

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3

4 DEPARTMENT 85

HON. JAMES C. CHALFANT, JUDGE

5
6 SAMUEL A. PERRONI,)

7 PLAINTIFF,)

8 VS.)

9 MARK A. FAJARDO, ET AL.,)

10 RESPONDENT.)

) NO. BS159430
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14 REPORTER'S TRANSCRIPT OF PROCEEDINGS
15 THURSDAY, NOVEMBER 10, 2016
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19 FOR PETITIONER: SAMUEL A. PERRONI, IN PRO PER

20 FOR RESPONDENT: DANIEL P. BARER, ATTORNEY AT LAW

21 ANNA L. BIRENBAUM, ATTORNEY AT LAW
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23
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25 DIANA L. SOLIS, CSR 9715

26 OFFICIAL REPORTER

27 111 NORTH HILL STREET

28 LOS ANGELES, CALIFORNIA 90012

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I N D E X

INDEX OF WITNESSES

(NONE)

INDEX OF EXHIBITS

(NONE OFFERED)

1 CASE NUMBER: BS159430
2 CASE NAME: SAMUEL PERRONI V. MARK FAJARDO
3 LOS ANGELES, CALIFORNIA THURSDAY, NOVEMBER 10, 2016
4 DEPARTMENT 85 HON. JAMES C. CHALFANT, JUDGE
5 REPORTER: DIANA L. SOLIS, CSR 9715
6 TIME: 1:46, P.M. SESSION
7 APPEARANCES: (AS HERETOFORE NOTED.)
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11 --o0o0o--

12 THE COURT: OKAY. THIS IS PERRONI VERSUS
13 FAJARDO, AFTERNOON SESSION.

14 THE RECORD SHOULD REFLECT MR. PERRONI IS
15 PRESENT WITH THE SERVICES OF THE COURT REPORTER.

16 OPPOSING COUNSEL ARE PRESENT.

17 SO I HAVE REVIEWED -- THIS MORNING I
18 REVIEWED THE 1981 INVESTIGATORY FILE. I ORDERED
19 DISCLOSURE OF ONLY ONE DOCUMENT, A MAP OF CATALINA.

20 AND THIS AFTERNOON, I REVIEWED, I GUESS,
21 THREE DIFFERENT DOCUMENTS. DETECTIVE HERNANDEZ
22 INDICATED THAT THE THREE DOCUMENTS WERE IN THE
23 INVESTIGATORY FILE. THEY WERE CREATED IN THE 1981
24 INVESTIGATION OR THEREABOUTS, BUT THEY WERE NOT IN THE
25 FILE WHEN IT WAS TURNED OVER TO THE SHERIFF IN 2011 AND
26 WHEN THE INVESTIGATION WAS REOPENED.

27 DETECTIVE HERNANDEZ HAS AUTHORIZED ME TO
28 INDICATE THAT TWO OF THE DOCUMENTS CONSIST OF A
PAUL MILLER REPORT AND CERTAIN LETTERS WHICH HE BELIEVES

1 HAVE ALREADY BEEN DISCLOSED TO MR. PERRONI.

2 MR. PERRONI, DO YOU HAVE THESE LETTERS
3 AND THE PAUL MILLER REPORT?

4 MR. PERRONI: AS A PART OF THE SETTLEMENT WITH
5 THE CORONER'S OFFICE, I HAVE THAT REPORT.

6 THE COURT: AND THE LETTERS?

7 MR. PERRONI: I HAVE SOME LETTERS. I'M NOT --
8 I DON'T KNOW IF IT'S THE LETTERS THAT YOU'RE LOOKING AT
9 OR NOT.

10 THE COURT: DO I HAVE YOUR PERMISSION,
11 DETECTIVE HERNANDEZ, AND COUNSEL, TO GIVE THE DATES OF
12 THE LETTER AND THE AUTHOR OF THE LETTER?

