

1 MICHELLE L. RICE, SBN 235189
2 KORY & RICE, LLP
3 9300 Wilshire Blvd., Suite 200
4 Beverly Hills, California 90212
5 Telephone: (310) 285-1630
6 Facsimile: (310) 278-7641

7 BERGMAN LAW GROUP
8 21600 Oxnard Street, Suite 1100
9 Woodland Hills, CA 91367
10 Telephone: (818) 999-9100
11 Facsimile: (818) 999-9184

12 Attorneys for Plaintiffs
13 LEONARD N. COHEN and
14 LEONARD COHEN INVESTMENTS, LLC
15

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUN 19 2015

Sherri R. Carter, Executive Officer/Clerk
By: Glorietta Robinson, Deputy

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

18 LEONARD NORMAN COHEN, an
19 individual, LEONARD COHEN
20 INVESTMENTS, LLC, a Delaware
21 Limited Liability Company,
22 Plaintiffs,

23 v.

24 KELLEY A. LYNCH, an individual,
25 RICHARD A. WESTIN, ESQ. an
26 individual, DOES 1 through 50,
27 inclusive,

28 Defendants.

Case No. BC 338322
Related Case No. BC 341120
Assigned to the Hon. Robert L. Hess,
Dept. 24

**PLAINTIFFS' EVIDENTIARY
OBJECTIONS TO THE DECLARATIONS
FILED IN SUPPORT OF DEFENDANT'S
MOTION FOR TERMINATING
SANCTIONS AND MOTION TO STRIKE
NEW EVIDENCE IN DEFENDANT'S
REPLY; MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
THEREOF**

Hearing Date: June 23, 2015
Dept. 24
Complaint Filed: August 15, 2005

TO THE COURT AND THE DEFENDANT IN PRO PER:

Plaintiffs Leonard N. Cohen and Leonard Cohen Investments, LLC hereby object to the seven declarations submitted by Defendant Kelley Lynch in support of her Motion for Terminating and Other Sanctions filed with the Court on March 17, 2015 and moves to strike the additional declarations and new evidence filed with Defendant's Reply on June 16, 2015.

1 As explained more fully in Plaintiffs' Opposition filed with the Court on May 26, 2015,
2 Lynch's Motion for Terminating and Other Sanctions ("2015 Motion") violates Cal. Code Civ.
3 Procedure §1008 in that her motion seeks an order for the same relief as her previously denied
4 motion to vacate filed in August 2013 ("2013 Motion"), that is, an order to vacate the May 15,
5 2006 Default Judgment and does not meet the requirements of the statute. See Plaintiffs' Opp. to
6 2015 Motion, pp. 5-6. Further, Lynch's declaration (March 17, 2015) submitted in support of her
7 2015 Motion does not comply with the requirements of CCP §1008(b) in that she fails to show
8 "what application was made before, when and to what judge, what order or decisions were made,
9 and what new or different facts, circumstances, or law are claimed to be shown." CCP §1008(b).
10 Id. at p. 7. Lynch fails to meet the requisite diligence requirements in that she fails to explain why
11 the additional declarants (Joan Lynch, Palden Ronge, Clea Surkhang and Daniel J. Meade) were
12 not available to submit declarations in 2013 when she filed her original motion. Id. Notably, the
13 declaration of Joan Lynch, Lynch's mother, is dated December 21, 2013. 2015 Motion, Joan
14 Lynch Decl., Exh. 5, p. 54. Lynch does not explain why she could not have filed her mother's
15 declaration in support of her 2013 Motion.

16 Because Lynch's 2015 Motion does not meet the statutory requirements of CCP §1008,
17 Lynch's entire filing should be denied consideration, including Lynch's declaration as well as the
18 six additional declarations submitted in support of her 2015 Motion.

