

1 SNELL & WILMER L.L.P.
2 Tiffany Brosnan, Bar No. 184810
3 tbrosnan@swlaw.com
4 Erin D. Leach, Bar No. 247785
5 eleach@swlaw.com
6 Jordan M. Lee, Bar No. 295395
7 jmllee@swlaw.com
8 600 Anton Boulevard, Suite 1400
9 Costa Mesa, California 92626-7689
10 Telephone: 714-427-7000
11 Facsimile: 714-427-7799

12 Attorneys for Defendants Regents Capital
13 Corporation, Donald Hansen, Dennis Odiorne,
14 Kirsten Merza, Chelsea Haines, Javier Enriquez,
15 Kevin Kutter, and Travis Power

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

18 BALBOA CAPITAL CORPORATION

19 Plaintiff,

20 vs.

21 REGENTS CAPITAL
22 CORPORATION; DONALD
23 HANSEN; DENNIS ODIORNE;
24 KIRSTEN MERZA; CHELSEA
25 HAINES; JAVIER ENRIQUEZ;
26 KEVIN KUTTER; TRAVIS POWER;
27 and DOES 1 through 25, inclusive,

28 Defendants.

CASE NO. 30-2014-00705733-CU-BT-
CJC

Judge: Hon. Kirk Nakamura

**DECLARATION OF TIFFANNY
BROSNAN IN SUPPORT OF
DEFENDANTS' MOTION FOR
ATTORNEYS' FEES**

DATE: August 14, 2014
TIME: 2:00 P.M.
PLACE: C-15

Date of Filing: February 19, 2014

ELECTRONICALLY FILED
Superior Court of California,
County of Orange
05/22/2014 at 12:41:00 PM
Clerk of the Superior Court
By Emma Castle, Deputy Clerk

I, Tiffany Brosnan, declare as follows:

1. I am a member in good standing of the State Bar of California and am licensed to practice before all courts in the state. I am a partner with the law firm of Snell & Wilmer L.L.P., and am one of the attorneys primarily responsible for representing

1 defendants Regents Capital Corporation, Donald Hansen, Dennis Odiorne, Kirsten Merza,
2 Chelsea Haines, Javier Enriquez, Kevin Kutter, and Travis Power (collectively
3 “Defendants”) in the above-captioned action. I state the following of my own personal
4 knowledge, and unless otherwise indicated, I could and would testify competently thereto.

5 2. On March 10, 2014, I noticed the deposition of Balboa Capital Corporation’s
6 (“Balboa”) Person Most Knowledgeable for March 20, 2014. With the deposition notice,
7 Defendants sought production of documents supporting Balboa’s claim that its customer
8 lists are trade secrets and that Defendants misappropriated Balboa’s trade secrets, among
9 other requests for production. A true and correct copy of the deposition notice is attached
10 hereto as Exhibit A.

11 3. On March 13, 2014, Balboa’s counsel, Nicole M. Hampton, informed my office
12 that Balboa’s person most knowledgeable was not available for his deposition on March
13 20, 2014, but was available on March 26, 2014. As a result, we served an amended
14 deposition notice for March 26, 2014. A true and correct copy of the amended deposition
15 notice is attached hereto as Exhibit B.

16 4. On March 24, 2014, two days before the person most knowledgeable deposition
17 was scheduled to occur, Balboa’s counsel represented to me that their person most
18 knowledgeable, Pat Byrne, was again unavailable and requested a different date for the
19 deposition without proposing any specific dates. During this call, Balboa’s counsel also
20 stated that they would take the hearing on the motion for a preliminary injunction off-
21 calendar. Balboa’s counsel suggested that this should relieve the pressure to take Mr.
22 Byrne’s deposition, but I explained that we still wanted to take the deposition as soon as
23 possible. After this call I repeatedly tried to obtain a new deposition date from Balboa’s
24 counsel without any luck. As a result, I unilaterally re-noticed the deposition for April 18,
25 2014. A true and correct copy of the second amended deposition notice is attached hereto
26 as Exhibit C.

27 5. On April 8, 2014, Balboa’s counsel once again informed me that its person
28 most knowledgeable was again unavailable on the proposed date. As a result, I re-noticed

1 the person most knowledgeable deposition for an agreed upon date of May 6, 2014. A true
2 and correct copy of the third amended deposition notice is attached hereto as Exhibit D.

3 6. On March 26, 2014, Defendants filed a demurrer to Balboa's complaint on the
4 grounds that it was uncertain and failed to state facts sufficient to constitute a cause of
5 action. A hearing on the demurrer was scheduled for June 5, 2014.

6 7. The demurrer was never heard and Balboa's person most knowledgeable's
7 deposition was never taken – instead, without any warning, Balboa filed a request for
8 dismissal without prejudice as to the entirety of its Complaint on April 29, 2014 which the
9 Court entered the same day.

