANSMISSION

DATE: May 15, 2014

TO:

NAME	FAX NO.	PHONE NO.
Joseph D. Cooper, Sr.	(559) 442-1659	

FROM: Yee Xiong for Stephen R. Cornwell

Re: LeDuc v. General Motors, LLC, et al.

NUMBER OF PAGES, INCLUDING COVER: 2

MESSAGE:

Please see attached sending of yesterday's date.

Original will not follow.

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PLEASE IMMEDIATELY CALL (559) 431-3142
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COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

May 21, 2014

File No. 70028.14

VIA FACSIMILE & FIRST CLASS MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***
Our Clients: Mario Guerra; Guerra Produce; Daniel Canchola

Dear Mr. Cornwell:

Enclosed please find a Stipulation to Strike the Answer of Guerra Produce. As you recall, our client filed a pro per answer before we were involved. He ultimately turned your client's lawsuit into his insurance company who retained us to represent him. We were able to, through your client's graciousness, set aside his earlier responsive pleading and file a new responsive pleading.

That answer was filed on or about March 12, 2014. Subsequent to that filing, our client filed a responsive pleading on behalf of Guerra Produce. Why he did that, is a mystery. There is no such entity as Guerra Produce. I am certain that your research has indicated that there is no legal entity known as Guerra Produce. We have now confirmed that there is no entity known as Guerra Produce.

As such, we have taken the liberty of preparing the enclosed stipulation. If it meets with your approval, please execute the enclosure and return it to me for submission to the court. If you would like to discuss this at any greater detail, please do not hesitate to call on me.

Very truly yours,

COOPER & COOPER

Joseph D. Cooper

JDC:sba
Enclosure

JOSEPH D. COOPER SR. #139993
COOPER & COOPER

ATTORNEYS AT LAW

7519 N. Ingram Avenue, Suite 103

Fresno, California 93711

Telephone (559) 442-1650

Facsimile (559) 442-1659

Attorneys for Defendants,

MARIO ALBERTO GUERRA (erroneously sued herein as MARIO ALBERTO GUERRO),
 GUERRA PRODUCE and DANIEL CANCHOLA

SUPERIOR COURT OF CALIFORNIA

COUNTY OF FRESNO

CAL LeDUC; TORI ABBY; MILEY
 ABBY, a minor, by and through her
 Guardian ad Litem TORI ABBY; MANDY
 JOBE; LUKUS LeDUC; JAY LeDUC; and
 CAL LeDUC as successor in interest to the
 estate of Marsha Kay LeDuc

Plaintiffs,

vs.

GENERAL MOTORS CORPORATION;
 TOYOTA MOTOR CORPORATION;
 NEW UNITED MOTOR
 MANUFACTURING, INC.; TRQSS, INC.
 (F/K/A QUALITY SAFETY SYSTEMS
 COMPANY); TRW AUTOMOTIVE
 GMBH (F/K/A TRW GmbH; F/K/A TRW
 Repa GmbH); TRW CANADA LIMITED;
 MARIO ALBERTO GUERRA; DANIEL
 M. CANCHOLA; GUERRA PRODUCE;
 and DOES 1 to 50, inclusive,

Defendants.

CASE NO. 13CECG03811

**STIPULATION AND ORDER TO
 STRIKE THE ANSWER OF
 GUERRA PRODUCE**

Complaint Filed: December 11, 2013

*(Assigned to Judge Mark W. Snauffer for
 all purposes)*

///

///

///

///

///

///

1 I / We, the undersigned hereby stipulate as follows:

2 1. That the responsive pleading of GUERRA PRODUCE filed on or around March
3 20, 2014 and expressly attached hereto and incorporated herein by reference as **Exhibit A**, is
4 stricken.

5 **COOPER & COOPER**

6
7 Dated: _____, 2014

By: _____
JOSEPH D. COOPER SR.
Attorneys for Defendant,
MARIO ALBERTO GUERRA
GUERRA PRODUCE and
DANIEL CANCHOLA

10
11 **CORNWELL & SAMPLE**

12
13 Dated: _____, 2014

By: _____
Stephen Cornwell, Esq.
Attorneys for Plaintiffs,
CAL LeDUC; TORI ABBY; MILEY
ABBY, a minor, by and through her
Guardian ad Litem TORI ABBY;
MANDY JOBE; LUKUS LeDUC; JAY
LeDUC; and CAL LeDUC as successor in
interest to the estate of Marsha Kay LeDuc

18
19 **IT IS SO ORDERED.**

20
21 Dated: _____, 2014

22
23
24
25
26
27
28 JUDGE OF THE SUPERIOR COURT

N:\seely\70028.14\PL\EDINGS\Stip Strike Answer.wpd

EXHIBIT A

1 GUERRA PRODUCE
2 11811 PEACH AVE
3 HESPERIA, CA 92345

4 Defendant in Pro Per
5
6
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF FRESNO
10

11 CAL LEDUC; TORI ABBY,)

CASE No.: 13CECG03811

12 PLAINTIFF)

ANSWER OF DEFENDANT,
GUERRA PRODUCE TO
UNVERIFIED COMPLAINT OF
CAL LEDUC; TORI ABBY

13 VS.)
14)

15 GUERRA PRODUCE,)

16 DEFENDANT)
17

18 Defendant GUERRA PRODUCE answers the complaint filed by CAL LEDUC; TORI
19 ABBY As follows:

20 **GENERAL DENIAL**

- 21 1. Under the provisions of Code of Civil Procedure section 431.30(d), Defendant denies
22 generally and specifically each and every allegation contained in the unverified
23 complaint, and further denies that he is obligated or indebted to Complainant for the sums
24 alleged, and further denies that Complainant is entitled to the relief prayed for.
25

MAR 20 2014

1 **AFFIRMATIVE DEFENSES**

2 **FIRST AFFIRMATIVE DEFENSE**

3 (Failure to State a Cause of Action)

- 4 2. This answering Defendant alleges that the Plaintiff's Contract Cause of Action each and
5 every Cause of Action therein fails to state a Cause of Action.

6 **SECOND AFFIRMATIVE DEFENSE**

7 (Unclean Hands)

- 8 3. This answering Defendant alleges that to the extent the Plaintiff seeks equitable relief,
9 Plaintiff's inequitable conduct constitutes unclean hands and therefore bars the granting of relief
10 to Plaintiff herein.

11 **THIRD AFFIRMATIVE DEFENSE**

12 (Anticipatory Repudiation)

- 13 4. This answering Defendant is informed and believes and on such information and belief
14 alleges that Plaintiff's breached their contract, if any, with Defendant, and that by reason of said
15 breach of contract, Defendant has been excused of their duties to perform all obligations set forth
16 in said contract.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 (Offset)

- 19 5. This answering Defendant alleges that they have suffered damage by reason of Plaintiff's
20 conduct; that they have the right to offset if any amount of money is owed to Plaintiff's or due
21 Plaintiff by way of damage.

22 **FIFTH AFFIRMATIVE DEFENSE**

23 (Waiver)

- 24 6. This answering Defendant's are informed and believe and on such information and
25 belief allege, that Plaintiff's were engaged in conduct that constitutes a waiver of their rights

1 under the contract alleged in the cause of action. By reason of said waiver, Defendant is excused
2 from further performance of the obligations under the alleged contract.

3
4 **SIXTH AFFIRMATIVE DEFENSE**

(Release)

5 7. This answering Defendant's allege that Plaintiff's actions constituted a full release and
6 waiver by Plaintiff of any and all claims which Plaintiff may have against defendant.

7
8 **SEVENTH AFFIRMATIVE DEFENSE**

(In Pari Delicto)

9 8. This answering Defendant allege that the Plaintiff's herein and each and every
10 purported Cause of Action in the complaint are barred because Plaintiff's have engaged in acts
11 and courses of conduct which rendered them in pari delicto.

12
13 **EIGHT AFFIRMATIVE DEFENSE**

(Equitable Estoppel)

14 9. This answering Defendant allege that the Plaintiffs herein, and each and every Cause
15 of Action contained in the complaint, are barred by reason of acts, omissions, representations and
16 courses of conduct by Plaintiffs by which Defendant's were led to rely to their detriment, thereby
17 barring, under the doctrine of equitable estoppels, any Causes of Action asserted by the
18 Plaintiffs.

19
20 **NINTH AFFIRMATIVE DEFENSE**

(Condition Precedent)

21 10. This answering Defendant's allege that performance by these Plaintiff's of certain acts
22 were contingent upon receipt of specific instructions or otherwise properly directed any action
23 which supposedly were to be undertaken by these Defendant, thus Plaintiff's authority, direction
24 and cooperation was a condition precedent to any alleged-obligation-by-these Defendant's to
25 perform such acts.

TENTH AFFIRMATIVE DEFENSE**(Contributory Negligence)**

11. This answering Defendant are informed and believe and thereon allege that the damages referred to in the complaint by Plaintiff were proximately caused by the Plaintiffs and/or others affiliated in any manner with Plaintiffs in that at all times relevant herein, Plaintiffs, failed to exercise for their own protection the proper care and precautions which prudent persons under the same and similar circumstances would have exercised and that If these answering Defendants committed any wrongful act at all (which supposition is mad for the purpose of their defense without admitting such to be a fact), the aforesaid conduct of Plaintiffs and /or entities or persons associated in any manner with the Plaintiffs contributed to the happenings of Plaintiff's alleged damages.

ELEVENTH AFFIRMATIVE DEFENSE**(Statute of Frauds)**

12. This answering Defendant alleges that the Plaintiff is barred by the provisions of Section 1624 of the Civil Code, i.e., the Statute of Frauds.

TWELFTH AFFIRMATIVE DEFENSE**(Failure of Consideration)**

13. This answering Defendants allege that the Plaintiffs herein and each and every purported Cause of Action in the complaint are barred as a result of a failure of consideration.

THIRTEENTH AFFIRMATIVE DEFENSE**(Substantial or Partial Performance/Divisibility)**

14. This answering Defendant are informed and believe and on such information and belief allege that the contact alleged in the complaint, if any, has been substantially and/or partially performed, and as such, is subject to divisibility.

FOURTEENTH AFFIRMATIVE DEFENSE**(Failure to Mitigate)**

15. This answering Defendant are informed and believe and thereon allege that Plaintiffs has failed to mitigate and lessen damages, if any sustained, as required by law, and are barred from recovery by reason thereof against defendant.

FIFTEENTH AFFIRMATIVE DEFENSE**(Apportionment)**

16. This answering Defendant are informed and believe and thereon allege that the matters complained of in the complaint were proximately caused, in whole or in part, by the acts or omissions of a third party or parties or Plaintiffs. Accordingly, the liability of the defendants and responsible parties, names or unnamed, should be apportioned according to their respective degrees of fault or other legal responsibility, and the liability, if any, of these answering defendants should be reduces accordingly.

SIXTEENTH AFFIRMATIVE DEFENSE**(Modification)**

17. This answering defendants are informed and believe and there on allege that the contract in question, if any, was modified by the parties, and that Plaintiffs are barred from recovery on the unmodified original contract, if any, by reason of said modification.

SEVENTEENTH AFFIRMATIVE DEFENSE**(Substituted Contract)**

18. This answering defendants are informed and believe and there on allege that a new contract were substituted in place of the original contract, if any, and that Plaintiffs are barred from recovery on the original contact, if any.

EIGHTEENTH AFFIRMATIVE DEFENSE**(Mutual Mistake)**

19. This answering defendants are informed and believe and there on allege that if there presently exists or ever existed, any or all of the alleged rights, claims or obligations which

1 Plaintiffs seeks by way of their actions, said claims or obligations are unenforceable by reason of
2 mutual mistake.

3
4 **NINETEENTH AFFIRMATIVE DEFENSE**

5 **(Agreement is Not Fully Integrated)**

6 20. This answering defendants are informed and believe and thereon allege that if there
7 presently exists or ever existed, any or all of the alleged rights, claims or obligations which
8 Plaintiffs seeks by way of their complaint, said claims or obligations are unenforceable because
9 the written agreement is not fully integrated.

10
11 **TWENTIETH AFFIRMATIVE DEFENSE**

12 **(Assumption of the Risk)**

13 21. This answering defendants are informed and believe and thereon allege that if there
14 presently exists or ever existed, any or all of the alleged rights, claims or obligations which
15 Plaintiffs by way of their actions, said claims or obligations are unenforceable because Plaintiffs
16 assumed the risk involved in the transaction.

17
18 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

19 **(Statute of Limitations)**

20 22. This answering defendants are informed and believe and thereon allege that if there
21 presently exists or ever existed, any or all of the alleged rights, claims or obligations which
22 Plaintiffs seeks by way of its complaint, each and every cause of action in the Plaintiff is barred
23 by the applicable sections of the California Code of Civil Procedure.

24
25 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

(Real Party in Interest)

23. This answering defendants are informed and believe and thereon allege that if there
presently exists or ever existed, any or all of the alleged rights, claims or obligations
which Plaintiffs by way of their actions, said claims or obligations are unenforceable
because Plaintiffs are not the real parties in interest to assert the claims made

TWENTY-THIRD AFFIRMATIVE DEFENSE**(Standing)**

24. This answering defendants are informed and believe and thereon allege that if there presently exists or ever existed, any or all of the alleged rights, claims or obligations which Plaintiffs by way of their actions, said claims or obligations are unenforceable because Plaintiff lacks standing to assert the claims made.

TWENTY-FOURTH AFFIRMATIVE DEFENSE**(Unconscionability)**

25. This answering defendants are informed and believe and thereon allege that if there presently exists or ever existed, any or all of the alleged rights, claims or obligations which Plaintiffs by way of their actions, said claims or obligations are unenforceable because it is barred by the doctrine of unconscionability.

TWENTY-FIVE AFFIRMATIVE DEFENSE**(Uncertainty)**

26. This answering defendants are informed and believe and thereon allege that if there presently exists or ever existed, any or all of the alleged rights, claims or obligations which Plaintiffs by way of their actions, said claims or obligations are unenforceable because it is ambiguous and uncertain, and thus fails to state a claim, in law or equity, against Defendant.

TWENTY-SIX AFFIRMATIVE DEFENSE**(Laches)**

27. This answering defendants are informed and believe and thereon allege that if there presently exists or ever existed, any or all of the alleged rights, claims or obligations which Plaintiffs by way of their actions, said claims or obligations are unenforceable in whole or in part by laches.

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TWENTY-SEVEN AFFIRMATIVE DEFENSE

(Bad Faith)

28. This answering defendants are informed and believe and thereon allege that if there presently exists or ever existed, any or all of the alleged rights, claims or obligations which Plaintiffs by way of their actions, said claims or obligations are unenforceable due to their bad faith, including, but not limited to, the breach of the duty of good faith and fair dealing.

WHEREFORE, Defendant prays for judgment as follows:

1. That Complainants take nothing by their Complaint;
2. That the Complaint be dismissed with prejudice;
3. For reasonable attorneys' fees and costs of suit incurred;
4. For such other and further relief as the Court may deem just and proper.

Dated: February 21, 2014

Mario Alberto Guerra

BY: Mario Guerra

doing business as **GUERRA PRODUCE.**

Mario Alberto Guerra

PROOF OF SERVICE**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 Eighteen year and not a party to the within action; my business address is 3216 1/2 Huron Street Los Angeles, CA 90065

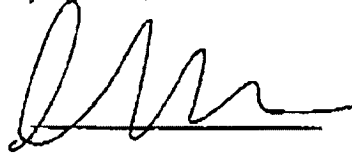
On March 14, 2014, I served the following document(s) described as ANSWER OF DEFENDANT, GUERRA PRODUCE TO UNVERIFIED COMPLAINT OF CAL LEDUC; TORI ABBY on the interested parties in this action as follows:

Stephen R. Cornwell, ESQ
CORNWELL & SAMPLE, LLP
7045 N. Fruit Avenue
Fresno, CA 93711
Attorney for Plaintiff

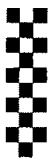
BY MAIL: I placed true copies of the foregoing document(s) enclosed in a sealed envelope Addressed as shown above. I deposited the said envelope with the United States Postal Service that same day in the ordinary course of business. Such envelope was placed for collection And mailing with postage thereon fully prepaid at Los Angeles, California, on that same day following Ordinary business practices. (Code Civ. Proc. §1013, subd. (a) and 1013a(3).)

I declare under penalty of perjury under the laws of the state of California that the foregoing Is true and correct

Executed on March 14, 2014 in Los Angeles, California



Gonzalo Valverde



COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell; (559) 436-1135

DATE : May 21, 2014

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date along with its enclosure.

Number of pages (including this page): 4

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

May 23, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Mr. Cooper:

This will confirm the telephone message I received from Sylvia of your office wherein you graciously extended the time in which all Plaintiffs have to respond to the discovery propounded by Daniel Canchola. The responses are now due June 17, 2014.

Thank you for your courtesy and cooperation in this regard.

Very truly yours,

Cornwell & Sample, LLP



Lisa L. Quiroz,
Paralegal to Stephen R. Cornwell

* * * Communication Result Report (May. 23. 2014 8:49AM) * * *

1)
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Date/Time: May. 23. 2014 8:49AM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0331 Memory TX	15594421659	P. 1	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size
 E. 2) Busy
 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
 René Turner Sample
 Judith M. Harless
 Sheri A. Beard

Attorneys At Law
 7045 N. Fruit Avenue
 Fresno, California 93711-0761

Telephone (559)431-3142
 Facsimile (559)436-1135
www.cornwell/sample.com

May 23, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
 COOPER & COOPER
 7519 N. Ingram Avenue, Suite 103
 Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Mr. Cooper:

This will confirm the telephone message I received from Sylvia of your office wherein you graciously extended the time in which all Plaintiffs have to respond to the discovery propounded by Daniel Canchola. The responses are now due June 17, 2014.

Thank you for your courtesy and cooperation in this regard.

Very truly yours,

Cornwell & Sample, LLP


 Lisa L. Quiron,
 Paralegal to Stephen R. Cornwell

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

7045 N. Fruit Avenue
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Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

July 2, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Joe:

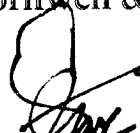
This confirms our conversation regarding records which you have recently subpoenaed from various medical providers. We discussed the costs of obtaining these records. I suggested that rather than my ordering a copy of the records from Second Image, that instead I obtain a copy of those records after you have your copy and I will pay for the copy cost and 1/3 of the cost of your obtaining the records. This cuts your cost of obtaining of the records and my cost of obtaining the same records.

If it is agreeable to you I would appreciate your loaning the records to us so that we can copy them here in the office and then return them to you. I assume they will be bates stamped so that you can be assured that there are no pages missing. If this does not work then we will arrange to have a copy service print them.

Thank you for your accommodations.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:yx

LP0000630

* * * Communicat on Result Report (Jul. 3. 2014 8:13AM) * * *

1)
2)

Date/Time: Jul. 3. 2014 8:13AM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
0775	Memory TX	5594421659	P. 1	OK	

Reason for error

E. 1) Hang up or line fail	E. 2) Busy
E. 3) No answer	E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size	E. 6) Destination does not support IP-Fax

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
Rena Turner Sample
Judith M. Harkins
Sher A. Beard

Attorneys At Law
7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559) 431-3142
Facsimile (559) 436-1135
www.cornwellsample.com

July 2, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Joe:

This confirms our conversation regarding records which you have recently subpoenaed from various medical providers. We discussed the costs of obtaining these records. I suggested that rather than my ordering a copy of the records from Second Image, that instead I obtain a copy of those records after you have your copy and I will pay for the copy cost and 1/3 of the cost of your obtaining the records. This cuts your cost of obtaining of the records and my cost of obtaining the same records.

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Thank you for your accommodations.

Very truly yours,

Cornwell & Sample, LLP


Stephen R. Cornwell

SRC:yx

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

July 10, 2014

File No. 70028.14

VIA FACSIMILE & MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***

Dear Mr. Cornwell:

A review of our file reflects that your clients have not responded to our Request for Statement of Damages. Please provide me with your clients' responses to our Request for Statement of Damages by no later than noon on Monday, July 14, 2014. If you require additional time, please do not hesitate to contact me.

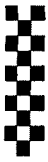
Thank you in advance for your anticipated courtesy and cooperation.

Very truly yours,

COOPER & COOPER

Joseph D. Cooper

JDC:ss



COOPER & COOPER
ATTORNEYS AT LAW

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Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell; (559) 436-1135
DATE : July 10, 2014
FROM : Joseph D. Cooper Sr.
RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

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COOPER & COOPER
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Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

July 15, 2014

File No. 70028.14

VIA FACSIMILE & MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

I am sending this correspondence to meet and confer with regards to some of your clients' responses.

First of all, allow me to clarify that we did receive responses to our Request for Statement of Damages, but only on behalf of Jay LeDuc, Lukas LeDuc, and Mandy Jobe. We still need responses on behalf of Miley Abby, Cal LeDuc, and Cal LeDuc as successor in interest.

Second, please have Ms. Tori Abby respond to each subpart in Form Interrogatory 4.1 with regards to her coverage through Calviva Health. In addition, she did not completely respond to Form Interrogatory 8.1.

Third, please have Ms. Miley Abby respond to each subpart in Form Interrogatory 4.1 with regards to her coverage through Calviva Health.

Please provide me with your clients supplemental responses to the foregoing by July 21, 2014.

Thank you in advance for your anticipated courtesy and cooperation.

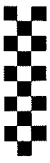
Very truly yours,

COOPER & COOPER

*Dictated but not read-
sent to avoid delay*

Joseph D. Cooper

JDC:ss



COOPER & COOPER
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Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell

FAX NO. : (559) 436-1135

DATE : July 15, 2014

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

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COOPER & COOPER
ATTORNEYS AT LAW

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e-mail: joe@coopllp.com

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798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

August 6, 2014

File No. 70028.14

VIA FACSIMILE & MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

Thank you for providing me with your client's supplemental responses; however, we have not yet received the response to our Request for Statement of Damages on behalf of Miley Abby, Cal LeDuc, and Cal LeDuc as successor in interest. Please provide me with those responses by no later than August 15, 2015.

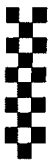
Thank you in advance for your anticipated courtesy and cooperation.

Very truly yours,

COOPER & COOPER

Joseph D. Cooper

JDC:ss



COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
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e-mail: joe@coopllp.com

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798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell

FAX NO. : (559) 436-1135

DATE : August 6, 2014

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

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CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

August 26, 2014

Via Telecopier Only: (559) 442-1659

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

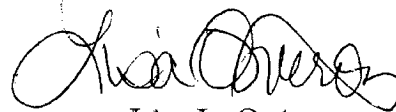
Dear Joe:

We are in receipt of a new Records Request Form for records concerning Marsha Kay LeDuc. A copy of the form is enclosed. We would like to enter into the same cost sharing agreement we entered into on the last records you requested. Please confirm that we can have the same agreement with respect to these records.

Thank you.