19 Additionally, Plaintiffs object to all of the declarations originally submitted with
20 Defendant's 2015 Motion because they are replete with statements not founded upon the
21 declarant's personal knowledge, statements which are inadmissible hearsay, statements which are
22 inadmissible opinions, speculative, conclusory, lack proper foundation, are not relevant, and/or are
23 improper argument rather than evidence. The content of approximately one quarter of the
24 paragraphs in Lynch's declaration impermissibly discloses attorney-client privileged
25 communications between Cohen and his former and current attorneys, the disclosure of which
26 required Plaintiffs to file an *Ex Parte* Motion to Seal Portions of the Court's Record on May 29,
27 2015. The Court granted Plaintiffs' *Ex Parte* Request to Seal Portions of the Court's Record, the
28 effect of which was to redact approximately one quarter of Lynch's March 17, 2015 declaration.

1 Lynch also improperly uses her declaration as a vehicle for legal argument. Nearly one half of the
2 paragraphs in Lynch's March 17, 2015 declaration contain conclusory statements that lack
3 foundation and/or improper opinions and argument. The remainder of Lynch's declaration
4 contains wholly irrelevant matters not germane to these postjudgment proceedings, including
5 extensive discussion of her 2012 criminal trial for violations of Cohen's Permanent Restraining
6 Order interspersed with copious "excerpts" from the transcript of the trial.

7 **B. Additional Declarations and New Evidence Submitted in Defendant's Reply**

8 In her Reply brief filed June 16, 2015, Lynch seeks to introduce new evidence through her
9 own supplemental 44-page declaration, to which is attached two new exhibits not previously
10 submitted; the declaration of Anne Julia Mclean, as well as three additional declarations (all dated
11 March 13, 2015) from Paulette Brandt that were not submitted with Lynch's March 17, 2015
12 filing. Lynch Reply, Exhibits A, B, J. Lynch also seeks to introduce five letters addressed directly
13 to the Court from the following individuals: Rutger Penick, Clea Westphal Surkhang, Palden
14 Ronge, Daniel J. Meade and Jules Zalon. See Lynch Reply, Exhibits D, E, G, H, I. Lynch also
15 seeks to introduce new signature pages containing original signatures to replace the signature
16 pages of the declarations of Penick, Surkhang, Ronge, and Meade submitted with her March 17,
17 2015 filing. Lynch Reply, Exhibits D, E, G, H.

18 Plaintiffs object to the introduction of the new evidence Lynch seeks to introduce with her
19 Reply for the reasons more fully stated in Section II below.

20 **C. Lynch's Proposed Live Testimony of Witnesses At June 23, 2015 Hearing**

21 Plaintiffs give notice that they object to presentation of any live testimony at the June 23,
22 2015 hearing for Defendant's failure to comply with California Rule of Court 3.1306.

23 **II. THE COURT SHOULD STRIKE NEW EVIDENCE IMPROPERLY OFFERED BY**
24 **DEFENDANT IN HER REPLY**

25 The general rule of motion practice is that new evidence is not permitted with reply papers.
26 Jay v. Mahaffey, 218 Cal. App. 4th 1522, 1537 (Cal. Ct. App. 4th 2013). Withholding of evidence
27 for a reply brief deprives a responding party of the opportunity to answer. It is entirely proper for
28 this Court to exclude evidentiary matter in a reply. Id. at 1537-1538. Courts are sensitive to the

1 introduction of new material in a reply brief and ordinarily do not consider it because doing so
2 deprives the other party of the opportunity to counter the new evidence. Reichardt v. Hoffman, 52
3 Cal. App. 4th 754, 764 (Cal. Ct. App. 6th 1997).

4 Lynch served Plaintiffs the new evidence outlined in Section I(B) above with her Reply at
5 the end of the day on June 16, 2015, a mere 7 days before the June 23, 2015 hearing. Plaintiffs do
6 not have the opportunity to file a surreply to address Lynch's new evidence and to respond to new
7 argument contained in her 44-page declaration submitted with her Reply. Accordingly, the Court
8 should decline to consider all of the new evidence offered by Lynch in her Reply.