10 8. To date, Defendants have incurred \$36,454 in attorneys' fees in defending this
11 action. The work performed by myself, other attorneys in my office, and my paralegal on
12 this action has all revolved around Balboa's claims stemming from the alleged
13 misappropriation of trade secrets and this motion for attorneys' fees. Defending this action
14 were myself, a senior associate, Erin D. Leach, a junior associate, Jordan M. Lee, and a
15 paralegal, Lori Hawkins. Each attorney had the requisite knowledge and experience to
16 handle the trade secret issues. As the partner overseeing this matter, I made sure that the
17 two associates and one paralegal were utilized so as to maximize efficiency while
18 minimizing costs. The billings for each attorney and paralegal on this matter are set forth
19 as follows:

20

Attorney	Billing Rate	Hours Worked	Total Billed
Tiffany Brosnan	495.00	31.8	\$15,741.00
Erin D. Leach	445.00	35.5	\$15,797.50
Jordan M. Lee	240.00	16.7	\$4,008.00
Lori Hawkins	275.00	3.3	\$907.50

26

27 9. I am familiar with Snell & Wilmer's billing practices. In connection with the
28

1 representation of Defendants in this case, the lawyers and paralegals at Snell & Wilmer
2 have kept track of their time in segments of tenths of hours on time sheets that are
3 personally prepared by each attorney or paralegal on a daily basis. Those time sheets are
4 entered into the firm's computerized billing program, and then submitted to the firm's in-
5 house accounting department. The computer then segregates time by client files, and
6 prints draft bills. The draft bills are reviewed and edited by the billing attorney' in this
7 case, me. I personally reviewed all fee billing entries and cost entries in this case, and
8 believe the final invoices were accurate and complete. I also know that these rates are
9 reasonable in this market area, taking into account the experience, age, expertise, leaning
10 and efforts of the attorney's involved. Our billing rates are reviewed annually and adjusted
11 as measured against these criteria.


12 10. I graduated from the University of Southern California, Los Angeles, School of
13 Law in 1996. I am a partner in Snell & Wilmer's Labor and Employment Department. I
14 have practiced employment law throughout my career and have handled multiple cases
15 involving claims of alleged misappropriation of trade secrets, representing both plaintiffs
16 and defendants on such claims. I supervise the work of Erin Leach. Ms. Leach is a 2006
17 graduate from University of California, Hastings College of Law. She is a senior associate
18 in Snell & Wilmer's Labor and Employment Department. Ms. Leach has practiced
19 employment law throughout her career and has handled multiple cases involving claims of
20 alleged misappropriation of trade secrets, representing both plaintiffs and defendants on
21 such claims. I also supervise Jordan Lee. Ms. Lee is a 2013 graduate from Brigham
22 Young University, J. Reuben Clark Law School. She is a first year associate in Snell &
23 Wilmer's Labor and Employment Department. I also supervise Lori Hawkins. Lori
24 Hawkins is a paralegal who has been working with Snell & Wilmer's litigation
25 departments since 1995. Ms. Hawkins has been working as a paralegal since 1990. She
26 obtained her paralegal certificate from University of California, Irvine's ABA accredited
27 paralegal school in 1992.

28 I declare under penalty of perjury under the laws of the State of California that the

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foregoing is true and correct.

Dated: May 22, 2014



Tiffany Brosnan

Exhibit A

1 SNELL & WILMER L.L.P.
Tiffany Brosnan, Bar No. 184810
2 tbrosnan@swlaw.com
Erin D. Leach, Bar No. 247785
3 eleach@swlaw.com
Jordan M. Lee, Bar No. 295395
4 jmlee@swlaw.com
600 Anton Boulevard, Suite 1400
5 Costa Mesa, California 92626-7689
Telephone: 714-427-7000
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7 Attorneys for Defendants Regents Capital
Corporation, Donald Hansen, Dennis Odiorne,
8 Kirsten Merza, Chelsea Haines, Javier Enriquez,
Kevin Kutter and Travis Power
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ORANGE – CENTRAL JUSTICE CENTER

12
13 BALBOA CAPITAL CORPORATION,

14 Plaintiff,

15 v.

16 REGENTS CAPITAL CORPORATION;
DONALD HANSEN; DENNIS
17 ODIORNE; KIRSTEN MERZA;
CHELSEA HAINES; JAVIER
18 ENRIQUEZ; KEVIN KUTTER; TRAVIS
POWER; DOES 1 through 25, inclusive,

19 Defendants.
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Case No. 30-2014-00705733-CU-BT-
CJC

Assigned to Hon. Kirk Nakaruma

**DEFENDANT REGENTS CAPITAL
CORPORATION'S NOTICE OF
DEPOSITION OF BALBOA
CAPITAL CORPORATION'S
PERSON MOST
KNOWLEDGEABLE**

Date: March 20, 2014
Time: 9:30 a.m.
Place: Snell & Wilmer L.L.P.
600 Anton Blvd., Suite 1400
Costa Mesa, CA 92626

Date of Filing: February 19, 2014
Trial Date: Not Set

24
25 PLEASE TAKE NOTICE that defendant Regents Capital Corporation ("RCC"),
26 through its attorneys of record, will take the deposition of plaintiff Balboa Capital
27 Corporation ("Balboa") on March 20, 2014, at 9:30 a.m., at the law offices of Snell &
28

1 Wilmer L.L.P. located at 600 Anton Boulevard, Suite 1400, Costa Mesa, California
2 92626.

3 The deposition will be conducted upon oral examination before an officer
4 authorized by law to administer oaths and will continue from day to day, Saturdays,
5 Sundays and holidays excluded, until completed. The deposition will be recorded
6 stenographically, by “real time” transcription, and may be recorded by sound and visual
7 videotape.

8 Unless a written notice of request for an interpreter is given to the party noticing
9 the deposition not less than five (5) days prior to this scheduled deposition, the noticing
10 party assumes that this deposition may proceed meaningfully without one. The notice for
11 request for an interpreter shall state the language and dialect to be interpreted.

12 NOTICE IS FURTHER GIVEN that Balboa shall designate and produce at
13 deposition one or more of its officers, directors, managing agents, employees or agents to
14 testify on its behalf, who are most qualified to testify on its behalf as to the topics set forth
15 below. For each person designated to testify on its behalf, Balboa shall specify the subject
16 matter or matters with respect to which the designated person shall testify.