Very truly yours,

Cornwell & Sample, LLP



Lisa L. Quiroz,
Paralegal to Stephen R. Cornwell

Enclosure

LP0000638

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
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PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

August 28, 2014

File No. 70028.14

VIA FACSIMILE ONLY

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

This is to advise that we have received records from both Second Image and Quest Discovery Services which are ready to be picked up and copied. Please arrange to have these records picked up and re-delivered to us after they have been copied.

We do not yet know the cost for obtaining these records, but will further advise after we have obtained that information.

Please contact me if you have any questions.

Very truly yours,

COOPER & COOPER

*Dictated but not read—
sent to avoid delay*

Joseph D. Cooper

JDC:ss



COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

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798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell

FAX NO. : (559) 436-1135

DATE : August 28, 2014

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

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COOPER & COOPER

ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
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Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

September 3, 2014

File No. 70028.14

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***

Dear Mr. Cornwell:

Enclosed please find Mr. Canchola's original signed verifications relative to his responses to Form Interrogatories and Request for Production of Documents, as well as his Amended Response to Form Interrogatories.

Please contact me if you have any questions.

Very truly yours,

COOPER & COOPER

*Dictated but not read-
sent to avoid delay*

Joseph D. Cooper

JDC:ss
Enclosure

LP0000641

VERIFICATION

I, Daniel Canchola, am a Defendant in the within action. I have read the foregoing **RESPONSE TO FORM INTERROGATORIES, SET ONE**, and know the contents thereof. The same is true of my own knowledge, except as to matters which may have been stated on information and belief, and concerning those matters, I believe them to be true.

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

Dated: May __, 2014


Daniel Canchola

Guerra adv. LeDuc

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

Daniel M. Canchola
Daniel Canchola

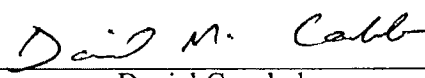
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VERIFICATION

I, Daniel Canchola, am a Defendant in the within action. I have read the foregoing **AMENDED RESPONSE TO FORM INTERROGATORIES, SET ONE**, and know the contents thereof. The same is true of my own knowledge, except as to matters which may have been stated on information and belief, and concerning those matters, I believe them to be true.

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

Dated: May __, 2014


Daniel Canchola

Guerra adv. LeDuc

COOPER & COOPER

ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

September 9, 2014

File No. 70028.14

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: **LeDuc vs. General Motors, et al.**

Dear Mr. Cornwell:

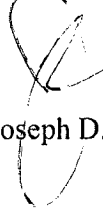


For your information and file, enclosed please find a CD containing subpoenaed records from 21st Century Insurance Company for Guadalupe Medina.

Please contact me if you have any questions.

Very truly yours,

COOPER & COOPER



Joseph D. Cooper

JDC:ss
Enclosure

LP0000645



RECEIVED

NOV 12 2014

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless
Sher A. Beard

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

September 29, 2014

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

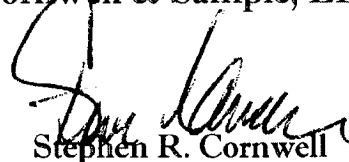
Dear Joe:

At the recent deposition of your client he identified the use of the Dodge 3500 used by his business Reedley Produce. Earlier this year we requested in discovery the entire Infinity policy. You provided two pages as the declarations sheet. We asked for and are entitled to the entire policy. I am now requesting that you acknowledge that you will provide the entire policy. This can easily be obtained by you from Infinity to include the endorsements as set forth on the declarations page.

Please advise as to how you intend to respond.

Very truly yours,

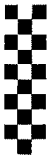
Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:yx

LP0000647



COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
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798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell (559)436-1135
First Legal (888)943-1355

DATE : October 27, 2014

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 10

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: valerie@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

October 27, 2014

File No. 70028.14

VIA FACSIMILE & MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***
First Legal W/O #

Dear Mr. Cornwell:

We are objecting to the attached Deposition Subpoena for Production of Business Records from Academy West Insurance Services. This subpoena seeks documents that are not calculated to lead to the discovery of admissible evidence and furthermore, invade my client's right to privacy. Please consider this letter my formal objection to the subpoena, and my attempt to meet and confer before filing a motion to quash.

Please contact me by no later than 3:00 p.m. today to advise if you will voluntarily withdraw your subpoena. If not, I will proceed with filing my motion to quash.

Thank you for your anticipated courtesy in dealing with this issue.

Very truly yours,

COOPER & COOPER


Valerie J. Velasco

VJV:ss

cc (via facsimile): First Legal Network

SUBP-010

SUBP-01	
FOR COURT USE ONLY	
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephen R. Cornwell, CA Bar #40737 CORNWELL & SAMPLE, LLP 7045 N. Fruit Avenue Fresno, CA 93711 TELEPHONE NO: (559) 431-3142 FAX NO: E-MAIL ADDRESS: ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 "O" Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA 93724 BRANCH NAME: B.F. Sisk Courthouse	
PLAINTIFF/PETITIONER: CAL LeDUC, et al. DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al.	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	
CASE NUMBER: 13 CE CG 03811 MWS	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO *(name, address, and telephone number of deponent, if known)*:

ACADEMY WEST INSURANCE SERVICES

(559) 626-4111

765 Anchor Street, Suite B, Orange Cove 93646

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): First Legal Network

On (date): November 3, 2014

At (time): 10:00 a.m.

Location (address): 2300. Tulare Street, Suite 130, Fresno, CA 93721. (559) 233-1993

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. ☒ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - b. ☐ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - c. ☐ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

PLEASE SEE ATTACHMENT 3.

☒ Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: October 5, 2014

Stephen R. Cornwell, CA Bar #40737
(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney at Law
(TLE)

(Proof of service on reverse)

(TITLE)

Page 1 of 2

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-010 (Rev. January 1, 2012)

DEPOSITION SUBPOENA FOR PRODUCTION
OF BUSINESS RECORDS

Legal Code of Civil Procedure, §§ 2020.410-2020.440;
 solutions Government Code, § 55097.

CALENDAR
Mtn Quash 10/27

OCT 10 2014

LP0000650

LeDuc, et al., v. General Motors Corporation, et al.
Fresno County Superior Court Case No. 13CECG03811
Attachment to Deposition Subpoena for Production of Business Records

Attachment 3

1. All documents relating to the application of Mario Alberto Guerra for insurance which resulted in the issuance of a policy by Infinity Insurance Policy Number 504-62323-2013-001 insuring a 2001 Dodge Ram 3500.
2. All communications with Infinity regarding the placement of the insurance for Mario Alberto Guerra on the 2001 Dodge Ram 3500 listed on Exhibit "A" attached hereto.
3. All documents which set forth the agency agreement or other agreement with Infinity to determine whether Academy West is an agent or broker of the insurance placed with Infinity as set forth on Exhibit "A" for Mario Alberto Guerra.
4. All documents setting forth the premium billed to the insured Mario Alberto Guerra for the insurance on the 2001 Dodge Ram 3500.
5. All billing documents for the policy set forth on Exhibit "A."
6. The contents of any file, if yours, in paper or stored on computer, relating to the placement of the insurance reflected on Exhibit "A."
7. The contents of any file, in paper or stored on computer, relating to the collision on June 12, 2013, involving the 2001 Dodge Ram 3500 listed on Exhibit "A."
8. All documents digitally stored on a computer by personnel in the Orange Cove office of Academy West Insurance Agency relating to the insurance reflected on Exhibit "A."
9. All electronic mail with Infinity Insurance relating to the placement of the insurance and/or the claim relating to the collision on June 12, 2013, involving the 2001 Dodge Ram 3500 set forth in Exhibit "A."
10. All documents utilized by Academy West Insurance Services to determine the amounts of coverage required by law in California for commercial vehicles.
11. All documents which reflect whether the 2001 Dodge Ram 3500 was rated as a commercial vehicle on the policy set forth on Exhibit "A."

EXHIBIT A

**Infiniti Commercial Auto**

11700 Great Oaks Way, Suite 450

Alpharetta, GA 30022

Underwritten by: Infiniti Select Insurance Company

Customer Service: (800) 722-3391

Claims Service: (800) 334-1661

COMMERCIAL AUTO DECLARATION

POLICY NUMBER: 504-65323-2013-001

POLICY PERIOD: 06/03/2013 To 06/03/2014

MARIO A GUERRA
1535 PARK BLVD APT 522
ORANGE COVE CA 93646-9326

This policy is effective no earlier than the date and time on which the application is accepted by the Company and shall expire at 12:01 a.m. on the last day of the policy period shown on the Declarations Page. If the policy is cancelled for nonpayment, it may be continued with or without a lapse in coverage, contingent upon valid payment and in accordance with our underwriting rules.

The following coverages and limits apply to each described vehicle as shown below. Coverages are defined in the policy and are subject to the terms and conditions contained in the policy, including amendments and endorsements. No changes will be effective prior to the time changes are requested.

#	Yr Make - Model	Serial Number	COL/COM/ETC	#	Driver Name	DOB	Exd SR22
1	00 FORD ECONOLINE E260	1PTNE24L3YHB30700	N/A / N/A / N/A	1	Mario Guerra	09/03/1969	No No.
2	05 FORD F150	1FTPW12676KB91410	500 / 500 / N/A	2	Maria Del Carmen Medina-martinez	10/05/1982	No No.
3	01 DODGE RAM 3500	3B6MC36681M280625	N/A / N/A / N/A				

COVERAGES - LIMITS OF LIABILITY				PREMIUMS FOR VEHICLES		
THE COVERAGE IS APPLICABLE ONLY IF A PREMIUM IS INDICATED				VEH 1	VEH 2	VEH 3
Bodily Injury Liability	\$25,000 each person	\$50,000 each accident		389	453	421
Property Damage Liability		\$15,000 each accident		157	183	170
Comprehensive Collision					94	
					278	
PREMIUM BY VEHICLE:				646	1008	591
MCP/PUC: No				TOTAL VEHICLE PREMIUM		\$ 2145.00
				POLICY FEES		
				TOTAL POLICY PREMIUM		\$ 2145.00

SEE REVERSE FOR ADDITIONAL INFORMATION

ENDORSEMENTS MADE A PART OF THIS POLICY:

50461AE101; 50461POL01

INSURED COPY

AMEND DATE: 06/03/13

50461DEC02

Page 1 of 2

ENDORSEMENT: 2-1

LP0000653

Additional Information:

Agency information:

ACADEMY WEST INS SVCS 40212 (659) 626-1111
 765 Ancho St Ste B
 ORANGE COVE, CA 93846-2127

Please mail all inquiries to:

Infinity Commercial Auto
 P.O. Box 830807
 Birmingham, AL 35283-0807

Please fax all inquiries to:

1-877-722-3381

ANY LOSS UNDER PART D IS PAYABLE TO NAMED INSURED AND LOSS PAYEE:

LOSS PAYEE

Veh # Addlnt# Name

ADDITIONAL INTEREST

Veh # Addlnt# Name

FOR COMPANY USE ONLY

RATING CRITERIA:

VEH #	DRV #	DRV PNTS	VEH GVW	VEH USE	VEH TERRITORY	VEH VALUE	VEH RADIUS	VEH BODY
1	0	0	10000	N	93646	\$3600.00	50	410
2	2	2	10000	N	93646	\$7500.00	200	205
3	1	1	14000	C	93646	\$4000.00	100	229

PAY PLAN: 12-Pay EFT
 RATE REVISION: 1.00
 PREV. POLICY:

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 7045 N. Fruit Avenue, Fresno, California. On October 8, 2014, I served the within documents:

DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS; NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION

☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☐ **BY HAND:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☒ **BY MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Fresno, California addressed as set forth below.

☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

☐ **BY PERSONAL DELIVERY:** by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below

Richard A. Belardinelli
GEORGESON, BELARDINELLI
& NOYES
7060 N. Fresno Street, Suite 250
Fresno, CA 93720
Facsimile: (559) 447-0747

Gregory S. Mason
MCCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720
Facsimile: (559) 433-2300

Ryan A. McCarthy
BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110
Facsimile: (408) 279-5845

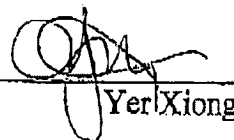
Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711
Facsimile: (559) 442-1659

David B. Weinstein
Philip McDaniel
WEINSTEIN TIPPETTS &
LITTLE LLP
7500 San Felipe, Suite 500
Houston, TX 77063
Facsimile: (713) 244-0801

I am readily familiar with the firm's practice of collection and processing 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 in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on October 8, 2014, at Fresno, California.


Yeri Xiong

SUBP-025

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address): Stephen R. Cornwell, CA Bar #40737 CORNWELL & SAMPLE, LLP 7045 N. Fruit Avenue Fresno, CA 93711 TELEPHONE NO.: (559) 431-3142 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 "O" Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA 93724 BRANCH NAME: B.F. Sisk Courthouse		
PLAINTIFF/PETITIONER: CAL LeDUC, et al.		CASE NUMBER: 13 CE CG 03811 MWS
DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al.		
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)		

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): MARIO ALBERTO GUERRA LOPEZ AKA MARIO A. GUERRA

1. PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): Plaintiffs

SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): November 3, 2014

The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought): ACADEMY WEST INSURANCE SERVICES, 765 Anchor Street, Suite B, Orange Cove, CA 93646

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:

a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.

b. If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: October 27, 2014

Stephen R. Cornwell

(TYPE OR PRINT NAME)

(SIGNATURE OF ☐ REQUESTING PARTY ☒ ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

1. ☐ I object to the production of all of my records specified in the subpoena.2. ☐ I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE)

SUBP-025

PLAINTIFF/PETITIONER: CAL LEDUC, et al.

DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al.

CASE NUMBER:

13 CE CG 03811 MWS

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3, 1985.6)☐ Personal Service ☒ Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
 2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. ☐ **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
 - (1) Name of person served:
 - (2) Address where served:
 - (3) Date served:
 - (4) Time served:
 - b. ☒ **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (1) Name of person served: Joseph D. Cooper, Sr.
 - (2) Address: 7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711
 - (3) Date of mailing: October 8, 2014
 - (4) Place of mailing (city and state):
Fresno, CA
 - (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
 - c. My residence or business address is (specify): 7045 N. Fruit Avenue, Fresno, CA 93711
 - d. My phone number is (specify): (559) 431-3142
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- Date: October 8, 2014

Yer Xiong

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS
(Code Civ. Proc., §§ 1985.3, 1985.6)☐ Personal Service ☐ Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
 - a. **ON THE REQUESTING PARTY**
 - (1) ☐ **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 - (i) Name of person served:
 - (ii) Address where served:
 - (iii) Date served:
 - (iv) Time served:
 - (2) ☐ **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (i) Name of person served:
 - (ii) Address:
 - (iii) Date of mailing:
 - (iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 - b. **ON THE WITNESS**
 - (1) ☐ **Personal service.** I personally delivered the *Objection to Production of Records* as follows:
 - (i) Name of person served:
 - (ii) Address where served:
 - (iii) Date served:
 - (iv) Time served:
 - (2) ☐ **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
 - (i) Name of person served:
 - (ii) Address:
 - (iii) Date of mailing:
 - (iv) Place of mailing (city and state):
 - (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
 3. My residence or business address is (specify):
 4. My phone number is (specify):

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

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

October 30, 2014

Via Facsimile Only

Richard A. Belardinelli
GEORGESON AND BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Joseph D. Cooper, Sr.
Valerie J. Velasco
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Vincent Galvin
Ryan A. McCarthy
BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Gregory S. Mason
McCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720

Philip McDaniel
WEINSTEIN TIPPETTS & LITTLE
LLP
7500 San Felipe, Suite 500
Houston, TX 77063

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

This letter will confirm my telephone conversation with Valerie Velasco at Cooper and Cooper yesterday regarding the Deposition Subpoena for Production of Business Records directed to Academy West Insurance Services. Ms. Velasco has objections to the production of the records to the extent that they may reveal assets of Mr. Guerra. I am not after information about Mr. Guerra's assets. I have agreed that the original set of documents produced by Academy West Insurance Services provided to the copy vendor, First Legal Network, will be Bates Stamped and then produced to Cooper & Cooper to allow them time to review the documents to be assured that they do not reveal any information about

LP0000658

assets of Mr. Guerra. The records will then be provided to me and any other counsel that wish a copy.

This will also confirm that their office will provide a copy of the actual policy insuring Mr. Guerra. Thus far I have only the Declarations page.

If Ms. Velasco has any concerns regarding the documents produced, she will advise all counsel of said concerns and we can discuss them. Ultimately she advised that if documents are withheld that a log of such withdrawn documents will be provided. It is anticipated that the Cooper office will provide a copy of the policy and the acceptable documents from the insurance agent to all counsel that wish to have a copy.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:llq

c: First Legal Network (*via electronic mail*)

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell

René Turner Sample

Judith M. Harless

Sher A. Beard

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142

Facsimile (559)436-1135

www.cornwellsample.com

FACSIMILE TRANSMISSION

DATE: October 30, 2014

To:

NAME	FAX NO.	PHONE NO.
Richard A. Belardinelli	(559) 447-0747	
Vincent Galvin / Ryan McCarthy	(408) 279-5845	
Gregory S. Mason	(559) 433-2300	
Joseph D. Cooper, Sr.	(559) 442-1659	
David B. Weinstein / Philip McDaniel	(713) 244-0801	

FROM: Yer Xiong for Stephen R. Cornwell

Re: *LeDuc v. General Motors, LLC, et al.*

	NUMBER OF PAGES, INCLUDING COVER: 3
--	-------------------------------------

MESSAGE:

Please see attached sending.

Thank you.

WARNING: THE DOCUMENT BEING TRANSMITTED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

**PLEASE IMMEDIATELY CALL (559) 431-3142
IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.**

LP0000660

* * * Communication Result Report (Oct. 30. 2014 2:52PM) * * *

1)
2)

Date/Time: Oct. 30. 2014 2:46PM

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
1940 Memory TX	5594470747	P. 3	OK	
	14082795845		OK	
	5594332300		OK	
	5594421659		OK	
	17132440801		OK	

Reason for error

E. 1) Hang up or line fail	E. 2) Busy
E. 3) No answer	E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size	E. 6) Destination does not support IP-Fax

CORNWELL & SAMPLE, LLP

Attorneys At Law
 7045 N. Fruit Avenue
 Fresno, California 93711-0761
 Telephone (559) 431-3142
 Facsimile (559) 436-1135
 www.cornwellsample.com

Stephen R. Cornwell
 Rena Turtur Sample
 Judith M. Harless
 Sher A. Beard

FACSIMILE TRANSMISSION

DATE: October 30, 2014

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Re: *LeDuc v. General Motors, LLC, et al.*

NUMBER OF PAGES, INCLUDING COVER: 3

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Thank you.

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**PLEASE IMMEDIATELY CALL (559) 431-3142
 IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.**

LP0000661

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: valerie@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

October 31, 2014

File No. 70028.14

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***

Dear Mr. Cornwell:

I have in hand your fax from this afternoon regarding preservation of evidence with regard to Mr. Guerra's 2001 Dodge Ram 3500 that is stored at Action Towing. I have discussed this matter with Deputy District Attorney handling the criminal complaint against Mr. Canchola and Mr. Guerra. He indicated that no party would be permitted to download any information, or have access to the EDR chip while the vehicle is in the custody of the CHP. He indicated that he was willing to arrange a visual inspection where we would be permitted to take measurements and photographs of the vehicle only. Mr. Pham indicated that they intended to maintain custody of the vehicle until the criminal matter against both Mr. Guerra and Mr. Canchola are completed, including the expiration of any appeal rights they may have.

As Mr. Guerra indicated in his deposition, he entered into a conditional settlement with the DA's office and the case against him should be resolved by mid-November. However, the case against Mr. Canchola has not made much movement and is not likely to be resolved very soon. We will continue to monitor the matter and advise you when the vehicle will be released and give you the opportunity to conduct any necessary inspections before it is removed from the storage. If you are not able to inspect the vehicle prior to it being removed from storage, we will agree that the information on the EDR chip will not be compromised in any way. However, Mr. Guerra intends to sell this truck and we will need to make the arrangements for an inspection in short order.

If you would like to arrange for a visual inspection only, as described above, please let me know so that we can make the necessary arrangements as the DA would like to have an investigator from their office, or a representative of the CHP, present during the inspection.

Finally, in response to your FAX of yesterday, please be advised that we will be amending the response to Request for Production No. 5 and produce a copy of the entire policy of insurance that covered the subject vehicle by the end of next week.

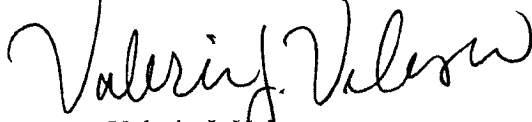
LP0000662

Stephen Cornwell, Esq.
Re: *LeDuc vs. General Motors, et al.*
October 31, 2014
Page 2

Please contact me if you have any questions.

Very truly yours,

COOPER & COOPER



Valerie J. Velasco

VJV

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless

7045 N. Fruit Avenue
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www.cornwellsample.com

November 5, 2014

Richard A. Belardinelli
GEORGESON AND BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Gregory S. Mason
McCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720

Vincent Galvin
Ryan A. McCarthy
BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Joseph D. Cooper, Sr.
Valerie J. Velasco
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Philip McDaniel
WEINSTEIN TIPPETTS & LITTLE LLP
7500 San Felipe, Suite 500
Houston, TX 77063

Mark P. Robinson, Jr.
ROBINSON CALCAGNIE ROBINSON
SHAPIRO DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660

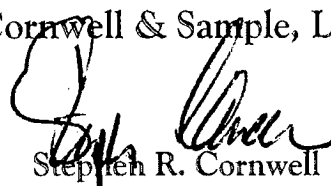
Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

We have previously served a notice to inspect the 2001 Dodge Ram 3500 belonging to Mr. Guerra. We have been informed, however, that the District Attorney has a hold on that vehicle and will not allow an inspection at the present time. We are exploring this issue with the District Attorney and will see what can be done to examine any electronic evidence on the vehicle. When we do we will advise.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:yx

LP0000664

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: valerie@coopllp.com

*PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426*

November 18, 2014

File No. 70028.14

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

Enclosed please find our client's original verification pertaining to his First Supplemental Response to Request for Production of Documents, Set One.

Please contact me if you have any questions.

Very truly yours,

COOPER & COOPER

*Dictated but not read-
sent to avoid delay*

Valerie J. Velasco

VJV:ss
Enclosure

LP0000665

VERIFICATION

I, Mario A. Guerra, am a Defendant in the within action. I have read the foregoing **FIRST SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET ONE**, and know the contents thereof. The same is true of my own knowledge, except as to matters which may have been stated on information and belief, and concerning those matters, I believe them to be true.