9 **A. Lynch Admits in Her Reply to Submitting Fabricated Signatures on the**
10 **Declarations of John Rutger Penick, Daniel J. Meade and Palden Ronge**

11 Plaintiffs object to the entire declarations of John Rutger Penick, Daniel J. Meade and
12 Palden Ronge that were submitted with Defendant's 2015 Motion on March 17, 2015, on the
13 grounds that the original declarations submitted with Defendant's 2015 Motion contained falsified
14 signatures. Plaintiffs' Opp., p. 8; Lynch Reply, p. 14. Section 2015.5 permits submission of
15 unsworn declarations provided they are certified by the declarant to be true under penalty of
16 perjury and are *subscribed by him or her*. CCP §2015.5. "Subscribe" means "to sign with one's
17 own hand." People v. Pierce, 66 Cal. 2d 53, 59, fn 5 (Cal. 1967). Thus, Lynch's admission that
18 the signatures on these declarations were not authentic (and were in fact signed by Lynch herself)
19 violates the requirements of CCP §2015.5 and thus the declarations of Penick, Ronge and Meade
20 submitted to the Court on March 17, 2015 are not admissible.

21 **B. Lynch's Attempt to Retroactively "Cure" the Fabricated Signatures on the**
22 **Declarations Filed in Support of Her 2015 Motion in Her Reply Should Result**
23 **in the Court Disregarding the Declarations**

24 Lynch states in her Reply brief that she is "now resubmitting the declarations of John
25 Rutger Penick, Clea Westphal Surkhang, Paulette Brandt, Palden Ronge, and Daniel J. Meade,
26 together with the original signature pages and additional evidence explaining the fact that they
27 initially provided Lynch with limited powers of attorney to conform their signatures and were
28 available and willing to testify at the January 17, 2014 hearing." Lynch Reply, p. 14.

1 The so-called “additional evidence” submitted by Lynch consists of four unsigned form
2 letters all dated June 14, 2015 addressed to the Court in which the declarants all state that they
3 were “unavailable” to provide original signatures on their declarations and gave Lynch a “limited
4 power of attorney” to sign on their behalf. See Lynch Reply, Exh. D, E, G, H. Notably, Lynch
5 fails to produce the referenced “limited powers of attorney” and fails to explain why, if the
6 witnesses were contacted to give such limited powers of attorney to Lynch to sign their names on
7 the declarations, they would not have just signed the declarations themselves and sent an original
8 signature page in the mail or scanned the signature page and sent it to Lynch electronically before
9 her filing. It seems somewhat incredulous that all of the witnesses were “unavailable” to give
10 original signatures especially in light of the fact that Lynch was preparing her Motion for
11 Terminating Sanctions over a **14 month** period between the January 2014 hearing on the 2013
12 Motion and the March 2015 filing of her 2015 Motion. Further, Lynch was “on notice” that
13 Plaintiffs’ questioned the authenticity of the signatures on the filed declarations when Plaintiffs
14 filed their Opposition on May 26, 2015. See Plaintiffs’ Opp., p. 8. Lynch only disclosed the
15 “limited power of attorney” rationale for the obviously fabricated signatures on three of the
16 declarations in her June 16, 2015 Reply and only after Plaintiffs brought it to the Court’s attention
17 in their Opposition.

18 Accordingly, Lynch’s attempted deception of both Plaintiffs and the Court should not be
19 rewarded and the declarations of Surkhang, Ronge, Meade and Penick should be disregarded in
20 their entirety even with her belated and inadequate attempt to correct the signatures to comply
21 with the statutory requirements of CCP §2015.5.

22 **C. The Letters Addressed to the Court from John Rutger Penick, Clea Westphal**
23 **Surkhang, Palden Ronge, Daniel J. Meade and Jules Zalon Are Not Signed and**
24 **Therefore Inadmissible as Evidence**

25 With her Reply brief, Lynch offers as evidence letters addressed directly to the Court from
26 the following individuals: John Rutger Penick, Clea Westphal Surkhang, Palden Ronge, Daniel J.
27 Meade and Jules Zalon. Defendant’s Reply, Exhibits D, E, G, H, I. Plaintiffs object to these
28 communications with the Court because none of the letters submitted have original signatures and

1 therefore contain no evidentiary value. As such, Plaintiffs' motion to strike the letters to the Court
2 contained in Defendant's Reply Exhibits D, E, G, H, I should be granted.