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DEFINITIONS

- 19 A. “YOU” or “YOUR” means plaintiff Balboa Capital Corporation, its officers,
20 directors, employees, agents or anyone acting on its behalf.
- 21 B. “ACTION” means this litigation, titled *Balboa Capital Corporation v.*
22 *Regents Capital Corporation, et al.*, filed in Orange County Superior Court in the State of
23 California, Case No. 30-2014-00705733-CU-BT-CJC.
- 24 C. “COMPLAINT” means the Complaint filed in this Action.
- 25 D. “DEFENDANTS” means the named defendants in this action - Regents
26 Capital Corporation, Donald Hansen, Dennis Odiorne, Kirsten Merza, Chelsea Haines,
27 Javier Enriquez, Kevin Kutter and Travis Power.

TOPICS FOR DEPOSITION

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1. Any and all allegations contained in the COMPLAINT in this ACTION.
2. YOUR policies relating to confidential, proprietary or trade secret information, including, but not limited to:
 - a. Information YOU claim constitutes YOUR confidential, proprietary and/or trade secret-protected information;
 - b. How YOU designate confidential, proprietary and/or trade secret-protected information as such;
 - c. How YOUR employees are made aware that they are accessing and/or utilizing confidential, proprietary and/or trade secret-protected information;
 - d. How YOU kept confidential, proprietary and/or trade secret-protected information confidential and protected during Defendants' employment.
3. The information contained in YOUR "confidential customer list" as alleged in the COMPLAINT.
4. The contents of YOUR "customer files" as alleged in the COMPLAINT.
5. YOUR "marketing strategies" as alleged in the COMPLAINT.
6. The exposure, access to and use of YOUR confidential, proprietary and/or trade secret information by any of the DEFENDANTS in this Action during the course of his or her employment with YOU.
7. Any and all evidence that any of the DEFENDANTS misappropriated any of YOUR confidential, proprietary and/or trade secret-protected information.
8. Any and all evidence that any of the DEFENDANTS inappropriately used any of YOUR confidential, proprietary and/or trade secret-protected information.
9. Any and all evidence that any of the DEFENDANTS solicited any of YOUR customers (current or former) either during or after his or her employment with YOU ended.

1 10. Any and all evidence that any of the DEFENDANTS solicited any of
2 YOUR employees (current or former) either during or after his or her employment with
3 YOU ended.

4 11. The job duties of each of the individual DEFENDANTS in this Action
5 during the course of his or her employment with YOU.

6 12. Any companies who submitted an application to YOU that any of
7 DEFENDANTS reviewed while still employed with YOU.

8 13. All memoranda and policies relating to the Comprehensive Agreement
9 Employment At-Will, Proprietary Information, and Arbitration signed by the individual
10 DEFENDANTS (the "Agreement") or any other agreement which attempts to enforce
11 non-solicitation, non-compete or confidentiality provisions against DEFENDANTS.

12 14. Circumstances related to YOUR implementation, dissemination and
13 required signing of the Agreement by the individual DEFENDANTS in this ACTION.

14 15. Demand letters and/or litigation by YOU over the Agreement or any other
15 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
16 provisions from 2009 to the present.

17 16. Any settlements or resolutions of litigation over the Agreement or any other
18 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
19 provisions from 2009 to the present.

20 17. Identification of all persons with access to confidential, proprietary and/or
21 trade secret information belonging to YOU during the individual DEFENDANTS'
22 employment with YOU.

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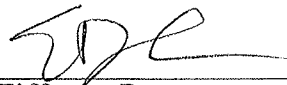
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1 18. Any and all damages suffered by YOU as a result of any alleged breach of
2 the Agreement by any of the DEFENDANTS in this ACTION, including a calculation of
3 the amount of damages in dollars.

4
5 SNELL & WILMER L.L.P.

6
7 Dated: March 7, 2014

8 By: 
9 Tiffany Brosnan
10 Erin D. Leach
11 Jordan M. Lee
12 Attorneys for Defendants Regents
13 Capital Corporation, Donald Hansen,
14 Dennis Odiorne, Kirsten Merza,
15 Chelsea Haines, Javier Enriquez, Kevin
16 Kutter and Travis Power

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SNELL & WILMER
LLP
600 ANTON BLVD
SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689

1 **PROOF OF SERVICE**

2 ***Balboa Capital Corporation v. Regents Capital Corporation, et al.***
3 **OCSC Case No. 30-2014-00705733**

4 I am employed in the County of Orange, State of California. I am over the age of 18 and
5 not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400,
6 Costa Mesa, CA 92626-7689.

7 On March 10, 2014, I served, in the manner indicated below, the foregoing document
8 described as **DEFENDANT REGENTS CAPITAL CORPORATION'S NOTICE OF**
9 **DEPOSITION OF BALBOA CAPITAL CORPORATION'S PERSON MOST**
10 **KNOWLEDGEABLE** on the interested parties in this action by placing true copies thereof,
11 enclosed in sealed envelopes, at Costa Mesa, addressed as follows:


<p>12 Marc S. Hines, Esq. 13 Nicole M. Hampton, Esq. 14 Natalie Mirzayan, Esq. 15 Hines Carder, LLP 16 3090 Bristol Street, Ste. 300 17 Costa Mesa, CA 92626</p>	<p>Attorneys for Plaintiff</p> <p>Tel: 714-513-1122 Fax: 714-513-1123 <u>mhines@hinescarder.com</u> <u>nhampton@hinescarder.com</u> <u>nmirzayan@hinescarder.com</u></p>
--	--

- 18 BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Costa Mesa, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested (C.C.P. § 1013(a)). **Only as to those indicated below.**
- 19 BY FACSIMILE: (C.C.P. § 1013(e)(f)).
- 20 BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees **only as to those indicated below.** (C.C.P. § 1013(c)(d)).
- 21 BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the offices of the addressees **only as to those indicated below.** (C.C.P. § 1011(a)(b)).
- 22 BY ELECTRONIC SERVICE: Only as to those indicated with email addresses on the service list (C.C.P. § 1010.6 (a)(2)).

