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Glennon Marrero*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

GLENNON MARRERO,

Plaintiff,  
v.

MICHAEL RAY NGUYEN-  
STEVENSON; UNIVERSAL MUSIC  
GROUP, INC.; TILLY'S, INC.; SHIEKH  
SHOES; BRAVADO INTERNATIONAL  
GROUP MERCHANDISING  
SERVICES, INC.; AND DOE  
CORPORATION,

Defendants.

Case No. 13-cv-09291-CBM-PJW

**PLAINTIFF'S REPLY IN  
SUPPORT OF HIS MOTION FOR  
SANCTIONS FOR VIOLATION OF  
THE COURT'S STANDING  
ORDER AND LOCAL RULE 16-  
15.5**

Hearing Date: January 20, 2015

Time: 10:00 a.m.

Location: Courtroom 2

Judge: Consuelo B. Marshall

1 In response to Plaintiff's motion for sanctions against Defendants for  
2 refusing to participate in mediation of this case in violation of the local rules and  
3 this Court's Order, Eric Goodman, counsel for Defendants, submitted a declaration  
4 in opposition. (Dkt. No. 141.) Mr. Goodman's declaration admits that Defendant  
5 Stevenson was not present at mediation and that no representative for Defendants  
6 Universal Music Group, Inc., Tilly's, Inc., and Shiekh Shoes were present at the  
7 September 17, 2014, mediation session.

8 Mr. Goodman instead states that Last Kings Designs LLC has agreed to  
9 indemnify Defendants, and therefore, participation by the remaining Defendants is  
10 excused. (Dkt. No. 141 at ¶ 3.) Mr. Goodman states that "Plaintiff and his  
11 counsel knew this [that Last Kings Designs LLC was indemnifying Defendants] to  
12 be true at the time of mediation and thereafter." (*Id.*) This is flatly wrong, and  
13 indeed this excuse for Defendants' failure to participate appears to be an *ex post*  
14 *facto* attempt to explain away Defendants' disinterest in participating in mediation.

15 First, and most importantly, the general assertion that Last Kings Designs  
16 LLC is indemnifying any Defendant appears impossible given the sworn  
17 statements of Last Kings Designs LLC's Rule 30(b)(6) designee, Mr. Meeks, who  
18 was also the representative of Last Kings Designs LLC who attended the  
19 mediation session. As discussed in connection with Plaintiff's summary judgment  
20 motion, Last Kings Designs LLC has certified that it has no documents to produce  
21 in this litigation and Mr. Meeks testified that Last Kings Designs LLC has  
22 "[n]ever made a dollar," "[n]ever sold a product" and that Last Kings Designs  
23 LLC was a "[w]aste of time." (Dkt. No. 121 at 3-4 (quoting Dkt. No. 122 Ex. B  
24 (Meeks Depo. Tr.)).) Given this testimony regarding Last Kings Designs LLC,  
25 the position that all Defendants are excused from participating in mediation  
26 without advance notice to the Court, the mediator, or to Plaintiff because Mr.  
27 Meeks attended on behalf of Last Kings Designs LLC appears quite disingenuous.

Second, at the time of mediation, Defendant Stevenson had a pending third-party complaint against Last Kings Designs LLC for indemnification. (Dkt. No. 23.) It was not until December 23, 2014 – over three months after mediation – that Stevenson dismissed the third-party complaint. (Dkt. No. 134.) It is difficult to comprehend how Plaintiff was aware that Last Kings Designs LLC was indemnifying Stevenson when Stevenson was suing Last Kings Designs LLC for indemnification.

Third, no party to this case has identified any documentation or information pursuant to Federal Rule of Civil Procedure 26(a)(1)(A)(iv) in its initial disclosures relating to indemnification.

For the foregoing reasons, Plaintiff Glennon Marrero respectfully requests sanctions against Defendants Stevenson, Universal Music Group, Inc., Tilly's, Inc., and Shiekh Shoes in the amount of \$10,900 and an Order compelling Defendants' proper attendance at a further mediation.

DATED: January 6, 2015

Respectfully submitted,

/s/ Daniel P. Hipkind  
Daniel P. Hipkind

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CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2015, the foregoing document described as **PLAINTIFF'S REPLY IN SUPPORT OF HIS MOTION FOR SANCTIONS FOR VIOLATION OF THE COURT'S STANDING ORDER AND LOCAL RULE 16-15.5** was filed electronically via the Court's Electronic Case Filing System (ECF). Notice of the filing is being served upon all counsel of record automatically through Notice of Electronic Filing.

/s/ Daniel P. Hipskind