3 **D. The Court Should Strike Lynch's June 16, 2015 Declaration, the Declaration**
4 **of Anne Julia Mclean and the Three New Declarations of Paulette Brandt (All**
5 **Dated March 13, 2015), and All Exhibits Attached Thereto**

6 With her reply, Lynch submits a new 44-page declaration, to which she attaches two new
7 exhibits not previously filed with her 90 exhibits attached to her 2015 Motion. See Lynch Reply,
8 Lynch Decl. (June 16, 2015), Exh. A. Further, Lynch's June 16, 2015 declaration impermissibly
9 contains additional "argument" not contained in her 2015 Motion or March 17, 2015 declaration.

10 Plaintiffs observed in their Opposition that Brandt's testimony in her March 13, 2015
11 declaration submitted with the 2015 Motion filed on March 17, 2015 had materially changed with
12 regard to her knowledge of the alleged service of the summons and complaint when compared to
13 her testimony submitted with Lynch's 2013 Motion. See Plaintiffs' Opp., p. 8. Brandt submits
14 *three* additional declarations, all dated March 13, 2015 in Lynch's Reply. See Lynch Reply, Exh.
15 B. In her five declarations submitted in support of Lynch's 2013 and 2015 Motions, Brandt has
16 offered several different versions of testimony regarding "facts" surrounding service of the
17 summons and complaint on August 24, 2005. Compare 2013 Motion, Brandt Decl. ¶3 with 2015
18 Motion, Exh. 7, ¶19 and Lynch Reply, Brandt Decl., Exh. B, Decl. #1, ¶2; Decl. #2, ¶12-15,17-
19 18,20; Decl. #3, ¶14.

20 Lynch also submits the declaration of Anne Julia Mclean in her Reply, to which is attached
21 two exhibits. Lynch Reply, Exh. J. Mclean, a citizen of Canada, declares that she has "read the
22 2005 news stories alleging [Lynch] had stolen Cohen's retirement fund." Lynch Reply, Mclean
23 Decl., Exh. J, ¶2. Plaintiffs object to Mclean's declaration because she lacks personal knowledge
24 of the issues germane to these postjudgment proceedings and, as such, her testimony is wholly
25 irrelevant. Cal. Evid. Code §§350, 702.

26 **III. THE DEFECTS IN THE DECLARATIONS SUBMITTED WITH DEFENDANT'S**
27 **MOTION FOR TERMINATING SANCTIONS ARE SO PERVASIVE THAT THEY**
28 **SHOULD BE DISREGARDED IN THEIR ENTIRETY**

A. Standards of Admissibility For Statements Made in Declarations

1 The admissibility of declaration statements is measured by the same standards as those
2 applied to oral testimony. McLellan v. McLellan, 23 Cal. App. 3d 343, 359 (Cal. Ct. App. 2nd
3 1972). Declarations should be supported by statements under penalty of perjury. CCP §2015.5.
4 Further, CCP §2015.5 requires declarations to be subscribed by the declarant. People v. Pierce, 66
5 Cal. 2d 53, 59, fn 5 (Cal. 1967). The proper place for argument is in points and authorities, not
6 declarations. Testimony is inadmissible if not based on personal knowledge. Cal. Evid. Code
7 §702. Hearsay statements in a declaration are inadmissible unless they fall within an exception to
8 the hearsay rule. Cal. Evid. Code §1200. Only relevant evidence is admissible. Cal. Evid. Code
9 §350.