23 *****

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

25 Executed on March 10, 2014, at Costa Mesa, California.

26
27 
28 Ami Dufour

Snell & Wilmer
LLP
LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 447-7000

Exhibit B

1 SNELL & WILMER L.L.P.
2 Tiffany Brosnan, Bar No. 184810
3 tbrosnan@swlaw.com
4 Erin D. Leach, Bar No. 247785
5 eleach@swlaw.com
6 Jordan M. Lee, Bar No. 295395
7 jmlee@swlaw.com
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12 Attorneys for Defendants Regents Capital
13 Corporation, Donald Hansen and Dennis Odiorne

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

16 BALBOA CAPITAL CORPORATION,

17 Plaintiff,

18 v.

19 REGENTS CAPITAL CORPORATION;
20 DONALD HANSEN; DENNIS
21 ODIORNE; KIRSTEN MERZA;
22 CHELSEA HAINES; JAVIER
23 ENRIQUEZ; KEVIN KUTTER; TRAVIS
24 POWER; DOES 1 through 25, inclusive,

25 Defendants.

Case No. 30-2014-00705733-CU-BT-
CJC

Assigned to Hon. Kirk Nakamura

**DEFENDANT REGENTS CAPITAL
CORPORATION'S AMENDED
NOTICE OF DEPOSITION OF
BALBOA CAPITAL
CORPORATION'S PERSON MOST
KNOWLEDGEABLE**

Date: March 26, 2014
Time: 9:30 a.m.
Place: Snell & Wilmer L.L.P.
600 Anton Blvd., Suite 1400
Costa Mesa, CA 92626

Date of Filing: February 19, 2014
Trial Date: Not Set

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28 Corporation ("Balboa") on March 26, 2014, at 9:30 a.m., at the law offices of Snell &
Wilmer L.L.P. located at 600 Anton Boulevard, Suite 1400, Costa Mesa, California
92626.

1 The deposition will be conducted upon oral examination before an officer
2 authorized by law to administer oaths and will continue from day to day, Saturdays,
3 Sundays and holidays excluded, until completed. The deposition will be recorded
4 stenographically, by “real time” transcription, and may be recorded by sound and visual
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10 NOTICE IS FURTHER GIVEN that Balboa shall designate and produce at
11 deposition one or more of its officers, directors, managing agents, employees or agents to
12 testify on its behalf, who are most qualified to testify on its behalf as to the topics set forth
13 below. For each person designated to testify on its behalf, Balboa shall specify the subject
14 matter or matters with respect to which the designated person shall testify.

15
16 **DEFINITIONS**

17 A. “YOU” or “YOUR” means plaintiff Balboa Capital Corporation, its officers,
18 directors, employees, agents or anyone acting on its behalf.

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TOPICS FOR DEPOSITION

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1. Any and all allegations contained in the COMPLAINT in this ACTION.
2. YOUR policies relating to confidential, proprietary or trade secret information, including, but not limited to:
 - a. Information YOU claim constitutes YOUR confidential, proprietary and/or trade secret-protected information;
 - b. How YOU designate confidential, proprietary and/or trade secret-protected information as such;
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5. YOUR "marketing strategies" as alleged in the COMPLAINT.
6. The exposure, access to and use of YOUR confidential, proprietary and/or trade secret information by any of the DEFENDANTS in this Action during the course of his or her employment with YOU.
7. Any and all evidence that any of the DEFENDANTS misappropriated any of YOUR confidential, proprietary and/or trade secret-protected information.
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10 DEFENDANTS (the "Agreement") or any other agreement which attempts to enforce
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15 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
16 provisions from 2009 to the present.

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18 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
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20 17. Identification of all persons with access to confidential, proprietary and/or
21 trade secret information belonging to YOU during the individual DEFENDANTS'
22 employment with YOU.

23 18. Any and all damages suffered by YOU as a result of any alleged breach of
24 the Agreement by any of the DEFENDANTS in this ACTION, including a calculation of

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SNELL & WILMER
LLP
600 ANTON BLVD
SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689

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the amount of damages in dollars.

SNELL & WILMER L.L.P.

Dated: March 13, 2014

By: 
Tiffany Brosnan
Erin D. Leach
Jordan M. Lee
Attorneys for Defendants Regents
Capital Corporation, Donald Hansen
and Dennis Odiorne

1 **PROOF OF SERVICE**

2 ***Balboa Capital Corporation v. Regents Capital Corporation, et al.***
3 **OCSC Case No. 30-2014-00705733**

4 I am employed in the County of Orange, State of California. I am over the age of 18 and
5 not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa
6 Mesa, CA 92626-7689.