13 DETECTIVE HERNANDEZ: YES, YOUR HONOR.

14 MR. BARER: YES, YOUR HONOR.

15 MS. BIRENBAUM: YES, YOUR HONOR.

16 THE COURT: THERE'S A DECEMBER 1, 1981, LETTER
17 FROM ROBERT WAGNER TO THE CHIEF MEDICAL
18 EXAMINER/CORONER; THERE IS A JANUARY 8TH, 1982, LETTER
19 TO DR. THOMAS NOGUCHI FROM AN ATTORNEY -- ACTUALLY,
20 FROM, I THINK IT'S AN ATTORNEY AT GIBSON DUNN; THERE IS
21 A LETTERS TESTAMENTARY FILED IN COURT WITH A FILE STAMP
22 OF JANUARY 6, 1982; THERE IS A LETTER TO THE CORONER'S
23 OFFICE FROM ROBERT WAGNER DATED JANUARY 13TH, 1982; AND
24 THAT'S IT.

25 MR. PERRONI: YOUR HONOR, I THINK THAT I HAVE,
26 AS A PART OF THE AGREEMENT WITH THE RESPONDENT, THE
27 CORONER'S RESPONSES. I HAVE THOSE.

28 THE COURT: OKAY. SO THE ONLY OTHER THING THAT

1 WAS GIVEN TO ME -- I WOULDN'T DESCRIBE IT AS PART OF --
2 IT'S INCLUDED IN THE INVESTIGATORY FILE, THESE ARE
3 PHOTOGRAPHS OF THE BODY, AND THEREFORE, NOT DISCLOSABLE.
4 SO THAT'S IT.

5 I HAVE ORDERED THE REPORTER'S NOTES TO
6 BE SEALED, AND THE MORNING COURT REPORTER, BUFORD, HE
7 WILL BE INFORMED THAT HIS NOTES ARE ORDERED SEALED AND
8 NO TRANSCRIPT MAY BE PREPARED FROM THE NOTES WITHOUT
9 FURTHER ORDER OF THE COURT.

10 I'M GOING TO GIVE BACK TO
11 DETECTIVE HERNANDEZ, AS CUSTODIAN, THE DOCUMENTS THAT I
12 REVIEWED THIS AFTERNOON. ALL DOCUMENTS HAVE BEEN
13 REVIEWED AND RETURNED TO HIM.

14 THAT TAKES CARE OF MY IN CAMERA REVIEW.

15 I THINK THAT IF, BASED ON
16 DETECTIVE HERNANDEZ'S DEPOSITION, YOU WISH MORE, IF YOU
17 WISH MORE, MR. PERRONI, SPECIFICALLY ANOTHER IN CAMERA
18 REVIEW, YOU WILL HAVE TO BRIEF THAT AND IT MUST BE BASED
19 ON NEW EVIDENCE, THAT IS, THE DEPOSITION. WE'RE NOT
20 GOING TO BACKTRACK AND REARGUE OLD ISSUES. SO IF
21 SOMETHING NEW IN THE DEPOSITION JUSTIFIES IN CAMERA
22 REVIEW OF THE 2011 FILE, YOU ARE FREE TO MAKE THAT
23 ARGUMENT.

24 MR. PERRONI: THERE'S NOTHING NEW IN WHAT I
25 DEPOSED DETECTIVE HERNANDEZ ABOUT THAT WOULD HAVE ANY
26 BEARING, IN MY MIND, ON 2011 AND THEREAFTER.

27 THE REASON WHY I FILED MY REQUEST WAS
28 BECAUSE I WASN'T CLEAR -- MAYBE YOU SAID IT IN YOUR

1 TENTATIVE RULING AND I JUST DIDN'T GET IT, BUT I WASN'T
2 CLEAR WHETHER OR NOT YOU HAD DENIED MY REQUEST TO REVIEW
3 THE 2011 RECORDS BASED ON MY ABILITY TO TAKE DETECTIVE
4 HERNANDEZ'S DEPOSITION OR THAT YOU JUST DENIED THAT AND
5 WE WERE JUST TALKING ABOUT THE REST OF 1981. AND SO I
6 JUST WANTED TO MAKE SURE THAT I -- I MEAN, IF YOU'VE
7 ALREADY RULED ON IT, I WASN'T REALLY TRYING TO REARGUE
8 IT OR REHASH IT.

9 THE COURT: NO. THE PROBLEM WITH THESE -- WITH
10 FUTURE DATES, I DON'T REMEMBER WHAT MY RULING WAS, AND
11 SO I'M GOING ASK COUNSEL. WHAT, IF ANYTHING, DID I SAY
12 ABOUT THE REVIEW OF THE 2011 INVESTIGATION IN CAMERA?