10 **B. Objections to the Declarations of Penick, Brandt, Surkhang, Ronge, Meade and**
11 **Joan Lynch**

12 Despite this Court having found that service of the summons and complaint on Lynch was
13 proper in the hearing on Lynch's 2013 Motion held on January 17, 2014, Lynch submitted with
14 her 2015 Motion the declarations of Penick, Brandt, Surkhang, Ronge, Meade and her mother,
15 Joan Lynch to purportedly offer additional "facts" surrounding the alleged lack of service of the
16 summons and complaint. (See Joan Lynch Decl., Exh. 5, "Addendum" at ¶8, p. 61; Penick Decl.,
17 Exh. 6, ¶¶2-12; Brandt Decl., Exh. 7, ¶¶17, 19; Surkhang Decl., Exh. 8, ¶¶7-8; Ronge Decl., Exh.
18 6, ¶¶6-10; Meade Decl., Exh. 10, ¶11).

19 The entire declarations of Penick, Surkhang, Ronge, Meade and the 16-page Addendum to
20 the declaration of Joan Lynch are inadmissible as evidence because of lack of signatures as
21 required under CCP §2015.5. See Section II (A), (B), above.

22 Additionally, Surkhang, Ronge, Meade and Joan Lynch all lack personal knowledge of
23 service. Evid. Code §702. All four merely declare that Lynch told them that she was not served
24 Cohen's lawsuit. Surkhang Decl., ¶8; Meade Decl., ¶11; Ronge Decl., ¶9; Joan Lynch Decl.,
25 "Addendum", ¶8, p. 61. Ronge declares: "She [Lynch] informed me repeatedly that *she wanted to*
26 *be served* Cohen's lawsuit and review the specific allegations in the complaint." (emphasis
27 supplied). Ronge Decl., Exh. 6, ¶9. Surkhang declares: "Kelley has continuously maintained that
28 she was not served the summons and complaint." Surkhang Decl., ¶8. Meade declares: "Since

1 2005, when Leonard Cohen filed his lawsuit against Kelley, she has consistently maintained that
2 she was not served the lawsuit.” Meade Decl., ¶11. Joan Lynch, despite having declared that she
3 has resided in Texas *since the Spring of 2005*, when service on Lynch was August 24, 2005, Joan
4 Lynch declares: “I know for a fact Kelley was not served Leonard Cohen’s lawsuit” and “my
5 daughter has repeatedly complained about...not being served numerous lawsuits and other
6 documents.” Joan Lynch Decl., ¶146, p. 52; “Addendum”, ¶8, p. 61.

7 Plaintiffs further object to the declarations of the Surkhang, Ronge and Meade on the
8 additional grounds of relevance (Cal. Evid. Code §350). Specifically, Plaintiffs object to the
9 following paragraphs of Surkhang’s declaration on the grounds of relevancy: 5, 7, 10. Plaintiffs
10 object to the following paragraphs of Ronge’s declaration on the grounds of relevancy: 4-8, 10.
11 Plaintiffs object to the following paragraphs of Meade’s declaration on the grounds of relevancy:
12 6-10, 12-14.

13 Plaintiffs object to the declaration of Paulette Brandt (March 13, 2015) filed with the Court
14 on March 17, 2015 on the basis of credibility because of inconsistent statements made under
15 penalty of perjury in her two declarations submitted in support of Lynch’s 2013 Motion and
16 Lynch’s 2015 Motion regarding her knowledge of service. Plaintiffs’ Opp., p. 8. Brandt appears
17 to have *materially* changed her testimony surrounding service on August 24, 2005, apparently in
18 response to Plaintiffs’ Opp. to Lynch’s 2013 Motion. *Id.* In her 2013 declaration, Brandt declared
19 to be merely “*in touch* with Kelley during the summer and fall of 2005.” (emphasis added). 2013
20 Motion, Brandt Decl., ¶3. In a handwritten paragraph below the signature line of her March 13,
21 2015 declaration, submitted to the Court with Lynch’s 2015 Motion, Brandt now declares, with
22 surprising clarity of recall events that occurred nearly 10 years ago, that she was not only present
23 in Lynch’s home from approximately 8 a.m. on August 24, 2005, the day of the service of the
24 summons and complaint, but also recalls having “dyed Kelley’s hair a dark (almost black) shade
25 of brown.” 2015 Motion, Brandt Decl., Exh 7, ¶19. Brandt also declares that while in Lynch’s
26 home the morning of August 24, 2005 “No one came to the door.” *Id.* The handwriting in
27 paragraph 19 of Brandt’s declaration does not match the handwriting of Brandt’s signature and
28 appears to be Lynch’s own handwriting. Plaintiffs’ Opp., p. 8; 2015 Motion, Brandt Decl. ¶19.