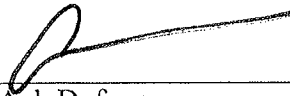
7 On March 13, 2014, I served, in the manner indicated below, the foregoing document
8 described as **DEFENDANT REGENTS CAPITAL CORPORATION'S AMENDED**
9 **NOTICE OF DEPOSITION OF BALBOA CAPITAL CORPORATION'S PERSON MOST**
10 **KNOWLEDGEABLE** on the interested parties in this action by placing true copies thereof,
11 enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

12 Marc S. Hines, Esq. 13 Nicole M. Hampton, Esq. 14 Natalie Mirzayan, Esq. 15 Hines Carder, LLP 16 3090 Bristol Street, Ste. 300 17 Costa Mesa, CA 92626	Attorneys for Plaintiff Tel: 714-513-1122 Fax: 714-513-1123 <u>nhampton@hinescarder.com</u>
--	--

- 18 BY REGULAR MAIL: I caused such envelopes to be deposited in the United
19 States mail at Costa Mesa, California, with postage thereon fully prepaid. I am
20 readily familiar with the firm's practice of collection and processing
21 correspondence for mailing. It is deposited with the United States Postal Service
22 each day and that practice was followed in the ordinary course of business for the
23 service herein attested (C.C.P. § 1013(a)). **Only as to those indicated below.**
- 24 BY FACSIMILE: (C.C.P. § 1013(e)(f)).
- 25 BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air
26 courier, with next day service, to the offices of the addressees **only as to those**
27 **indicated below.** (C.C.P. § 1013(c)(d)).
- 28 BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to
the addressee(s). (C.C.P. § 1011(a)(b)).
- BY ELECTRONIC SERVICE: Only as to those indicated with email addresses
on the service list (C.C.P. §1010.6 (a)(2)).

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

25 Executed on March 13, 2014, at Costa Mesa, California.

26 
27 Anh Dufour

Snell & Wilmer
LLP
LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 427-7000

Exhibit C

1 SNELL & WILMER L.L.P.
Tiffany Brosnan, Bar No. 184810
2 tbrosnan@swlaw.com
Erin D. Leach, Bar No. 247785
3 eleach@swlaw.com
Jordan M. Lee, Bar No. 295395
4 jmlee@swlaw.com
600 Anton Boulevard, Suite 1400
5 Costa Mesa, California 92626-7689
Telephone: 714-427-7000
6 Facsimile: 714-427-7799

7 Attorneys for Defendants Regents Capital
Corporation, Donald Hansen, Dennis Odiorne,
8 Kirsten Merza, Chelsea Haines, Javier Enriquez,
Kevin Kutter and Travis Power
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

12
13 **BALBOA CAPITAL CORPORATION,**

14 **Plaintiff,**

15 **v.**

16 **REGENTS CAPITAL CORPORATION;**
DONALD HANSEN; DENNIS
17 ODIORNE; KIRSTEN MERZA;
CHELSEA HAINES; JAVIER
18 ENRIQUEZ; KEVIN KUTTER; TRAVIS
POWER; DOES 1 through 25, inclusive,

19 **Defendants.**
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Case No. 30-2014-00705733-CU-BT-
CJC

Assigned to Hon. Kirk Nakamura

**DEFENDANT REGENTS CAPITAL
CORPORATION'S SECOND
AMENDED NOTICE OF
DEPOSITION OF BALBOA
CAPITAL CORPORATION'S
PERSON MOST
KNOWLEDGEABLE**

Date: April 18, 2014
Time: 9:30 a.m.
Place: Snell & Wilmer L.L.P.
600 Anton Blvd., Suite 1400
Costa Mesa, CA 92626

Date of Filing: February 19, 2014
Trial Date: Not Set

23
24
25 PLEASE TAKE NOTICE that defendant Regents Capital Corporation (“RCC”),
26 through its attorneys of record, will take the deposition of plaintiff Balboa Capital
27 Corporation (“Balboa”) on April 18, 2014, at 9:30 a.m., at the law offices of Snell &
28

1 Wilmer L.L.P. located at 600 Anton Boulevard, Suite 1400, Costa Mesa, California
2 92626.

3 The deposition will be conducted upon oral examination before an officer
4 authorized by law to administer oaths and will continue from day to day, Saturdays,
5 Sundays and holidays excluded, until completed. The deposition will be recorded
6 stenographically, by "real time" transcription, and may be recorded by sound and visual
7 videotape.

8 Unless a written notice of request for an interpreter is given to the party noticing
9 the deposition not less than five (5) days prior to this scheduled deposition, the noticing
10 party assumes that this deposition may proceed meaningfully without one. The notice for
11 request for an interpreter shall state the language and dialect to be interpreted.

12 NOTICE IS FURTHER GIVEN that Balboa shall designate and produce at
13 deposition one or more of its officers, directors, managing agents, employees or agents to
14 testify on its behalf, who are most qualified to testify on its behalf as to the topics set forth
15 below. For each person designated to testify on its behalf, Balboa shall specify the subject
16 matter or matters with respect to which the designated person shall testify.

17
18 **DEFINITIONS**

19 A. "YOU" or "YOUR" means plaintiff Balboa Capital Corporation, its officers,
20 directors, employees, agents or anyone acting on its behalf.

21 B. "ACTION" means this litigation, titled *Balboa Capital Corporation v.*
22 *Regents Capital Corporation, et al.*, filed in Orange County Superior Court in the State of
23 California, Case No. 30-2014-00705733-CU-BT-CJC.

24 C. "COMPLAINT" means the Complaint filed in this Action.

25 D. "DEFENDANTS" means the named defendants in this action - Regents
26 Capital Corporation, Donald Hansen, Dennis Odiorne, Kirsten Merza, Chelsea Haines,
27 Javier Enriquez, Kevin Kutter and Travis Power.