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

Dated: November 8, 2014

Mario A Guerra
Mario A. Guerra

Guerra adv. LeDuc

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: valerie@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

November 24, 2014

File No. 70028.14

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Richard A. Belardinelli, Esq.
Georgeson & Belardinelli
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Gregory S. Mason, Esq.
McCormick Barstow
7647 N. Fresno Street
Fresno, CA 93720

Anne Hanna, Esq.
Bowman & Brooke, LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Mark P. Robinson, Jr., Esq.
Robinson Calcagnie Robinson
Shapiro Davis, Inc.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Re: ***LeDuc vs. General Motors, et al.***
Our Clients: Mario Guerra; Guerra Produce; Daniel Canchola

Dear Counsel:

As agreed, we have received and reviewed all documents produced by Academy West Insurance Services in response to Plaintiffs' subpoena. We have found no privileged documents to be located in the documents produced and have not removed or redacted any information from those documents. In total, 7 bates stamped pages were produced and true and correct copies of all pages are enclosed for your records.

All Counsel
Re: Guerra adv. Leuc
November 24, 2014
Page 2

Should you have any questions or concerns about the documents that are enclosed, do not hesitate to contact our office for assistance.

Very truly yours,

COOPER & COOPER


Valerie J. Velasco

VJV:sba
enclosures

First Records Retrieval

Subpoena Mobile Photocopy

1511 Beverly Blvd
Los Angeles, CA 90026
Phone: (877) 591-9979 Fax: (877) 823-7488

SHIP TO: COOPER & COOPER
VALERIE J. VELASCO
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

WORK ORDER # 41743-01

MATTER # LEDUC V GENERAL MOTORS

CASE # 13 CE CG 03811 MWS

CASE NAME: CAL LEDUC, et al
vs
GENERAL MOTORS CORPORATION, et al

RECORDS ON: MARIO ALBERTO GUERRA LOPEZ AKA MARION A. GUERRA

FROM: ACADEMY WEST INSURANCE SERVICES
765 Anchor St.
Orange Cove, CA 93646

The undersigned certifies that he/she is an employee of a Professional Photocopier (Business and Professions Code Section 22450). I further certify that these records have been transmitted or distributed to authorized persons or entities only.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on **November 05, 2014** at **Los Angeles, California**.



Jairo Quintana

- ☒ THE ENCLOSED RECORDS COMPLETE YOUR REQUEST FROM THIS CUSTODIAN.
- ☐ THERE ARE NO RECORDS AT THE ABOVE LOCATION.
- ☐ INCOMPLETE. PATIENT BILLING TO FOLLOW.
- ☐ INCOMPLETE. X-RAYS TO FOLLOW.
- ☐ THIS IS A BILLING OFFICE ONLY.
- ☐ OTHER: _____



VOLUME _____ OF _____

FR-CPROOF21

LP0000669

DECLARATION OF CUSTODIAN OF RECORDSRegarding: MARIO ALBERTO GUERRA LOPEZ AKA MARION A. GUERRA

SS# _____

DOB or other ID# _____

Our File # 41743-01

I am duly authorized as Custodian of Records (or other qualified witness) with the authority to certify records for:

ACADEMY WEST INSURANCE SERVICES
765 Anchor St.
Suite B
Orange Cove, CA

CERTIFICATION OF RECORDS COPIED (Custodian's initials BD)

Including this declaration, all documents, records, and other things called for in the Subpoena Duces Tecum or Authorization which are in my custody have been photocopied (on microfilm) at my office, in my presence, under my direction and control and the copy submitted with declaration is a true copy thereof.

To the best of my knowledge all records referred to above were prepared or compiled by the personnel of the above named business, in the ordinary course of business, at or near the time of the acts, conditions, or events recorded.

No documents, records, or other things have been withheld in order to avoid their being photocopied.

Certain records were omitted because _____

CERTIFICATION OF NO RECORDS (Custodian's initials _____)

A thorough search of the business revealed no records described in the attached subpoena or authorization for the following reason(s):

- ☐ Patient was never treated at this facility
- ☐ Records were destroyed
- ☐ Records were lost/misplaced
- ☐ Records purged/nothing found
- ☐ Storage facilities were searched and no records found
- ☐ X-rays were: ☐ lost ☐ destroyed ☐ not taken at this facility ☐ patient has them
- ☐ Billing records were: ☐ purged ☐ not kept because this is a prepaid health plan
- ☐ This person was never employed at this facility
- ☐ Other comments: _____

This certification is limited to the information supplied to me in the attached document: records may exist under another name, another spelling, or other identifying data.

CUSTODIAN SIGNATURE

I DECLARE under penalty of perjury the foregoing is true and correct.

Executed on 10/21/14 at 12:49 pm, California

Print Name Benjamin Delgado Signed [Signature]

Phone # 559 626-4111

Order# 41743-01/CPODF69

Oct. 21, 2014 1:11PM
ACADEMY WEST
LIC. # 0C39118

CLIENT VOUCHER

No. 03531er #P. 2
108907

Date: 5/14/12 Time: 11:10 AM Office: O.C.

First Named Insured

Mario Guerra

☐ New

☐ Existing

SUGGESTIVE SELL: Does Client: ☐ Own Home ☐ Rent ☐ Neither

Method of Payment:

☐ Cash

☐ Check

☐ Money Order

☐ Credit Card

☐ Mtg billed Gen. Agent

Co.:

Infinity

Amount to Co: \$ 82.40 + Broker Fee \$ 100 + MVR Fee \$ 0 + Required Down \$ 182

Total Policy Premium \$

475

Term 1/3/6/12

Agent:

WJ

Client's Acceptance: X

Mario Guerra

NOTE: This receipt is for a down-payment on a new insurance policy any fees charged are fully earned.

Academy West Insurance

5555 E Kings Canyon Rd #108

Fresno CA 93727 • (559)452-4950

RECEIPT

Office: O.C.

Date 6/3/13

Time: 11:08 AM PM

Received from:

Mario Guerra

EFT CTR MktGUTG#

Method of Payment

CASH

CHECK

MONEY ORDER

CREDIT CARD

Company:

Infinity

Policy #:

NEW APP

Due Date:

Comm

rewrite

NOTE: If this payment is made to pay a company's bill, then we will endorse or forward the funds to the company with all speed by routing it through the U.S. postal Service. But, the above customer is advised that we are NOT LICENSED AS A RECEIVING AGENT FOR THE (GUARANTY) PAYMENT TO THE COMPANY IS NOT ACCOMPLISHED UNTIL THE COMPANY RECEIVES IT AT THE LOCATION TO WHICH IT IS ADDED. Payment to this agency does not constitute payment to the insurance company. ***AVISO AL CLIENTE. On pago hecho en esta agencia no constituye un pago a la compañía de seguros.

Accepted by:

Mario Guerra

I have read & understand the above note. Comprendo y entiendo de acuerdo con lo mencionado.

Payment accepted by agency by:

WJ

Amount to Insurance Co.	\$ <u>283</u>
Processing Fee	\$ <u>0</u>
Total Collected	\$ <u>283</u>

000001

LP0000671



Infinity Commercial Vehicle

P.O. Box 830189 Birmingham, AL 35283

(800)722-3391 - Fax (877)722-3391

California

Underwritten By: Infinity Select Insurance Company

Policy Effective ID: 504-65323-2013-001 From Date: 06/03/2013 Time: 13:07:35 To Date: 06/03/2014 Time: 12:01:00 AM		Producer Information Agency: 50461-40212/ACADEMY WEST INS SVGS Producer: ACADEMY WEST Phone #: 559-626-4111 Fax #: 559-626-4141 Location: ORANGE COVE	
Program Options Term: 12 Months Pay Plan: 12 PAY 9% Down IEFT			
Market and Discounts/Surcharges Section Paid-In-Full: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Physical Damage Only: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Prior Coverage: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Excluded Driver: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No DMV/PUC Filing: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No CGL: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Additional Driver Endorsement: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Personal Use on Vehicle(s):		Premium Payment Information Down payment from the insured must be submitted with application. Commission is paid via monthly statement. Has prior balance due been cleared? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "No", please add amount to down payment. Total Premium: 2145.00 Payment Attached: 203.85	
Previous Insurance Info Previous Carrier: Infinity Ins Co Policy Number: Limits: 15000/30000 Transfer Level: Yes Exp Date:			
Named Insured / Business Information Named Insured: MARIO GUERRA Corporation/Partnership Name: Doing Business As (DBA): MARIO GUERRA Exact Name to be listed: Business Address: 1535 PARK BLVD APT 622 ORANGE COVE, CA 93846 Garaging Address: (if Different)			
Home Phone: 559-358-7217 <input checked="" type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation Occupation: A02 Business Phone: 559-358-7217 DMV/PUC Filing #: FR: Ordered			

Driver Information (All drivers and household members 15 years old and older must be listed, including excluded, suspended & unlicensed.)							
Num	Name	DOB	Mar.	Sex	Relationship	Status	SSN
1	MARIO GUERRA	09/08/1968	SINGLE	M	SELF	ACTIVE	
4	MARIA DEL CARMEN MEDINA-MARTINEZ	10/05/1962	SINGLE	F	RELATIVE	ACTIVE	
Num	License #	State	Issue date	CDL Yrs Lic	SR-22	State	Case #
1	A5284051	CA		No	No		
4	8026120	Foreign		No	No		

Point Development (All accidents, violations, and claims chargeable and not chargeable must be disclosed.)					
Driver #	Viol Date	Chargeable	Group	Description	Points
1	09132010	Yes	LIC	Drive w/o License-License Violation	1
4	06/00/2013	No	INT	International/Foreign License	2

Vehicle Information					
Veh #	Year	Make	Description	VIN	Garaging Zip
1	2000	FORD	ECONOLINE E260	1FTNE24L3YHB30780	93846
2	2005	FORD	F150	1FTPW12575K691410	93846
3	2001	DODGE	RAM 3500	3B6MC36681M280825	93846

Additional Vehicle Information							
Veh #	Stated Amount	Territory	Use Class	No. Stops P/Day	G.V.W. Gallons Load Cap	Max Radius	Body Type
1	\$3800	0596	Non-Business	3	10000	50	410
2	\$7500	0596	Non-Business	3	10000	200	205
3	\$4000	0596	Commercial	3	14000	100	229

Policy Deductible Information						
	COM	COL	FTC	CARGO	REN	TOW
Vehicle 1						
Vehicle 2	\$500 Deductible	\$500 DED				
Vehicle 3						

Vehicle Loss Payee/Additional Insured/Additional Interest Information						
Veh #	Name	Type	Address	City	State	Zip

Custom Parts and Equipment <small>Note: Permanently attached special equipment and its current value must be listed to be covered in stated amount.</small>				
Veh #	Permanently Attached Special Equipment (Welders, Winches, Booms, Drill Rigs, Etc.)	Vehicle Stated Amount	Equipment Stated Amount	Total Combined Stated Amount
1	:	\$3600	0	3600
2	:	\$7500	0	7500
3	:	\$4000	0	4000

Policy Coverage Information	
Coverage	Limits
Bodily Injury (BI)	\$25000 each person / \$50000 each accident
Property Damage (PD)	\$15000 each accident
Uninsured Motorist Bodily Injury (UMBI)	
Uninsured Motorists Property Damage	
Medical Payments (MED)	
Hired Auto - Bodily Injury	Declined
Hired Auto - Property Damage	Declined
Non-Owned - Bodily Injury	Declined
Non-Owned - Property Damage	Declined
Any Auto - Bodily Injury	Declined
Any Auto - Property Damage	Declined
Cargo	

Policy Premium Information									
	BI	PD	UMBI	UMPD	MED	AABI	AAPD	HABI	HAPD
Vehicle 1	\$369.00	\$157.00							
Vehicle 2	\$453.00	\$183.00							
Vehicle 3	\$421.00	\$170.00							

Policy Premium Information (continued)									
	NOBI	NOPD	COM	COL	FTC	CARGO	REN	TOW	Vehicle Total
Vehicle 1									\$546.00
Vehicle 2			\$94.00	\$278.00					\$1008.00
Vehicle 3									\$591.00

Premium Information			
Vehicle Fee:	\$120.00		
\$R22 Filing Fee:	\$0.00	Total Fees:	\$120.00
Waivers of Subrogation Fees:	\$0.00	Total Premium:	\$2145.00
Additional Insured Fees:	\$0.00		
Dot Fees:	\$0.00		

Notes to Infinity

GeneralInfo

Additional Vehicle Information							
Veh #	Stated Amount	Territory	Use Class	No. Stops P/Day	G.V.W. Gallons Load Cap	Max Radius	Body Type
1	\$7000	0596	Service	1	14000	100	229

Policy Deductible Information					
	COM	COL	FTC	REN	TOW
Vehicle 1					

Vehicle Loss Payee/Additional Insured/Additional Interest Information						
Veh #	Name	Type	Address	City	State	Zip

Custom Parts and Equipment				Note: Permanently attached special equipment and its current value must be listed in stated amount.		
Veh #	Permanently Attached Special Equipment (Welders, Winches, Booms, Drill Rigs, Etc.)	Vehicle Stated Amount	Equipment Stated Amount	Total Combined Stated Amount		
1		\$7000	0	7000		

Policy Coverage Information	
Coverage	Limits
Bodily Injury (BI)	\$15000 each person / \$30000 each accident
Property Damage (PD)	\$5000 each accident
Uninsured Motorist Bodily Injury (UMBI)	
Uninsured Motorists Property Damage	
Medical Payments (MED)	
HABI	Declined
HAPD	Declined
NOBI	Declined
NOPD	Declined

Policy Premium Information															
	BI	PD	UMBI	UMPD	MED	HABI	HAPD	NOBI	NOPD	COM	COL	FTC	REN	TOW	Vehicle Total
Vehicle 1	\$952.00	\$123.00													\$475.00

Premium Information			
Vehicle Fee:	\$40.00	Total Fees:	\$40.00
SR22 Filing Fee:	\$0.00	Total Premium:	\$475.00
Waivers of Subrogation Fees:	\$0.00		
Additional Insured Fees:	\$0.00		
DOT Fee:	0.00		

Notes to Infinity

General Info

000006

LP0000675

INFINITYAgents

Monday

October 13, 2014

	Primary Installment Activity Transactions Vehicle/Drivers Documents ID Card Letter Notes									
	Claims	Renewal	Lien/Add'l Ins	Suspense	Company	Auto Pay	Fax Cover	Change Request		
Refresh	61 504-66323-2013-001 [2] Prev Ver Program Infinity Commercial Effective 06/03/2013 Expiration 06/03/2014									
	Guerra, Mario Alberto Status Cancelled/Insured Request State California									
	Date / Time	Source	Ver	Chg Num	Chg Eff Date	Notes				
Endorsement	12/14/2013 11:21:11	IR	2	11	01/18/2014	Per Insured's request.				
	12/11/2013 14:46:54	PhoneIns-Endrs	2	10	12/11/2013	Changed Pay Plan Option from 12-Pay EFT to 12-Pay; Changed Payment Method from AutoPay Bank to Direct Bill; Deactivated EFT Information. no Premium Change.				
Cancellation Payments	11/23/2013 12:28:50	NormalizaCo	2	9	11/23/2013	Due to new postal regulations the Insured's company address has been modified from: 11811 Peach Ave Hesperia CA 92345-4962 - to: 11811 PEACH AVE HESPERIA, CA 92345-4962. This is in compliance with IT Task 200811-137.				
	10/10/2013 11:22:20	PhoneIns-Endrs	2	8	10/10/2013	Removed vehicle 2005 Ford F150 VIN 1FTPW12575KB81410; Changed BI 25/50/15 to BI 750 CSL and PD 25/50/16 to PD 750 CSL for 2003 Internat 4000 Series 4300 VIN 1HTMMAAM23H589986; Added DBA Guerra Products; Added PUC Filing Number 344409; Added Filing Type from None to MCF - Other Property Carriers. Premium Increase from 3,428.00 to 3,755.00 a change of 327.00.				
Forms	09/16/2013 12:04:02	FaxImage	2	7	09/16/2013	Effective 09/16/2013 changed status from active to excluded for Daniel Canchola. Decrease in premium \$1,884.00.				
	09/09/2013 11:31:04	PhoneIns-Endrs	2	6	09/09/2013	Removed vehicle 2001 Dodge Ram 3500 VIN 3B8MC36681M280825. Premium Decrease from 5,569.00 to 5,312.00 a change of 257.00.				
Close						Changed Insured's Mailing and Garaging Address from 1536 Park Blvd Apt 522, Orange Cove, CA 93646-9326 to 11811 Peach Ave, Hesperia, CA 92345-4962, Changed Insured's Work Phone from (559) 358-7217 to (559) 397-4333, Removed vehicle 2000 Ford Econoline E250 VIN 1FTNE24L3YHB30788, Changed Marital Status from S to M, Driver Work Phone from (559) 358-7217 to (559) 397-4333 for Driver Mario Guerra with DOB 09/08/1989, Changed Marital				
		PhoneIns-								

000007

LP0000676

COOPER & COOPER

ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: valerie@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

January 13, 2015

File No. 70028.14

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***

Dear Mr. Cornwell:

Enclosed please find our client's original verification pertaining to his Response to Request for Production of Documents, Set Two.

Please contact me if you have any questions.

Very truly yours,

COOPER & COOPER

*Dictated but not read—
sent to avoid delay*

Valerie J. Velasco

VJV:ss
Enclosure

LP0000677

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

Mario A. Guerra
Mario A. Guerra

Guerra adv. LeDuc

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
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Facsimile (831) 655-1426

April 2, 2015

File No. 70028.14

VIA FACSIMILE & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

This confirms the telephone conversation between our respective assistants yesterday, wherein our client was granted an extension until Friday, April 3, 2015, in which to respond to your Request for Production of Documents, Set 3.

Thank you for your courtesy and cooperation.

Very truly yours,

COOPER & COOPER

*Not read—
sent to avoid delay*

Valerie J. Velasco

VJV:ss

LP0000679

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
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798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

April 2, 2015

File No. 70028.14

VIA FACSIMILE & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

This confirms the telephone conversation between our respective assistants yesterday, wherein our client was granted an extension until Friday, April 3, 2015, in which to respond to your Request for Production of Documents, Set 3.

Thank you for your courtesy and cooperation.

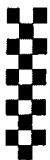
Very truly yours,

COOPER & COOPER

*Not read-
sent to avoid delay*

Valerie J. Velasco

VJV:ss



COOPER & COOPER
ATTORNEYS AT LAW

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Telephone (559) 442-1650
Facsimile (559) 442-1659

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Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell

FAX NO. : (559) 436-1135

DATE : April 2, 2015

FROM : Valerie J. Velasco

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

Bowman and Brooke LLP

Attorneys at Law

1741 Technology Drive, Suite 200
San Jose, CA 95110
Phone: 408.279.5393
Fax: 408.279.5845

April 14, 2015

Via Facsimile and Mail

Joseph D. Cooper
Cooper & Cooper
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: Cal LeDuc, et al. v. New United Motor Manufacturing, Inc., et al.

Dear Mr. Cooper,

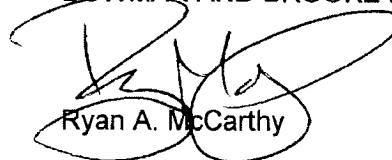
As discussed following Mr. Delgadillo's deposition today, Mr. Cornwell was evidently contacted by the District Attorney's Office and was advised that the D.A. no longer needs to preserve Mr. Guerra's Dodge pickup that Mr. Canchola was driving in the subject accident. As discussed, we will coordinate inspections of the same, but you mentioned that Mr. Guerra is eager to have the truck returned to him. On behalf of my clients, we request that the truck be preserved in its post-incident condition for the remainder of this litigation and that no action be taken to modify, disassemble, repair or otherwise alter the Dodge truck in any fashion. Should Mr. Guerra or any party wish to take any action that involves altering or modifying the truck or any of its components, we request that advance notice be given to all parties so that the parties have the opportunity to seek a protective order if necessary.

We suggest further that since the Pontiac Vibe involved in this matter is being stored at Interstate Services in Hayward, CA, that would also be a suitable location to store and preserve the Dodge truck.

If you or your clients are concerned with the above or otherwise refuse to preserve the vehicle, please contact me.

Regards,

BOWMAN AND BROOKE LLP



Ryan A. McCarthy

RAM/rf

cc: Rene Sample / Stephen Cornwell (via facsimile and mail)
Richard Belardinelli (via facsimile and mail)
Mark Robinson, Jr. (via facsimile and mail)
Gregory Mason (via facsimile and mail)
David Weinstein (via facsimile and mail)

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

*PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426*

April 29, 2015

File No. 70028.14

VIA FACSIMILE & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

Enclosed please find our client's original verifications relative to his responses to both the Request for Production of Documents, Set Three, and Amended/Supplemental Response to Request for Production of Documents, Set Three.

Please contact me if you have any questions.

Very truly yours,

COOPER & COOPER

*Dictated but not read—
sent to avoid delay*

Joseph D. Cooper Sr.

JDC/ss

Enclosure

cc (w/encl.; via U.S. mail only):

Richard A. Belardinelli, Esq.
Mark P. Robinson, Jr., Esq.
Vincent Galvin, Esq.
Gregory S. Mason, Esq.

VERIFICATION

I, Mario A. Guerra, am a Defendant in the within action. I have read the foregoing AMENDED/SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET THREE, and know the contents thereof. The same is true of my own knowledge, except as to matters which may have been stated on information and belief, and concerning those matters, I believe them to be true.

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

Dated: April __, 2015


Mario A. Guerra

Guerra adv. LeDuc

VERIFICATION

I, Mario A. Guerra, am a Defendant in the within action. I have read the foregoing **RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS, SET THREE**, and know the contents thereof. The same is true of my own knowledge, except as to matters which may have been stated on information and belief, and concerning those matters, I believe them to be true.

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

Dated: April ____, 2015

Mario A. Guerra
Mario A. Guerra

Guerra adv. LeDuc



COOPER & COOPER
ATTORNEYS AT LAW

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Fresno, California 93711
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Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell

FAX NO. : (559) 436-1135

DATE : April 29, 2015

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date

Number of pages (including this page): 4

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

COOPER & COOPER
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Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

May 6, 2015

File No. 70028.14

VIA FACSIMILE & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*

Dear Mr. Cornwell:

It was a pleasure speaking with you May 6. We discussed the Law and Motion Minute Order which referenced that my clients' Motion to Strike the Punitive Damage in Plaintiff's First Amended Complaint was denied and that an Answer was to be filed no later than April 20, 2015.

We agreed that the Answer of my client filed March 12, 2014 shall serve as the Answer to Plaintiff's First Amended Complaint.

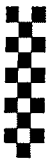
Thank you for your continued courtesies and professionalism in the handling of this matter.

Very truly yours,

COOPER & COOPER

Joseph D. Cooper Sr.

JDC:aja



COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell; (559) 436-1135
DATE : May 6, 2015
FROM : Joseph D. Cooper Sr.
RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date.

