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Attorneys for Plaintiff, RAVEN WALES-WALDEN

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES – CENTRAL DISTRICT

RAVEN WALES-WALDEN,

Plaintiff,

v.

SEAN COMBS, an Individual; COMBS
ENTERPRISES, LLC, a New York Limited
Liability Company; TRI STAR SPORTS AND
ENTERTAINMENT GROUP, INC., a
Tennessee Corporation; 200 S. MAPLETON
DRIVE, LLC, a California Limited Liability
Company; CE OPCO, LLC, a Delaware Limited
Liability Company; and DOES 1 through 50,
Inclusive,

Defendant(s).

Case No. 22STCV31383

*[Assigned for all purposes to the Hon. Maureen
Duffy-Lewis, Dept. 38]*

PLAINTIFF’S REPLY BRIEF IN SUPPORT
OF MOTION TO COMPEL DEFENDANT 200
S. MAPLETON DRIVE, LLC TO PRODUCE
DOCUMENTS AND TANGIBLE THINGS IN
COMPLIANCE WITH ITS STATEMENTS OF
COMPLIANCE IN RESPONSE TO
PLAINTIFF’S REQUESTS FOR
PRODUCTION, SET ONE; DECLARATION
OF KAVEH S. HOSSEINI IN SUPPORT
THEREOF

Reservation No: 796065434229
Hearing Date: January 10, 2024
Hearing Time: 9:30 a.m.
Dept.: 38

Action filed: 9/27/2022
FSC: 7/12/2024
Trial: 7/22/2024

Plaintiff, Raven Wales-Walden (“Plaintiff”), hereby submits this Reply Brief in support of
her Motion to Compel Defendant 200 S. Mapleton Drive, LLC to Produce Documents and Tangible
Things in Compliance with its Statements of Compliance in Response to Plaintiff’s Requests for
Production, Set One, and Request for Monetary Sanctions (hereinafter “Motion.”)

1 **I. INTRODUCTION & STATEMENT OF RELEVANT FACTS**

2 Defendant 200 S. Mapleton Drive, LLC’s (“Defendant”) Opposition completely
3 misrepresents the relevant facts. First, Defendant has *not* produced all responsive documents. There
4 are numerous examples set forth below where Defendant provided verified statements of compliance
5 but failed to produce a single document. Second, Defendant’s recent document production blatantly
6 violates the *Code*’s explicit requirement that the documents be identified with the request number to
7 which they respond. (*See Code Civ. Proc.* §2031.320 (a).) Defendant’s refusal to comply with this
8 requirement makes it impossible for Plaintiff or this Court to determine whether Defendant has fully
9 complied with its discovery obligations. Finally, despite Defendant’s gross misrepresentations, the
10 instant Motion seeks to compel Defendant’s compliance with discovery responses which *pre-dated*
11 the parties’ Joint Stipulation. In fact, after eight months of stonewalling, Defendant’s refusal to
12 stipulate to produce responsive documents was the last straw forcing Plaintiff to file the Motion. (*See*
13 *Motion, Mozaffari Decl.*, Exh. V.)

14 The written record set forth in the Motion clearly shows that Defendant and its counsel (both
15 current and former) have repeatedly abused the discovery process. After more than ten (10) months of
16 obstructing the discovery process, Defendant only served *some* documents after Plaintiff was forced
17 to file this Motion. Given that Defendant still has not produced all responsive, that its partial document
18 production fails to comply with the *Code*, and that Plaintiff was forced to seek the Court intervention
19 to obtain compliance, Plaintiff respectfully requests that the Court grant the Motion.

20 **II. THE MEET AND CONFER PROCESS AND JOINT STIPULATION**

21 Plaintiff’s Request for Production, Set One, was served on December 5, 2022. Defendant
22 served its initial responses on February 3, 2023, where it made verified statements of compliance to
23 requests Nos. 1, 3, 4, 6, 7, 8, 25, 32, 49, 63, 81, 82, 122, and 123. Despite the *requirement* of *Code of*
24 *Civil Procedure* section 2031.280 (b), Defendant did not produce a single document along with its
25 discovery responses. (*Code of Civ. Pro.* §2031.280 (b) “The documents shall be produced on the date
26 specified in the demand If the date for inspection has been extended pursuant to Section 2031.270,
27 the documents shall be produced on the date agreed to pursuant to that section.”)

1 Defendant supplemented its responses on May 30, 2023, and provided statements of
2 compliance in response to Nos. 1, 3, 4, 6, 7, 8, 12, 32, 36-39, 42-49, 53-55, 62, 63, 67-73, 82, 83, 116,
3 117, and 119-123. Again, Defendant refused to produce a single document along with its discovery
4 responses in yet another blatant violation of section 2031.280 (b) and its own repeated promises.

