

ELECTRONICALLY RECEIVED
Superior Court of California,
County of Orange

10/14/2010 at 09:32:01 AM
Clerk of the Superior Court
By Maarit H Nordman, Deputy Clerk

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 21 2010

ALAN CARLSON, Clerk of the Court

C. Carr
BY C CARR

1 Spolin, Silverman
2 Cohen & Bosserman
3 100 Wilshire Blvd
4 Suite 1400
5 Santa Monica, Ca

6 Attorney for Plaintiffs

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ORANGE

SPOLIN SILVERMAN COHEN & BOSSERMAN LLP
100 Wilshire Boulevard, Suite 1400
Santa Monica, CA 90401
(310) 386-2400

11 TWENTY-NINE PALMS BAND OF
12 MISSION INDIANS OF CALIFORNIA;
13 TWENTY-NINE PALMS ENTERPRISES
14 CORPORATION; and ECHO TRAIL
15 HOLDINGS, LLC, a limited liability
16 company,

17 Plaintiffs,

18 vs.

19 NADA L. EDWARDS, an individual,
20 GARY E. KOVALL, an individual,
21 ROBERT A. ROSETTE, an individual,
22 ROSETTE & ASSOCIATES PC, a
23 professional corporation, MONTEAU &
24 PEEBLES LLP, a partnership,
25 FREDERICKS & PEEBLES, LLP, a
26 partnership, FREDERICKS PEEBLES &
27 MORGAN LLP, a partnership, and Does 1
28 through 100,

Defendants.

Case No. 30-2009 00311045

Honorable David C. Velasquez

~~[PROPOSED]~~ ORDER RE
PRODUCTION OF RECORDS FROM
BANK OF AMERICA REGARDING
GARY E. KOVALL AND PEGGY
SHAMBAUGH

Date Action Filed: October 13, 2009

Discovery Cutoff: None

Motion Cutoff: None

Trial Date: None

1 The Motion of Defendant Gary E. Kovall to Quash and the Motion of Plaintiffs to
2 enforce the business records subpoenas served on non party Bank of America, requesting
3 the production of certain documents and things related to Defendant Gary E. Kovall and non
4 party Peggy Shambaugh came on regularly for hearing and were heard on October 7, 2010
5 before the above-entitled Court. Plaintiffs appeared by their counsel Spolin Silverman
6 Cohen & Bosserman LLP by Gordon E. Bosserman; Defendant Gary E. Kovall appeared by
7 his counsel Lewis Brisbois Bisgaard & Smith LLP by Jennifer Weartherup; non party Peggy
8 Shambaugh appeared by her counsel Sunderland McCutchan LLP by Cheryl Davidson; the
9 Monteau & Peebles defendants appeared by Hinshaw & Culbertson LLP by John W.
10 Shellar; Defendant Nada Edwards appeared by her counsel Schonfeld, Bertsche, Preciado &
11 Mahady, LLP by Corrine C. Bertsche and, the Rosette Defendants appeared by Waxler
12 Carner Bodsky LLP by Brian D. Peters.

13 The Court having read the motions and oppositions to the motions and the supporting
14 documents filed in support of both, having heard and considered the argument of counsel
15 for Plaintiffs and for Defendant Gary E. Kovall and non party Peggy Shambaugh, and being
16 fully advised in the matter, the Court ruled as follows:

- 17 1. Subject to Item 3, below, the Motion to Quash is denied;
- 18 2. Subject to Item 3, below, the Motion to Enforce is granted;
- 19 3. The documents and things referred to in the subpoenas attached to the motions
20 are to be produced by Bank of America, subject to the following conditions:
 - 21 a. All such documents and things are to be produced subject to the Protective
22 Order, dated June 23, 2010, in effect in this action and Plaintiffs' counsel
23 is ordered to provide a copy of the Protective Order to Bank of America;
 - 24 b. All such documents and things, consistent with the terms of the Protective
25 Order in effect in this action, are to be marked "Confidential;"
 - 26 c. Documents, including, for example, canceled checks, shall not be
27 produced if they reflect a transaction of less than \$1,000;


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- d. Personal information, including Social Security Numbers, addresses, telephone numbers, maiden names, and pass words shall be redacted or otherwise covered up on all documents and things before they are produced; and,
- e. Any signature cards produced by the Bank of America in response to the subpoenas shall be reviewed only by the attorneys of record in this action, Defendant Gary Kovall and witness Peggy Shambaugh. They shall not be made available for review by any other person.

IT IS SO ORDERED.

DATED: October 21, 2010



JUDGE OF THE SUPERIOR COURT

SPOLIN SILVERMAN COHEN & BOSSERMAN LLP
100 Wilshire Boulevard, Suite 1400
Santa Monica, CA 90401
(310) 386-2400

PROOF OF SERVICE

Twenty-Nine Palms v. Edwards, Case No. 30-2009 00311045

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 100 Wilshire Boulevard, Suite 1400, Santa Monica, CA 90401.

On **October 14, 2009**, I served the foregoing document described as:
[PROPOSED] ORDER RE PRODUCTION OF RECORDS FROM BANK OF AMERICA REGARDING GARY E. KOVALL AND PEGGY SHAMBAUGH

by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

- | | |
|---|---------------------------------------|
| Alan H. Schonfeld, Esq. | Brian D. Peters, Esq. |
| Corinne C. Bertsche, Esq. | Waxler Carner Bodsky LLP |
| Schonfeld, Bertsche, Preciado & Mahady, LLP | 1960 East Grand Avenue, Suite 1210 |
| 402 West Broadway, Suite 1890 | El Segundo, CA 90245 |
| San Diego, CA 92101 | |
| John W. Sheller, Esq. | Bartley Louis Becker, Esq. |
| Wendy Wen Yun Chang, Esq. | Jennifer Weatherup, Esq. |
| Hinshaw & Culbertson LLP | Lewis Brisbois Bisgaard & Smith LLP |
| 11601 Wilshire Blvd., Suite 800 | 221 North Figueroa Street, Suite 1200 |
| Los Angeles, CA 90025 | Los Angeles, CA 90012-2601 |

(BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice is would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Santa Monica, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit. Executed on **October 14, 2010**, at Santa Monica, California.

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

Kristin Tuckosh