28 ///

1 TOPICS FOR DEPOSITION

- 2 1. Any and all allegations contained in the COMPLAINT in this ACTION.
- 3 2. YOUR policies relating to confidential, proprietary or trade secret
- 4 information, including, but not limited to:
- 5 a. Information YOU claim constitutes YOUR confidential, proprietary
- 6 and/or trade secret-protected information;
- 7 b. How YOU designate confidential, proprietary and/or trade secret-
- 8 protected information as such;
- 9 c. How YOUR employees are made aware that they are accessing
- 10 and/or utilizing confidential, proprietary and/or trade secret-protected
- 11 information;
- 12 d. How YOU kept confidential, proprietary and/or trade secret-
- 13 protected information confidential and protected during Defendants'
- 14 employment.
- 15 3. The information contained in YOUR "confidential customer list" as alleged
- 16 in the COMPLAINT.
- 17 4. The contents of YOUR "customer files" as alleged in the COMPLAINT.
- 18 5. YOUR "marketing strategies" as alleged in the COMPLAINT.
- 19 6. The exposure, access to and use of YOUR confidential, proprietary and/or
- 20 trade secret information by any of the DEFENDANTS in this Action during the course of
- 21 his or her employment with YOU.
- 22 7. Any and all evidence that any of the DEFENDANTS misappropriated any
- 23 of YOUR confidential, proprietary and/or trade secret-protected information.
- 24 8. Any and all evidence that any of the DEFENDANTS inappropriately used
- 25 any of YOUR confidential, proprietary and/or trade secret-protected information.
- 26 9. Any and all evidence that any of the DEFENDANTS solicited any of
- 27 YOUR customers (current or former) either during or after his or her employment with
- 28 YOU ended.

1 10. Any and all evidence that any of the DEFENDANTS solicited any of
2 YOUR employees (current or former) either during or after his or her employment with
3 YOU ended.

4 11. The job duties of each of the individual DEFENDANTS in this Action
5 during the course of his or her employment with YOU.

6 12. Any companies who submitted an application to YOU that any of
7 DEFENDANTS reviewed while still employed with YOU.

8 13. All memoranda and policies relating to the Comprehensive Agreement
9 Employment At-Will, Proprietary Information, and Arbitration signed by the individual
10 DEFENDANTS (the "Agreement") or any other agreement which attempts to enforce
11 non-solicitation, non-compete or confidentiality provisions against DEFENDANTS.

12 14. Circumstances related to YOUR implementation, dissemination and
13 required signing of the Agreement by the individual DEFENDANTS in this ACTION.

14 15. Demand letters and/or litigation by YOU over the Agreement or any other
15 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
16 provisions from 2009 to the present.

17 16. Any settlements or resolutions of litigation over the Agreement or any other
18 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
19 provisions from 2009 to the present.

20 17. Identification of all persons with access to confidential, proprietary and/or
21 trade secret information belonging to YOU during the individual DEFENDANTS'
22 employment with YOU.

23 18. Any and all damages suffered by YOU as a result of any alleged breach of
24 the Agreement by any of the DEFENDANTS in this ACTION, including a calculation of


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1 the amount of damages in dollars.

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SNELL & WILMER L.L.P.

Dated: April 3, 2014

By: 
Tiffany Brosnan
Erin D. Leach
Jordan M. Lee
Attorneys for Defendants Regents
Capital Corporation, Donald Hansen,
Dennis Odiorne, Kirsten Merza,
Chelsea Haines, Javier Enriquez, Kevin
Kutter and Travis Power

SNELL & WILMER
LLP
600 ANTON BLVD
SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689

1 **PROOF OF SERVICE**

2 ***Balboa Capital Corporation v. Regents Capital Corporation, et al.***
3 **OCSC Case No. 30-2014-00705733**

4 I am employed in the County of Orange, State of California. I am over the age of 18 and
5 not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa
6 Mesa, CA 92626-7689.

7 On April 3, 2014, I served, in the manner indicated below, the foregoing document
8 described as **DEFENDANT REGENTS CAPITAL CORPORATION'S SECOND**
9 **AMENDED NOTICE OF DEPOSITION OF BALBOA CAPITAL CORPORATION'S**
10 **PERSON MOST KNOWLEDGEABLE** on the interested parties in this action by placing true
11 copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

12 Marc S. Hines, Esq. 13 Nicole M. Hampton, Esq. 14 Natalie Mirzayan, Esq. 15 Hines Carder, LLP 16 3090 Bristol Street, Ste. 300 17 Costa Mesa, CA 92626	Attorneys for Plaintiff Tel: 714-513-1122 Fax: 714-513-1123 <u>nhampton@hinescarder.com</u>
--	--

- 18 BY REGULAR MAIL: I caused such envelopes to be deposited in the United
19 States mail at Costa Mesa, California, with postage thereon fully prepaid. I am
20 readily familiar with the firm's practice of collection and processing
21 correspondence for mailing. It is deposited with the United States Postal Service
22 each day and that practice was followed in the ordinary course of business for the
23 service herein attested (C.C.P. § 1013(a)). **Only as to those indicated below.**
24 BY FACSIMILE: (C.C.P. § 1013(e)(f)).
- 25 BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air
26 courier, with next day service, to the offices of the addressees **only as to those**
27 **indicated below.** (C.C.P. § 1013(c)(d)).
- 28 BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to
the addressee(s). (C.C.P. § 1011(a)(b)).
- BY ELECTRONIC SERVICE: Only as to those indicated with email addresses
on the service list (C.C.P. §1010.6 (a)(2)).