5 The instant Motion seeks to obtain compliance with Defendant's statements of compliance
6 in its verified discovery responses from February 3, 2023, and May 30, 2023, both of which pre-date
7 the Joint Stipulation. In fact, after many months of meet and confer efforts by Plaintiff and Defendant's
8 utter refusal to produce documents, Plaintiff attempted to have Defendant stipulate to finally produce
9 the outstanding documents and included specific language for that purpose in a draft of the Joint
10 Stipulation. Defendant rejected the proposal. (*See Motion, Mozaffari Decl.*, Exh. V.)

11 After approximately seven months of Plaintiff's meet and confer efforts, an Informal
12 Discovery Conference ("IDC"), and additional efforts to obtain Defendant's compliance through a
13 joint stipulation, Plaintiff was forced to file her motions to compel compliance¹. All of this was only
14 after Defendant brazenly refused to agree to produce documents as required by the *Code* and as part
15 of the Joint Stipulation on September 19, 2023. Nearly three months after refusing to stipulate to
16 produce the documents, Defendant made partial document productions in December 2023, but only
17 *after* the instant Motion was filed on October 6, 2023.

18 In any event, Defendant's extremely tardy productions continue to be incomplete because
19 they do not contain all responsive documents and are deficient because they do not comply with the
20 express requirements of the *Code of Civil Procedure* section 2031.320, subsection (a).

21 **III. LEGAL ARGUMENT**

22 **A. Defendant Has Continued its Refusal to Produce All Responsive Documents.**

23 Defendant has *not* produced all responsive documents. Defendant provided verified,
24 unequivocal statements of compliance in response to a number of Plaintiff's Requests for Production,
25 Set One,² yet has failed to comply in full.

26
27 ¹ On October 6, 2023, Plaintiff filed four motions to compel production of documents and tangible things in
28 accordance with statements of compliance in response to Plaintiff's Request for Production, Set One, against
defendants: (1) Sean Combs, (2) 200 S. Mapleton Drive, LLC, (3) Combs Enterprises, LLC, and (4) CE Opco, LLC.

² Defendant indicated it would produce all responsive documents to Nos. 1, 3-4, 6-8, 12, 25, 32, 36-39, 42-49, 53-55,

1 There are numerous responses to requests in which Defendant provided a statement of
2 compliance, yet failed to produce a single responsive document, let alone *all* responsive documents.
3 For example, Defendant has not produced responsive documents to Request No. 42, which seeks
4 materials related to Plaintiff’s pregnancy or request for maternity leave. Plaintiff is aware of at least
5 one video recording of her pregnancy announcement to Defendants, which was taken and sent to her
6 by one of Defendant’s employees, which Defendants have not produced. Similarly, Defendants have
7 not produced documents responsive to Requests Nos. 116-117, which seek the job duties of employee
8 LaToya Marc and her relationship with Defendant; Request No. 119, which seeks documents
9 evidencing defendant Sean Combs’ relationship with Defendant; or Requests Nos. 120-121, which
10 seek employee Tarik Brooks’ job duties and his relationship with Defendant.

11 Adding insult to injury, Defendant misleads the Court by falsely claiming that its deadline to
12 produce documents had not lapsed prior to the filing of this Motion. (Opp., 1:19-22; 3:7-13; 3:23-4:2;
13 4:14-17.) Defendant does so by distorting the record regarding the September 21, 2023, Joint
14 Stipulation to falsely argue that this Motion is to enforce the Joint Stipulation, which is not. The
15 Motion is to obtain Defendant’s compliance with its discovery responses pre-dating those addressed
16 in the Joint Stipulation — *i.e.*, February 3 & May 30, 2023. (*See Code Civ. Proc.* §2031.280 (b).)

17 Defendant must be ordered to comply with the same rules and procedures that all other
18 litigants are subject to under the law.

19 **B. Defendant’s Responses are not Code-Compliant.**

20 Defendant has failed to comply with *Code of Civil Procedure* section 2031.280(a). This
21 Section requires that “Any documents or category of documents produced in response to a demand for
22 inspection, copying, testing, or sampling shall be identified with the specific request number to which
23 the documents respond.” (*Code Civ. Proc.* §2031.320 (a) (emphasis added.))

24 Defendant has refused to comply with the section 2031.280 of the *Code* and has provided no
25 justification for its refusal. Without responses/production that comply with section 2031.280(a), it is
26 nearly impossible for Plaintiff or this Court to determine whether Defendant has fulfilled its statements
27

28 62-63, 67-73, 81-83, 116, 117, and 119-123. [See, e.g., Mozaffari Decl., ¶¶ 7, 19, Exh. “C” and “M.”]

1 of compliance and produced all responsive documents. Plaintiff has been able to identify a number of
2 requests in response to which Defendant indicated it would comply but failed to do so. However,
3 compliance with section 2031.280(a) is necessary for Plaintiff and the Court to be able to fully evaluate
4 Defendant's compliance.