13 MR. BARER: YOUR HONOR, MY RECOLLECTION IS THAT
14 YOU DID NOT ADDRESS 2011 DOCUMENTS BEING REVIEWED. THE
15 ONLY DOCUMENTS THAT YOU WERE -- THAT WERE ORDERED
16 REVIEWED WERE THE 1981 FILES, BECAUSE THOSE WERE THE
17 ONLY ONES OF WHICH THERE WAS EVIDENCE THAT PORTIONS OF
18 THEM HAD BEEN ACCESSED BY MEMBERS OF THE PUBLIC.

19 THE COURT: AH. SO IT WAS THE AUTHORS AND WHAT
20 THEY HAD ACCESS TO THAT TRIGGERED THE IN CAMERA REVIEW.

21 MR. BARER: THAT IS MY RECOLLECTION,
22 YOUR HONOR.

23 THE COURT: AND NONE OF THEM HAD ACCESS TO THE
24 REOPENED FILES.

25 MR. BARER: CORRECT, YOUR HONOR.

26 THE COURT: OKAY. WELL, IF THAT WAS MY RULING,
27 THAT WAS MY RULING.

28 MR. PERRONI: THAT'S NOT MY RECOLLECTION.

1 THE COURT: OKAY. WELL, YOU'RE FREE TO -- IF
2 YOU -- I DON'T RECALL RIGHT NOW. AND SO -- BUT YOU HAVE
3 A REPORTER'S TRANSCRIPT, I'M CONFIDENT, OF WHAT I SAID,
4 OF WHAT MY RULING WAS.

5 MR. PERRONI: YES.

6 THE COURT: IF YOU FEEL THAT THERE IS SOME
7 WIGGLE ROOM LEFT FOR ME TO REVIEW THE 2011 FILE IN
8 CAMERA, YOU ARE FREE TO MAKE A MOTION. BUT I'M NOT
9 GOING TO DECIDE IT NOW, BECAUSE I DO NOT RECALL WHAT MY
10 RULING WAS, AND I'M GOING TO HAVE TO HAVE THE PARTIES
11 BRIEF IT IF THAT'S WHAT YOU WANT.

12 MR. PERRONI: YOUR HONOR, MY MEMORY IS, BASED
13 ON WHAT I READ IN THE TRANSCRIPT, IS THAT THAT WAS STILL
14 UP IN THE AIR.

15 THE COURT: OKAY. IF IT IS, IT IS.

16 MR. PERRONI: THERE'S NOTHING IN THE TRANSCRIPT
17 WHERE YOU RULED THAT YOU WOULD NOT LOOK AT THE 2011
18 RECORDS IN CAMERA. NOW, IF I'M MISTAKEN ABOUT THAT, I
19 DON'T WANT TO -- I'M NOT TRYING TO REHASH IT, GO OVER
20 IT, ASK YOU TO RENEW IT. I JUST WANTED TO MAKE SURE THE
21 RECORD IS CLEAR, BECAUSE DOWN THE ROAD, I DON'T WANT
22 SOMEBODY SAYING, YOU DIDN'T ASK FOR AN IN CAMERA REVIEW.

23 THE COURT: SO HERE'S WHAT I'M GOING TO DO: I
24 NEED TO ENTER A JUDGMENT. SO I'M GOING TO SET AN
25 OSC RE JUDGMENT FOR LATE JANUARY. JANUARY 24TH AT 1:30.

26 IF YOU BELIEVE, AS YOU APPARENTLY DO,
27 THAT IN CAMERA REVIEW OF THE 2011 REOPENED INVESTIGATORY
28 FILE IS AVAILABLE, YOU MAY MAKE A MOTION FOR IT BASED

1 EITHER ON NEW EVIDENCE -- AND APPARENTLY, THERE ISN'T
2 ANY NEW EVIDENCE -- OR BASED ON THE HANGING CHAD OF IT
3 BEING AN UNDECIDED ISSUE. THAT NOTICED MOTION WOULD BE,
4 BASED ON NOTICE UNDER CCP 1005, MEANING 16 COURT DAYS, 9
5 COURT DAYS, 5 COURT DAYS -- YOU'RE FAMILIAR WITH THE
6 TIMING OF NOTICED MOTIONS?

