

1 SAN DIEGO, CALIFORNIA - FRIDAY - 7/27/2012 - 10:48 A.M.

2 --000--

3 THE COURT: ALL RIGHT. NOW LET'S GO 25 AND 26
4 ON CALENDAR, STUTZ ARTIANO AND SHINOFF VERSUS LARKINS.

5 MR. HOLTZ: GOOD MORNING, YOUR HONOR. JAMES
6 HOLTZ FOR THE PLAINTIFF.

7 MS. LARKINS: MAURA LARKINS, DEFENDANT IN
8 PRO PER.

9 THE COURT: ALL RIGHT. WE'RE HERE IN REGARD TO
10 STATUS IN REGARD TO INJUNCTION AND FOR THE HEARING ON
11 MOTION TO STRIKE THE ANSWER.

12 DO YOU WANT TO BE HEARD?

13 MR. HOLTZ: YES, YOUR HONOR.

14 THE COURT'S ORDER OF MAY 30, 2012,
15 PROVIDED THE DEFENDANT 45 DAYS TO BRING HER WEBSITE
16 IN COMPLIANCE WITH THE STIPULATED INJUNCTION. AND
17 THE COURT COMMENTED IN THAT RULING THAT IF THE
18 WEBSITE REMAINS IN VIOLATION THE COURT WOULD HAVE NO
19 FURTHER OPTION BUT TO STRIKE THE DEFENDANT'S ANSWER
20 AND ALLOW THE PLAINTIFF TO PROCEED BY JUDGMENT BY
21 DEFAULT.

22 WE HAVE SUBMITTED PAPERS SHOWING THAT THE
23 WEBSITE IS -- REMAINS IN NONCOMPLIANCE, AND WE HAVE THE
24 COURT ORDERED \$5,000 SANCTIONS. WE RECEIVED A CHECK AFTER
25 WE FILED OUR PAPERS FOR \$2,000. I BROUGHT THAT CHECK TO
26 THE COURT FOR FURTHER DISPOSITION.

27 THERE'S BEEN A LONG HISTORY IN THIS CASE,
28 OBVIOUSLY, OVER THE YEARS. AND WE FEEL THAT GIVEN THE

1 PROGRESSIVE NATURE OF THE COURT'S REQUEST FOR COMPLIANCE
2 AND THE AMPLE OPPORTUNITY FOR MS. LARKINS TO COMPLY WITH
3 THE STIPULATED INJUNCTION THAT NOW IS THE APPROPRIATE TIME
4 TO STRIKE HER ANSWER AND ENTER DEFAULT.

5 THANK YOU.

6 THE COURT: ALL RIGHT. MS. LARKINS.

7 MS. LARKINS: THANK YOU, YOUR HONOR.

8 WELL, I THINK I WOULD LIKE TO FIRST
9 ADDRESS THE ISSUE OF THE \$5,000 SANCTION. AND ON
10 MARCH 10, 2010, I WAS GIVEN A \$3,000 SANCTION BASED
11 ON AN INJUNCTION THAT WAS FILED BY THE COURT OF
12 APPEAL AS UNCONSTITUTIONAL.

13 THE ONLY CRITERIA USED IN -- IN THAT
14 CONTEMPT SANCTION WAS THE FACT THAT I HAD MENTIONED
15 THEIR NAME. THERE WAS NO STATEMENT IN EITHER THE
16 PLEADINGS OR THE DECISION THAT THEY WERE SAYING,
17 WELL, THIS STATEMENT VIOLATES THE EARLIER
18 INJUNCTION. IT WAS MERELY THE FACT THAT I HAD
19 MENTIONED THEIR NAMES.

20 AND SINCE THAT INJUNCTION WAS FOUND TO BE
21 UNCONSTITUTIONAL ON AUGUST 5TH, 2011, BY THE COURT OF
22 APPEAL, THE \$3,000 SANCTION SHOULD HAVE BEEN RETURNED TO
23 ME, BUT PLAINTIFF DID NOT RETURN IT.

24 AND I HAVE SENT PLAINTIFFS LETTERS
25 AND EMAILS ASKING IF THEY AGREE THAT THAT FIRST
26 \$3,000 WAS BASED ON AN UNCONSTITUTIONAL INJUNCTION,
27 AND I HAVE NOT RECEIVED ANY RESPONSE REGARDING THAT.

28 SO I HAVE PAID THE \$5,000 IN FULL, AS LONG

1 AS EVERYONE AGREES THAT THAT FIRST \$3,000 SHOULD HAVE BEEN
2 RETURNED TO ME BECAUSE IT WAS BASED ON AN UNCONSTITUTIONAL
3 INJUNCTION. AND I WOULD APPRECIATE IT IF YOUR HONOR COULD
4 CLARIFY THAT, WHETHER THE \$3,000 SHOULD HAVE BEEN RETURNED
5 TO ME.