5 **C. Defendant's Privilege Log is Deficient.**

6 Defendant has provided a deficient privilege log to support its heavily redacted documents.
7 Defendant's privilege log lacks adequate information as to Nos. PL-00003 through PL-00012.
8 [Declaration of Kaveh S. Hosseini ("Hosseini Reply Decl."), ¶ 2; Exh. W.] Defendant has redacted
9 documents based on a claim of attorney-client privilege even though there is no attorney indicated to
10 have been sending or receiving the subject correspondences. "[D]ocuments prepared independently
11 by a party, including witness statements, do not become privileged communications or work product
12 merely because they are turned over to counsel." *Wellpoint Health Networks, Inc. v. Superior Ct.*
13 (1997) 59 Cal. App. 4th 110, 119, (citing *Nacht & Lewis Architects, Inc. v. Superior Ct.* (1996) 47
14 Cal. App. 4th 214.) The attorney-client privilege does not embrace matters otherwise unprivileged
15 merely because the client has communicated those matters to its attorney. *People ex rel. Dept. of Public*
16 *Works v. Donovan* (1962) 57 Cal.2d 346, 355. Further, a report that does not contain confidential legal
17 advice or which merely summarizes the investigation or presents factual conclusions is *not* privileged
18 even if prepared by an attorney. *Wellpoint, supra*, 59 Cal.App.4th 110 at 121-122.

19 Here, Defendant appears to be attempting to claim that certain correspondences *not* involving
20 attorneys are protected by the attorney-client privilege. The privilege log does not even state whether
21 Defendant is claiming work-product or confidential attorney communication privilege. However, even
22 if portions of those discussions are privileged – which there is no evidence that they are – Defendant
23 improperly redacted entire correspondence, which inevitably includes factual findings and conclusions
24 that are *not* privileged.

25 Defendant must produce unredacted documents and/or provide a privilege log that provides
26 adequate information as to the grounds for Defendant's claims of privilege as required under *Code of*
27 *Civil Procedure* section 2031.240 (c).
28

1 **D. Plaintiff is Entitled to Monetary Sanctions as Defendant’s Conduct Constitutes an**
2 **Abuse of the Discovery Process.**

3 The *Code of Civil Procedure* section 2031.320 (b) provides that the Court “shall” impose
4 monetary sanctions against a party and/or attorneys who unsuccessfully opposes a motion to compel
5 compliance with a demand, unless the Court finds that the one subject to the sanction acted with
6 substantial justification or other circumstances make the imposition of the sanction unjust. (*Code Civ.*
7 *Proc.* §2031.320 (b).)

8 Defendant’s argument that its discovery abuses were “substantially justified” lacks any
9 factual basis. As set forth in Plaintiff’s moving papers and herein, Defendant made false promises to
10 produce documents to Plaintiff for many months and reneged each time. Defendant represented in
11 February 2023 that it would serve responsive documents to Plaintiff’s Requests for Production of
12 Documents. Defendant again represented that it would serve additional documents, per its May 2023
13 supplemental responses. Despite those promises and regardless of who its counsel was at the time,
14 Defendant failed to serve documents until after the filing of the instant Motion. Had Plaintiff not been
15 forced to file this Motion, it is likely that Defendant would still be withholding documents. Defendant
16 has not provided any justification for its brazen refusal to comply with its own February 3 and May
17 30, 2023, statements of compliance.

18 Defendant also takes issue with the length of time Plaintiff has invested in preparing the
19 instant Motion. However, Defendant provides no credible argument or evidence as to why the total
20 time Plaintiff’s counsel spent on her detailed motions was unreasonable. Indeed, it was incredibly time
21 consuming for Plaintiff to prepare and provide the Court with an accurate and complete record of the
22 relevant history of seven-plus months of meet and confer communications. This required sifting
23 through a large volume of emails, researching issues, and preparing a concise, pointed Motion.

24 As to Defendant’s claim of “speculation” regarding time spent on the reply, Plaintiff’s
25 counsel has spent significantly more time than the mere one hour originally estimated in the Motion.
26 [Hosseini Reply Decl., ¶¶ 3-4.]

27 It is evident that Plaintiff was forced to expend substantial resources to obtain judicial
28

1 intervention given Defendant's discovery gamesmanship and an award of monetary sanctions against
2 Defendant is certainly justified. As such, Plaintiff requests an order for monetary sanctions against
3 Defendant and its attorneys of record in the amount of \$5,309.20.

4 **IV. CONCLUSION**

5 Based on the foregoing, Plaintiff respectfully requests that the Court grant this Motion and
6 order Defendant to produce all responsive documents as well as a compliant privilege log within seven
7 days of the hearing. Plaintiff also requests monetary sanctions in the amount of \$5,309.20 against
8 Defendant and its attorneys of record to be paid to Plaintiff and her counsel within seven days of the
9 hearing.