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

COOPER & COOPER

ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

May 6, 2015

File No. 70028.14

VIA FACSIMILE & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***

Dear Mr. Cornwell:

It was a pleasure speaking with you May 6. We discussed the Law and Motion Minute Order which referenced that my clients' Motion to Strike the Punitive Damage in Plaintiff's First Amended Complaint was denied and that an Answer was to be filed no later than April 20, 2015.

We agreed that the Answer of my client filed March 12, 2014 shall serve as the Answer to Plaintiff's First Amended Complaint.

Thank you for your continued courtesies and professionalism in the handling of this matter.

Very truly yours,

COOPER & COOPER

Joseph D. Cooper Sr.

JDC:aja

LP0000689

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

May 12, 2015

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

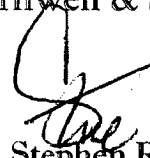
Re: *LeDuc v. General Motors Corporation, et al.*

Dear Joe:

I want to obtain Daniel Canchola's cell phone records. Would you please have him sign this and return it to our office? We will obtain the records and provide them to you.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:yx
Enclosure

LP0000690

**AUTHORIZATION FOR THE RELEASE OF
CELLULAR PHONE AND/OR MESSAGING RECORDS**

ACCOUNT HOLDER NAME: DANIEL CANCHOLA

ADDRESS: 1005 3RD STREET, ORANGE COVE, CALIFORNIA 93646

CELLULAR NUMBER: (559) 618-1499

☒ AT&T ☐ VERIZON ☐ T-MOBILE ☐ SPRINT ☐ OTHER _____

I hereby authorize AT&T [*checked name of cellular phone provider above*] to release certain records pertaining to my account. This information is required for **CORNWELL & SAMPLE, LLP**, attorneys for Plaintiff(s) CAL LeDUC; TORI ABBY; MILEY ABBY, a minor, by and through her Guardian ad Litem TORI ABBY; MANDY JOBE; LUKUS LeDUC; JAY LeDUC; and CAL LeDUC as successor in interest to the estate of Marsha Kay LeDuc.

I further authorize **First Legal Network**, a private company, to obtain a copy of such records as are needed for the above-stated purpose on behalf of **CORNWELL & SAMPLE, LLP**. I understand that I have had the opportunity to designate and limit the scope of records which are being released and have chosen to authorize disclosure of the following materials:

☐ **ANY AND ALL INFORMATION REQUESTED.**

☒ **ONLY CERTAIN INFORMATION AS FOLLOWS:**

Please release for copying any information regarding the date, time, telephone number called, length of call originating from OR received by my cellular telephone number (559) 618-1499 on the date of June 12, 2013, between the hours of 8:00 a.m. and 12:00 p.m.

I have read the above and also have been advised of my right to receive a true copy of this authorization. I further understand the contents of this written authorization in its entirety and have asked questions about anything that was not clear to me, and am satisfied with the answers I have received.

I further acknowledge that I understand my right to revoke this authorization by presenting written notice to **First Legal Network**, whom I have authorized to obtain said records prior to their submitting their request to the entity listed above. I further understand if **First Legal Network** has already served the authorization to the entity listed above, they have the right to dishonor my request to revoke authorization.

It should be further noted that the information used or disclosed pursuant to this authorization may be subject to re-disclosure by the recipient.

A PHOTOSTATIC OR FACSIMILE COPY OF THIS AUTHORIZATION SHALL BE CONSIDERED AS EFFECTIVE AND VALID AS THE ORIGINAL.

Authorized Signature: _____ Date: _____

This authorization shall remain valid for one (1) year from the above date.

Authorization for Release of Cell Phone Records

LP0000691

WEINSTEIN TIPPETTS & LITTLE LLP
7500 SAN FELIPE, SUITE 500
HOUSTON, TEXAS 77063
PH: (713) 244-0800
FAX: (713) 244-0801
WWW.WTLLAW.COM

PHILIP R. MCDANIEL
PHILIP.MCDANIEL@WTLLAW.COM

May 18, 2015

Joseph D. Cooper
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Via Facsimile and Mail

Re: Case No. 13-CE CG-03811; *Cal LeDuc, et al. v. General Motors Corporation, et al.*; in the Superior Court for Fresno County, CA, Central Division

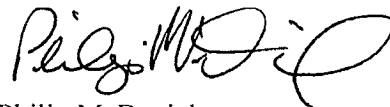
Counsel:

From recent correspondence, it is my understanding the Fresno County District Attorney's Office no longer needs to preserve Mr. Guerra's Dodge truck that was involved in the subject crash, and the District Attorney has released or will soon release the truck to Mr. Guerra. We would like to schedule an inspection of the truck. Our consultant is currently available the morning of May 27th. The inspection would include putting the truck on a lift, weighing it, and accessing and imaging the event data recorder, if available and possible. Please advise of the truck's current location and if we can schedule the inspection for May 27th.

We request that the truck be preserved in its post-incident condition until our consultant conducts a detailed inspection and all parties have agreed that it can be released to Mr. Guerra for use. We further request that no action be taken to modify, disassemble, repair or otherwise alter the Dodge truck in any fashion. Should Mr. Guerra or any party wish to take any action that involves altering or modifying the truck or any of its components, we request that advance notice be given to all parties so that the parties have the opportunity to seek a protective order, if necessary.

Please contact me if you would like to discuss these issues in more detail.

Very truly yours,



Philip McDaniel

Cc: Ryan McCarthy (via facsimile and mail)
Stephen Cornwell/Rene Sample (via facsimile and mail)
Mark Robinson, Jr. (via facsimile and mail)

LP0000692

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

May 21, 2015

Via U.S. Mail and Facsimile

Richard A. Belardinelli
GEORGESON AND BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Joseph D. Cooper, Sr.
Valerie J. Velasco
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Vincent Galvin
Ryan A. McCarthy
BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Gregory S. Mason
McCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720

Philip McDaniel
WEINSTEIN TIPPETTS & LITTLE LLP
7500 San Felipe, Suite 500
Houston, TX 77063

Mark P. Robinson, Jr.
ROBINSON CALCAGNIE ROBINSON
SHAPIRO DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Please be advised the deposition of John F. Bilello, M.D., currently noticed in the above matter for June 9, 2015, at 9:00 a.m., will now take place at the following location:

**Community Regional Medical Center
UCSF Dept. of Surgery, 1st Floor
2823 Fresno Street
Fresno, CA 93721**

If you plan to attend by phone, please advise immediately as advance arrangements will need to be made with the hospital staff.

LP0000693

All Counsel
May 21, 2015
Page 2

If you have any questions, please do not hesitate to call. Thank you.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:yx

LP0000694

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
René Turner Sample

Attorneys At Law
7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

FACSIMILE TRANSMISSION

DATE: May 26, 2015

TO:

NAME	FAX NO.	PHONE NO.
Richard A. Belardinelli	(559) 447-0747	
Vincent Galvin / Ryan McCarthy	(408) 279-5845	
Gregory S. Mason	(559) 433-2300	
Joseph D. Cooper, Sr.	(559) 442-1659	
David B. Weinstein / Philip McDaniel	(713) 244-0801	
Mark P. Robinson, Jr.	(949) 720-1292	

FROM: Yer Xiong for Stephen R. Cornwell

Re: *LeDuc v. General Motors, LLC, et al.*

	NUMBER OF PAGES, INCLUDING COVER: 3
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MESSAGE:

Please see attached sending of May 21, 2015.

Thank you.

WARNING: THE DOCUMENT BEING TRANSMITTED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

**PLEASE IMMEDIATELY CALL (559) 431-3142
IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.**

LP0000695

* * * Communication Result Report (May. 26. 2015 4:49PM) * * *

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2)

Date/Time: May. 26. 2015 4:42PM

File No. Mode	Destination	Pg(s)	Result:	Page Not Sent
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	15594332300		OK	
	15594421659		OK	
	17132440801		OK	
	19497201292		OK	

Reason for error

mm. 1) Hang up or line fail
 mm. 3) No answer
 mm. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax

CORNWELL & SAMPLE, LLP

Attorneys At Law
 7045 N. Fruit Avenue
 Fresno, California 93711-0761
 Telephone (559) 431-3142
 Facsimile (559) 436-4135
 www.cornwellsample.com

FACSIMILE TRANSMISSION

DATE: May 26, 2015

TO:

NAME	FAX NO.	PHONE NO.
Richard A. Belardinelli	(559) 447-0747	
Vincent Galvin / Ryan McCarthy	(408) 279-5845	
Gregory S. Mason	(559) 433-2300	
Joseph D. Cooper, Sr.	(559) 442-1659	
David B. Weinstein / Philip McDaniel	(713) 244-0801	
Mark P. Robinson, Jr.	(949) 720-1292	

FROM: Yee Xiong for Stephen R. Cornwell
 Re: LeDuc v. General Motors, LLC, et al.

NUMBER OF PAGES, INCLUDING COVER: 3

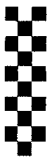
MESSAGE:

Please see attached sending of May 21, 2015.

Thank you.

WARNING: THIS DOCUMENT BEING TRANSMITTED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPIING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

PLEASE IMMEDIATELY CALL (559) 431-3142
 IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.



COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Richard A. Belardinelli; (559) 447-0747
Mark P. Robinson, Jr.; (949) 720-1292
Vincent Galvin; (408) 279-5845
Gregory S. Mason; (559) 433-2300

CC : Stephen Cornwell, Esq.; (559) 436-1135

DATE : June 9, 2015

FROM : Allisa Albalos, Secretary to Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Pursuant to my telephone conferences with your respective offices please allow this fax to confirm that the deposition of Nancy Morfin scheduled for tomorrow June 10, 2015 at 10 a.m. will now be taken at 11:00 a.m. in Mr. Cornwell's office.

Thank you all for your courtesies and cooperation. Allisa

Number of pages (including this page): 1

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

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COOPER & COOPER
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Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

June 9, 2015

File No. 70028.14

VIA FACSIMILE

Mark P. Robinson, Jr., Esq.
Robinson Calcagnie Robinson
Shapiro Davis, Inc.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Richard A. Belardinelli, Esq.
Georgeson & Belardinelli
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Gregory S. Mason, Esq.
McCormick Barstow
7647 N. Fresno Street
Fresno, CA 93720

Anne Hanna, Esq.
Bowman & Brooke, LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Re: ***LeDuc vs. General Motors, et al.***

Dear Counsel:

Please be advised that our office has been in contact with Mr. Cornwell's office regarding bumping the 10 a.m. deposition of Nancy Morfin scheduled for tomorrow June 10, 2015 to 11 a.m., if agreeable to all parties.

Please give my secretary Allisa a call at (559) 442-1650 to confirm that this is acceptable to you.
Thank you.

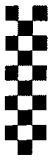
Very truly yours,

COOPER & COOPER

(Dictated but not signed to avoid delay)

Joseph D. Cooper Sr.

JDC:aja
cc: Stephen Cornwell, Esq. (via facsimile)

**COOPER & COOPER***ATTORNEYS AT LAW*

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: joe@coopllp.com

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798 Lighthouse Avenue
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FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Richard A. Belardinelli; (559) 447-0747
Mark P. Robinson, Jr.; (949) 720-1292
Vincent Galvin; (408) 279-5845
Gregory S. Mason; (559) 433-2300

CC : Stephen Cornwell, Esq.; (559) 436-1135

DATE : June 9, 2015

FROM : Allisa Albalos, Secretary to Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached letter. I look forward to hearing from you.
Thank you.

Number of pages (including this page): 2

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

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KAPETAN BROTHERS, LLP

June 11, 2015

Sent via Facsimile ONLY

Mark R. Israel, Esq.
Daniels, Fine, Israel, Schonbuch & Lebovits, LLP
1801 Century Park East, Ninth Floor
Los Angeles, CA 90067

Mark P. Robinson, Jr., Esq.
Robinson Calcagnie Robinson Shapiro Davis, Inc.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Vicki Hall
Infinity Select Insurance Company
Post Office Box 830807
Birmingham, AL 35283

Richard A. Belardinelli, Esq.
Georgeson & Belardinelli
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Gregory S. Mason, Esq.
McCormick Barstow
7647 N. Fresno Street
Fresno, CA 93720

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Vincent Galvin, Esq.
Ryan A. McCarthy, Esq.
Anne Hanna, Esq.
Bowman & Brooke, LLP.
1741 Technology Drive, Suite 200
San Jose, CA 95110

RE: *LeDuc, et al. v. General Motors LLC. et al.*
Infinity Insured: Mario Guerra
Claim No: 20001981033
Date of Loss: June 12, 2013
Case No: 13CECG03811

Dear Counsel:

This letter is to notify you that Kapetan Brothers, LLP will no longer be representing Mario Guerra, with respect to above-referenced matter, or any other matter.

Please contact our office if you have any questions.

Very truly yours,

KAPETAN BROTHERS, LLP.

Rachel Baskin, Paralegal to
Peter N. Kapetan, Esq.

LAW OFFICES OF DANIEL A. BRUCE

1113 South Quality Avenue
Sanger, CA 93657
(559) 288-2420

June 12, 2015

Via Email Only

1501 Fruit Avenue, Suite 100, Fresno, CA 93711

Stephen R. Cornwell
CORNWELL & SAMPLE, LLP
7045 N. Fruit Avenue
Fresno, California 93711

Re: Cal LeDuc, et al. v. General Motors Corp., et al.
Fresno County Sup. Court Case No. 13 CECG 03811

Dear Mr. Cornwell:

Following Nancy Morfin's deposition on Wednesday, I was able to speak with the principal of Academy West Insurance regarding your request for additional information and the deposition of the personal most knowledgeable at Academy West on writing commercial policies.

During the deposition you asked if my client would voluntarily produce information from the personnel file of Ulysses Gonzales. I told you I would have to speak to my client before anything could be produced. After discussing this issue, the company is not comfortable supplying any personal information of former employees without a subpoena. Therefore, I would ask that you direct a subpoena to the company for the last known address and

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contact number for Ulysses Gonzales. As for the deposition of the PMK, I think your suggestion of having the deposition take place at the Academy West office is problematic. Having everyone stand behind the deponent as the Infinity website is accessed creates some major concerns for my client. If the deposition were to proceed under those circumstances, it is very likely certain areas of the Infinity website that are not relevant to the document request would be on display. Considering Infinity Insurance is one of my client's major carriers, the company is extremely concerned with complying with Infinity's privacy requirements and protecting any proprietary information. The last thing my client wants to deal with is Infinity claiming the company has improperly disclosed trade secrets or sensitive underwriting guidelines.

All of these issues can be avoided by serving a new subpoena directly on Infinity Insurance for the documents you are seeking. This will allow Infinity an opportunity to object should they find it necessary and will get my client out of the middle of this matter.

If you have any questions regarding this matter, please do not hesitate to contact me.

LAW OFFICES OF DANIEL A. BRUCE

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Daniel A. Bruce", with a stylized flourish at the end.

Daniel A. Bruce

DAB/mb

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

July 6, 2015

Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Joe:

Please provide us with Verifications signed by Mario Guerra to the Response to Requests for Admissions, Set One, and Response to Form Interrogatories, Set Two. Please also provide us with Verifications signed by Daniel Canchola to the Response to Requests for Admissions, Set One, and Response to Form Interrogatories, Set Two.

Thank you.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:llq

LP0000703

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
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Facsimile (831) 655-1426

July 9, 2015

File No. 70028.14

VIA FACSIMILE & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***

Dear Mr. Cornwell:

Enclosed please find our Mr. Guerra's original verifications relative to his responses to both the Request for Admissions, Set One, and Form Interrogatories, Set Two.

Unfortunately, I have not yet received Mr. Canchola's executed verifications, and he has wholly ignored our emails and telephone messages regarding same. In fact, I even sent him a letter advising that I would withdraw as attorney of record if he failed to communicate with me. Please note that if Mr. Canchola has not contacted me by July 20th, I will then take steps to withdraw as his attorney.

If you have any questions regarding the above, please feel free to contact me.

Very truly yours,

COOPER & COOPER

Joseph D. Cooper Sr.

JDC/ss

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

Mario A. Guerra
Mario A. Guerra

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VERIFICATION

I, Mario A. Guerra, am a Defendant in the within action. I have read the foregoing
RESPONSE TO FORM INTERROGATORIES, SET TWO, and know the contents thereof. The
same is true of my own knowledge, except as to matters which may have been stated on information
and belief, and concerning those matters, I believe them to be true.

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

Dated: May __, 2015


Mario A. Guerra

Guerra adv. LeDuc

DANIELS, FINE, ISRAEL, SCHONBUCH & LEBOVITS, LLP

ATTORNEYS AT LAW
1801 CENTURY PARK EAST
NINTH FLOOR
LOS ANGELES, CALIFORNIA 90067

TELEPHONE (310) 556-7900
FACSIMILE (310) 556-2807
DFIS-LAW.COM

MARK R. ISRAEL
Partner

E-MAIL
Israel@dfis-law.com

July 24, 2015

Via Facsimile & Email

Stephen R. Cornwell, Esq.
Cornwell & Sample, LLP
7045 North Fruit Avenue
Fresno, California 93711-0761

Re: *LeDuc, Cal, et al. vs. General Motors LLC, et al.*
Case No. : 13CE CG 03811 MWS
Our File No. : 2890.044

Dear Mr. Cornwell:

The undersigned is counsel to Infinity Insurance Company in connection with the lawsuit entitled *LeDuc, et al. v. General Motors LLC, et al.*, Fresno County Superior Court Case No. 13 CE CG 03811 NWS. As you know, Infinity is the liability insurer of defendant Mario Guerra. Although Infinity was not served directly, we have been advised by Academy West Insurance Services, Inc. ("Academy West") that your office has served a deposition subpoena for production of business records with a July 25, 2015 production date and a deposition subpoena for personal appearance for production of documents and things with an appearance date of August 17, 2015. Those depositions subpoenas seeks documents and information in which Infinity has a confidential and proprietary interest. Consequently, Infinity objects to production of Category 1 of Attachment 3 to your July 25, 2015 deposition subpoena and to all categories of production on Attachment 3 and 4 of your August 17, 2015 deposition subpoena. Aside from the fact that these documents and information requests seek information which is confidential between Infinity and its agents, your request exceeds the permissible scope of discovery in a tort lawsuit in California. Code of Civil Procedure section 2017.210 specifies the information to which a litigation party is entitled to concerning insurance as follows:

§ 2017.210. Information concerning insurance

A party may obtain discovery of the existence and contents of any agreement under which any insurance carrier may be liable to satisfy in whole or in part a judgment that may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. This discovery may include the identity of the carrier and the nature and limits of the coverage. A party may also obtain

Stephen R. Cornwell, Esq.
July 24, 2015
Page 2

discovery as to whether that insurance carrier is disputing the agreement's coverage of the claim involved in the action, but not as to the nature and substance of that dispute. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial.

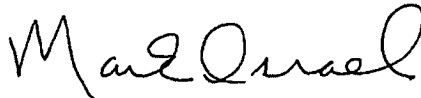
C.C.P. section 2017.210 and its predecessor are generally interpreted as permitting discovery of the identity of the defendant's insurance carrier and the policy limits. Production of the insurance policy itself may be compelled by request for production of documents. (*Irvington-Moore, Inc. v. Superior Court (Jordan)* (1003) 14 Cal.App.4th 733, 741.) However, burdensome discovery requests directed at third parties are not permitted by the statute. (See generally, *Catholic Mutual Relief Society v. Superior Court* (2007) 42 Cal.4th 358, 368.)

It is my understanding that you already have a copy of the relevant insurance policy as well as *all* iterations of the declaration pages that went with it. That is all you are entitled to. Copies of Academy West's contracts with Infinity are not relevant to the insurance policy and policy limits available to Mr. Guerra. Access to the Infinity website and printouts and screen shots from the Infinity website are far beyond any scope of discovery permitted by C.C.P. section 2017.021 and relevant case law.

Therefore, Infinity objects to production of these documents and this information. Please confirm your withdrawal of these requests, otherwise, Infinity must proceed with a motion to quash. If you wish to discuss these matters, please do not hesitate to contact me.

Very truly yours,

DANIELS, FINE, ISRAEL
SCHONBUCH & LEBOVITS, LLP



Mark R. Israel

MRI:cet:2890-044.sc01.docx

Dictated: 07/24/15

cc: Dan Bruce, Esq. (DBruce@NZ-law.com)
Infinity Insurance Company

LP0000708

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
ACADEMY WEST INSURANCE SERVICES, INC.
5510 E. Kings Canyon Road, Fresno, CA 93727 (559) 981-5333

To (name of deposition officer): First Legal Network
On (date): July 25, 2015 At (time): 10:00 a.m.
Location (address): 2300 Tulare Street, Suite 130, Fresno, CA 93721 (559) 233-1993

Do not release the requested records to the deposition officer prior to the date and time stated above.

- a. ☒ by delivering a true, legible, and durable copy of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - b. ☐ by delivering a true, legible, and durable copy of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - c. ☐ by making the original business records described in item 3 available for inspection at your business address by the attorney's representative and permitting copying at your business address under reasonable conditions during normal business hours.
2. *The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.*
3. *The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):*

☒ Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: June 0, 2015

Stephen R. Cornwell
(TYPE OR PRINT NAME)

(SIGNATURE OF PERSON ISSUING SUBPOENA)

Attorney at Law
(TITLE)

(Proof of service on reverse)

Form Adopted for Mandatory Use
Judicial Council of California
SUBP-010 (Rev. January 1, 2012)

DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS

Code of Civil Procedure, §§ 2020.410–2020.440;
Government Code, § 68097.1

PLAINTIFF/PETITIONER: CAL LeDUC, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al.	13 CE CG 03811 MWS

PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION

(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☒ Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
- a. ☐ Personal service. I personally delivered the *Notice to Consumer or Employee and Objection* as follows:
- (1) Name of person served: (3) Date served:
- (2) Address where served: (4) Time served:
- b. ☒ Mail. I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (1) Name of person served: Ulysses Gonzalez (3) Date of mailing: June 16, 2015
- (2) Address: 812 Rawson Avenue (4) Place of mailing (city and state): Fresno, CA
- Sanger, CA 93657-2843
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (specify): 7045 N. Fruit Avenue, Fresno, CA 93711
- d. My phone number is (specify): (559) 431-3142

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

Date: June 16, 2015

Linda Cunha

(TYPE OR PRINT NAME OF PERSON WHO SERVED)



(SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS

(Code Civ. Proc., §§ 1985.3, 1985.6)

☐ Personal Service ☐ Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
2. I served a copy of the *Objection to Production of Records* as follows (complete either a or b):
- a. ON THE REQUESTING PARTY
- (1) ☐ Personal service. I personally delivered the *Objection to Production of Records* as follows:
- (i) Name of person served: (ii) Date served:
- (ii) Address where served: (iv) Time served:
- (2) ☐ Mail. I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (i) Name of person served: (iii) Date of mailing:
- (ii) Address: (iv) Place of mailing (city and state):
- (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
- b. ON THE WITNESS
- (1) ☐ Personal service. I personally delivered the *Objection to Production of Records* as follows:
- (i) Name of person served: (iii) Date served:
- (ii) Address where served: (iv) Time served:
- (2) ☐ Mail. I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:
- (i) Name of person served: (iii) Date of mailing:
- (ii) Address: (iv) Place of mailing (city and state):
- (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.