6 MR. HOLTZ: YOUR HONOR, I'D LIKE -- PURSUANT TO
7 THE COURT'S ORDER OF MAY 30TH THE COURT RECITES THAT THE
8 MARCH 10, 2010, SANCTION OF \$3,000 WAS FOR THE VIOLATION
9 OF THE STIPULATED INJUNCTION, NOT SOME OTHER BROADER
10 INJUNCTION. AND WE PRESENTED EVIDENCE BEFORE THE COURT
11 TO -- OF TIME SPENT IN RESPONDING TO THE VARIOUS
12 VIOLATIONS OF THE INJUNCTION IN PREPARATION OF MOTIONS.

13 THE COURT: OKAY. GO AHEAD, MS. LARKINS.

14 MS. LARKINS: I THINK THE COURT WILL AGREE THAT
15 CONTEMPT SANCTIONS CAN ONLY BE GIVEN WHEN THE VIOLATION IS
16 SPECIFIED. AND THERE WAS NO VIOLATION SPECIFIED. THERE
17 WAS NO INDICATIONS AT ALL. EVEN PLAINTIFF DIDN'T INCLUDE
18 IN THE PLEADINGS ANY -- ANY STATEMENT THAT I MADE THAT
19 VIOLATED THE EARLIER INJUNCTION, AND THE COURT DID NOT
20 MENTION IT EITHER. IT WAS PURELY BASED ON THE FACT THAT I
21 HAD MENTIONED THEIR NAMES, AND THE COURT DID NOT GIVE ANY
22 INDICATION OF ANY VIOLATION OF THE EARLIER INJUNCTION IN
23 ITS DECISION.

24 THE COURT: OKAY. DOES THAT CONCLUDE YOUR
25 REMARKS?

26 MS. LARKINS: OH, NO.

27 THE COURT: GO AHEAD.

28 MS. LARKINS: NO. I JUST WANTED TO --

1 THE COURT: GO AHEAD.

2 MS. LARKINS: -- ADDRESS THAT -- THAT ONE ISSUE.

3 OKAY. I WANTED TO GET INTO THE RECORD AN
4 OBJECTION TO THE FACT THAT THIS MOTION TO STRIKE HAS BEEN
5 DELAYED SO LONG. IT WAS ORIGINALLY SCHEDULED FOR FEBRUARY
6 3RD, 2012, AND NOW IT'S JULY 27TH, 2012.

7 THIS DELAY MADE POSSIBLE THIS \$5,000
8 SANCTION AGAINST ME WITHOUT MY BEING ABLE TO HAVE AN
9 APPEAL TO THE COURT OF APPEAL. THEY -- I DID FILE A
10 PETITION FOR REVIEW. BUT AS SO OFTEN HAPPENS, THE
11 PETITION WAS SUMMARILY DENIED. I WOULD REALLY LIKE TO BE
12 ABLE TO GO TO THE COURT OF APPEAL WITH A REAL APPEAL, BUT
13 THIS CONSTANTLY DELAYING THIS MOTION TO STRIKE DECISION
14 HAS -- BASICALLY, IT HAS DELAYED JUSTICE AND DENIED
15 JUSTICE.

16 OKAY. I WOULD ALSO LIKE TO SAY THAT
17 PLAINTIFF WAS ALLOWED TO WRITE EIGHT PAGES IN WHICH IT
18 INCLUDED SINGLE-SPACED QUOTES FROM MY WEBSITE. BUT I WAS
19 ONLY ALLOWED EIGHT PAGES TO RESPOND. AND IT TAKES A LOT
20 LONGER TO EXPLAIN WHY A STATEMENT IS NOT A VIOLATION THAN
21 IT IS TO SIMPLY MAKE A LIST OF STATEMENTS. I NEEDED MORE
22 TIME -- I MEAN, MORE PAGES THAN THE EIGHT PAGES.

23 AND ALSO I WANTED TO ASK, DID YOUR HONOR
24 CONSIDER THE LONGER PLEADING THAT I HAD ATTACHED AS AN
25 EXHIBIT?

26 THE COURT: RIGHT NOW IS THE TIME FOR YOU TO
27 MAKE YOUR ARGUMENT, AND THEN I'LL RESPOND AT THE END.

28 OKAY?

1 MS. LARKINS: OKAY.

2 I WANT TO PUT INTO THE RECORD THAT I
3 REALLY NEED TO KNOW IF THIS IS A PERMANENT
4 INJUNCTION THAT LASTS THE REST OF MY LIFE. AM I
5 ALLOWED TO DISCUSS ILLEGAL OR UNETHICAL ACTIONS OF
6 PLAINTIFF WITH A LAWYER WITH WHOM I'M -- FROM WHOM
7 I'M HOPING TO RECEIVE REPRESENTATION?

8 I'D ALSO LIKE TO KNOW IF I AM ALLOWED TO
9 REPORT THE STUTZ LAW FIRM TO THE BAR ASSOCIATION, AND IF I
10 AM ALLOWED TO CALL THE POLICE OR THE DISTRICT ATTORNEY TO
11 REPORT A CRIME OR OTHER WRONGDOING FROM STUTZ'S LAWYERS.