7 MR. PERRONI: I'D LIKE TO SAY I'M FAMILIAR WITH
8 IT, AND MAYBE I'VE CROSSED PATHS WITH IT IN THIS
9 PROCEEDING, BUT I'M GOING TO HAVE TO GO BACK AND READ
10 IT.

11 THE COURT: I'M TELLING YOU, IT'S 16 COURT
12 DAYS, 9 COURT DAYS, 5 COURT DAYS. HERE'S WHAT I'M
13 EXPECTING. ON -- WHAT DID I SAY? -- ON JANUARY 24TH?

14 MR. BARER: YES.

15 MS. BIRENBAUM: YES.

16 THE COURT: ON JANUARY 24TH, I'M GOING TO BE
17 PREPARED TO SIGN A JUDGMENT. I'M GOING TO ASK THE
18 DEPARTMENT TO PREPARE A JUDGMENT TO MR. PERRONI FOR THAT
19 DATE. IF MR. PERRONI MAKES A MOTION FOR IN CAMERA
20 REVIEW OF THE INVESTIGATORY FILE, I'M GOING TO DIRECT
21 DETECTIVE HERNANDEZ TO BRING THAT FILE TO THE
22 JANUARY 24TH HEARING. IF THE MOTION IS GRANTED,
23 HOPEFULLY, I'LL BE ABLE TO CONDUCT THE IN CAMERA HEARING
24 THEN AND THERE BEFORE ENTERING JUDGMENT. IN FACT, NOW
25 THAT I THINK ABOUT IT, THIS BETTER BE A MORNING
26 APPEARANCE. SO LET'S MAKE IT JANUARY 26 AT 9:30 IN THE
27 MORNING. THAT WAY, IF THIS SPILLS OVER INTO THE
28 AFTERNOON, WE CAN STILL FINISH.

1 MR. PERRONI: SO JANUARY THE 26TH.

2 THE COURT: AT 9:30.

3 SO I'LL TAKE THE BENCH PREPARED TO SIGN A
4 JUDGMENT, AND MR. PERRONI WILL SAY, NOT SO FAST JUDGE,
5 I'VE MADE A MOTION, AND, OF COURSE, I WILL READ THE
6 MOTION AND WILL BE PREPARED TO RULE ON IT, AND IF I
7 GRANT IT, THEN I WILL CONDUCT THE SUBSEQUENT -- THE 2011
8 IN CAMERA REVIEW THEN AND THERE. I WILL ORDER DISCLOSED
9 ANY NONINVESTIGATORY MATERIALS, AND THEN I WILL SIGN THE
10 JUDGMENT.

11 MR. PERRONI: NOW, CAN I SAY SOMETHING HERE?

12 THE COURT: YOU MAY.

13 MR. PERRONI: YOU JUST SAID THAT I COULD SAY TO
14 YOU, NOT SO FAST. WELL, I'VE GOT SOMETHING I WANT TO
15 DISCUSS WITH YOU CONCERNING WAIVER AFTER TAKING
16 DETECTIVE HERNANDEZ'S DEPOSITION. NOW, DO YOU WANT ME
17 TO DO THAT NOW OR --