1 **E. Objections to the Declaration of Kelley Lynch (dated March 17, 2015)**

2 Plaintiffs object to Defendant Kelley Lynch's entire declaration dated March 17, 2015,
3 submitted in support of her 2015 Motion, because it does not meet the statutory requirements of
4 CCP §1008(b) and fails to state what "new facts, circumstances, or law are claimed to be shown."

5 In addition to the global objection based on CCP §1008, Plaintiffs also object to the
6 declaration of Lynch because her declaration is replete with inadmissible evidence.
7 Approximately one quarter of the paragraphs in Lynch's declaration contain improper disclosures
8 of Cohen's attorney-client privileged information. Cal. Evid. Code §952. Nearly one half of the
9 paragraphs in the declaration contain statements that are conclusions that lack foundation and/or
10 are improper argument. In the remainder of the paragraphs Lynch discusses wholly irrelevant
11 matters, including her April 2012 criminal trial for violations of Cohen's Permanent Restraining
12 Order.

13 Of the 127 total paragraphs in Lynch's March 17, 2015 declaration:

14 • **29** paragraphs discuss wholly irrelevant (Cal. Evid. Code §350) matters
15 including: Lynch's 2012 criminal trial for violating Cohen's Permanent Restraining Order
16 (paragraphs: 4, 16, 18, 19-23, 88, 98-99, 114, 116-126); the Phil Spector "gun incident"
17 involving Leonard Cohen in a recording studio decades ago (paragraphs: 20, 21, 110, 120,
18 122, 124-126); a "SWAT Team" incident that occurred at her former home in Brentwood
19 on May 25, 2005 (paragraphs 102-103); and the 2005 custody case involving her youngest
20 son, Ray Lindsey (paragraph 103); Lynch's California State Bar complaint regarding Steve
21 Cooley (paragraphs:110, 111) and alleged internet "harassment" of Lynch by individuals
22 unrelated to this case (paragraphs: 15, 17).

23 • **32** paragraphs disclose attorney-client privileged communications with
24 Cohen's former and current lawyers (Cal. Evid. Code §952): (paragraphs: 8, 24, 31-32,
25 34-37, 40, 41, 45, 48, 53-55, 57, 62-66, 73, 75, 77-79, 81-84, 91, 93); *See* Plaintiffs'
26 Motion to Seal Portion of Court's Record filed with the Court on May 29, 2015 and the
27 May 29, 2015 Order thereon granting Plaintiffs' Motion to Seal Portions of Court's
28 Records;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

• **61** paragraphs contain conclusions that lack foundation (Cal. Evid. Code §702) and/or contain improper argument and legal opinions: (paragraphs: 4, 6, 8, 16, 17, 19, 21-23, 26, 31, 42, 50, 53, 56, 58-59, 61, 63, 65-67, 69, 71-74, 76, 80, 82-83, 85-88, 92, 94-109, 112-115, 120-121, 125-127.)

• **68** paragraphs contain inadmissible hearsay (Cal. Evid. Code §1200): (paragraphs: 4, 9-10, 12, 18-21, 23, 26-27, 30-31, 33-34, 39, 43, 46-47, 51-52, 56, 60, 63-66, 70, 73, 75, 76-77, 79, 82, 84-91, 93-95, 97, 99, 100-104, 109-111, 113-120, 122-126.)

Additionally, of the 90 exhibits attached to Lynch's declaration, 28 exhibits improperly disclosed Plaintiffs' attorney-client privileged communications. *See* Plaintiffs' Motion to Seal Portions of the Court's Record and the May 29th 2015 Order thereon.

The defects in Lynch's declaration submitted with her 2015 Motion are so pervasive and fundamental that her March 17, 2015 declaration should be disregarded in its entirety. 2015 Motion, Lynch Decl., Exh. 4.