3. My residence or business address is (specify):

4. My phone number is (specify):

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

Date:

(TYPE OR PRINT NAME OF PERSON WHO SERVED)

(SIGNATURE OF PERSON WHO SERVED)

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years,
3 and not a party to the within action. My business address is 7045 N. Fruit Avenue,
4 Fresno, California. On June 16, 2015, I served the within documents:

5 ***NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION and DEPOSITION SUBPOENA FOR
6 PRODUCTION OF BUSINESS RECORDS***

7 ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to
8 the fax number(s) set forth below on this date before 5:00 p.m.

9 ☐ **BY HAND:** by personally delivering the document(s) listed above to the
10 person(s) at the address(es) set forth below.

11 ☒ **BY MAIL:** by placing the document(s) listed above in a sealed envelope
12 with postage thereon fully prepaid, in the United States mail at Fresno,
13 California addressed as set forth below.

14 ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by
15 an overnight delivery service company for delivery to the addressee(s) on
16 the next business day.

17 ☐ **BY PERSONAL DELIVERY:** by causing personal delivery by
18 _____ of the document(s) listed above to the person(s) at the
19 address(es) set forth below

20 Richard A. Belardinelli
21 GEORGESON AND BELARDINELLI
22 7060 N. Fresno Street, Suite 250
23 Fresno, CA 93720
24 Facsimile: (559) 447-0747

25 Ryan A. McCarthy
26 BOWMAN AND BROOKE LLP
27 1741 Technology Drive, Suite 200
28 San Jose, CA 95110
Facsimile: (408) 279-5845

David B. Weinstein
Philip McDaniel
WEINSTEIN TIPPETTS &
LITTLE LLP
7500 San Felipe, Suite 500
Houston, TX 77063
Facsimile: (713) 244-0801

Mark P. Robinson, Jr.
ROBINSON CALCAGNIE ROBINSON
SHAPIRO DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660
Fax: (949) 720-1292

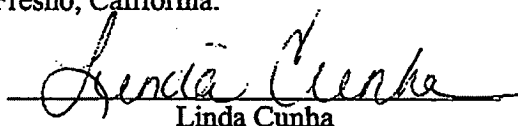
Joseph D. Cooper, Sr.
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711
Facsimile: (559) 442-1659

Gregory S. Mason
MCCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720
Facsimile: (559) 433-2300

29 I am readily familiar with the firm's practice of collection and processing
30 correspondence for mailing. Under that practice it would be deposited with the U.S.
31 Postal Service on that same day with postage thereon fully prepaid in the ordinary course
32 of business. I am aware that on motion of the party served, service is presumed invalid if
33 postal cancellation date or postage meter date is more than one day after date of deposit
34 for mailing in affidavit.

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

37 Executed on June 16, 2015, at Fresno, California.

38 
Linda Cunha

DECLARATION OF CUSTODIAN OF RECORDS

() I HEREBY DECLARE under penalty of perjury that the following statements are true to the best of my knowledge and believe.

I am the duly authorized custodian of records of the below named and I certify that the accompanying records are true and complete copies of records maintained in the regular course and scope of business of my employer and were prepared by authorized personnel at or near the time of the acts, conditions or events which they intend to convey. As custodian, I testify to the records identity and method of preparation. The source of the information and method of preparation were such as to indicate their trustworthiness. If I were called as a witness in this matter, I could and would testify under oath to these facts. No documents, records or other things have been withheld except as noted below.

Certain records were omitted because _____

OR IN THE ALTERNATIVE:

() I HEREBY DECLARE under penalty of perjury that I have NO RECORDS concerning _____

Please explain if you have no records: _____

() I have no X-RAYS or other diagnostic films.

() I have no BILLING RECORDS.

Records subpoenaed from: _____

Case Name: _____

Concerning: _____

DOB: _____ SS#: _____

HOW ORIGINAL RECORDS WERE PREPARED:

() Handwritten notes

() Typed or data entered

() Transcribed

() Other: _____

Records were made during, or promptly after the act, condition or event reflected in such records.

Date

Signature of Custodian

Print Name

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephen R. Cornwell, CA Bar #40737 CORNWELL & SAMPLE, LLP 7045 N. Fruit Avenue Fresno, CA 93711 TELEPHONE NO.: (559) 431-3142 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 "O" Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA 93724 BRANCH NAME: B.F. Sisk Courthouse	
PLAINTIFF/PETITIONER: CAL LeDUC, et al.	
DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al	
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS	
CASE NUMBER: 13 CE CG 03811 MWS	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):

ACADEMY WEST INSURANCE SERVICES, INC.

5510 E. Kings Canyon Road, Fresno, CA 93727 (559) 981-5333

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: August 17, 2015 Time: 10:00 am Address: 5510 E. Kings Canyon Road
 Fresno CA 93727

- a. ☒ As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
- b. ☒ You are ordered to produce the documents and things described in item 3.
- c. ☐ This deposition will be recorded stenographically ☐ through the instant visual display of testimony and by ☐ audiotape ☐ videotape.
- d. ☐ This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows: SEE ATTACHMENT 3
- ☒ Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows: SEE ATTACHMENT 4
- ☒ Continued on Attachment 4.
5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: July 8, 2015

Stephen R. Cornwell, CA Bar #40737

Attorney at Law

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(TITLE)

Page 1 of 2

Form Adopted for Mandatory Use
 Judicial Council of California
 SUBP-020 [Rev. January 1, 2009]

**DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE
 AND PRODUCTION OF DOCUMENTS AND THINGS**

Legal
 Solutions
 & Plus

Code of Civil Procedure §§ 2020.510,
 2025.220, 2025.230, 2025.250, 2025.620;
 Government Code, § 68097.1

LeDuc, et al., v. General Motors Corporation, et al.
Fresno County Superior Court Case No. 13CECG03811
Attachment to Deposition Subpoena for Personal Appearance and Production of
Documents and Things

Attachment 3

1. Access to the Infinity Insurance website for agents placing coverage on vehicles, including commercial vehicles.
2. Printouts and/or screen shots of the complete Infinity Insurance Company website including examination of all parts of the website that are available to agents for placement of commercial coverage as well as any instructions for the application of insurance on commercial vehicles. This is to include the downloading of the access and printing of all information on the website including screens for signup of commercial insurance, instructions on placing commercial insurance, insurance limits for commercial vehicles in California, the necessity of a motor carrier permit for commercial vehicles in California and all other information available on the Infinity Insurance Company website.
3. The inspection of the FSC Rater and copying of all screens and any other information regarding the placement of insurance on vehicles whether commercial or otherwise and particularly in California to make the FSC Rater available for inspection as to the manner in which commercial insurance may be shopped on the system.

LeDuc, et al., v. General Motors Corporation, et al.
Fresno County Superior Court Case No. 13CECG03811
Attachment to Deposition Subpoena for Personal Appearance and Production of
Documents and Things

Attachment 4

1. The Infinity Insurance Company website including all of those provisions available to agents for placement of commercial coverage on a vehicle as well as any instructions for the application of insurance on commercial vehicles.
2. The Infinity Insurance Company website instructions for the application of insurance on commercial vehicles.
3. The Infinity Insurance Company website provisions providing agents with information on minimum limits to be placed on commercial vehicles in California.
4. The FSC Rater service and any information regarding the placement of insurance on vehicles in California, whether commercial or otherwise, and the manner in which commercial insurance can be shopped on FSC Rater.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephen R. Cornwell, CA Bar #40737 CORNWELL & SAMPLE, LLP 7045 N. Fruit Avenue Fresno, CA 93711 TELEPHONE NO.: (559) 431-3142 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 "O" Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA 93724 BRANCH NAME: B.F. Sisk Courthouse	
PLAINTIFF/ PETITIONER: CAL LeDUC, et al. DEFENDANT/ RESPONDENT: GENERAL MOTORS CORPORATION, et al. NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	CASE NUMBER: 13 CE CG 03811 MWS

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): ULYSSES GONZALEZ

1. PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): Plaintiffs CAL LeDUC, et al. SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): July 25, 2015
 The records are described in the subpoena directed to witness (specify name and address of person or entity from whom records are sought):
 A copy of the subpoena is attached.
2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
- If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the witness and the deposition officer named in the subpoena at least five days before the date set for production of the records.
 - If you are not a party to this action, you must serve on the requesting party and on the witness, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should not be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: June 12, 2015

Stephen R. Cornwell

(TYPE OR PRINT NAME)

(SIGNATURE OF ☐ REQUESTING PARTY ☒ ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

1. ☐ I object to the production of all of my records specified in the subpoena.
2. ☐ I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

(TYPE OR PRINT NAME)

(Proof of service on reverse)

(SIGNATURE)

LeDuc, et al., v. General Motors Corporation, et al.
Fresno County Superior Court Case No. 13CECG03811
Attachment to Deposition Subpoena for Production of Business Records

Attachment 3

1. A copy of the contract with Infinity Insurance Company in effect at any time from 2010 to the present.
2. Any and all documents, hard copy or scanned, relating to all insurance coverages placed for Mario A. Guerra at any time.
3. The personnel file of Ulysses Gonzalez, formerly working at your Orange Cove office.

F:\CASES\ABBY.TOR\DISCOVERY\SUBPOENAS\ACADEMY WEST INSURANCE SERVICES, INC. (CONTRACT AND GUERRA COVERAGE)\ATTACHMENT 3.DOC

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: valerie@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

August 19, 2015

File No. 70028.14

VIA FACSIMILE & MAIL

Mark P. Robinson, Jr., Esq.
Robinson Calcagnie Robinson
Shapiro Davis, Inc.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Gregory S. Mason, Esq.
McCormick Barstow
7647 N. Fresno Street
Fresno, CA 93720

Richard A. Belardinelli, Esq.
Georgeson & Belardinelli
7060 N. Fresno Street, Ste 250
Fresno, CA 93720

Anne Hanna, Esq.
Bowman & Brooke, LLP
1741 Technology Drive, Ste 200
San Jose, CA 95110

David B. Weinstein, Esq.
Philip R. McDaniel, Esq.
Weinstein, Tippetts & Little LLP.
7500 San Felipe; Ste 500
Houston, TX 77063

Re: ***LeDuc vs. General Motors, et al.***

Dear Counsel:

We were recently contacted by Weinstein, Tippetts & Little requesting the status of our client's vehicle for purposes of setting up an inspection.

Please be advised that the district attorney will not release the vehicle for inspection without receipt of an agreement signed by all counsel indicating their approval to release the vehicle. Therefore, please contact me immediately to indicate whether or not you have any objection to the release of the vehicle for inspection by all parties.

All Counsel
Re: Guerra adv. Leuc
August 19, 2015
Page 2

If no one objects to the release of the vehicle, I will prepare the appropriate agreement to be signed by all counsel and will immediately fax it to all of you for your signature. I will then have my staff contact your office to coordinate a mutually agreeable date and time for the inspection.

Thank you in advance for your anticipated courtesy and cooperation in this matter.

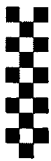
Very truly yours,

COOPER & COOPER



Valerie Velasco

VJV:ss



COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
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Telephone (559) 442-1650
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e-mail: valerie@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Richard A. Belardinelli (559)447-0747
Mark P. Robinson, Jr. (949)720-1292
Anna Hanna (408)279-5845
Gregory S. Mason (559)433-2300
Stephen Cornwell. (559)436-1135
David Weinstein & Philip R. McDaniel (713)244-0801

DATE : August 20, 2015

FROM : Valerie J. Velasco

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence.

Number of pages (including this page): 3

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

CORNWELL & SAMPLE, LLP

Stephen R. Cornwell
René Turner Sample

Attorneys At Law
7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

August 24, 2015

Via Facsimile Only (559) 442-1659

Valerie Velasco
Cooper & Cooper
7519 North Ingram, Suite 103
Fresno CA 93711

Re: *LeDuc v. General Motors, et al.*

Dear Ms. Velasco:

In response to your letter dated August 19, 2015, I have no objection to release of the vehicle for inspection.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:lc
cc: Georgeson & Belardinelli

LP0000721

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

FACSIMILE TRANSMISSION

DATE: August 24, 2015

To:

NAME	FAX NO.	PHONE NO.
Valerie Velasco	(559) 442-1659	
Richard A. Belardinelli	(559) 447-0747	

FROM: Stephen R. Cornwell

Re: *LeDuc v. General Motors, LLC, et al.*

	NUMBER OF PAGES, INCLUDING COVER: 2
--	-------------------------------------

MESSAGE:

Please see attached.

Thank you.

WARNING: THE DOCUMENT BEING TRANSMITTED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

**PLEASE IMMEDIATELY CALL (559) 431-3142
IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.**

LP0000722

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

October 30, 2014

Valerie J. Velasco
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: *LeDuc v. General Motors Corporation, et al.*

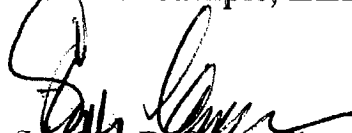
Dear Ms. Velasco:

We are writing on behalf of Plaintiffs in the above-referenced matter to demand that you take all steps necessary to preserve the 2001 Dodge Ram 3500 truck, California License Number 99223A1 owned by Mario A. Guerra once it has been released by the California Highway Patrol. The vehicle is currently being held under CHP hold at Action towing & Dive Team, Inc., at 2822 E. California Avenue, Fresno, California 93721. Plaintiffs demand to be present during any inspection and/or downloading of information from the Electronic Data Recorder (EDR) of said vehicle. This is Plaintiffs' demand for preservation of evidence.

Please confirm by November 10, 2014, that you will preserve said vehicle and the Electronic Data Recorder.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:llq

LP0000723

COOPER & COOPER
ATTORNEYS AT LAW

7519 North Ingram Avenue, Suite 103
Fresno, California 93711
Telephone (559) 442-1650
Facsimile (559) 442-1659

e-mail: valerie@coopllp.com

PMB 165
798 Lighthouse Avenue
Monterey, California 93940-1010
Telephone (831) 646-0330
Facsimile (831) 655-1426

January 7, 2016

File No. 70028.14

Mark P. Robinson, Jr., Esq.
Robinson Calcagnie Robinson
Shapiro Davis, Inc.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Richard A. Belardinelli, Esq.
Georgeson & Belardinelli
7060 N. Fresno Street, Ste 250
Fresno, CA 93720

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Anne Hanna, Esq.
Bowman & Brooke, LLP
1741 Technology Drive, Ste 200
San Jose, CA 95110

Gregory S. Mason, Esq.
McCormick Barstow
7647 N. Fresno Street
Fresno, CA 93720

David B. Weinstein, Esq.
Philip R. McDaniel, Esq.
Weinstein, Tippetts & Little LLP.
7500 San Felipe; Ste 500
Houston, TX 77063

Re: ***LeDuc vs. General Motors, et al.***

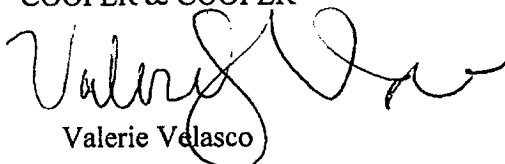
Dear Counsel:

In order to inspect the truck involved in this collision, we need to stipulate to its release from the District Attorney's office. I have previously emailed a stipulation to the parties, but have enclosed it as I have not received it back from anyone. Please advise whether you would require any changes.

Thank you in advance for your anticipated courtesy and cooperation in regard to this matter.

Very truly yours,

COOPER & COOPER



Valerie Velasco

VJV-enclosure

LP0000724

Bowman and Brooke ^{LLP}

Attorneys at Law

1741 Technology Drive, Suite 200
San Jose, CA 95110
Phone: 408.279.5393
Fax: 408.279.5845

February 3, 2016

Via Email & Mail

Stephen R. Cornwell
Cornwell & Sample, LLP
7045 N. Fruit Avenue
Fresno, CA 93711-0761

David Weinstein
Weinstein Tippetts & Little LLP
7500 San Felipe, Suite 500
Houston, TX 77063

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McCormick Barstow LLP
7647 N. Fresno Street
Fresno, CA 93720

Joseph D. Cooper
Valerie Velasco
Cooper & Cooper
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: Cal LeDuc, et al. v. New United Motor Manufacturing, Inc., et al.

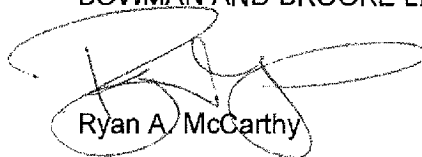
Dear Counsel:

This will provide you with notice that the depositions our office scheduled for February 9, 2016 of Guadalupe Medina, Maria Medina and Cecilio Arredondo will not go forward as noticed. We will be taking their depositions at a later date.

Thank you for your attention to the above.

Very truly yours,

BOWMAN AND BROOKE LLP



Ryan A. McCarthy

RAM/rf

COOPER & COOPER

ATTORNEYS AT LAW
7519 North Ingram Avenue, Suite 103
Fresno, California 93711

February 10, 2016

File No.70028

Ryan A. McCarthy, Esq.
Bowman & Brooke, LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Re: *LeDuc vs. General Motors, et al.*
Our Clients: Mario Guerra; Guerra Produce; Daniel Canchola

Dear Mr. McCarthy:

Thank you for the Notice of Taking Depositions scheduled for March 10th and 11th. Unfortunately I will be out of state and will be unable to attend. Because of that I request that you reschedule these depositions.

Feel free to schedule them any time during the week of March 14-18, March 22-25, March 31 and April 1. I will also be available April 4, 5 or 6.

Thank you in advance for your anticipated courtesies and cooperation.

Very truly yours,

COOPER & COOPER

[Dictated, but not read; sent to avoid delay]

Joseph D. Cooper Sr.

JDC:tld

◆ Telephone: (559) 442-1650

◆ Facsimile: (559) 442-1659

◆ E-mail: info@coopllp.com

LP0000726

Bowman and Brooke LLP

Attorneys at Law

1741 Technology Drive, Suite 200
San Jose, CA 95110
Phone: 408.279.5393
Fax: 408.279.5845

March 29, 2016

Via Email & Mail

Stephen R. Cornwell
Rene Sample
Cornwell & Sample, LLP
7045 N. Fruit Avenue
Fresno, CA 93711-0761

Richard A. Belardinelli
Georgeson and Belardinelli
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Donald H. Slavik
Robinson Calcagnie Robinson
Shapiro Davis, Inc.
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Newport Beach, CA 92660

Gregory S. Mason
McCormick Barstow LLP
7647 N. Fresno Street
Fresno, CA 93720

David Weinstein
Philip McDaniel
Weinstein Tippetts & Little LLP
7500 San Felipe, Suite 500
Houston, TX 77063

Joseph D. Cooper
Valerie Velasco
Cooper & Cooper
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Re: Cal LeDuc, et al. v. New United Motor Manufacturing, Inc., et al.

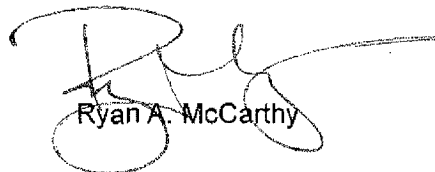
Dear Counsel:

This will provide you with notice that the depositions our office scheduled for April 4-5, 2016 of the plaintiffs will not go forward as noticed. We will be taking their depositions at a later date.

Thank you for your attention to the above.

Very truly yours,

BOWMAN AND BROOKE LLP



Ryan A. McCarthy

RAM/rf

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Judith M. Harless

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
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June 7, 2016

Richard A. Belardinelli
GEORGESON AND BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720

Joseph D. Cooper, Sr.
Valerie J. Velasco
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711

Vincent Galvin
Ryan A. McCarthy
BOWMAN AND BROOKE LLP
1741 Technology Drive, Suite 200
San Jose, CA 95110

Gregory S. Mason
McCORMICK BARSTOW
7647 N. Fresno Street
Fresno, CA 93720

Philip McDaniel
WEINSTEIN TIPPETTS & LITTLE LLP
7500 San Felipe, Suite 500
Houston, TX 77063

Mark P. Robinson, Jr.
ROBINSON CALCAGNIE ROBINSON
SHAPIRO DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Please be advised that Mandy Jobe has reviewed her May 13, 2016, deposition transcript and makes the following changes:

Page 14, Line 7	Change "2012" to "2013"
Page 14, Line 22	Change "October 20 th , 2009" to "October 19, 2007"
Page 14, Line 24	Change "2012" to "2013"
Page 15, Line 10	Change "2009" to "2007"
Page 15, Line 17	Change "'09" to "2007"
Page 17, Line 12	Change "Yes" to "Got license in 2007"

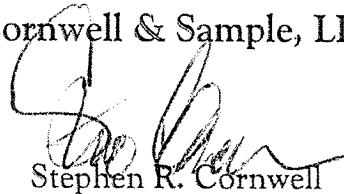
LP0000728

All Counsel
June 7, 2016
Page 2

Enclosed please find the signature page for attachment to the deposition transcript.

Very truly yours,

Cornwell & Sample, LLP


A handwritten signature in black ink, appearing to read "Stephen R. Cornwell", is written over the printed name.

Stephen R. Cornwell

SRC:lc
Enclosure

LP0000729

1 I declare, under penalty of perjury, under the
2 laws of the State of California, that the foregoing is
3 true and correct, with the exception of the following
4 corrections listed below.
5
6 Page 14 Line 7 Should read: August 30 of 2013
7 Reason for change: date
8 Page 14 Line 22 Should read: October 19, 2007
9 Reason for change: date
10 Page 14 Line 24 Should read: ~~October~~ August 30, 2013
11 Reason for change: date
12 Page 15 Line 10 Should read: 2007
13 Reason for change: date
14 Page 15 Line 17 Should read: 2007
15 Reason for change: date
16 Page 17 Line 12 Should read: License in 2007
17 Reason for change: date
18 Page Line Should read:
19 Reason for change:
20 Page Line Should read:
21 Reason for change:
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23 Dated: June 5, 2016
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SIGNED UNDER PENALTY OF PERJURY

CORNWELL & SAMPLE, LLP

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June 14, 2016

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Mark P. Robinson, Jr.
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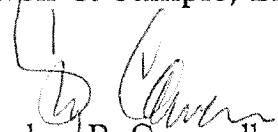
Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Please be advised that Cal LeDuc has reviewed and signed his deposition without correction. Enclosed please find a copy of the signature page to the deposition.