12 I WOULD ALSO LIKE TO KNOW IF THE COURT IS
13 AWARE THAT THE \$5,000 SANCTION IT GAVE ME WAS FOR
14 THIRD-PARTY COMMENTS ON MY BLOG THAT WERE NOT WRITTEN BY
15 ME AND FOR MY PUBLISHING PUBLIC COURT DOCUMENTS FROM THIS
16 CASE. I DON'T KNOW IF THE COURT IS AWARE OF THAT. I
17 WOULD LIKE THE COURT TO TELL ME, AM I ALLOWED TO PUBLISH
18 COURT RECORDS FROM THIS CASE, AND AM I -- ARE THIRD
19 PARTIES COVERED BY THE INJUNCTION, THIRD PARTIES WHO WANT
20 TO MAKE COMMENTS ON MY BLOG? ARE THEY NOT ALLOWED TO --
21 ARE THEY FORCED TO FOLLOW THE INJUNCTION?

22 IF THEY ARE, I AM GOING TO NEED SOME TIME
23 BETWEEN THE POSTING OF THE COMMENTS AND THE TIME I FIND
24 OUT THAT THEY'VE BEEN POSTED.

25 I HAVE NOT RECEIVED NOTICE OF THE COURT'S
26 INTERPRETATION OF THE INJUNCTION. THE SANCTIONS AGAINST
27 ME ARE UNWARRANTED. MY REQUEST FOR CLARIFICATION OVER THE
28 PAST THREE YEARS HAVE BEEN DELAYED UNTIL NOW, AND I'M NOT

1 EVEN SURE THAT I'M GOING TO GET ANSWERS TO THESE QUESTIONS
2 TODAY.

3 THE LAST TIME I WAS IN COURT YOUR HONOR
4 SAID THAT YOU COULDN'T TELL ME IF IT WAS A VIOLATION TO
5 SAY "DANIEL SHINOFF TRAINS SCHOOL ATTORNEYS." WELL, IF
6 THE COURT DOESN'T KNOW, THEN HOW CAN I KNOW? I WOULD LIKE
7 TO KNOW HOW I AM SUPPOSED TO DETERMINE WHETHER OR NOT A
8 STATEMENT IS A VIOLATION OF THE INJUNCTION.

9 YOUR HONOR SAID THAT I SHOULD CONSULT WITH
10 SOMEBODY. BUT WHAT DO I TELL THEM HOW THEY ARE TO
11 DETERMINE WHETHER OR NOT A STATEMENT IS A VIOLATION OF THE
12 INJUNCTION?

13 I ALSO WANTED TO POINT OUT, SINCE MY
14 EIGHT-PAGE LIMIT DIDN'T ALLOW IT, THAT THIS COURT, YOUR
15 HONOR, FOUND VERY DIFFERENTLY IN THE KEVIN *CARMONY* CASE,
16 THE *DIGITAL CORNERSTONE VERSUS KEN CARMONY*. THE DECISION
17 WAS VERY DIFFERENT THAN THE DECISION IN THIS CASE.

18 I BELIEVE THAT THERE ARE REALLY ONLY TWO
19 APPROPRIATE ACTIONS NOW. AND THEN IN TWO MONTHS AND NINE
20 DAYS IT WILL BE FIVE YEARS SINCE THIS CASE WAS FILED, AND
21 IT'S TIME FOR -- TO EITHER HAVE THE JURY TRIAL REGARDING
22 DAMAGES OR TO STRIKE THE COMPLAINT.

23 IT WOULD MAKE MORE SENSE TO STRIKE
24 THE COMPLAINT IN THIS CASE THAN TO STRIKE THE
25 ANSWER, SINCE PLAINTIFFS HAVE BEHAVED SO BADLY WHEN
26 IT COMES TO DISCOVERY, NOT SHOWING UP FOR
27 DEPOSITIONS, NOT FILING OBJECTIONS BEFOREHAND, NOT
28 FILING MOTIONS FOR PROTECTIVE ORDERS AFTERWARDS,

1 CLAIMING THAT THEY CAN'T FIND DOCUMENTS.

2 I ALSO HAVE A QUESTION SINCE THIS IS A
3 PERMANENT INJUNCTION. DOES THE COURT CONSIDER LESLIE
4 DEVANEY TO BE A PUBLIC FIGURE? SHE RAN FOR CITY ATTORNEY.
5 SHE IS A PROMINENT PUBLIC EMPLOYEE IN SEVERAL WELL KNOWN
6 INSTITUTIONS.

7 I'D LIKE TO KNOW IF MY STATEMENT SIX IN
8 PLAINTIFF'S PLEADING IS -- IF THE COURT THINKS THAT MY
9 NEW -- THE WAY I CHANGED IT, IF THAT SATISFIES -- IF IT IS
10 NO LONGER -- WELL, WHETHER OR NOT IT WAS TO BEGIN WITH, IF
11 IT IS NOW STILL IN VIOLATION.

12 I'D LIKE TO KNOW IF STATEMENT TEN, IF
13 THE COURT CONSIDERS IT TO BE IN VIOLATION SINCE I'VE
14 CHANGED IT.

15 AND I REALLY NEED TO KNOW THE
16 DIFFERENCE BETWEEN STATEMENTS THAT VIOLATE THE
17 INJUNCTIONS AND A STATEMENT THAT DOES NOT VIOLATE
18 THE INJUNCTION.

