

Judicial Notice Exhibit 31

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 09/29/2017 TIME: 09:30:00 AM DEPT: C20
JUDICIAL OFFICER PRESIDING: David Chaffee
CLERK: Cora Bolisay
REPORTER/ERM: None
BAILIFF/COURT ATTENDANT: Adriana Arreola

CASE NO: **30-2015-00805807-CU-CO-CJC** CASE INIT.DATE: 08/21/2015
CASE TITLE: **THE SPARTAN ASSOCIATES, INC. vs. HUMPHREYS**
CASE CATEGORY: Civil - Unlimited CASE TYPE: Contract - Other

EVENT ID/DOCUMENT ID: 72651604

EVENT TYPE: Motion to Compel Production
MOVING PARTY: Adam Berek
CAUSAL DOCUMENT/DATE FILED: Motion to Compel Production/Inspection of Documents or Things,
08/25/2017

APPEARANCES

William G. Bissell, from Law Offices of William G. Bissell, present for Defendant, Respondent on
Appeal, Cross - Complainant(s).
Adam Berek, self represented Cross - Defendant, is not present.

The Court hears from Mr. Bissell and modifies the tentative ruling as follows:

Motion to Compel Production of Bill of Particulars and Reporter's Transcript

The court DENIES Cross-Defendant ADAM BILECKI's motion for four reasons:

First, Bilecki has failed to serve a notice of motion specifying what relief he seeks, from whom he is seeking it, what the legal basis of his motion is. It remains unclear whether Bilecki seeks to compel the court or Defendants GARY and KAREN HUMPREYS to take some action.

Second, in his moving papers, Bilecki fails to carry his burden to cite a statute or case law which would authorize the court to order the court reporter to provide him with a free reporter's transcript of the trial, so that he can pursue his civil appeal.

Third, although Bilecki insists that the motion is NOT a discovery motion, he fails to specify what kind of motion it is. And the motion is confusing because it is captioned as a type of discovery motion. If it is a discovery motion seeking a bill of particulars under CCP 454, then Defendants argue correctly in their Opposition that the motion is untimely because the trial is over and judgment has already been entered. The discovery cut-off was 30 days before the initial trial date. (CCP 2024.020.)

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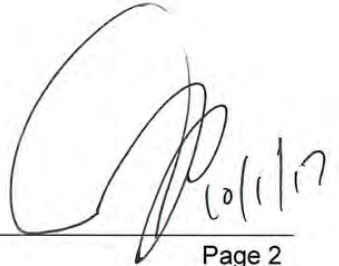
Fourth, the request for a bills of particulars appears to be irrelevant. In their Opposition, Defendants argue correctly that a bill of particulars only applies where there is an action on an account, but here their Cross-Complaint does not allege a claim based on an account. (*Casaretto v. DeLucchi* (1946) 76 Cal.App.2d 800.)

Sanctions awarded to defendant/Cross-Complainant in the amount of \$1,500.00

Mr. Bissell shall serve notice of this ruling.

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