18 THE COURT: IS THERE SOMETHING IN DETECTIVE
19 HERNANDEZ'S DEPOSITION THAT YOU CONTEND BEARS ON WAIVER?

20 MR. PERRONI: YES, SIR.

21 THE COURT: OKAY. SO YOU MAY BRIEF THAT AT THE
22 SAME TIME AS YOUR HANGING CHAD OF THE INVESTIGATORY
23 FILE.

24 MR. PERRONI: HANGING CHAD. YOU KNOW WE DIDN'T
25 HAVE TO WORRY ABOUT THAT IN FLORIDA THIS YEAR.

26 THE COURT: NO. WE DIDN'T.

27 MR. PERRONI: I WAS THINKING WE MIGHT HAVE TO.
28 I WAS WONDERING IF THEY HAD TAKEN CARE OF THAT CHAD

1 PROBLEM.

2 THE COURT: THEY HAVE. IT'S NOW AN ELECTRONIC
3 CHAD.

4 MR. PERRONI: WHAT YOU'RE SAYING IS I CAN PUT
5 THAT IN A PLEADING TO YOU?

6 THE COURT: NOT A PLEADING. A MOTION.

7 MR. PERRONI: A MOTION.

8 THE COURT: THE SAME MOTION YOU'RE GOING TO
9 MAKE ON THE CHAD.

10 MR. PERRONI: GOT YOU. IN CAMERA, WAIVER.

11 THE COURT: RIGHT.

12 MR. PERRONI: I GOT IT.

13 THE COURT: OKAY. AND THE WAIVER IS NOT JUST
14 2011, IT WOULD BE -- WELL, ACTUALLY, IT WOULD HAVE TO BE
15 1981, BECAUSE IT'S MY UNDERSTANDING THERE WERE NO
16 DISCLOSURES AFTER 2011.

17 MR. PERRONI: RIGHT. IT'S JUST ON 1981.

18 THE COURT: RIGHT.

19 OKAY. WE ALL CLEAR?

20 MR. BARER: YES, YOUR HONOR. ON THE JUDGMENT,
21 SHOULD WE FOLLOW THE SAME -- SAME PROCEDURE AS IN THE
22 CASE WE HANDLED LAST WEEK, THAT WE GIVE IT TO
23 MR. PERRONI 10 DAYS BEFORE GIVING IT TO THE COURT FOR
24 HIS OBJECTIONS?

25 THE COURT: OR MORE. YEAH.

26 MR. BARER: OKAY.

27 MR. PERRONI: THEY'RE GOING TO PREPARE THE
28 JUDGMENT.

1 THE COURT: THEY ARE. AND YOU'RE GOING TO LOOK
2 AT IT AND SEE IF IT'S OKAY, OBJECT TO IT OR NOT, AND
3 YOU'RE GOING TO MEET AND CONFER.

4 THE JUDGMENT IS JUST CONSISTENT WITH MY
5 RULING, AND THAT'S ALL IT IS, AND IT DOESN'T ATTACH ANY
6 DECISIONS. IT DOESN'T INCORPORATE BY REFERENCE. IT'S
7 JUST, WE WIN AND WE GET COSTS. THAT'S BASICALLY WHAT IT
8 SAYS.

9 MR. PERRONI: ALL RIGHT.

10 SO NOW, DON'T GET ME WRONG, IT'S NOT THAT
11 I'M ARGUING TO DO THIS, BUT SINCE I PREVAILED ON THIS
12 ONE DOCUMENT, PLUS THE 241 DOCUMENTS AND THE 32
13 PHOTOGRAPHS THAT THEY GAVE ME AFTER I FILED SUIT, YOU
14 STILL WANT THEM TO DO THE JUDGMENT?

15 THE COURT: DOESN'T MATTER WHO PREPARES IT.

16 IF YOUR ARGUMENT IS YOU'RE THE PREVAILING
17 PARTY AND YOU WANT TO MAKE A MOTION FOR ATTORNEY'S FEES,
18 THEN WHAT YOU DO -- AND YOU BELIEVE YOU'RE ENTITLED TO
19 COSTS -- THEN YOU EACH FILE YOUR OWN MEMORANDUM OF COSTS
20 AFTER THE JUDGMENT, YOU EACH MAKE YOUR OWN MOTION FOR
21 ATTORNEY FEES, IF YOU WANT TO, AS THE PARTY ENTITLED TO
22 AN AWARD OF ATTORNEY'S FEES.

23 MR. PERRONI: I'M GOOD WITH THAT.

24 THE COURT: SO THE JUDGMENT, YOU KNOW, WE'RE
25 GOING TO HAVE TO FINESSE IT. IF BOTH SIDES THINK
26 THEY'RE THE WINNERS, THEN THE JUDGMENT SHOULD JUST SAY,
27 THE COURT ORDERED THIS OR THE COURT ORDERED THAT. SO
28 IT'S NOT GOING TO SAY, WE WIN.