19 THE COURT HAS NEVER SAID -- FOUND ONE
20 SINGLE STATEMENT THAT DOES NOT VIOLATE THE INJUNCTION,
21 EVEN "DANIEL SHINOFF TRAINS SCHOOL ATTORNEYS."

22 IT APPEARS THAT THE COURT'S GOAL IS
23 FOR ME NOT TO BE ABLE TO SAY ANYTHING AT ALL ABOUT
24 PLAINTIFF, WHICH IS -- WHICH MAKES THIS APRIL 6TH,
25 2009, INJUNCTION JUST AS UNCONSTITUTIONAL AS THE ONE
26 THAT WAS OVERTURNED BY THE COURT OF APPEAL. THIS
27 INJUNCTION HAS NEVER BEEN CLARIFIED THROUGH THE
28 YEARS, AND IT'S BEEN USED TO FORBID ME FROM SAYING

1 ANYTHING AT ALL ABOUT PLAINTIFF.

2 IT'S BEEN VERY STRANGE THAT I HAVE REPORTED
3 FACTS, AND THEN PLAINTIFF HAS SAID, WELL, THIS FACT THAT
4 YOU REPORTED ABOUT PLAINTIFF WHICH WAS IN THE NEWSPAPER IS
5 AN EXAMPLE OF ILLEGAL OR UNETHICAL BEHAVIOR, AND,
6 THEREFORE, YOU CAN'T TALK ABOUT IT. THIS IS AMAZING TO
7 ME. I'M NOT THE ONE THAT IS SAYING THAT PLAINTIFF DID
8 SOMETHING ILLEGAL OR UNETHICAL. PLAINTIFF IS SAYING IT.

9 AND -- BUT I DON'T EVEN UNDERSTAND WHY -- I
10 WOULD LIKE TO UNDERSTAND IF THIS IS WHAT THE COURT IS
11 SAYING, THAT IF PLAINTIFF DOES SOMETHING UNETHICAL OR
12 ILLEGAL, THEN I CAN'T TALK ABOUT IT. AND IF SO, HOW AM I
13 SUPPOSED TO KNOW WHETHER IT'S UNETHICAL OR ILLEGAL?

14 IT SEEMS LIKE PLAINTIFF EVEN THINKS
15 THAT TRAINING SCHOOL ATTORNEYS IS ILLEGAL OR
16 UNETHICAL. ANYTHING I SAY, THEY CLAIM, WELL, THAT'S
17 ILLEGAL OR UNETHICAL, AND, THEREFORE, YOU CAN'T SAY
18 IT. IT MAKES NO SENSE. IT IS AN INJUNCTION THAT'S
19 UNENFORCEABLE. IT'S COMPLETELY VAGUE. IT'S
20 COMPLETELY BROAD. IT'S COMPLETELY UNCONSTITUTIONAL.

21 SO I WOULD LIKE TO KNOW IF A TRUE FACT IS A
22 VIOLATION OF THE INJUNCTION, IF IT'S ILLEGAL OR UNETHICAL
23 BEHAVIOR, EVEN THOUGH I DIDN'T SAY IT WAS ILLEGAL OR
24 UNETHICAL.

25 I DISCUSSED THIS STIPULATED
26 INJUNCTION WITH PLAINTIFF, AND THE AGREEMENT WAS
27 THAT I COULD NOT EXPRESS THE OPINION THAT PLAINTIFF
28 WAS ILLEGAL OR UNETHICAL, AND THAT I COULD REPORT

1 ANY FACT, ANY FACT AT ALL, JUST SO LONG IT'S A
2 SIMPLE FACT, NOT AN OPINION.

3 AND, THEREFORE -- AND EVEN IF IT
4 WAS -- UH -- AND IF I COULDN'T EXPRESS THIS OPINION
5 EVEN IF I WERE CORRECT, EVEN IF IT REALLY WAS
6 ILLEGAL OR UNETHICAL, THE INJUNCTION FORBIDS ME FROM
7 REPORTING IT.

8 I MEAN, NO, NO, NOT FROM REPORTING
9 IT. THE INJUNCTION DOES NOT FORBID ME FROM
10 REPORTING IT. THE INJUNCTION FORBIDS ME FROM SAYING
11 THAT IT IS ILLEGAL OR UNETHICAL. I JUST HAVE TO
12 REPORT THE FACTS.

13 SO I'M NOT REALLY SURE WHY PLAINTIFF HAS
14 MADE SO MANY ARGUMENTS IN THIS CASE THAT ITS OWN BEHAVIOR
15 WAS ILLEGAL OR UNETHICAL, BECAUSE THAT'S BESIDE THE POINT.
16 I CAN'T SAY IT'S ILLEGAL OR UNETHICAL, EVEN IF IT IS. BUT
17 I CAN RECORD THE FACTS. I'M NOT -- I'M NOT AN EXPERT IN
18 DETERMINING WHETHER SOMETHING IS ILLEGAL OR UNETHICAL, AND
19 I'M NOT ALLOWED TO EXPRESS MY OPINION.

