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7 MONEX DEPOSIT COMPANY and MONEX  
CREDIT COMPANY

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT  
10 (SOUTHERN DIVISION – SANTA ANA)

12 MONEX DEPOSIT CO., et al.,  
13 Plaintiffs,  
14 vs.  
15 JASON GILLIAM, et al.,  
16 Defendants,

Case No. SACV 09-287-JVS(RNBx)

**DECLARATION OF SCOTT  
ANDREWS IN SUPPORT OF  
PLAINTIFFS’ EX PARTE  
APPLICATION FOR ORDER  
COMPELLING DEPOSITIONS**

17 AND RELATED COUNTERCLAIMS.

The Hon. Robert N. Block

Discovery Cut-off: January 15, 2010  
Pretrial Conference: March 1, 2010  
Trial Date: April 13, 2010

20 I, Scott Andrews, declare:

21 1. I have personal knowledge of each fact set forth below. If called as a  
22 witness, I could and would testify competently thereto.

23 2. I have an active license to practice law in California. I am an associate  
24 with Farella Braun + Martel LLP, counsel to plaintiffs and counter-defendants in  
25 this matter.

26 3. Since Judge Selna extended the discovery cut-off in this matter,  
27 defendants Richard and Jason Gilliam have not given notice of any depositions or  
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1 attempted to conduct any other discovery in this action.

2 4. Other than “out-of-office” automated emails, I did not receive any  
3 response to my inquiry as to whether the Gilliams would appear for their January  
4 8, 2010 depositions until December 28, 2009, when the Gilliams filed and served  
5 a document entitled “Objection of Defendants Re Plaintiffs’ Notice For  
6 Depositions And Notice Of Unavailability of Defendants,” Dkt. 314 in this action,  
7 a true and correct copy of which is attached hereto as Exhibit A.

8 5. When I asked Jason and Richard Gilliam to name specific instances of  
9 abuse by Neil Goteiner during the deposition of Jason Gilliam, they did not  
10 respond. Attached hereto as Exhibit B is a true and correct copy of an email  
11 exchange among Jason Gilliam, Richard Gilliam, and I concerning whether they  
12 would agree to seek a discovery extension to allow their depositions to be taken  
13 after January 15 and asking what abuse took place at Jason Gilliam’s deposition.

14 6. Attached hereto as Exhibit C is a true and correct copy of Judge  
15 Selna’s Order Granting In Part Request For Extension, Dkt. 303 in this action.

16 7. Attached hereto as Exhibit D is a true and correct copy of Judge  
17 Selna’s Order For Jury Trial, Dkt. 185 in this action.

18 8. Attached hereto as Exhibit E is a true and correct copy of Judge Selna’s  
19 Civil Minutes – General, Scheduling Conference, Dkt. 184 in this action.

20 9. Attached hereto as Exhibit F are true and correct copies of the notices  
21 of the depositions of Jason and Richard Gilliam scheduled for January 8, 2010,  
22 and proof of service thereof.

23 10. Attached hereto as Exhibit G is a true and correct copy of an email  
24 exchange between Richard Gilliam, Jason Gilliam, and I concerning whether they  
25 would appear for their January 8 depositions.

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11. Attached hereto as Exhibit H is a true and correct copy of a letter from me to the Gilliams seeking a telephonic meet and confer about deposition scheduling, and proof of service thereof.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 29th day of December, 2009, in San Francisco, California.

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/s/  
Scott Andrews