

# LAW OFFICE OF JOSHUA D. GRUENBERG

**Via Facsimile**

619.696.7124

February 9, 2012

Blake Jones  
GORDON & REES LLP  
101 W. Broadway, Suite 2000  
San Diego, CA 92101

Re: **Corkill v. PEG, et al.**

Dear Mr. Blake:

I am in receipt of your February 8, 2012 correspondence. I do not appreciate you mischaracterizing the events of Ms. Favier's deposition. I did not yell at, berate, or argue with Ms. Favier. With regard to my comments directed to you out of Ms. Favier's presence, I do believe she is a liar and an evil person. I have the right to express my opinion, even if you disagree with that opinion. Furthermore, I never prevented Ms. Favier from taking a break. I insisted that she not unilaterally take a break and leave the deposition room while a question was pending. You know very well that taking a break while a question is pending is inappropriate, and I have the right to ensure the integrity of the deposition process.

It is also nonsense that you suggest that I took pleasure in causing Ms. Favier emotional distress. That is not true. The only cause of her emotional distress was her lying under oath. I have the right to prod the witness for a response to my question when the witness' answer is nonresponsive to my question, or the witness is simply not answering the question. Ms. Favier was guilty of both tactics, which required me to prod her for a response numerous times. I also have the right to interrupt you while you are making improper objections. Your attempts to coach the witness will be clear on the transcript, as will your baseless objections that interrupt the discovery process. You have no right to reprimand me on the record for your belief that I am acting inappropriately. It was my record, and my deposition, and I have the right to conduct it as I see appropriate.

Additionally, when Ms. Favier left the room with a question pending, I instructed that we were going off the record, and left the room to tend to the fax machine right outside the door of the deposition room. Your refusal to go off the record was disingenuous and inappropriate. Additionally, at no point during Ms. Favier's deposition did I inquire into matters having nothing to do with the lawsuit. If you truly believed that, your job is to object, that is what your client is paying you for. If you believed you had a basis to instruct your client not to answer the question, that is your prerogative. You did not do that, since the questions were appropriate. Your failure

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to object doesn't support you now claiming I acted inappropriately.

The very fact that I am being forced to respond to your unfounded accusations is annoying. You harass me with unnecessary correspondence that you are charging your client for. Your billing practices are your own business, but you know very well I do not get paid to respond to this type of nonsense. I would appreciate you not wasting my and my firm's valuable time, like you did with your bad faith intentions at the mediation. I have no obligation to like your client, to have sympathy for your client, or to speak kindly of them. With regard to my email, I do believe your client and its employees are witches. They are evil, they fail to take accountability for their actions, and they have no remorse for the harm they have caused my client.

I will not agree to shared cost of a discovery referee for future depositions. This is unnecessary, and a strong arm tactic to get my client to settle her claims, since she does not have as much money as your client to pay for a referee. Neither my client nor I will give into your bullying tactics. I'm not sure what you want me to do with regard to not "retaliating" against your client and its employees. There is no requirement that I provide special treatment to your clients. Of course, as always, I will continue to treat witnesses and counsel with civility, and I hope you will do the same.

With regard to Ms. Urban's blog, you surely realize that Ms. Urban has a First Amendment right to express her views and opinions about your evil client. We live in the United States of America, and nothing you can do will change that, or the rights that come along with living here. Ms. Urban has the right to post anything she would like to on her blog, and to freely express her opinions, even if your client sees them as disparaging. Your insinuation that her conduct could affect the trial in this matter is unfounded. When we select a jury, you are entitled to ask any of them if they have seen Ms. Urban's blog; I'm sure that none of them will have seen it. The jury will also be admonished not to seek information from outside sources. There is no threat presented by Ms. Urban's blog, other than your client's fear that the general public and others will see what a horrible and terrible company it truly is

I am not available this week to discuss these matters. There is no need for additional discussion on these topics. Local Rule 26.1 pertains to meeting and conferring prior to the filing of a motion; you have not indicated any basis for a motion you intend to file.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

LAW OFFICE OF JOSHUA D. GRUENBERG



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