20 SO THE ONLY THING -- THE ONLY FACT FINDING
21 THAT THE COURT SHOULD BE DOING IN THIS CASE IS TO FIND
22 WHETHER OR NOT I HAVE EXPRESSED AN OPINION THAT PLAINTIFF
23 HAS DONE SOMETHING ILLEGAL OR UNETHICAL, NOT WHETHER
24 PLAINTIFF ACTUALLY HAS DONE SOMETHING ILLEGAL OR
25 UNETHICAL.

26 ALSO I WANTED TO KNOW IF THE COURT HAD -- I
27 DON'T UNDERSTAND HOW THE COURT MAKES THESE DETERMINATIONS.
28 BUT DOES THE COURT FIND THAT MY STATEMENTS WERE UNTRUE? I

1 DON'T KNOW IF THE COURT IS CLAIMING THAT.

2 DID THE COURT FIND THAT PLAINTIFF BEHAVED
3 UNETHICALLY OR ILLEGALLY IN THE DR. B. J. FREEMAN CASE? IS
4 THIS THE REASON THAT I'M NOT ALLOWED TO PUBLISH
5 INFORMATION ABOUT THIS CASE?

6 AND I DID HAVE A LIST OF STATEMENTS ON
7 PAGES -- BASICALLY, PAGES 6 TO -- 6 AND 7, THAT I ASKED
8 YOUR HONOR IF YOU COULD TELL ME IF THESE STATEMENTS ARE
9 VIOLATIONS. I -- IF IT'S A PERMANENT INJUNCTION THAT
10 LASTS THE REST OF MY LIFE I NEED TO KNOW THE DIFFERENCE
11 BETWEEN A STATEMENT THAT VIOLATES AN INJUNCTION AND ONE
12 THAT DOESN'T, AND I HAVE NEVER BEEN TOLD ONE SINGLE
13 STATEMENT THAT DOESN'T VIOLATE THE INJUNCTION.

14 THAT'S ALL, YOUR HONOR.

15 **THE COURT:** THANK YOU. GO AHEAD.

16 **MR. HOLTZ:** YOUR HONOR, THE PAPERS THAT WE FILED
17 ON JULY 10, 2012, THEY WERE WEBSITE PUBLICATIONS WHICH
18 WERE DATED -- WHICH WERE PRINTED OUT ON JULY 5TH. WEBSITE
19 PUBLICATIONS IN EXHIBIT D INCLUDE STATEMENTS INCLUDING THE
20 FOLLOWING:

21 *"THE LAW FIRM PRESSURED TEACHERS TO COMMIT*
22 *PERJURY IN ORDER TO DEPRIVE ME OF MY RIGHTS."*

23 *"YOU HAVE INSTRUCTED CVESD TO OBSTRUCT JUSTICE."*

24 *"FURTHER, I'M WONDERING IF THERE IS ANYTHING YOU*
25 *HOLD SACRED ENOUGH THAT YOU WOULDN'T LIE ABOUT IT."*

26 CONCERNING DAN SHINOFF. THERE'S A
27 STATEMENT CONCERNING SHINOFF CONCERNING MIRA COSTA
28 COMMUNITY COLLEGE:

1 *"IN ORDER TO GET AN ADVANTAGE IN A CIVIL MATTER,*
2 *A CONFLICT BETWEEN PRESIDENT RICHART AND THE FACULTY,*
3 *ISN' T THAT EXTORTION?"*

4 *"AGAIN, I HAVE COME TO SUSPECT THAT YOU MIGHT*
5 *HAVE ADVISED CVESD TO OBSTRUCT JUSTICE IN MY CASE. "*

6 *"STUTZ ARTIANO SHINOFF & HOLTZ HAS DONE NOTHING*
7 *BUT HARM TO CASTLE PARK SCHOOL SINCE OCTOBER 4, 2001.*
8 *YOU SHOULD RESIGN, AND THE DISTRICT SHOULD HIRE AN*
9 *ETHICAL LAW FIRM. "*

10 AND THERE ARE OTHER STATEMENTS. THESE
11 ARE -- ALL REMAIN ON THE WEBSITE, EXCEPT TO THE EXTENT
12 THAT MAYBE IT'S BEEN CHANGED TO BE A LITTLE BETTER TO
13 TODAY'S DATE. EVEN IF THE WEBSITE LOOKS A LITTLE BETTER
14 NOW THAN IT DID SIX MONTHS AGO, THERE'S BEEN A VIOLATION
15 OF THE INJUNCTION ENTITLING US TO ASK THE COURT FOR A
16 TERMINATING SANCTION.

17 **THE COURT:** ALL RIGHT. MS. LARKINS?

18 **MS. LARKINS:** YES. I BELIEVE THAT THAT FIRST
19 QUOTE THAT MR. HOLTZ READ ABOUT PERJURY AND DEPRIVING ME
20 OF MY RIGHTS, I BELIEVE THAT IS FROM A DOCUMENT THAT I
21 NEVER PUBLISHED UNTIL PLAINTIFF ADDED IT TO DANIEL
22 SHINOFF'S DECLARATION. IT'S A COURT DOCUMENT THAT WAS PUT
23 INTO THE COURT RECORD BY PLAINTIFF. I NEED TO KNOW IF I
24 AM NOT ALLOWED TO PUBLISH PUBLIC COURT RECORDS.