IV. CONCLUSION

For the foregoing reasons, Plaintiffs' object to the seven declarations (Kelley Lynch, John Rutger Penick, Paulette Brandt, Clea Surkhang, Palden Ronge, Daniel J. Meade and Joan Lynch) submitted by Defendant in support of her 2015 Motion in their entirety. 2015 Motion, Exhibits 4-10. Additionally, Plaintiffs respectfully request that the Court grant Plaintiffs' motion to strike all of the new evidence submitted by Defendant in her June 16, 2015 Reply, including the declarations of Kelley Lynch, Paulette Brandt, Anne Julia Mclean, and all exhibits attached thereto.

DATED: June 19, 2015

Respectfully submitted,

By: 

Michelle L. Rice
KORY & RICE LLP

ATTORNEY FOR PLAINTIFFS

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michelle L. Rice, Esq. (SBN 235189) Kory & Rice, LLP 9300 Wilshire Blvd., Suite 200 Beverly Hills, CA 90212 TELEPHONE NO.: 310-285-1630 FAX NO. (Optional): E-MAIL ADDRESS (Optional): mrice@koryrice.com ATTORNEY FOR (Name): Leonard Norman Cohen; Leonard Cohen Investments LLC	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District - Stanley Mosk Courthouse	
PLAINTIFF/PETITIONER: Leonard Norman Cohen; Leonard Cohen Investments DEFENDANT/RESPONDENT: Kelley Lynch	CASE NUMBER: BC338322
<p style="text-align: center;">PROOF OF SERVICE—CIVIL</p> Check method of service (only one): <input type="checkbox"/> By Personal Service <input type="checkbox"/> By Mail <input checked="" type="checkbox"/> By Overnight Delivery <input type="checkbox"/> By Messenger Service <input type="checkbox"/> By Fax <input type="checkbox"/> By Electronic Service	JUDGE: Hon. Robert L. Hess DEPT.: 24

(Do not use this proof of service to show service of a Summons and complaint.)

1. At the time of service I was over 18 years of age and not a party to this action.
2. My residence or business address is:
 9300 Wilshire Blvd., Suite 200, Beverly Hills, CA 90212
3. The fax number or electronic service address from which I served the documents is *(complete if service was by fax or electronic service)*:
4. On *(date)*: June 19, 2015 I served the following documents *(specify)*:
 Plaintiffs' Evidentiary Objections to the Declarations Filed in Support of Defendant's Motion for Terminating Sanctions and Motion to Strike New Evidence in Defendant's Reply; Memorandum of Points and Authorities in Support Thereof
 The documents are listed in the *Attachment to Proof of Service—Civil (Documents Served)* (form POS-040(D)).
5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served: Kelley Lynch
 - b. *(Complete if service was by personal service, mail, overnight delivery, or messenger service.)*
 Business or residential address where person was served:
 1754 N. Van Ness Avenue, Hollywood, CA 90028
 - c. *(Complete if service was by fax or electronic service.)*
 - (1) Fax number or electronic service address where person was served:
 - (2) Time of service:
6. The documents were served by the following means *(specify)*:
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

CASE NAME: Leonard Norman Cohen; Leonard Cohen Investments v Kelley Lynch	CASE NUMBER: BC338322
--	--------------------------

6. b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and *(specify one)*:
- (1) deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.
 - (2) placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
- I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at *(city and state)*:
- c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. *(A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)*
- e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.
- f. **By electronic service.** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in item 5.

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

Date: June 19, 2015

Lauren Wilhite

 (TYPE OR PRINT NAME OF DECLARANT)

▶ *Lauren Wilhite*

 (SIGNATURE OF DECLARANT)

(If item 6d above is checked, the declaration below must be completed or a separate declaration from a messenger must be attached.)

DECLARATION OF MESSENGER

By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on *(date)*:

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

Date:

 (NAME OF DECLARANT)

▶ _____
 (SIGNATURE OF DECLARANT)