Very truly yours,

Cornwell & Sample, LLP


Stephen R. Cornwell

SRC:lc
Enclosure

LP0000731

1 I declare, under penalty of perjury, under the
2 laws of the State of California, that the foregoing is
3 true and correct, with the exception of the following
4 corrections listed below.
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6 Page Line Should read:
7 Reason for change:
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20 Page Line Should read:
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22 Dated: 6-4-16
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Page 69

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LP0000732

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June 20, 2016

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19 Corporate Plaza Drive
Newport Beach, CA 92660

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Please be advised that Lukus LeDuc has reviewed and signed his deposition without correction. Enclosed please find a copy of the signature page to the deposition.

Very truly yours,

Cornwell & Sample, LLP


Stephen R. Cornwell

SRC:lc
Enclosure

LP0000733

1 I declare, under penalty of perjury, under the
2 laws of the State of California, that the foregoing is
3 true and correct, with the exception of the following
4 corrections listed below.

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6 Page Line Should read:

7 Reason for change:

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10 Page Line Should read:

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18 Page Line Should read:

19 Reason for change:

20 Page Line Should read:

21 Reason for change:

22 Dated: 6-10-16

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25


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Page 46

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5
LP0000734

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June 27, 2016

Via Facsimile Only

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SHAPIRO DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Tori Abby and Jay LeDuc have requested additional time to review, correct, and sign their deposition transcripts. We hope to have their corrections and signature pages to you shortly.

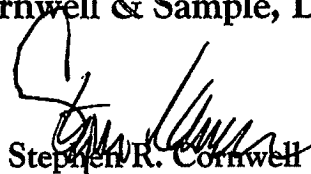
LP0000735

All Counsel
June 27, 2016
Page 2

If you have any concerns, please do not hesitate to contact me.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

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LP0000736

* * * Communication Result Report (Jun. 27. 2016 4:58PM) * * *

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Date/Time: Jun. 27. 2016 4:52PM

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	17132440801		OK	
	19497201292		OK	

Reason for error

m.m. 1) Hang up or line fail
m. 3) No answer
m. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection
E. 6) Destination does not support IP-Fax

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DATE: June 27, 2016

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David B. Weinstein / Philip McDaniel	(713) 244-0801	
Mark P. Robinson, Jr.	(949) 720-1292	

FROM: Linda Cunha for Stephen R. Cornwell
Re: LeDuc v. General Motors, LLC, et al.

NUMBER OF PAGES, INCLUDING COVER: 3
MESSAGE:
Please see attached letter. Thank you.

WARNING: THE DOCUMENT BEING TRANSMITTED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS UNCLASSIFIED, CONFIDENTIAL AND NOT TO BE RELEASED UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED ADDRESSEE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED ADDRESSEE, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPIING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

PLEASE IMMEDIATELY CALL (559) 431-3142
IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.

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June 30, 2016

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Mark P. Robinson, Jr.
ROBINSON CALCAGNIE ROBINSON
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19 Corporate Plaza Drive
Newport Beach, CA 92660

Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Please be advised that Jay LeDuc has reviewed his May 13, 2016 deposition transcript and makes the following change:

Page 20, Line 18 Change "bought" to "were looking at"

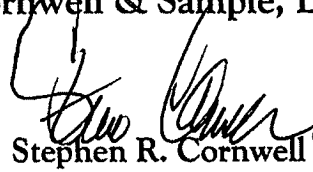
LP0000738

All Counsel
June 30, 2016
Page 2

Enclosed please find a copy of the signature page for attachment to the deposition transcript.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:lc
Enclosure

LP0000739

<p style="text-align: right;">Page 81</p> <p>1 Q. Christmas and Thanksgiving?</p> <p>2 A. She never did Christmas cards or anything like</p> <p>3 that.</p> <p>4 Q. Okay. So pretty much recognizing your birthday?</p> <p>5 A. My kids' birthday.</p> <p>6 Q. Your kids' birthday?</p> <p>7 A. Yes.</p> <p>8 Q. That's the kind of stuff she would write, she</p> <p>9 would write a note or something on a card?</p> <p>10 A. Yeah. Yeah.</p> <p>11 Q. Okay. Were gifts exchanged?</p> <p>12 A. Yes, she would always give presents. At</p> <p>13 Christmas time she always gave gifts. Then on our</p> <p>14 birthday she would always give us some money in a card.</p> <p>15 Q. Other than the Sunday barbecues and lunch so to</p> <p>16 speak, was there any other kind of familial get</p> <p>17 together, like you had a family reunion every summer or</p> <p>18 you guys all were in a bowling league together,</p> <p>19 anything like that?</p> <p>20 A. There was so many birthdays throughout the year</p> <p>21 with all the grandkids. It was mainly the Sundays or</p> <p>22 the birthdays or our birthdays, or just -- there was</p> <p>23 enough of that to last you. You wouldn't really have a</p> <p>24 weekend with just your family after all those</p> <p>25 birthdays. I try to get my sister to bunch the</p>	<p style="text-align: right;">Page 83</p> <p style="text-align: center;">ERRATA SHEET</p> <p>1</p> <p>2</p> <p>3 Pursuant to Rule 30(7)(e) of the Federal Rules</p> <p>4 of Civil Procedure and/or California Code of Civil</p> <p>5 Procedure, any changes in form or substance which you</p> <p>6 desire to make to your deposition testimony shall be</p> <p>7 entered upon the deposition with a statement of the</p> <p>8 reasons given for making them.</p> <p>9</p> <p>10 To assist you in making any such corrections,</p> <p>11 please use the form on the following page. If</p> <p>12 supplemental or additional pages are necessary, please</p> <p>13 furnish same and attach them to this errata sheet.</p> <p>14</p> <p>15 -o0o-</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 82</p> <p>1 birthdays up together to make it easier for scheduling</p> <p>2 purposes.</p> <p>3 MR. COOPER: That's all I have for you. Thank</p> <p>4 you.</p> <p>5 MR. CORNWELL: Anything else?</p> <p>6 MR. McCARTHY: No, sir.</p> <p>7 MR. McDANIEL: I don't have anything else.</p> <p>8 MR. CORNWELL: Same stipulations?</p> <p>9 MR. McCARTHY: Did you do stips?</p> <p>10 MR. McDANIEL: We had stipulations yesterday.</p> <p>11 MR. CORNWELL: The stipulation is that the</p> <p>12 original and my copy will be delivered to me, I'm</p> <p>13 buying a copy, and I will make arrangements to have the</p> <p>14 transcript reviewed by the witness and any corrections</p> <p>15 forwarded to counsel within 30 days of receipt.</p> <p>16 MR. McCARTHY: Sounds good.</p> <p>17 MR. McDANIEL: Fine with me.</p> <p>18 MR. COOPER: Agreeable.</p> <p>19 MR. CORNWELL: Okay.</p> <p>20 (Whereupon, the deposition proceedings</p> <p>21 were concluded at 4:03 p.m.)</p> <p>22 -o0o-</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 84</p> <p>1 I declare, under penalty of perjury, under the</p> <p>2 laws of the State of California, that the foregoing is</p> <p>3 true and correct, with the exception of the following</p> <p>4 corrections listed below.</p> <p>5</p> <p>6 Page Line Should read: <i>20: 5 18</i></p> <p>7 Reason for change: <i>Incorrect, they were looking at</i></p> <p>8 Page Line Should read: <i>buyrkey</i></p> <p>9 Reason for change:</p> <p>10 Page Line Should read:</p> <p>11 Reason for change:</p> <p>12 Page Line Should read:</p> <p>13 Reason for change:</p> <p>14 Page Line Should read:</p> <p>15 Reason for change:</p> <p>16 Page Line Should read:</p> <p>17 Reason for change:</p> <p>18 Page Line Should read:</p> <p>19 Reason for change:</p> <p>20 Page Line Should read:</p> <p>21 Reason for change:</p> <p>22</p> <p>23 Dated: <i>6-30-16</i></p> <p>24</p> <p>25</p> <p style="text-align: center;">SIGNED UNDER PENALTY OF PERJURY</p>

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July 7, 2016

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Mark P. Robinson, Jr.
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Re: *LeDuc v. General Motors Corporation, et al.*

Dear Counsel:

Please be advised that Tori Abby has reviewed her May 12, 2016, deposition transcript and makes the following changes:

Page 13, Line 2	Add "given birth to" following "so I just had"
Page 16, Line 2	Change "to go" to "the coast"
Page 46, Lines 18-20	Change Answer to "I heard it, looked into my rearview mirror, then yelled "Oh my God."
Page 129, Line 1	Change "No" to "I don't recall"

LP0000741

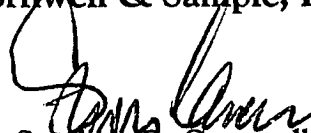
Page 137, Lines 20-21

Change Answer to "Yes, I believe she will be affected because of her injuries sustained in the accident and dealing with the grief."

Enclosed please find the signature page for attachment to the deposition transcript.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:lc
Enclosure

1 I declare, under penalty of perjury, under the
2 laws of the State of California, that the foregoing is
3 true and correct, with the exception of the following
4 corrections listed below.
5
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18 Page Line Should read:
19 Reason for change:
20 Page Line Should read:
21 Reason for change:
22 Dated: 6-29-16
23
24 Joni Abbey
25 SIGNED UNDER PENALTY OF PERJURY

Page 145

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J
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FACSIMILE TRANSMISSION

DATE: August 16, 2016

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FROM: Yer Xiong for Stephen R. Cornwell

Re: *LeDuc v. General Motors, LLC, et al.*

	NUMBER OF PAGES, INCLUDING COVER: 1
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MESSAGE:

This will provide you with notice that the deposition of **ERCILIA HEINRICHS** (noticed as **ARCIE** (Last Name Unknown)), scheduled for August 29, 2016, is hereby cancelled.

Thank you.

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* * * Communication Result Report (Aug. 16. 2016 4:13PM) * * *

2}

Date/Time: Aug. 16. 2016 3:59PM

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FACSIMILE TRANSMISSION

DATE: August 16, 2016

TO:

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Gregory S. Mason	(559) 433-2300	
Joseph D. Cooper, Sr.	(559) 442-1659	
David B. Weinstein / Philip McDaniel	(713) 244-0801	
Mark P. Robinson, Jr.	(949) 720-1292	

FROM: Yee Xiong for Stephen R. Cornwell

Re: LeDuc v. General Motors, LLC, et al.

NUMBER OF PAGES, INCLUDING COVER: 1

MESSAGE:

This will provide you with notice that the deposition of ERMILIA HEINRICHS (noticed as ARDIE (Last Name Unknown)), scheduled for August 29, 2016, is hereby cancelled.

Thank you.

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November 8, 2016

Via Facsimile Only

Joseph D. Cooper
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7519 N. Ingram Avenue, Suite 103
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Re: *LeDuc v. General Motors Corporation, et al.*

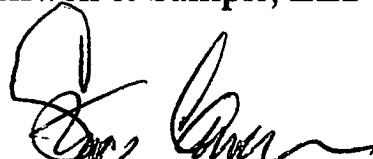
Dear Mr. Cooper:

We are in receipt of Defendants Guerra and Canchola's Demand for Exchange of Required Expert Witness Information setting the date for designation as March 6, 2017. The Court's order following Plaintiffs' Motion to Continue Trial ordered the exchange of expert information to be on February 3, 2017. It is my intention to designate experts on February 3, 2017. Please confirm this is your understanding.

Thank you.

Very truly yours,

Cornwell & Sample, LLP



Stephen R. Cornwell

SRC:lc

c: Richard A. Belardinelli
Mark P. Robinson, Jr.
Ryan A. McCarthy
Philip McDaniel
Gregory S. Mason

LP0000746

* * * Communication Result Report (Nov. 8. 2016 1:22PM) * * *

1}

Date/Time: Nov. 8. 2016 1:17PM

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	15594421659		OK	
	17132440801		OK	
	19497201292		OK	

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DATE: November 8, 2016

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FROM: Linda Cunha for Stephen R. Cornwell

Re: LeDuc v. General Motors, LLC, et al.

NUMBER OF PAGES, INCLUDING COVER: 2

MESSAGE:

Please see attached letter.

Thank you.

WARNING: THE DOCUMENT BEING TRANSMITTED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS UNCLASSIFIED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

PLEASE IMMEDIATELY CALL (559) 431-3142
 IF THERE ARE ANY PROBLEMS DURING THIS FAX TRANSMISSION.

COOPER & COOPER

ATTORNEYS AT LAW
7519 North Ingram Avenue, Suite 103
Fresno, California 93711

joe@coopllp.com

November 18, 2016

File No. 70028.14

VIA FACSIMILE & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***
Our Clients: Mario Guerra; Guerra Produce; Daniel Canchola

Dear Mr. Cornwell:

Pursuant to your letter of November 8, 2016, this is to confirm that expert disclosure will be on February 3, 2017, instead of March 6, 2017.

Please contact me if you have any questions.

Very truly yours,

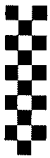
COOPER & COOPER

Joseph D. Cooper Sr.

JDC:ss

cc (via facsimile & U.S. mail): Richard A. Belardinelli
Mark P. Robinson, Jr.
Ryan A. McCarthy
Philip McDaniel
Gregory S. Mason

LP0000748

**COOPER & COOPER**

ATTORNEYS AT LAW
7519 North Ingram Avenue, Suite 103
Fresno, California 93711

joe@coopllp.com

FACSIMILE TRANSMITTAL

File No. 70028.14

TO : Stephen Cornwell (559) 436-1135
Richard A. Belardinelli (559) 447-0747
Mark P. Robinson, Jr. (949) 720-1292
Ryan A. McCarthy (408) 279-5845
Philip McDaniel ((713)244-0801
Gregory S. Mason (559) 433-2300

DATE : November 18, 2016

FROM : Joseph D. Cooper Sr.

RE : LeDuc vs. General Motors Corporation, et al.
Fresno Superior Case No. 13CECG03811

MESSAGE : Please see attached correspondence of today's date. Thank you.

Number of pages (including this page): ____

Please notify our office immediately if you do not receive all pages in this transmittal, or if you have any questions regarding the material.

THE DOCUMENT BEING FAXED IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THE COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE UNITED STATES POSTAL SERVICE.

COOPER & COOPER

ATTORNEYS AT LAW
7519 North Ingram Avenue, Suite 103
Fresno, California 93711

joe@coopllp.com

July 18, 2017

File No. 70028.14

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: *LeDuc vs. General Motors, et al.*
Our Clients: Mario Guerra; Guerra Produce; Daniel Canchola

Dear Mr. Cornwell:

Now that the bankruptcy court has granted Plaintiffs relief to try the case as to the available insurance policy limits, my clients would like to again offer your clients the limits of Infinity Select Insurance Company Policy #504-65323-2013-001. The applicable limits of that particular policy are \$25,000/\$50,000. As such, my clients are offering the total available insurance policy limits pursuant to Infinity Select Insurance Company Policy #504-65323-2013-001 of \$50,000 to your clients. My clients will require a Dismissal with Prejudice of the Entire Action and a Release. Each party would assume their own fees and costs, and Plaintiffs would be responsible for any liens, known or unknown.

My clients recognize that Plaintiffs might take the position that there is \$750,000 in insurance coverage available. My clients have submitted their discovery responses, referencing that the policy covering them in this matter, Infinity Select Insurance Company Policy #504-65323-2013-001, is a \$25,000/\$50,000 policy. The operative pleading relates to the motor vehicle accident between our respective clients, and not as to the terms of Infinity Select Insurance Company Policy #504-65323-2013-001, or any other claim. As such, it would appear as though Plaintiffs' recovery is limited to \$50,000.

Please get back to me at your earliest opportunity so that we can further discuss this matter. I look forward to hearing from you at your convenience.

Very truly yours,

COOPER & COOPER

Joseph D. Cooper Sr.

JDC:so

LP0000750

CORNWELL & SAMPLE, LLP

Attorneys At Law

Stephen R. Cornwell
René Turner Sample
Catherine M. Houlihan

7045 N. Fruit Avenue
Fresno, California 93711-0761

Telephone (559)431-3142
Facsimile (559)436-1135
www.cornwellsample.com

March 27, 2018

Joseph D. Cooper
COOPER & COOPER
5756 N. Marks Avenue, Suite 160
Fresno, CA 93711

Re: *LeDuc v. Guerra*

Dear Mr. Cooper:

The Court has approved the Minor's Compromise Petition for Miley Abby for her share of the \$50,000.00 from your clients. Enclosed is a copy of the Order Approving the Compromise. Also enclosed is the signed Request for Dismissal. Please forward the checks to our office made payable as follows:

1. **\$25,000.00** for the wrongful death of Marsha Kay LeDuc, made payable to Cal LeDuc, Tori Abby, Mandy Jobe, Lukus LeDuc, Jay LeDuc and Cornwell & Sample, LLP;
2. **\$25,000.00** for the injury claims of Tori Abby and Miley Abby, made payable to Tori Abby and Cornwell & Sample, LLP; and
3. **\$836,306.79** for costs awarded by the Court.

You are authorized to file the Request for Dismissal only after I have received the checks as outlined above. If you have any questions, please do not hesitate to call.

Very truly yours,

Cornwell & Sample, LLP


Stephen R. Cornwell

SRC:yx
Enclosures

LP0000751

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephen R. Cornwell, CA Bar #40737 CORNWELL & SAMPLE, LLP 7045 N. Fruit Avenue Fresno, CA 93711 TELEPHONE NO: (559) 431-314 FAX NO (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 "O" Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA 93721 BRANCH NAME: B.F. Sisk Courthouse	CASE NUMBER: 13 CE CG 03811 MWS
PLAINTIFF/PETITIONER: CAL LeDUC, et al. DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al.	
REQUEST FOR DISMISSAL	
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please **dismiss** this action as follows:

- a. (1) ☒ With prejudice (2) ☐ Without prejudice
 b. (1) ☒ Complaint (2) ☐ Petition
 (3) ☐ Cross-complaint filed by (name):
 (4) ☐ Cross-complaint filed by (name):
 (5) ☒ Entire action of all parties and all causes of action
 (6) ☐ Other (specify):*

on (date):

on (date):

2. (Complete in all cases except family law cases.)

The court ☐ did ☒ did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: March 27, 2018

Stephen R. Cornwell, CA Bar #40737

(TYPE OR PRINT NAME OF ☒ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

 (SIGNATURE)
 Attorney or party without attorney for: CAL LeDUC, et al.

*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.

☒ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.**

Date:

 (TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY WITHOUT ATTORNEY)

 (SIGNATURE)
 Attorney or party without attorney for:

** If a cross-complaint – or Response (Family Law) seeking affirmative relief – is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).

☐ Plaintiff/Petitioner ☐ Defendant/Respondent
☐ Cross-Complainant

(To be completed by clerk)

4. Dismissal entered as requested on (date):
 5. Dismissal entered on (date): as to only (name):
 6. Dismissal **not entered** as requested for the following reasons (specify):

7. a. ☐ Attorney or party without attorney notified on (date):
 b. ☐ Attorney or party without attorney not notified. Filing party failed to provide
☐ a copy to be conformed ☐ means to return conformed copy

Date: _____ Clerk, by _____, Deputy

PLAINTIFF/PETITIONER: CAL LeDUC, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: GENERAL MOTORS CORPORATION, et al.	13 CE CG 03811 MWS

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

1. The court waived court fees and costs in this action for (name):
2. The person named in item 1 is (check one below):
 - a. ☐ not recovering anything of value by this action.
 - b. ☐ recovering less than \$10,000 in value by this action.
 - c. ☐ recovering \$10,000 or more in value by this action. (If item 2c is checked, item 3 must be completed.)
3. ☐ All court fees and court costs that were waived in this action have been paid to the court (check one): ☐ Yes ☐ No

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

Date: _____

(TYPE OR PRINT NAME OF ☐ ATTORNEY ☐ PARTY MAKING DECLARATION)

(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Stephen R. Cornwell, CA Bar #40737 CORNWELL & SAMPLE, LLP 7045 N. Fruit Avenue Fresno, CA 93711 TELEPHONE NO.: (559) 431-3142 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.	FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">FILED</div> <div style="font-size: 1.2em; font-weight: bold;">MAR 16 2018</div> FRESNO COUNTY SUPERIOR COURT By _____ DEPT. 501 RECEIVED VIA EFILE 3/16/2018 2:08 PM FRESNO COUNTY SUPERIOR COURT By: M. Sanchez, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO STREET ADDRESS: 1130 "O" Street MAILING ADDRESS: CITY AND ZIP CODE: Fresno, CA 93721 BRANCH NAME: B.F. Sisk Courthouse	CASE NUMBER: 13 CE CG 03811 MWS
CASE NAME: LeDUC v. GENERAL MOTORS CORPORATION, et al.	HEARING DATE, IF ANY: 03/22/2018 DEPT.: 501
ORDER APPROVING: <input type="checkbox"/> COMPROMISE OF DISPUTED CLAIM <input checked="" type="checkbox"/> COMPROMISE OF PENDING ACTION <input type="checkbox"/> DISPOSITION OF PROCEEDS OF JUDGMENT <input checked="" type="checkbox"/> Minor <input type="checkbox"/> Person With a Disability	

1. **Petitioner (name):** TORI ABBY has petitioned for court approval of a proposed compromise of a disputed claim of a minor or a pending action involving a minor or a person with a disability or a proposed disposition of the proceeds of a judgment for a minor or a person with a disability.
2. **Hearing**
 - a. ☐ No hearing was held. The petition is an expedited petition under rule 7.950.5 of the California Rules of Court.
 - b. ☒ Date: 03/22/2018 Time: 3:30 PM Dept.: 501
 - c. Judicial officer: Honorable Mark W. Snauffer
3. **Relationship to claimant**
 Petitioner has the following relationship or relationships to claimant (check all applicable boxes):
 - a. ☒ Parent
 - b. ☒ Guardian ad litem
 - c. ☐ Guardian
 - d. ☐ Conservator
 - e. ☐ Claimant, an adult person with a disability, is the petitioner.
 - f. ☐ Other (specify):
4. **Claimant (name):** MILEY ABBY
 - a. ☒ is a minor.
 - b. ☐ is a "person with a disability" within the meaning of Probate Code section 3603 who is:
 - (1) ☐ An adult. Claimant's date of birth is (specify):
 - (a) ☐ Without a conservator. Claimant has capacity to consent to this order, within the meaning of Probate Code section 812, and has consented to this order.
 - (b) ☐ A conservatee; a person for whom a conservator may be appointed; or without capacity to consent to this order, within the meaning of Probate Code section 812.
 - (2) ☐ A minor described in Probate Code section 3603(b)(3).
5. **Defendant**
 The claim or action to be compromised is asserted, or the judgment is entered, against (name of settling or judgment defendant or defendants (the "payer")): MARIO ALBERTA GUERRA, GUERRA PRODUCE and DANIEL CANCHOLA

CASE NAME: LeDUC v. GENERAL MOTORS CORPORATION, et al.