25 THE SECOND ONE, "ANYTHING YOU HOLD SACRED
26 ENOUGH TO LIE ABOUT IT," I -- I APOLOGIZED FOR THAT. WHAT
27 I HAD DONE IS I HAD MADE THE SECOND PART OF THE SENTENCE,
28 "ENOUGH THAT YOU WOULDN'T LIE ABOUT IT," I HAD PUT IT IN

1 WHITE PRINT. AND I -- AGAINST A WHITE BACKGROUND, AND NO
2 ONE COULD SEE IT ON THE INTERNET.

3 AND ONE OF THE REASONS I DID THAT WAS
4 BECAUSE I FIGURED THIS CASE IS GOING TO BE THROWN
5 OUT. IT'S ALL UNCONSTITUTIONAL. PLAINTIFF HAS NO
6 CASE, OR ELSE THEY WOULD HAVE SHOWN UP FOR THEIR
7 DEPOSITION. THEY WOULD HAVE PRODUCED DOCUMENTS. I
8 FIGURED THAT THIS IS ALL GOING TO BE THROWN OUT, AND
9 I'M GOING TO BE ABLE TO PUT EVERYTHING BACK.

10 BUT I APOLOGIZED FOR THAT. I DIDN'T
11 REALIZE THAT IF A PERSON -- I THINK HE PRINTED IT
12 OUT -- IF YOU PRINTED IT OUT IT WOULD SHOW UP. AND
13 I VERY MUCH APOLOGIZE FOR THAT. AND IT HAS BEEN
14 ERASED.

15 ALSO, YOUR HONOR, I WOULD REALLY LIKE TO
16 KNOW IF IT'S A VIOLATION OF THE INJUNCTION IN YOUR OPINION
17 TO SAY, "I WONDER IF THERE IS ANYTHING YOU HOLD SACRED."
18 IS THAT -- BECAUSE TO ME "SACRED" HAS TO DO WITH RELIGION,
19 AND THAT DOESN'T HAVE TO DO WITH THE LAW OR ETHICS.

20 ALSO, THESE -- THESE COMMENTS THAT
21 MR. HOLTZ IS QUOTING, I HAVE ERASED THEM. I BELIEVE IN MY
22 OPPOSITION I MENTIONED THAT THIS QUOTE HE WROTE ABOUT THE
23 EXTORTION, ACTUALLY JULIE HATOFF OF MIRA COSTA COLLEGE,
24 SHE SUED FOR EXTORTION, AND I WOULD LIKE TO KNOW -- I
25 AGREE THAT I SHOULDN'T SAY THAT THIS WAS EXTORTION. I
26 SHOULD SIMPLY SAY JULIE HATOFF SUED FOR EXTORTION. AND I
27 WOULD LIKE YOUR HONOR TO TELL ME IF THAT IS OKAY TO SAY
28 JULIE HATOFF SUED FOR EXTORTION, BECAUSE THAT'S WHAT THE

1 WEBSITE SAYS NOW.

2 NONE OF THESE -- WELL, IN MY OPPOSITION I
3 EXPLAINED WHICH THINGS HAVE BEEN ERASED, AND I HAVE NOT
4 HAD NOTICE. HOW CAN I HAVE TERMINATING SANCTIONS WHEN I
5 HAVE NEVER BEEN TOLD WHAT THIS INJUNCTION MEANS? I HAVE
6 NOT BEEN TOLD WHETHER I CAN PUBLISH PUBLIC COURT RECORDS
7 IN THE FIRST QUOTE THAT MR. HOLTZ JUST READ. I DON'T
8 KNOW --

9 ALL THESE QUESTIONS THAT I'VE ASKED
10 TODAY, I DON'T KNOW THE ANSWERS. HOW CAN I HAVE
11 TERMINATING SANCTIONS WHEN NO ONE HAS EVER -- THE
12 COURT HAS NEVER CLARIFIED THIS INJUNCTION?

13 THE COURT: ALL RIGHT. ANYTHING FURTHER?

14 MR. HOLTZ: NO, YOUR HONOR.

15 THE COURT: ALL RIGHT. HERE'S WHERE WE ARE.
16 LET'S GO BACK TO APRIL 6TH. THE TERMS OF THE STIPULATED
17 INJUNCTION -- THIS MEANS YOU AGREED TO THESE TERMS,
18 MS. LARKINS:

19 *"DEFENDANT IS ENTITLED TO AN INJUNCTION*
20 *ENJOINING AND RESTRAINING DEFENDANT FROM CONTINUING*
21 *TO PUBLISH OR REPUBLISHING BY ANY METHOD OR MEDIA,*
22 *INCLUDING BUT NOT LIMITED TO ALL ELECTRONIC DATA,*
23 *WEBSITES, AND WEB PAGES, THE DEFAMATORY STATEMENTS*
24 *ALLEGED IN PLAINTIFF'S FIRST AMENDED COMPLAINT*
25 *PERTAINING TO PLAINTIFF AND ANY OF ITS LAWYERS, PAST*
26 *OR PRESENT, AND FUTURE PUBLICATION OF STATEMENTS WITH*
27 *REGARD TO PLAINTIFF AND ITS LAWYERS ACCUSING ILLEGAL*
28 *CONDUCT OR VIOLATIONS OF LAW, UNETHICAL CONDUCT, LACK*