1 MR. BARER: I THINK WE COULD SAY THAT WE
2 PREVAILED AS TO X AND MR. PERRONI PREVAILED AS TO Y.

3 THE COURT: YOU COULD DO THAT.

4 MR. BARER: DOESN'T REALLY MAKE A DIFFERENCE AS
5 TO COSTS UNDER THE STATUTE, BECAUSE HE GETS COSTS EITHER
6 WAY.

7 THE COURT: OKAY.

8 MR. PERRONI: AS WELL AS HIS -- SEE, THAT WAS
9 ONE OF THE THINGS THAT I WAS ASKING YOU, JUDGE, AND
10 MAYBE IT'S PREMATURE. IF IT IS, THAT'S OKAY. YOU TELL
11 ME IT'S PREMATURE. BUT AFTER I FILED THIS LAWSUIT, AS A
12 RESULT OF FILING THE LAWSUIT, BASED ON WAIVER, THEY GAVE
13 ME 241 DOCUMENTS AND 32 PHOTOGRAPHS.

14 THE COURT: RIGHT. SO YOU'RE ARGUING THAT YOU
15 WERE THE CATALYST FOR DISCLOSURE, AND THEREFORE, WERE
16 THE PREVAILING PARTY FOR ATTORNEY FEES. I GOT IT.
17 THAT'S PART OF YOUR MOTION, AND YES, IT'S PREMATURE.

18 MR. PERRONI: OKAY. THAT'S PART OF THE MOTION,
19 AND HERE, TODAY, YOU RULED THERE WAS ONE MORE DOCUMENT
20 THAT I WAS ENTITLED TO.

21 THE COURT: A MAP.

22 MR. PERRONI: IT MAY NOT LOOK LIKE MUCH TO YOU,
23 BUT IT MIGHT BE SIGNIFICANT TO ME.

24 THE COURT: OKAY.

25 MR. PERRONI: OKAY.

26 THE COURT: YES. SO THAT'S ALL POST JUDGMENT
27 STUFF.

28 MR. PERRONI: ALL RIGHT. NOW, I GOT ONE OTHER

1 THING I WANT TO ASK YOU. AND AGAIN, I WANT -- WITH
2 EXCEPTION, TODAY OR YESTERDAY I FILED AN OBJECTION TO
3 DETECTIVE HERNANDEZ'S DECLARATION IN THE TRIAL BRIEF OF
4 THE RESPONDENTS BASED ON THE DEPOSITION.

5 THE COURT: CAN'T DO THAT. CAN'T DO THAT. TOO
6 LATE. I'VE MADE MY RULING BASED ON THE EVIDENCE BEFORE
7 ME. YOU CAN'T GO BACK AND ATTACK THAT EVIDENCE NOW.

8 MR. PERRONI: WELL, BUT LET ME REMIND YOU OF
9 SOMETHING: YOU ALLOWED ME TO REOPEN MY CASE TO TAKE
10 DETECTIVE HERNANDEZ'S DEPOSITION.

11 THE COURT: I WOULDN'T CALL IT REOPENING, BUT
12 NO, YOU MAY NOT -- YOUR OBJECTIONS ARE OVERRULED AS
13 UNTIMELY.

14 MR. PERRONI: OKAY. SO THE OBJECTION THAT I
15 FILED YESTERDAY, BASED ON THE DEPOSITION I TOOK THE DAY
16 BEFORE, IS OVERRULED.

17 THE COURT: WE ARE LIKE A SHARK IN THIS
18 COURTROOM. WE ONLY MOVE FORWARD. WE NEVER BACK UP.

19 MR. PERRONI: JUDGE, I'M NOT ASKING TO GO BACK,
20 BUT WITH ALL DUE RESPECT, IN THE TRANSCRIPT --

21 THE COURT: YOU KNOW WHAT "WITH ALL DUE
22 RESPECT" MEANS?

23 MR. PERRONI: I DO SAY THIS WITH ALL DUE
24 RESPECT: IN THE TRANSCRIPT, YOU SAID YOU WERE ALLOWING
25 ME TO REOPEN MY CASE FOR THE PURPOSE OF TAKING DETECTIVE
26 HERNANDEZ'S DEPOSITION.