CASE NUMBER:

13 CE CG 03811 MWS

6. THE COURT FINDS that all notices required by law have been given.

7. THE COURT ORDERS

a The petition is granted and the proposed compromise of claim or action or the proposed disposition of the proceeds of the judgment is approved. The gross amount or value of the settlement or judgment in favor of claimant is \$ 15,750.00

b ☐ Until further order of the court, jurisdiction is reserved to determine a claim for a reduction of a Medi-Cal lien under Welfare and Institutions Code section 14124.76. The amount shown payable to the Department of Health Care Services in item 7c(1)(d) of this order is the full amount of the lien claimed by the department but is subject to reduction on further order of the court upon determination of the claim for reduction.

c The payer shall disburse the proceeds of the settlement or judgment approved by this order in the following manner:

(1) Payment of fees and expenses

Fees and expenses shall be paid by one or more checks or drafts, drawn payable to the order of the petitioner and the petitioner's attorney, if any, or directly to third parties entitled to receive payment identified in this order for the following items of expense or damage, which are hereby authorized to be paid out of the proceeds of the settlement or judgment:

(a) ☒ Attorney's fees in the total amount of: \$ 2,362.50 payable to (specify):
CORNWELL & SAMPLE, LLP

(b) ☐ Reimbursement for medical and all other expenses paid by the petitioner or the petitioner's attorney in the total amount of: \$

(c) ☐ Medical, hospital, ambulance, nursing, and other like expenses payable directly to providers as follows, in the total amount of: \$

(i) Payee (name):

(A) Address:

(B) Amount: \$

(ii) Payee (name):

(A) Address:

(B) Amount: \$

☐ Continued on Attachment 7c(1)(c). (Provide information about additional payees in the above format.)

(d) ☐ Other authorized disbursements payable directly to third parties in the total amount of: \$
(Describe and state the amount of each item and provide the name and address of each payee):

☐ Continued on Attachment 7c(1)(d).

(e) ☒ Total allowance for fees and expenses from the settlement or judgment: \$

CASE NAME: LeDUC v. GENERAL MOTORS CORPORATION, et al.

CASE NUMBER:

13 CE CG 03811 MWS

7. THE COURT ORDERS (cont.)

c. The payer shall disburse the proceeds of the settlement or judgment approved by this order in the following manner:

(2) Balance

The balance of the settlement or judgment available for claimant after payment of all allowed fees and expenses is:

\$ 13,387.50

The balance shall be disbursed as follows:

(a) ☒ By one or more checks or drafts in the total amount of (specify): \$ 13,387.50 drawn payable to the order of the petitioner as trustee for the claimant. Each such check or draft must bear an endorsement on the face or reverse that it is for deposit in one or more interest-bearing, federally insured accounts in the name of the petitioner as trustee for the claimant, and no withdrawals may be made from the accounts except as provided in the *Order to Deposit Money Into Blocked Account* (form MC-355), which is signed contemporaneously with this order ("blocked account").

(b) ☐ By the following method(s) (describe each method, including the amount to be disbursed):

☐ Continued on Attachment 7c(2)(b).

(c) ☐ If money is to be paid to a special needs trust under Probate Code section 3604, all statutory liens in favor of the state Department of Health Care Services, the state Department of Mental Health, the state Department of Developmental Services, and any city and county in California must first be satisfied by the following method (specify):

☐ Continued on Attachment 7c(2)(c).

8. ☒ Further orders of the court concerning blocked accounts

The court makes the following additional orders concerning any part of the balance ordered to be deposited in a blocked account under item 7c(2)(a):

a. Within 48 hours of receipt of a check or draft described in item 7c(2)(a), the petitioner and the petitioner's attorney, if any, must deposit the check or draft in the petitioner's name as trustee for the claimant in one or more blocked accounts at (specify name, branch, and address of each depository, and the amount of each account):

Bank of the Sierra
Reedley Branch
1095 West Manning Avenue
Reedley, CA 93654

\$13,387.50

☐ Continued on Attachment 8a.

CASE NAME: LeDUC v. GENERAL MOTORS CORPORATION, et al.	CASE NUMBER:
	13 CE CG 03811 MWS

8. Further orders of the court concerning blocked accounts

The court makes the following additional orders concerning any part of the balance ordered to be deposited in a blocked account under item 7c(2)(a):

- b. The petitioner and the petitioner's attorney, if any, must deliver to each depository at the time of deposit three copies of the *Order to Deposit Money Into Blocked Account* (form MC-355), which is signed contemporaneously with this order, and three copies of the *Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account* (form MC-356). The petitioner or the petitioner's attorney must file a copy of the receipt with this court within 15 days of the deposit. The sole responsibilities of the petitioner and the petitioner's attorney, if any, are to place the balance in a blocked account or accounts and to timely file a copy of the receipt.
- c. The balance of the proceeds of the settlement or judgment deposited in a blocked account or accounts under item 7c(2)(a) may be withdrawn only as follows (check (1) or (2)):
- (1) ☐ No withdrawals of principal or interest may be made from the blocked account or accounts without a further written order under this case name and number, signed by a judge, and bearing the seal of this court. The money on deposit is not subject to escheat.
- (2) ☒ The blocked account or accounts belong to a minor. The minor was born on (date): 09/09/2009. No withdrawals of principal or interest may be made from the blocked account or accounts without a further written order under this case name and number, signed by a judicial officer, and bearing the seal of this court, until the minor attains the age of 18 years. When the minor attains the age of 18 years, the depository, without further order of this court, is authorized and directed to pay by check or draft directly to the former minor, upon proper demand, all moneys including interest deposited under this order. The money on deposit is not subject to escheat.

9. ☒ Authorization to execute settlement documents

The petitioner is authorized to execute settlement documents as follows (check only one):

- a. ☐ Upon receipt of the full amount of the settlement sum approved by this order and the deposit of funds, the petitioner is authorized and directed to execute and deliver to the payer a full, complete, and final release and discharge of any and all claims and demands of the claimant by reason of the accident or incident described in the petition and the resultant injuries to the claimant and a properly executed dismissal with prejudice.
- b. ☒ The petitioner is authorized and directed to execute any and all documents reasonably necessary to carry out the terms of the settlement.
- c. ☐ The petitioner is authorized and directed (specify):

☐ Continued on Attachment 9c.

10. Bond is ☐ ordered and fixed in the amount of: \$

☒ not required.

11. A copy of this order shall be served on the payer forthwith.


12. ☐ Additional orders

The court makes the following additional orders (specify):

☐ Continued on Attachment 12.

Date:

3/16/18



JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 7045 N. Fruit Avenue, Fresno, California. On March 16, 2018, I served the within documents:

ORDER APPROVING COMPROMISE OF PENDING ACTION (MINOR)

☐

BY FAX: by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☒

BY HAND: by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☐

BY MAIL: by placing the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

☐

BY OVERNIGHT MAIL: by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

☐

BY PERSONAL DELIVERY: by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.

☒

BY ELECTRONIC MAIL to the electronic mail address(es) below.

By E-Mail Only To:

Richard A. Belardinelli
Credanlaw@sbeglobal.net
GEORGESON AND
BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720
Facsimile: (559) 447-0747
Co-Counsel for Plaintiffs

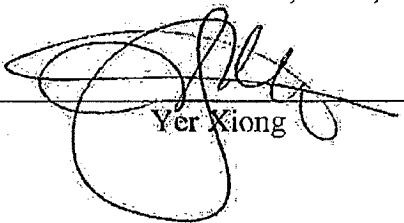
By E-Mail Only To:

Mark P. Robinson, Jr.
dfolia@rcrlaw.net
ROBINSON CALCAGNIE
ROBINSON SHAPIRO
DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660
Fax: (949) 720-1292
Co-Counsel for Plaintiffs

By Hand Delivery To:

Joseph D. Cooper, Sr.
joe@coopllp.com
COOPER & COOPER
5756 N. Marks Avenue, Suite 160
Fresno, CA 93711
Facsimile: (559) 442-1659
Counsel for Defendants
GUERRA, GUERRA
PRODUCE and CANCHOLA

I am readily familiar with the firm's practice of collection and processing 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 in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on March 16, 2018, at Fresno, California.


Yerr Kiong

1 Stephen R. Cornwell, CA Bar #40737
2 CORNWELL & SAMPLE, LLP
3 Attorneys at Law
4 7045 N. Fruit Avenue
5 Fresno, CA 93711-0761
6 Telephone: (559) 431-3142
7 Facsimile: (559) 436-1135

(SPACE BELOW FOR FILING STAMP ONLY)

E-FILED
1/22/2018 8:41 AM

FRESNO COUNTY SUPERIOR COURT
By: S.Garcia, Deputy

8 Richard A. Belardinelli, CA Bar #65168
9 GEORGESON AND BELARDINELLI
10 7060 N. Fresno Street, Suite 250
11 Fresno, CA 93720
12 Telephone: (559) 447-8800
13 Facsimile: (559) 447-0747

14 Mark P. Robinson, Jr., CA Bar #54426
15 ROBINSON CALCAGNIE ROBINSON
16 SHAPIRO DAVIS, INC.
17 19 Corporate Plaza Drive
18 Newport Beach, CA 92660
19 (949) 720-1288
20 Fax: (949) 720-1292

21 Attorneys for Plaintiffs CAL LeDUC; TORI ABBY; MILEY ABBY, a minor, by and
22 through her Guardian ad Litem TORI ABBY; MANDY JOBE; LUKUS LeDUC; and JAY
23 LeDUC

24 SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
25 CENTRAL DIVISION

26 CAL LeDUC; TORI ABBY; MILEY
27 ABBY, a minor, by and through her
28 Guardian ad Litem TORI ABBY;
MANDY JOBE; LUKUS LeDUC; and
JAY LeDUC

CASE NO.: 13 CE CG 03811 MWS

**NOTICE OF ENTRY OF ORDER RE
DEFENDANTS' MOTION TO TAX
COSTS**

Plaintiffs,

v.

MARIO ALBERTO GUERRA; DANIEL
M. CANCHOLA; GUERRA PRODUCE;
and DOES 1 to 50, inclusive,

Defendants.

///

///

NOTICE OF ENTRY OF ORDER RE DEFENDANTS' MOTION TO TAX COSTS

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**

2 PLEASE TAKE NOTICE that on January 18, 2018, the above-entitled Court
3 entered the Order on Defendants' Motion to Tax Costs. The Court denied the motion to
4 strike costs, granted the motion to tax costs in part and denied in part. The amount of
5 \$28.80 was taxed. A copy of the Order is attached hereto as Exhibit "A."

6 Plaintiffs' claimed total costs in the amount of \$836,335.59. A copy of the
7 Memorandum of Costs filed by Plaintiffs is attached hereto as Exhibit "B." As the Court
8 orders the amount of \$28.80 to be taxed, Plaintiffs total costs is now **\$836,306.79**.

9
10 DATED: January 21, 2018.

CORNWELL & SAMPLE, LLP

11
12
13 By: _____

14 Stephen R. Cornwell
15 Attorneys for Plaintiffs
16 CAL LeDUC; TORI ABBY; MILEY ABBY,
17 a minor, by and through her Guardian ad
18 Litem TORI ABBY; MANDY JOBE;
19 LUKUS LeDUC; JAY LeDUC; and
20 CAL LeDUC as successor in interest to the
21 estate of Marsha Kay LeDuc

22 F:\Cases\ABBY.Tori\PLEADINGS\MOTIONS\MOTION TO STRIKE MEMO OF COSTS\NOTICE OF ENTRY OF ORDER.doc
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NOTICE OF ENTRY OF ORDER RE DEFENDANTS' MOTION TO TAX COSTS

EXHIBIT A

<p align="center"> SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, California 93724-0002 (559) 457-2000 </p>	<p align="center"><i>FOR COURT USE ONLY</i></p>
<p> TITLE OF CASE: Cal LeDuc vs General Motors Corporation </p>	
<p align="center">CLERK'S CERTIFICATE OF MAILING</p>	<p> CASE NUMBER: 13CECG03811 </p>

I certify that I am not a party to this cause and that a true copy of the:

[Minute Order/Tentative Ruling]

was placed in a sealed envelope and placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court'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 with postage fully prepaid.

Place of mailing: Fresno, California 93724-0002

On Date: 01/18/2018

Clerk, by

Kalle Mendoza

, Deputy

K. Mendoza

Stephen R. Cornwell
 Cornwell & Sample
 7045 N. Fruit Ave.
 Fresno, CA 93711

Joseph D. Cooper
 Cooper & Cooper
 5756 N. Marks Avenue
 Suite 160
 Fresno, CA 93711

☐ Clerk's Certificate of Mailing Additional Address Page Attached

TGN-06b R08-06

CLERK'S CERTIFICATE OF MAILING

LP0000762

SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department - Non-Limited		Entered by:
TITLE OF CASE: Cal LeDuc vs General Motors Corporation		
LAW AND MOTION MINUTE ORDER		Case Number: 13CECG03811

Hearing Date: **January 17, 2018** Hearing Type: **Motion - Tax Costs**
Department: **501** Judge/Temp. Judge: **Snauffer, Mark**
Court Clerk: **Mendoza, Katherin** Reporter/Tape: **NR**

Appearing Parties:	
Plaintiff:	Defendant:
Counsel:	Counsel:

☐ Off Calendar

☐ Continued to ☐ Set for ___ at ___ Dept. ___ for ___

☐ Submitted on points and authorities with/without argument. ☐ Matter is argued and submitted.

☐ Upon filing of points and authorities.

☐ Motion is granted ☐ in part and denied in part. ☐ Motion is denied ☐ with/without prejudice.

☐ Taken under advisement

☐ Demurrer ☐ overruled ☐ sustained with ___ days to ☐ answer ☐ amend

☒ Tentative ruling becomes the order of the court. No further order is necessary.

☒ Pursuant to CRC 391(a) and CCP section 1019.5(a), no further order is necessary. The minute order adopting the tentative ruling serves as the order of the court.

☒ Service by the clerk will constitute notice of the order.

☒ See attached copy of the Tentative Ruling.

☐ Judgment debtor ___ sworn and examined.

☐ Judgment debtor ___ failed to appear.
Bench warrant issued in the amount of \$ ___

JUDGMENT:

☐ Money damages ☐ Default ☐ Other ___ entered in the amount of:
Principal \$___ Interest \$___ Costs \$___ Attorney fees \$___ Total \$___
☐ Claim of exemption ☐ granted ☐ denied. Court orders withholdings modified to \$___ per ___

FURTHER, COURT ORDERS:

☐ Monies held by levying officer to be ☐ released to judgment creditor. ☐ returned to judgment debtor.
☐ \$___ to be released to judgment creditor and balance returned to judgment debtor.
☐ Levying Officer, County of ___, notified. ☐ Writ to issue
☐ Notice to be filed within 15 days. ☐ Restitution of Premises
☐ Other: ___

(29)

Tentative Ruling

Re: **Cal leDuc, et al. v. Mario Alberto Guerra, et al.**
Superior Court Case No. 13CECG03811

Hearing Date: January 17, 2018 (Dept. 501)

Motion: Defendants' motion to strike or tax costs

Tentative Ruling:

To deny the motion to strike costs; to grant the motion to tax costs in part, and deny in part. The amount of \$28.80 is taxed.

Explanation:

A prevailing party is entitled to recover its costs as a matter of right. (Code Civ. Proc. § 1032(b).) "Prevailing party" is defined as a party with a net monetary recovery, a defendant in whose favor a dismissal is entered, a defendant where neither plaintiff nor defendant obtains any relief, and a defendant as against those plaintiffs who do not recover any relief against that defendant. (Code Civ. Proc. § 1032(a)(4).) Parties are permitted to stipulate to alternative procedures for awarding costs in the litigation. (Id. at (c); see *deSaulles v. Community Hosp. of Monterey Peninsula* (2016) 62 Cal.4th 1140, 1144; *Gorman v. Tassajara Development Corp.* (2009) 178 Cal.App.4th 44, 70.)

Where a defendant pays money to a plaintiff in order to settle a case, plaintiff has obtained a "net monetary recovery," sufficient to be a "prevailing party;" in this situation, the dismissed defendant has not obtained a dismissal in its favor as contemplated by section 1032, subdivision (a)(4). (*deSaulles*, supra, 62 Cal.4th at p. 1144.)

"Allowable" costs awarded to a prevailing party must be (1) incurred by that party; (2) reasonably necessary to the conduct of the litigation; and (3) reasonable in amount. (CCP § 1033.5(c)(1)-(3); *El Dorado Meat Co. v. Yosemite Meat & Locker Service, Inc.* (2007) 150 Cal.App.4th 612, 616.) Costs which are "merely convenient or beneficial to" preparation for litigation are not allowed. (Code Civ. Proc. § 1033.5(c)(2); *Nelson v. Anderson* (1999) 72 Cal.App.4th 111, 129; *Ladas v. California State Auto. Assn.* (1993) 19 Cal.App.4th 761, 773.) Accordingly, the court may disallow costs that are allowable as a matter of right if they were not "reasonably necessary;" the court may reduce any cost item to the amount the court considers reasonable. (See *Perko's Enterprises, Inc. v. RRNS Enterprises* (1992) 4 Cal.App.4th 238, 245 [intent of § 1033.5(c)(2) is to authorize trial court to disallow costs, including filing fees, when it determines such were incurred unnecessarily].)

The following are statutorily allowable: filing, motion and jury fees; costs associated with depositions; service of process costs; ordinary witness fees; expert witness fees if the expert was ordered by the court; attorney's fees; models, enlargements, etc., may be

allowed "if they were reasonably helpful to aid the trier of fact." (Code Civ. Proc. §1033.5(a).)

If items on their face appear to be proper charges, the verified memorandum of costs is prima facie evidence of their propriety, and the burden is on the party seeking to tax costs to show that the costs were not reasonable or necessary. (*Murphy v. Cornell Co.* (1930) 110 Cal.App. 452, 455.)

"In ruling on a motion to tax costs, the court first determines whether the statute expressly allows the particular item and whether it appears proper on its face. If so, the burden is on the objecting party to show the costs to be unnecessary or unreasonable. Where costs are not expressly allowed by statute, the burden is on the party claiming the costs to show that the charges were reasonable and necessary. Whether a cost item was reasonably necessary to the litigation presents a question of fact for the trial court." (*Gorman*, supra, 178 Cal.App.4th at p. 71, internal citations, quotation marks and brackets omitted.)

A §998 offer is meant to encourage settlement; accordingly, a good faith requirement is read into §998 in order to effectuate the purpose of the statute. (*Adams v. Ford Motor Co.* (2011) 199 Cal.App.4th 1475, 1483.) Good faith in turn requires that the settlement offer be "realistically reasonable under the circumstances of the particular case." (*Ibid.*) The party making a §998 offer bears the burden of demonstrating the validity of the offer. (*Barella v. Exchange Bank* (2000) 84 Cal.App.4th 793, 799.) Where defendant rejects a §998 offer, the court is authorized to require defendant to pay a reasonable sum to cover post-offer costs of the services of expert witnesses, who are not regular employees of any party, actually incurred and reasonably necessary in preparation for trial, or during trial, of the case by plaintiff, in addition to plaintiff's costs. (Code Civ. Proc. §998(d); see *Michelson v. Camp* (1999) 72 Cal.App.4th 955, 975-976 [costs for expert witness appropriate even though expert did not testify].)

A "commercial motor vehicle" is "any motortruck of two or more axles that is more than 10,000 pounds gross vehicle weight rating, and any other motor vehicle used to transport property for compensation." (Veh. Code § 34601(c)(1).) The owner of a commercial vehicle must carry liability protection of "not less than [\$750,000]" for bodily injury, death, and property damage. (*Id.* at §34631.5(a)(1).)

In the case at bench, Defendants Guerra, Guerra Produce and Canchola move to strike Plaintiffs' memorandum of costs ("MOC") or, in the alternative, to tax costs.

Plaintiffs and Defendants' insurance carrier, Infinity, entered into a settlement agreement that provides that its purpose is to effectuate a dismissal of the instant action against Defendants Guerra and Canchola, and preserve Plaintiffs' ability to pursue their claims against Infinity. (S. Cornwell decl. i/s/o MOC, Exh. A ["Agmt."], p. 1, ¶¶ 1-2); The agreement states that it provides Plaintiffs the same rights they would otherwise have had if they had obtained a judgment in their favor (Agmt, p. 2, ¶1); that no judgment will be entered in this action (Agmt, p. 6, ¶16); and that Plaintiffs' recoverable costs will be determined by agreement or by the Court, pursuant to a MOC and resolution of any challenges thereto (Agmt, p. 5, ¶15(iv).

Moving parties argue that Plaintiffs are not "prevailing parties" because Defendants are being dismissed with prejudice. This ignores the provision in the agreement that Plaintiffs have the same rights as though they were prevailing parties. Moreover, Plaintiffs are getting a net recovery, similar to plaintiff in *deSaulles*, supra, 62 Cal.4th at p. 1158, who was found to be the "prevailing party" where she voluntarily dismissed the action after entering into a monetary settlement agreement. Infinity is Defendants' insurer, and it agreed to pay Plaintiffs the \$50,000 policy limit upon dismissal of this action. (Agmt., ¶19.) Plaintiffs are "prevailing parties" here.

Defendants next argue that because they offered Plaintiffs the \$50,000 policy limits, Plaintiffs' \$750,000 settlement offer was made in bad faith. State law requires that commercial vehicles have policy limits of at least \$750,000; Defendants' vehicle met the statutory definition of "commercial vehicle," so that Defendants were required by law to carry insurance of at least \$750,000. Defendants' policy provides that the policy will comply with any state financial responsibility laws, and that any terms of the policy that are in conflict with state statutes are amended to conform to those statutes. Plaintiffs state they selected the statutory minimum coverage amount for their §998 offer, because the vehicle was a "commercial vehicle," such that the policy's limits arguably are \$750,000. Plaintiffs' §998 offer appears to have been in good faith.

Defendants argue that because not all of the deponents were on Plaintiffs' witness list, and the witnesses did not testify at trial, their depositions were not reasonably necessary. Whether the challenged witnesses' testimony would have been helpful to the jury cannot be known, as the case settled. The costs of deposing these witnesses was actually incurred by Plaintiffs to conduct litigation, and the MOC is prima facie evidence of the costs' propriety. Defendants continue that the depositions appear to have been taken in an effort to build a case against Infinity. The costs appear on their face to be proper. Defendants fail to provide any evidence that the depositions were taken for use in another case, and the verified MOC is prima facie evidence of the propriety of the costs. Defendants have not established that the deposition costs are improper.

Defendants contend Plaintiffs' exhibit costs are not recoverable because there is no evidence that the Court relied on these exhibits, the exhibits were not used at trial, and Defendants stated that they would stipulate to liability. Exhibit costs are specifically allowable by statute, the MOC is prima facie evidence of the propriety of the costs, and Defendants fail to provide evidence that the costs are improper.