1 *OF PROFESSIONAL COMPETENCE, OR INTIMIDATION. "*

2 THAT WAS THE AGREEMENT THAT YOU
3 ENTERED INTO, MS. LARKINS, BACK ON APRIL 6TH. LET
4 ME READ TO YOU FROM THE HEARING ON THAT DATE. I
5 STATED TO YOU:

6 *"I HAVE BEFORE ME A DOCUMENT ENTITLED ORDER ON*
7 *PERMANENT INJUNCTION. IT HAS BEEN SUBMITTED TO THE*
8 *COURT FOR MY SIGNATURE. IT IS MY UNDERSTANDING THAT*
9 *THE PARTIES AGREE ON THIS. IS THAT CORRECT,*
10 *COUNSEL?"*

11 *"MR. HOLTZ: YES, YOUR HONOR. THIS IS A*
12 *STIPULATED PERMANENT INJUNCTION.*

13 *"THE COURT: DID YOU READ IT?"*

14 *"MS. LARKINS: YES, I DID.*

15 *"THE COURT: DID YOU UNDERSTAND IT?"*

16 *"MS. LARKINS: YES, I DID.*

17 *"THE COURT: DO YOU HAVE ANY QUESTIONS ABOUT*
18 *ANYTHING?"*

19 *"MS. LARKINS: NO, I DON'T.*

20 *"THE COURT: HAVE YOU HAD ENOUGH TIME TO LOOK AT*
21 *THIS?"*

22 *"MS. LARKINS: OH, YES.*

23 *"THE COURT: DO YOU UNDERSTAND IF YOU WANTED YOU*
24 *COULD TAKE IT TO A LAWYER, BUT YOU'VE CHOSEN TO*
25 *REPRESENT YOURSELF? IS THAT WHAT YOU CONTINUE TO*
26 *WANT TO DO?"*

27 *"ANSWER: YES.*

28 *"THE COURT: OKAY. IS THIS AGREEABLE TO YOU?"*

1 "MS. LARKINS: IT MOST CERTAINLY IS.

2 "THE COURT: IS THIS WHAT YOU WANT TO DO?

3 "ANSWER: THIS IS WHAT I WANT TO DO."

4 THIS CASE HAS HAD A LONG HISTORY OF
5 VIOLATIONS OF THE INJUNCTION THAT WAS STIPULATED OR
6 AGREED TO IN REGARD TO PUBLISHING OR REPUBLISHING.
7 MS. LARKINS, YOU SAID ON THE DAY YOU ENTERED INTO IT
8 THAT YOU UNDERSTOOD THAT, AND YOU DID. I MAKE THAT
9 FINDING.

10 THE FACT OF THE MATTER IS THAT THESE
11 ARE NOT TECHNICAL VIOLATIONS. THESE ARE EGREGIOUS
12 VIOLATIONS OVER AND OVER AGAIN. I SEE COUNSEL HAVE
13 TO COME BACK TO COURT ON THE MATTERS THAT HAVE BEEN
14 PUBLISHED ON YOUR WEBSITE ON NUMEROUS OCCASIONS.

15 YOU HAVE ACCUSED THE SHINOFF FIRM
16 OF -- OF SO MANY UNETHICAL ACTIONS THAT I WON'T TRY
17 TO LIST THEM ALL HERE OTHER THAN THE FACT THAT WHEN
18 YOU SAY THAT THE COURT HAS NEVER TOLD YOU WHAT THESE
19 VIOLATIONS ARE, IN OUR RULINGS PREVIOUSLY WE HAVE
20 SPECIFICALLY OUTLINED EXACTLY WHAT STATEMENTS
21 VIOLATED THE INJUNCTION.

22 WHAT YOU HAVE DONE AS A MATTER OF
23 STRATEGY ON YOUR PART IS TO PRESENT THE PLAINTIFF
24 WITH A MOVING TARGET. YOU WILL CHANGE A WORD HERE
25 OR THERE AND ADD SOMETHING ELSE THAT IS IN VIOLATION
26 OF THE INJUNCTION.

27 AS OF JULY 5TH, THE STATEMENTS LISTED
28 BY PLAINTIFF IN THEIR MOVING PAPERS VIOLATE THE

1 INJUNCTION. SOME ARE MORE EGREGIOUS JUST THAN
2 OTHERS, BUT YOU HAVE TO LOOK AT THE STATEMENTS IN
3 TOTAL TO SEE IF OVERALL THEY VIOLATE THE INJUNCTION,
4 AND THEY DO.

5 YOU MAY HAVE CHANGED SOME OF THE
6 STATEMENTS BY ALTERING A SINGLE WORD, BUT I FIND
7 THAT AS A MATTER OF STRATEGY OVER THIS PERIOD OF
8 TIME YOU WILL CHANGE A WORD OR TWO AND THEN ADD
9 OTHER MATERIALS THEN TO CAUSE COUNSEL TO AGAIN HAVE
10 TO COME BACK AND REQUEST RELIEF FROM THE COURT.