10 DATED: January 3, 2023

MOZAFFARI LAW

Kaveh Hosseini

By: _____

AFSHIN MOZAFFARI

KAVEH S. HOSSEINI

Attorneys for Plaintiff, RAVEN WALES-WALDEN

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1. I am an attorney at law duly admitted to practice before all the courts of the state of California and of counsel for Plaintiff Raven Wales-Walden. I have personal knowledge of the facts stated herein. If called upon as a witness, I could and would competently testify as to the following facts.

3. I spent 0.4 hours reviewing Defendant's Opposition. I have also spent over 4.7 hours in researching issues raised in Defendant's Opposition and in preparing this Reply brief and my declaration. My hourly rate is \$550.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct. Executed in Tustin, California, on January 3, 2024.

Kaveh S. Hosseini

EXHIBIT W

PL_Log No.	Bates Range	Date	From	To	CC	Description	Privilege Type
PL-00001		2/10/2021	LaToya Marc	Tarik Brooks; Matthew Oster	Robin Greenhill	Email reflecting and requesting legal advice re: Plaintiff's transition agreement	Attorney Client; Common Interest
PL-00002		2/10/2021	Tarik Brooks	Matthew Oster; LaToya Marc	Robin Greenhill	Email reflecting and requesting legal advice re: Plaintiff's transition agreement	Attorney Client; Common Interest
PL-00003	CE0959 - CE0963	1/18/2021	April Butler	Lou Taylor	Kristina Khorram; Robin Greenhill; Tarik Brooks	Email reflecting legal advice re: Plaintiff's transition agreement	Attorney Client; Common Interest
PL-00004	CE0965 - CE0969	1/18/2021	April Butler	Kristina Khorram	Robin Greenhill; Lou Taylor; Tarik Brooks	Email reflecting legal advice re: Plaintiff's transition agreement	Attorney Client; Common Interest
PL-00005	CE0972 - CE0977	1/21/2021	April Butler	Robin Greenhill	Lou Taylor; Kristina Khorram; Tarik Brooks	Email reflecting legal advice re: Plaintiff's transition agreement	Attorney Client; Common Interest
PL-00006	CE0981 - CE0989	1/25/2021	April Butler	Kristina Khorram	Robin Greenhill; Lou Taylor; Tarik Brooks	Email reflecting legal advice re: Plaintiff's transition agreement	Attorney Client; Common Interest
PL-00007	CE0993 - CE1002	1/28/2021	April Butler	Robin Greenhill	Kristina Khorram; Lou Taylor; Tarik Brooks	Email reflecting legal advice re: Plaintiff's transition agreement	Attorney Client; Common Interest
PL-00008	CE1013 - CE1014	9/5/2020	LaToya Marc	April Butler		Email reflecting legal advice re: employment contract negotiations	Attorney Client
PL-00009	CE1054 - CE1055	10/1/2020	April Butler	LaToya Marc	Robin Greenhill; Tarik Brooks	Email reflecting legal advice re: employment contract negotiations	Attorney Client; Common Interest
PL-00010	CE1057 - CE1060	10/2/2020	April Butler	Robin Greenhill	LaToya Marc; Tarik Brooks; Lou Taylor	Email regarding request for legal advice re: employment contract negotiations	Attorney Client; Common Interest
PL-00011	CE1074 - CE1078	10/6/2020	April Butler	Robin Greenhill	LaToya Marc; Tarik Brooks; Lou Taylor	Email reflecting and requesting legal advice re: employment contract negotiations	Attorney Client; Common Interest
PL-00012	CE0907 - CE0910	10/2/2020	LaToya Marc	April Butler; Robin Greenhill	Tarik Brooks; Lou Taylor	Email reflecting legal advice re: employment contract negotiations	Attorney Client; Common Interest

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

CASE NAME: *Wales-Walden v. Sean Combs, et al.*

CASE NO.: 22STCV31383

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 2030 Main Street, Suite 1300, Irvine, CA 92614. On January 3, 2024, I served the following document(s) by the method indicated below:

PLAINTIFF'S REPLY BRIEF IN SUPPORT OF MOTION TO COMPEL DEFENDANT 200 S. MAPLETON DRIVE, LLC TO PRODUCE DOCUMENTS AND TANGIBLE THINGS IN COMPLIANCE WITH ITS STATEMENTS OF COMPLIANCE IN RESPONSE TO PLAINTIFF'S REQUESTS FOR PRODUCTION, SET ONE; DECLARATION OF KAVEH S. HOSSEINI IN SUPPORT THEREOF

■ by transmitting the document(s) via electronic delivery to the parties at the e-mail addresses below.

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on January 3, 2024, at Tustin, California.

Kaveh Hosseini

Kaveh S. Hosseini