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

25 Executed on April 3, 2014, at Costa Mesa, California.

26 
27 Anh Dufour

Exhibit D

1 SNELL & WILMER L.L.P.
2 Tiffany Brosnan, Bar No. 184810
3 tbrosnan@swlaw.com
4 Erin D. Leach, Bar No. 247785
5 eleach@swlaw.com
6 Jordan M. Lee, Bar No. 295395
7 jmlee@swlaw.com
8 600 Anton Boulevard, Suite 1400
9 Costa Mesa, California 92626-7689
10 Telephone: 714-427-7000
11 Facsimile: 714-427-7799

12 Attorneys for Defendants Regents Capital
13 Corporation, Donald Hansen, Dennis Odiorne,
14 Kirsten Merza, Chelsea Haines, Javier Enriquez,
15 Kevin Kutter and Travis Power

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

18 **BALBOA CAPITAL CORPORATION,**

19 Plaintiff,

20 v.

21 **REGENTS CAPITAL CORPORATION;**
22 **DONALD HANSEN; DENNIS**
23 **ODIORNE; KIRSTEN MERZA;**
24 **CHELSEA HAINES; JAVIER**
25 **ENRIQUEZ; KEVIN KUTTER; TRAVIS**
26 **POWER; DOES 1 through 25, inclusive,**

27 Defendants.

Case No. 30-2014-00705733-CU-BT-
CJC

Assigned to Hon. Kirk Nakamura

**DEFENDANT REGENTS CAPITAL
CORPORATION'S THIRD
AMENDED NOTICE OF
DEPOSITION OF BALBOA
CAPITAL CORPORATION'S
PERSON MOST
KNOWLEDGEABLE**

Date: May 6, 2014

Time: 9:30 a.m.

Place: Snell & Wilmer L.L.P.
600 Anton Blvd., Suite 1400
Costa Mesa, CA 92626

Date of Filing: February 19, 2014
Trial Date: Not Set

28 PLEASE TAKE NOTICE that defendant Regents Capital Corporation (“RCC”),
through its attorneys of record, will take the deposition of plaintiff Balboa Capital
Corporation (“Balboa”) on May 6, 2014, at 9:30 a.m., at the law offices of Snell &

1 Wilmer L.L.P. located at 600 Anton Boulevard, Suite 1400, Costa Mesa, California
2 92626.

3 The deposition will be conducted upon oral examination before an officer
4 authorized by law to administer oaths and will continue from day to day, Saturdays,
5 Sundays and holidays excluded, until completed. The deposition will be recorded
6 stenographically, by “real time” transcription, and may be recorded by sound and visual
7 videotape.

8 Unless a written notice of request for an interpreter is given to the party noticing
9 the deposition not less than five (5) days prior to this scheduled deposition, the noticing
10 party assumes that this deposition may proceed meaningfully without one. The notice for
11 request for an interpreter shall state the language and dialect to be interpreted.

12 NOTICE IS FURTHER GIVEN that Balboa shall designate and produce at
13 deposition one or more of its officers, directors, managing agents, employees or agents to
14 testify on its behalf, who are most qualified to testify on its behalf as to the topics set forth
15 below. For each person designated to testify on its behalf, Balboa shall specify the subject
16 matter or matters with respect to which the designated person shall testify.

17
18 **DEFINITIONS**

19 A. “YOU” or “YOUR” means plaintiff Balboa Capital Corporation, its officers,
20 directors, employees, agents or anyone acting on its behalf.

21 B. “ACTION” means this litigation, titled *Balboa Capital Corporation v.*
22 *Regents Capital Corporation, et al.*, filed in Orange County Superior Court in the State of
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24 C. “COMPLAINT” means the Complaint filed in this Action.

25 D. “DEFENDANTS” means the named defendants in this action - Regents
26 Capital Corporation, Donald Hansen, Dennis Odiorne, Kirsten Merza, Chelsea Haines,
27 Javier Enriquez, Kevin Kutter and Travis Power.

28 ///

1 TOPICS FOR DEPOSITION

- 2 1. Any and all allegations contained in the COMPLAINT in this ACTION.
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- 7 b. How YOU designate confidential, proprietary and/or trade secret-
8 protected information as such;
- 9 c. How YOUR employees are made aware that they are accessing
10 and/or utilizing confidential, proprietary and/or trade secret-protected
11 information;
- 12 d. How YOU kept confidential, proprietary and/or trade secret-
13 protected information confidential and protected during Defendants'
14 employment.
- 15 3. The information contained in YOUR "confidential customer list" as alleged
16 in the COMPLAINT.
- 17 4. The contents of YOUR "customer files" as alleged in the COMPLAINT.
- 18 5. YOUR "marketing strategies" as alleged in the COMPLAINT.
- 19 6. The exposure, access to and use of YOUR confidential, proprietary and/or
20 trade secret information by any of the DEFENDANTS in this Action during the course of
21 his or her employment with YOU.
- 22 7. Any and all evidence that any of the DEFENDANTS misappropriated any
23 of YOUR confidential, proprietary and/or trade secret-protected information.
- 24 8. Any and all evidence that any of the DEFENDANTS inappropriately used
25 any of YOUR confidential, proprietary and/or trade secret-protected information.
- 26 9. Any and all evidence that any of the DEFENDANTS solicited any of
27 YOUR customers (current or former) either during or after his or her employment with
28 YOU ended.

1 10. Any and all evidence that any of the DEFENDANTS solicited any of
2 YOUR employees (current or former) either during or after his or her employment with
3 YOU ended.

4 11. The job duties of each of the individual DEFENDANTS in this Action
5 during the course of his or her employment with YOU.