11 I FIND THAT OVER THIS PERIOD OF TIME
12 SANCTIONS HAVE BEEN IMPOSED IN A STEP-BY-STEP MANNER
13 TO TRY AND COMPEL COMPLIANCE WITH THE INJUNCTION OF
14 APRIL 6TH. THE \$3,000 INJUNCTION -- OR EXCUSE ME,
15 \$3,000 SANCTION IMPOSED WAS FOR A VIOLATION OF THE
16 APRIL 6TH LAWFUL STIPULATED INJUNCTION.

17 AGAIN, BECAUSE OF CONTINUOUS
18 VIOLATIONS, WHICH NOT ONLY REQUIRE COUNSEL TO COME
19 BACK TO COURT OVER AND OVER AGAIN CAUSING A WASTE OF
20 JUDICIAL RESOURCES, THE RESOURCES OF THE LAW FIRM,
21 AND, MORE IMPORTANTLY, OVER THIS PERIOD OF YEARS
22 SUBJECTING THIS LAW FIRM TO A CONTINUAL BARRAGE
23 OF -- OF DAMAGING AND DEFAMATORY COMMENTS OVER A
24 PERIOD OF YEARS, THERE HAS TO BE SOME END TO THIS,
25 AND TODAY IS THE DAY IT WILL END.

26 THE STIPULATION WAS TO PUBLISH AND
27 REPUBLISH. THAT'S THE PLAIN LANGUAGE OF THE
28 STIPULATED INJUNCTION. YOU CONTINUE TO MAKE YOUR

1 OWN COMMENTS AND TO PUBLISH, REPUBLISH OTHERS' --
2 COMMENTS BY OTHERS.

3 ISSUING ADDITIONAL ORDERS OR
4 SANCTIONS WOULD BE FUTILE, BECAUSE YOUR -- I FIND
5 THAT YOUR STRATEGY IS TO CONTINUE YOUR DEFAMATORY
6 REMARKS FOR AS LONG AS POSSIBLE.

7 I FIND THAT YOUR ACTIONS ARE WILLFUL
8 AND DELIBERATE, AND HAVE CAUSED UNNECESSARY DELAY,
9 WASTED TRIAL COURT RESOURCES, CAUSED OPPOSING
10 PARTIES TO INCUR UNNECESSARY EXPENSES, AND TO SUFFER
11 ONGOING DAMAGES AS A RESULT OF YOUR ACTIONS.

12 BECAUSE OF THIS, I FIND THAT IT IS
13 APPROPRIATE TO STRIKE YOUR ANSWER.

14 I DECLINE TO ANSWER THE 21 QUESTIONS
15 SUBMITTED TO YOU BY -- SUBMITTED BY YOU IN YOUR
16 MOVING PAPERS.

17 AND I FIND THAT EVEN CONSIDERING THE
18 ELONGATED RESPONSE THAT WAS, AGAIN, IN VIOLATION OF
19 THE ORDER THAT IT BE NO MORE THAN EIGHT PAGES, EVEN
20 IN CONSIDERING THAT, IT WOULD NOT CHANGE THE RESULT
21 IN THIS CASE.

22 THAT'S THE ORDER.

23 **MR. HOLTZ:** YOUR HONOR, I HAVE HER \$2,000 CHECK
24 WITH ME. IN LIGHT OF THE COURT'S RULING WE WOULD WAIVE
25 THE \$5,000 SANCTIONS AND GIVE HER BACK HER \$2,000 CHECK.

26 **THE COURT:** I WOULD IN FIND THAT, IN FACT, THERE
27 WAS FAILURE TO PAY THE \$5,000 SANCTION AS WAS REQUIRED,
28 AND YOU CAN NOW WAIVE THAT SANCTION IF YOU WISH AND GIVE

1 HER BACK THE \$2,000.

2 MR. HOLTZ: THANK YOU, YOUR HONOR.

3 THE COURT: THAT'S WHERE WE ARE. THANK YOU.

4 (PROCEEDINGS CONCLUDED AT 11:19)

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CERTIFICATE

STATE OF CALIFORNIA)
: SS.
COUNTY OF SAN DIEGO)

STUTZ ARTIANO SHINOFF & HOLTZ VS. MAURA LARKINS
CASE NO. 37-2007000076218-CU-DF-CTL - 7/27/2012
1 THROUGH 18, INCLUSIVE

I, MARVEL S. VOTAW, CERTIFIED
SHORTHAND REPORTER, AN OFFICIAL REPORTER OF THE
SUPERIOR COURT OF THE COUNTY OF SAN DIEGO, STATE OF
CALIFORNIA, DO HEREBY CERTIFY:

THAT I REPORTED IN SHORTHAND THE
PROCEEDINGS HELD IN THE FOREGOING CAUSE; THAT MY
NOTES WERE LATER TRANSCRIBED INTO TYPEWRITING UNDER
MY DIRECTION; AND THE FOREGOING PAGES CONTAIN A
CORRECT TRANSCRIPTION OF THE PROCEEDINGS.

DATED THIS 27TH DAY OF JULY, 2012.



MARVEL S. VOTAW, RPR, CRR
CSR NO. 2817
OFFICIAL COURT REPORTER