27 THE COURT: OKAY.

28 MR. PERRONI: I DID THAT.

1 THE COURT: OKAY.

2 MR. PERRONI: BASED ON THAT, I'M FILING AN
3 OBJECTION TO THE DEPOSITION.

4 THE COURT: AND I'M OVERRULING THAT AS
5 UNTIMELY. THAT DOESN'T MEAN YOU CAN'T POINT OUT THAT
6 HIS DECLARATION IS INCONSISTENT WITH HIS TESTIMONY, AND
7 THAT HIS TESTIMONY SHOULD PREVAIL. YOU CAN CERTAINLY
8 POINT THAT OUT, I AM NOT GOING TO RULE ON EVIDENTIARY
9 OBJECTIONS MADE TWO MONTHS AFTER I CONSIDERED THE
10 EVIDENCE AND MADE A RULING AT TRIAL.

11 MR. PERRONI: THAT'S ALL RIGHT. I GOT A
12 RULING. THAT'S OKAY.

13 THE COURT: OKAY.

14 MR. PERRONI: NOW, LET ME ASK YOU ONE OTHER
15 THING. ON THE PREVIOUS OBJECTIONS, IN A FOOTNOTE IN
16 YOUR TENTATIVE DECISION, YOU SAID THAT YOU UNDERLINED
17 THOSE THINGS WHICH YOU WERE SUSTAINING AN OBJECTION TO,
18 AND SO THEREFORE, ARE WE -- ARE YOU SAYING THAT IF IT
19 WASN'T -- IF IT WAS OBJECTED TO AND IT'S NOT UNDERLINED,
20 THEN IT WAS OVERRULED?

21 THE COURT: I DON'T BELIEVE I USED THE WORD
22 "UNDERLINED." THAT'S NOT WHAT I DO.

23 MR. PERRONI: WELL, OKAY.

24 THE COURT: NO. I INTERLINEATE. THAT MEANS
25 STRIKING OUT. I DIDN'T UNDERLINE IT.

26 MR. PERRONI: OKAY. SCRATCH IT OUT. ALL
27 RIGHT. WELL, IF YOU WOULD HAVE SAID "SCRATCH IT OUT"
28 YOU SEE --

1 THE COURT: THAT MUST BE AN ARKANSAS TERM.

2 MR. PERRONI: I WOULD HAVE UNDERSTOOD IT
3 BETTER.

4 THE COURT: HERE WE SAY "INTERLINEATE."

5 MR. PERRONI: SO IF IT'S NOT SCRATCHED OUT,
6 THEN IT'S OVERRULED.

7 THE COURT: THAT IS TRUE. WELL, LET ME ANSWER
8 THAT I RULED ON THE OBJECTIONS. I CHECKED "SUSTAINED"
9 OR "OVERRULED," BUT THEN I ALSO STRUCK OUT -- IF YOU
10 LIKE THAT -- THE ORIGINAL EVIDENCE WHEN I SUSTAINED AN
11 OBJECTION. I DID BOTH.

12 MR. PERRONI: SUSTAINED THE OBJECTION.

13 THE COURT: BUT I DON'T WANT YOU TO THINK,
14 WELL, IF IT'S NOT SCRATCHED OUT, HOW DO I KNOW HE RULED
15 ON IT. I RULE ON OBJECTIONS, AND THEN I STRIKE OUT
16 EVIDENCE WHERE THE OBJECTION HAS BEEN SUSTAINED.

17 MR. PERRONI: OKAY. WELL, SEE, HERE'S MY
18 PROBLEM: I'VE BEEN TRYING TO FIND OUT, EVER SINCE THE
19 LAST HEARING, WHAT YOUR RULINGS WERE.

20 THE COURT: YOU HAVE TO LOOK AT THE FILE.

21 MR. PERRONI: WHEN WE GO TO THE CLERK'S OFFICE,
22 THEY SAY, WELL, THE APPENDIX IS UPSTAIRS, YOU CAN'T GET
23 BLAH, BLAH, BLAH, ALL THIS STUFF.