6 12. Any companies who submitted an application to YOU that any of
7 DEFENDANTS reviewed while still employed with YOU.

8 13. All memoranda and policies relating to the Comprehensive Agreement
9 Employment At-Will, Proprietary Information, and Arbitration signed by the individual
10 DEFENDANTS (the "Agreement") or any other agreement which attempts to enforce
11 non-solicitation, non-compete or confidentiality provisions against DEFENDANTS.

12 14. Circumstances related to YOUR implementation, dissemination and
13 required signing of the Agreement by the individual DEFENDANTS in this ACTION.

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15 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
16 provisions from 2009 to the present.

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18 agreement which attempts to enforce non-solicitation, non-compete or confidentiality
19 provisions from 2009 to the present.

20 17. Identification of all persons with access to confidential, proprietary and/or
21 trade secret information belonging to YOU during the individual DEFENDANTS'
22 employment with YOU.

23 18. Any and all damages suffered by YOU as a result of any alleged breach of
24 the Agreement by any of the DEFENDANTS in this ACTION, including a calculation of


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the amount of damages in dollars.

SNELL & WILMER L.L.P.

Dated: April 15, 2014

By: 
Tiffany Brosnan
Erin D. Leach
Jordan M. Lee
Attorneys for Defendants Regents
Capital Corporation, Donald Hansen,
Dennis Odiorne, Kirsten Merza,
Chelsea Haines, Javier Enriquez, Kevin
Kutter and Travis Power

SNELL & WILMER
LLP
600 ANTON BLVD
SUITE 1400
COSTA MESA, CALIFORNIA 92626-7689

1 **PROOF OF SERVICE**

2 ***Balboa Capital Corporation v. Regents Capital Corporation, et al.***
3 **OCSC Case No. 30-2014-00705733**

4 I am employed in the County of Orange, State of California. I am over the age of 18 and
5 not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa
6 Mesa, CA 92626-7689.

7 On April 15, 2014, I served, in the manner indicated below, the foregoing document
8 described as **DEFENDANT REGENTS CAPITAL CORPORATION'S THIRD AMENDED
9 NOTICE OF DEPOSITION OF BALBOA CAPITAL CORPORATION'S PERSON MOST
10 KNOWLEDGEABLE** on the interested parties in this action by placing true copies thereof,
11 enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

12 Marc S. Hines, Esq. 13 Nicole M. Hampton, Esq. 14 Natalie Mirzayan, Esq. 15 Hines Carder, LLP 16 3090 Bristol Street, Ste. 300 17 Costa Mesa, CA 92626	Attorneys for Plaintiff Tel: 714-513-1122 Fax: 714-513-1123 <u>nhampton@hinescarder.com</u>
--	--

- 18 BY REGULAR MAIL: I caused such envelopes to be deposited in the United
19 States mail at Costa Mesa, California, with postage thereon fully prepaid. I am
20 readily familiar with the firm's practice of collection and processing
21 correspondence for mailing. It is deposited with the United States Postal Service
22 each day and that practice was followed in the ordinary course of business for the
23 service herein attested (C.C.P. § 1013(a)). **Only as to those indicated below.**
24 BY FACSIMILE: (C.C.P. § 1013(e)(f)).
- 25 BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air
26 courier, with next day service, to the offices of the addressees **only as to those
27 indicated below.** (C.C.P. § 1013(c)(d)).
- 28 BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to
the addressee(s). (C.C.P. § 1011(a)(b)).
- BY ELECTRONIC SERVICE: Only as to those indicated with email addresses
on the service list (C.C.P. § 1010.6 (a)(2)).

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

25 Executed on April 15, 2014, at Costa Mesa, California.

26 
27 Anh Dufour

28 **PROOF OF SERVICE**

Snell & Wilmer
L.L.P.
LAW OFFICES
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626-7689
(714) 447-7000

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PROOF OF SERVICE

Balboa Capital Corporation v. Regents Capital Corporation, et al.
OCSC Case No. 30-2014-00705733

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 600 Anton Boulevard, Suite 1400, Costa Mesa, CA 92626-7689.

On May 22, 2014, I served, in the manner indicated below, the foregoing document described as **DECLARATION OF TIFFANNY BROSNAN IN SUPPORT OF DEFENDANTS' MOTION FOR ATTORNEYS' FEES** on the interested parties in this action by placing true copies thereof, enclosed in sealed envelopes, at Costa Mesa, addressed as follows:

Marc S. Hines, Esq. Nicole M. Hampton, Esq. Natalie Mirzayan, Esq. Hines Carder, LLP 3090 Bristol Street, Ste. 300 Costa Mesa, CA 92626	Attorneys for Plaintiff Tel: 714-513-1122 Fax: 714-513-1123 <u>nhampton@hinescarder.com</u>
--	--

BY REGULAR MAIL: I caused such envelopes to be deposited in the United States mail at Costa Mesa, California, with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the United States Postal Service each day and that practice was followed in the ordinary course of business for the service herein attested (C.C.P. § 1013(a)). **Only as to those indicated below.**
BY FACSIMILE: (C.C.P. § 1013(e)(f)).

BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air courier, with next day service, to the offices of the addressees **only as to those indicated below.** (C.C.P. § 1013(c)(d)).

BY PERSONAL SERVICE: I caused such envelopes to be delivered by hand to the addressee(s). (C.C.P. § 1011(a)(b)).

BY ELECTRONIC SERVICE: Only as to those indicated with email addresses on the service list (C.C.P. §1010.6 (a)(2)).

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

Executed on May 22, 2014, at Costa Mesa, California.



Anh Dufour