Defendants challenge the costs for service of process on people who did not testify at trial, stating that service on these individuals was not necessary because they were Plaintiffs' own witnesses. Defendants do not state to which individuals they refer. That certain people did not testify at trial is insufficient to establish that those individuals were not reasonably necessary to Plaintiffs' case. The cost of serving process is statutorily allowable; having witnesses ready to testify clearly is reasonably necessary to conduct litigation. Defendants fail to provide evidence that these costs are improper.

Defendants argue that the filing fees are excessive because not all of the motions were necessary; and that the \$3.60 incurred for filing certain documents is not

reasonable, because these filings should have been free. Filing fees are recoverable, and Plaintiffs actually incurred these expenses. The Court is authorized to disallow recovery of filing fees where such were not reasonably necessary to litigation. Plaintiffs include eight charges of \$3.60 for filing various motions that do not carry filing fees. Plaintiffs fail to distinguish these charges from the actual filing fees, arguing only that these fees were actually incurred and are thus prima facie reasonable. The Court disagrees. Accordingly, \$28.80 is taxed, representing eight \$3.60 charges for filing documents that do not carry filing fees.

Defendants argue that the costs arising from Plaintiffs' exhibits or models is improper because there is no evidence that any model or exhibit was relied on by the Court in rendering its decision. Defendants' assertion that there is no evidence that the Court relied on Plaintiffs' exhibits fails to address the actual statutory language, which provides that these costs are allowable if they are reasonably necessary to conduct the litigation; moreover, as the action settled, the Court did not render a decision. Last, the MOC is prima facie evidence of the propriety of these costs. Defendants fail to show these costs are improper.

Finally, Defendants challenge the fees associated with Plaintiffs' expert witness. The expert was retained by Plaintiffs to reconstruct the collision, particularly to show the force of impact. The expert fees would be improper if Plaintiffs' \$998 offer was found to have been in bad faith. As this Court finds that Plaintiffs' \$998 offer was made in good faith, the expert witness costs are allowable.

The costs in Plaintiffs' MOC appear on their face to be proper, other than the \$3.60 charges to file documents. The verified MOC is sufficient evidence of the costs' propriety. Defendants do not meet their burden of showing that the costs were unnecessary or unreasonable. Defendants' motion to strike the MOC is denied. Defendants' motion to tax costs is granted in part, and \$28.80 is taxed.

Pursuant to California Rules of Court, rule 3.1312, and Code of Civil Procedure section 1019.5, subdivision (a), no further written order is necessary. The minute order adopting this tentative ruling will serve as the order of the court and service by the clerk will constitute notice of the order.

Tentative Ruling

Issued by: _____

(Judge's initials)

on _____

(Date)

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): Stephen R. Cornwell, CA Bar #40737 CORNWELL & SAMPLE, LLP 7045 N. Fruit Avenue Fresno, CA 93711 TELEPHONE NO: (559) 431-3142 FAX NO: ATTORNEY FOR (Name): Plaintiffs CAL LeDUC, et al.		FOR COURT USE ONLY E-FILED 11/02/2017 FRESNO COUNTY SUPERIOR COURT By: M. Sanchez, Deputy
INSERT NAME OF COURT, JUDICIAL DISTRICT, AND BRANCH COURT, IF ANY: FRESNO COUNTY SUPERIOR COURT		
B.F. Sisk Courthouse PLAINTIFF: CAL LeDUC, et al.		
DEFENDANT: GENERAL MOTORS CORPORATION, et al.		
MEMORANDUM OF COSTS (SUMMARY)		CASE NUMBER: 13 CE CG 03811 MWS

The following costs are requested:

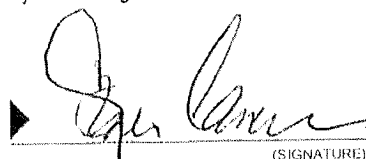
TOTALS

1. Filing and motion fees	1. \$	1,159.20
2. Jury fees	2. \$	1,233.90
3. Jury food and lodging	3. \$	
4. Deposition costs	4. \$	11,093.98
5. Service of process	5. \$	1,167.97
6. Attachment expenses	6. \$	
7. Surety bond premiums	7. \$	
8. Witness fees	8. \$	10,658.58
9. Court-ordered transcripts	9. \$	
10. Attorney fees (enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required)	10. \$	
11. Models, blowups, and photocopies of exhibits	11. \$	210.00
12. Court reporter fees as established by statute	12. \$	1,240.00
13. Other	13. \$	809,571.96
TOTAL COSTS		\$ 836,335.59

I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

Date: October 31, 2017

Stephen R. Cornwell, CA Bar #40737
 (TYPE OR PRINT NAME)


 (SIGNATURE)

(Proof of service on reverse)

MEMORANDUM OF COSTS (SUMMARY)

SHORT TITLE: LeDUC v. GENERAL MOTORS CORPORATION, et al.

CASE NUMBER:

13 CE CG 03811 MWS

MEMORANDUM OF COSTS (WORKSHEET)

1. Filing and motion fees

	<u>Paper filed</u>	<u>Filing fee</u>
a. Complaint (11/25/2013)		\$ 435.00
b. Ex Parte Application for Extension of Time to Serve Pleading (01/20/2014)		\$ 20.00
c. Courtcall - Case Management Conference		\$ 86.00
d. Motion for Leave to File First Amended Complaint (08/08/2014)		\$ 60.00
e. Courtcall - Guerra/Guerra Produce/Canchola's Motion to Strike		\$ 86.00
f. Motion to Continue Trial (04/25/2016)		\$ 60.00

g. ☒ Information about additional filing and motion fees is contained in Attachment 1g.

TOTAL 1. \$ 1,159.20

2. Jury fees

	<u>Date</u>	<u>Fee & mileage</u>
a.	04/22/2014	\$ 150.00
b.	10/12/2017	\$ 1,083.90
c.		\$
d.		\$

e. ☐ Information about additional jury fees is contained in Attachment 2e.

TOTAL 2. \$ 1,233.90

3 Juror food: \$ and lodging: \$

TOTAL 3. \$

4. Deposition costs

	<u>Name of deponent</u>	<u>Taking</u>	<u>Transcribing</u>	<u>Travel</u>	<u>Video-taping</u>	<u>Subtotals</u>
a.	Daniel Canchola	\$	\$ 965.35	\$	\$	\$ 965.35
b.	CHP Officer Darren Morrison	\$	\$ 215.25	\$	\$	\$ 215.25
c.	Eric Arredondo	\$ 50.00	\$ 879.50	\$ 14.07	\$	\$ 943.57
d.	Johnny Torres	\$	\$ 74.00	\$ 14.07	\$	\$ 88.07

e. ☒ Information about additional deposition costs is contained in Attachment 4e.

TOTAL 4. \$ 11,093.98

(Continued on reverse)

Page 2 of 9

SHORT TITLE: LeDUC v. GENERAL MOTORS CORPORATION, et al.

CASE NUMBER:
13 CE CG 03811 MWS

5. Service of process

Name of person served	Public officer	Registered process	Publication	Other (specify)
a. Daniel M. Canchola	\$	\$ 45.87	\$	\$
b. Mario Guerra	\$	\$ 45.00	\$	\$
c. Guerra Produce	\$	\$ 45.00	\$	\$

d. ☒ Information about additional costs for service of process is contained in Attachment 5d.

TOTAL 5. \$ 1,167.97

6. Attachment expenses (specify):

6. \$

7. Surety bond premiums (itemize bonds and amounts):

7. \$

8. a. Ordinary witness fees

Name of witness	Daily fee	Mileage	Total
(1) _____ days at _____ \$/day _____ miles at _____ ¢/mile	\$		\$
(2) _____ days at _____ \$/day _____ miles at _____ ¢/mile	\$		\$
(3) _____ days at _____ \$/day _____ miles at _____ ¢/mile	\$		\$
(4) _____ days at _____ \$/day _____ miles at _____ ¢/mile	\$		\$
(5) _____ days at _____ \$/day _____ miles at _____ ¢/mile	\$		\$

(6) ☐ Information about additional ordinary witness fees is contained in Attachment 8a(6).

SUBTOTAL 8a. \$

(Continued on next page)

Page 3 of 9

SHORT TITLE. LeDUC v. GENERAL MOTORS CORPORATION, et al.

CASE NUMBER.

13 CE CG 03811 MWS

MEMORANDUM OF COSTS (WORKSHEET) (Continued)

8. b. Expert fees (per Code of Civil Procedure section 998)

	<u>Name of witness</u>		<u>Fee</u>
(1)	Jesse L. Wobrock, Ph.D.	_____ hours at \$ _____ /hr	\$ 10,658.58
(2)	_____	_____ hours at \$ _____ /hr	\$ _____
(3)	_____	_____ hours at \$ _____ /hr	\$ _____
(4)	_____	_____ hours at \$ _____ /hr	\$ _____

(5) ☐ Information about additional expert witness fees is contained in Attachment 8b(5).

SUBTOTAL 8b. \$ 10,658.58

c. Court-ordered expert fees

	<u>Name of witness</u>		<u>Fee</u>
(1)	_____	_____ hours at \$ _____ /hr	\$ _____
(2)	_____	_____ hours at \$ _____ /hr	\$ _____

(3) ☐ Information about additional court-ordered expert witness fees is contained in Attachment 8c(3).

SUBTOTAL 8c. \$

TOTAL (8a, 8b, & 8c) 8. \$ 10,658.58

9 Court-ordered transcripts (specify):

9. \$

10 Attorney fees (enter here if contractual or statutory fees are fixed without necessity of a court determination; otherwise a noticed motion is required):

10. \$

11 Models, blowups, and photocopies of exhibits (specify): Binders, Exhibits and DVD of CHP.

11. \$ 210.00

12 Court reporter fees (as established by statute)

a. (Name of reporter): Greta Gregory

Fees: \$ 1,240.00

b. (Name of reporter):

Fees: \$

c. ☐ Information about additional court reporter fees is contained in Attachment 12c.

TOTAL 12. \$ 1,240.00

13. ☒ Other (specify): See ATTACHMENT 13

13. \$ 809,571.96

TOTAL COSTS

\$ 836,335.59

(Additional information may be supplied on the reverse)

Page 4 of 9

MEMORANDUM OF COSTS (WORKSHEET) (Continued)**ATTACHMENT 1 - Filing and Motion Fees (continued)**

g) Ex Parte Application for Order Shortening Time to Hear Motion to Continue Trial (04/25/2016).....	\$ 60.00
h) Opposition to Mario Guerra and Daniel Canchola's Motion for Summary Judgment (02/10/2017).....	\$ 3.60
i) Ex Parte Application for Good Faith Settlement (02/16/2017).....	\$ 65.40
j) Ex Parte Application for Order Shortening Time for Notice and Hearing on Minors Compromise and Joint Petition to Seal (02/22/2017).....	\$ 65.40
k) Ex Parte Application for Order Shortening Time to Hear Motion on Minors Compromise (03/01/2017).....	\$ 3.60
l) Ex Parte Application for Order Shortening Time to Hear Motion for Leave to File Third Amended Complaint (02/23/2017).....	\$ 65.40
m) Motion for Leave to File Third Amended Complaint (02/27/2017).....	\$127.20
n) Third Amended Complaint (03/23/2017).....	\$ 3.60
o) Notice of Order Granting Relief from Stay (07/10/2017).....	\$ 3.60
p) Notice of Entry of Dismissal of TRQSS & TRW (08/21/2017).....	\$ 3.60
q) Plaintiffs' Pretrial Documents (Exhibit List, Witness List, Motions in Limine, Jury Instructions and Statement of Case) (09/28/2017).....	\$ 3.60
r) Oppositions to Defendants' Motions in Limine (10/04/2017).....	\$ 3.60
s) Notices of Lodging Deposition Transcripts for Trial (10/11/2017).....	\$ 3.60

ATTACHMENT 4 - Deposition Costs (continued)

<u>Name of Deponent</u>	<u>Taking</u>	<u>Transcribing</u>	<u>Travel</u>	<u>Video</u>	<u>Subtotal</u>
e) Zugey Quevedo		\$117.10	\$14.07		\$ 131.17
f) Timothy Garrison		\$203.60	\$21.11		\$ 224.71
g) Justin Watson		\$194.25	\$21.11		\$ 215.36
h) Mario Guerra		\$419.90			\$ 419.90
i) Benjamin Delgadillo		\$540.30			\$ 540.30
j) John F. Bilello, M.D. \$2,300.00		\$582.75			\$ 2,882.75

(continued on next page)

Page 5 of 9

1 ATTACHMENT 4 - Deposition Costs (continued)

2	Name of Deponent	Taking	Transcribing	Travel	Video	Subtotal
3	k) Nancy Morfin		\$463.10			\$463.10
4	l) Alfredo Vargas		\$372.35			\$372.35
5	m) Drew Spafford		\$91.65			\$ 91.65
6	n) Seth Brown		\$58.50			\$ 58.50
7	o) Carlos Gutierrez		\$117.00			\$117.00
8	p) Brandon Markle		\$86.55			\$ 86.55
9	q) Adrian Agavo		\$91.65	\$10.18		\$101.83
10	r) Cesar Gutierrez		\$87.75	\$10.18		\$ 97.93
11	s) Ray Sandoval		\$173.55	\$10.18		\$183.73
12	t) Andrew Rios		\$69.00	\$10.18		\$ 79.18
13	u) Dana Spafford		\$103.35			\$103.35
14	v) Fabian Morales		\$129.70			\$129.70
15	w) Tori Abby		\$287.70			\$287.70
16	x) Cal LeDuc		\$154.00			\$154.00
17	y) Mandy Jobe		\$165.75			\$165.75
18	z) Lukus LeDuc		\$91.65			\$ 91.65
19	aa) Jay LeDuc		\$165.75			\$165.75
20	bb) Cecilio Arredondo		\$56.70	\$13.57		\$ 70.27
21	cc) Maria Medina		\$46.20	\$13.57		\$ 59.77
22	dd) Guadalupe Medina		\$93.00	\$13.57		\$106.57

23

24 (continued next page)

25

26 (Required for verified pleading) The items on this page stated on information and belief (specify item numbers, **not** line numbers):

27

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1 ATTACHMENT 4 - Deposition Costs (continued)

2	ee) Quest Discovery Services/CHP Air Operations (Miley).....	\$ 57.23
3	ff) Quest Discovery Services/Fresno County Fire Protection.....	\$ 84.28
4	gg) Quest Discovery Services/Reedley Fire Department/records.....	\$ 57.23
5	hh) Quest Discovery Services/Community Regional Medical Center/records (Tori).....	\$ 66.79
6	ii) Quest Discovery Services/Community Regional Medical Center/records (Marsha).....	\$ 100.55
7	jj) Quest Discovery Services/Community Regional Medical Center/billing (Tori).....	\$ 57.23
8	kk) Quest Discovery Services/Community Regional Medical Center/billing (Marsha).....	\$ 57.23
9	ll) Quest Discovery Services/Community Regional Medical Center/billing (Miley).....	\$ 57.23
10	mm) Quest Discovery Services/Community Regional Medical Center/records (Miley).....	\$ 105.45
11	nn) Quest Discovery Services/Fresno County Coroner/records (Marsha).....	\$ 57.23
12	oo) Quest Discovery Services/Sequoia Safety Ambulance/records & billing (Tori).....	\$ 57.23
13	pp) Quest Discovery Services/Sequoia Safety Ambulance/records & billing (Marsha).....	\$ 57.23
14	qq) Quest Discovery Services/Adventist Medical Center, Reedley/records (Marsha).....	\$ 103.79
15	rr) Quest Discovery Services/Adventist Medical Center, Reedley/billing (Marsha).....	\$ 74.90
16	ss) Quest Discovery Services/Sierra Health Services/billing (Marsha).....	\$ 44.27
17	tt) Quest Discovery Services/Central California Faculty Medical Group/billing (Marsha).....	\$ 44.27
18	uu) Quest Discovery Services/MedAmerica/billing (Marsha).....	\$ 44.27
19	vv) Quest Discovery Services/F&S Radiology/billing (Marsha).....	\$ 44.27
20	ww) Quest Discovery Services/Kaiser/billing (Marsha).....	\$ 60.47
21	xx) Quest Discovery Services/Kaiser/records (Marsha).....	\$ 111.99
22	yy) Quest Discovery Services/Kaiser/x-rays (Marsha).....	\$ 138.08

23

24 (continued next page)

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26 (Required for verified pleading) The items on this page stated on information and belief (specify item numbers, not line numbers):

27

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ATTACHMENT 5 - Service of Process (continued)

d) Guerra Produce (attempted service).....	\$ 45.00
e) Eric Arredondo (attempted service).....	\$ 30.00
f) Benjamin Delgadillo.....	\$ 104.00
g) John F. Bilello, M.D.....	\$ 36.00
h) Nancy Morfin.....	\$ 36.00
i) Miguel Canchola/attempted service.....	\$ 49.00
j) Ercilia Heinrichs.....	\$ 49.00
k) John F. Bilello/Trial, Apr. 2017.....	\$ 40.00
l) Benito S. Munoz/Trial, Apr. 2017.....	\$ 40.00
m) Darren Morrison/Trial, Apr. 2017.....	\$ 40.00
n) Evangelina Torres/Trial, Apr. 2017.....	\$ 40.00
o) Benito S. Munoz/ Trial, Oct. 2017.....	\$ 40.00
p) Darren Morrison/ Trial, Oct. 2017.....	\$ 40.00
q) John F. Bilello, M.D./Trial, Oct. 2017.....	\$ 40.00
r) Carlos Gutierrez/Trial, Oct. 2017.....	\$ 40.00
s) Cecilio Arredondo/attempted service/Trial, Oct. 2017.....	\$ 49.00
t) Eric Arredondo/attempted service/Trial, Oct. 2017.....	\$ 44.00
u) Jose Monroy/attempted service/Trial, Oct. 2017.....	\$ 49.00
v) Dana Spafford/attempted service/Trial, Oct. 2017.....	\$ 40.00

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(Required for verified pleading) The items on this page stated on information and belief (specify item numbers, *not* line numbers).

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1 ATTACHMENT 11 - Models, blowups, and photocopies of exhibits

2 Copies of DVD of CHP Video.....\$160.00

3 Exhibit binders/copies.....\$ 50.00

4

5 ATTACHMENT 13 - Other

6 1) Interpreter Fee for Deposition of Mario Guerra (09/15/2014).....\$500.00

7 2) Mediation with Lee Jacobson (03/27/2017).....\$584.00

8 3) INTEREST from C.C.P. §998 (see Declaration of Stephen R. Cornwell)

9 10% from 11/19/2014-10/17/2017.....\$808,487.96

26 (Required for verified pleading) The items on this page stated on information and belief (specify item numbers, not line numbers):

27 This page may be used with any Judicial Council form or any other paper filed with this court. Page 9

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 7045 N. Fruit Avenue, Fresno, California. On November 2, 2017, I served the within documents:

MEMORANDUM OF COSTS

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- ☐ **BY HAND:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ **BY MAIL:** by placing the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
- ☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.
- ☐ **BY PERSONAL DELIVERY:** by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.
- ☒ **BY ELECTRONIC MAIL:** to the electronic mail address(es) below.

By Electronic Mail Only:

Richard A. Belardinelli
credanclaw@sbccglobal.net
GEORGESON AND
BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720
Facsimile: (559) 447-0747
Co-Counsel for Plaintiffs

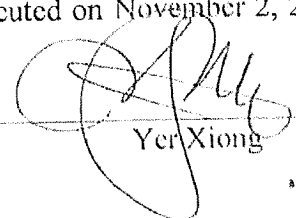
By Electronic Mail Only:

Mark P. Robinson, Jr.
dfolia@rcrlaw.net
ROBINSON CALCAGNIE
ROBINSON SHAPIRO
DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660
Fax: (949) 720-1292
Co-Counsel for Plaintiffs

By U.S. and Electronic Mail:

Joseph D. Cooper, Sr.
jdc@coopllp.com
COOPER & COOPER
7519 N. Ingram Avenue, Suite 103
Fresno, CA 93711
Facsimile: (559) 442-1659
Counsel for Defendants
GUERRA, GUERRA
PRODUCE and CANCHOLA

I am readily familiar with the firm's practice of collection and processing 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 in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 2, 2017, at Fresno, California.


Yeh Xiong

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 7045 N. Fruit Avenue, Fresno, California. On January 22, 2018, I served the within documents:

NOTICE OF ENTRY OF ORDER RE DEFENDANTS' MOTION TO TAX COSTS

☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☐ **BY HAND:** by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

☒ **BY MAIL:** by placing the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

☐ **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an overnight delivery service company for delivery to the addressee(s) on the next business day.

☐ **BY PERSONAL DELIVERY:** by causing personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth below.

By Electronic Mail Only:

Richard A. Belardinelli
Crgdanelaw@sbeglobal.net

GEORGESON AND
BELARDINELLI
7060 N. Fresno Street, Suite 250
Fresno, CA 93720
Facsimile: (559) 447-0747
Co-Counsel for Plaintiffs

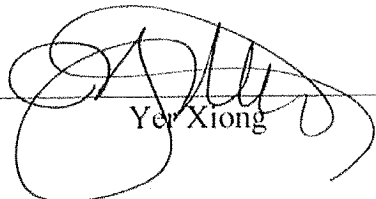
By Electronic Mail Only:

Mark P. Robinson, Jr.
dfolia@rcrlaw.net
ROBINSON CALCAGNIE
ROBINSON SHAPIRO
DAVIS, INC.
19 Corporate Plaza Drive
Newport Beach, CA 92660
Fax: (949) 720-1292

Co-Counsel for Plaintiffs

Joseph D. Cooper, Sr.
joe@coopllp.com
COOPER & COOPER
5756 N. Marks Avenue, Suite 160
Fresno, CA 93711
Facsimile: (559) 442-1659
Counsel for Defendants
GUERRA, GUERRA
PRODUCE and CANCHOLA

I am readily familiar with the firm's practice of collection and processing 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 in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 22, 2018, at Fresno, California.


Yee Xiong

COOPER & COOPER

ATTORNEYS AT LAW
5756 North Marks Avenue, Suite 160
Fresno, California 93711

joe@coopllp.com

April 30, 2018

File No. 70028.14

VIA EMAIL & U.S. MAIL

Stephen Cornwell, Esq.
Cornwell & Sample
7045 North Fruit
Fresno, CA 93711

Re: ***LeDuc vs. General Motors, et al.***
Our Clients: Mario Guerra; Guerra Produce; Daniel Canchola

Dear Mr. Cornwell:

This letter is to confirm the conversation between your paralegal, Yer Xiong, and my secretary, Anna Contreras, on Friday, April 27, 2018. Ms. Xiong telephoned my office and told Ms. Contreras that you had given the okay to file the Dismissal in the above-referenced matter. Ms. Contreras filed the Dismissal accordingly.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

COOPER & COOPER

(Not read - sent to avoid delay)

Joseph D. Cooper Sr.

JDC:amc

LP0000780