24 THE COURT: THAT'S A SHELL GAME. I'M NOT
25 INVOLVED IN THAT.

26 MR. PERRONI: I'M STILL IN THE DARK. THAT'S
27 ALL.

28 THE COURT: IT SHOULD BE IN THE FILE, AND ALSO,

1 BY THE WAY, WOULD BE ON THE COURT'S COMPUTER. SO IF
2 YOU'RE WILLING TO PAY THE PRICE TO HAVE ACCESS TO
3 DOCUMENTS THAT HAVE BEEN SCANNED, THAT SHOULD BE IN THE
4 COURT'S COMPUTER.

5 MR. PERRONI: OKAY. SO WE SHOULD BE ABLE TO
6 FIND AN ORDER SOMEPLACE?

7 THE COURT: I'M SURE THERE WAS A PROPOSED
8 ORDER.

9 WHO MADE THE OBJECTIONS, YOU OR THEM?

10 MR. BARER: BOTH SIDES, YOUR HONOR.

11 THE COURT: OKAY.

12 MR. PERRONI: I MADE OBJECTIONS AND HE MADE
13 OBJECTIONS.

14 THE COURT: SO IF YOU SUBMITTED A PROPOSED
15 ORDER --

16 MR. PERRONI: WE DID.

17 THE COURT: -- WITH BOXES TO BE CHECKED
18 "SUSTAINED" OR "OVERRULED" --

19 MR. PERRONI: WE DID.

20 THE COURT: I CHECKED THOSE BOXES.

21 MR. PERRONI: OKAY. WE JUST CAN'T FIND THEM.
22 THAT'S ALL.

23 THE COURT: OKAY. THEY'LL BE ON THE COURT'S
24 COMPUTER, AND THEY SHOULD ALSO BE IN THE FILE, WHICH IS
25 RIGHT HERE.

26 MR. PERRONI: NO. THAT'S GOOD. I'M JUST
27 TRYING TO GET THAT DONE.

28 THE COURT: ALL RIGHT.

1 ANYTHING ELSE TODAY?

2 MR. BARER: THE ONLY OTHER THING, YOUR HONOR,
3 IS DURING THE LUNCH BREAK, DETECTIVE HERNANDEZ MADE A
4 PHOTOCOPY OF THAT ONE MAP THAT YOUR HONOR ORDERED
5 PRODUCED, AND I WOULD JUST LIKE THE RECORD TO REFLECT
6 THAT I AM PRODUCING IT TO MR. PERRONI RIGHT NOW.

7 THE COURT: OKAY. ALL RIGHT.

8 WE'RE DONE. WE'RE IN RECESS.

9 MR. BARER: THANK YOU, YOUR HONOR.

10 DETECTIVE HERNANDEZ: THANK YOU, YOUR HONOR.

11 THE COURT: I GUESS I MADE A RULING.

12 IS NOTICE WAIVED?

13 MR. BARER: NOTICE IS WAIVED, YOUR HONOR.

14 THE COURT: MR. PERRONI?

15 MR. PERRONI: YES, YOUR HONOR. I'M SORRY.

16 NOTICE IS WAIVED.

17 THE COURT: OKAY. THANK YOU.

18 MR. PERRONI: AND THANK YOU.

19 THE COURT: ALL RIGHT. THANK YOU.

20

21 (WHEREUPON, THE PROCEEDINGS CONCLUDED

22 AT 2:08 P.M.)

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1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

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4 DEPARTMENT 85

HON. JAMES C. CHALFANT, JUDGE

5
6 SAMUEL A. PERRONI,

7 PETITIONER,

8 VS.

9 MARK A. FAJARDO, ET AL.,

10 RESPONDENT.
11 _____

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) SUPERIOR
) COURT NO.
) BS159430
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)
) REPORTER'S
) CERTIFICATE
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13 I, DIANA L. SOLIS, OFFICIAL REPORTER OF THE
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE
15 COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
16 FOREGOING TRANSCRIPT, PAGES 1 THROUGH 15, COMPRISE A
17 FULL, TRUE, AND CORRECT TRANSCRIPT OF THE PROCEEDINGS
18 REPORTED BY ME, TO THE BEST OF MY ABILITIES, IN THE
19 MATTER OF THE ABOVE-ENTITLED CAUSE ON THURSDAY,
20 NOVEMBER 10, 2016.

21 DATED THIS 10TH DAY OF JANUARY, 2017.

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24 _____
DIANA L. SOLIS, CSR 9715
OFFICIAL REPORTER
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