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9 *Attorneys for Defendants*
10 **DAVID CARLSON** and **FILM FOETUS, INC.**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

13 **MICHAL STORY**, an Individual,
14 Plaintiff,

15 v.

16 **DAVID CARLSON**, an Individual and
17 **FILM FOETUS, INC.**, and **DOES 1**
18 **THROUGH 100**,
19 Defendants.

20) Case No. **BC649756**
21)
22) **HONORABLE AUDRA MORI | DEPT. 31**
23)
24) **DEFENDANTS DAVID CARLSON AND FILM**
25) **FOETUS, INC.’S EVIDENTIARY OBJECTIONS**
26) **TO EVIDENCE FILED IN OPPOSITION TO**
27) **DEFENDANTS’ SPECIAL MOTION TO**
28) **STRIKE COUNTS 1, 2, 3, 6 AND 7 OF**
) **PLAINTIFF MICHAL STORY’S UNVERIFIED**
) **FIRST AMENDED COMPLAINT UNDER THE**
) **CALIFORNIA ANTI-SLAPP STATUTE, CODE**
) **OF CIVIL PROCEDURE § 425.16**
)
) **Hearing Date**
)
) **Date: December 21, 2021**
) **Time: 9:00 a.m.**
) **Dept.: 47**
)
) ACTION FILED: AUGUST 6, 2021
) TRIAL DATE: NONE SET
)
) **Reservation IDs: 326394406716 & 865724959919**

1 **PRELIMINARY STATEMENT**

2 Defendants David Carlson (“**Carlson**”) and Film Foetus, Inc. (“**Film Foetus**”) (collectively,
3 “**Defendants**”) hereby set forth their evidentiary objections to the declaration of plaintiff Michal Story
4 (“**Story**” or “**Plaintiff**”) filed in opposition to Defendants’ motion pursuant to Code of Civil Procedure §
5 425.16 for an order striking Counts 1, 2, 3, 6 and 7 of the unverified First Amended Complaint
6 (“**FAC**”).

7 Pursuant to Code of Civil Procedure § 425.16, Plaintiff has the burden to establish a probability
8 that she will prevail on the merits of her claims, requiring a plaintiff to establish that the complaint is
9 both legally sufficient and supported by a sufficient *prima facie* showing of facts to sustain a favorable
10 judgment if the evidence submitted by the complaint is credited. *Hecimovich v. Encinal Sch. Parent*
11 *Teacher Org.* (2012) 203 Cal.App.4th 450, 469. Plaintiff must meet her burden of proving a prima facie
12 case “**with admissible evidence.**” *Metabolife Int’l, Inc. v. Wornick* (9th Cir. 2001) 264 F.3d 832, 840
13 (emphasis supplied); see also *Sweetwater Union High Sch. Dist. v. Gilbane Bldg. Co.* (2019) 6 Cal. 5th
14 931, 940 (“[a]s to the second step inquiry” for an anti-SLAPP motion, “a plaintiff seeking to
15 demonstrate the merit of the claim “may not rely solely on its complaint, even if verified; instead, its
16 proof must be made upon competent admissible evidence”).

17 **OBJECTIONS TO THE DECLARATION OF MICHAL STORY**

18 MATERIAL OBJECTED TO	18 GROUNDS FOR OBJECTION
19 1. <u>Story’s declaration, page 2, ¶5,</u> 20 <u>lines 10-12:</u> “The declaration filed 21 by defendant David Carlson is so 22 extraordinarily fraught with lies, 23 deceptions, misinformation and 24 distortions so as to constitute a work 25 of fiction.”	26 Improper Legal Argument/Conclusion (Evid. Code 27 §310(a)). Declaration testimony which sets forth only 28 conclusions, opinions, or ultimate facts is insufficient. <i>Kramer v. Barnes</i> (1983) 212 Cal.App.2d 440, 446. Irrelevant (Evid. Code §§ 210, 350-351). Lacks foundation (Evid. Code § 403). Assumes Facts Not in Evidence. Speculative opinion. Plaintiff’s blanket, unsupported assertion regarding Defendant Carlson’s declaration is solely Plaintiff’s opinion. <i>People v. Thornton</i> (2007) 41 Cal. 4th 391, 429 (lay witnesses may not give conjectural lay opinion). Vague, misleading (Evid. Code § 352).

1 Court's Ruling on Objection 1: Sustained: _____ Overruled: _____

2 2. **Story's declaration, page 2, ¶6,**
3 **line 14:** "Approximately 70 % of the
4 film is in Joe's voice and likeness."
5

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446.
Irrelevant (Evid. Code §§ 210, 350-351).
Lacks foundation (Evid. Code § 403, 405). Plaintiff lays no foundation for this "approximation" regarding the composition of the Film.
Improper speculation (Evid. Code §702). Plaintiff is speculating regarding her "approximation" of the film.
Vague, misleading (Evid. Code § 352).

10 Court's Ruling on Objection 2: Sustained: _____ Overruled: _____

11 3. **Story's declaration, page 2, ¶6,**
12 **lines 14-15:** "The documentary was
13 completed in 2017."
14

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446.
Irrelevant (Evid. Code §§ 210, 350-351).
Lacks foundation (Evid. Code § 403).
Vague, misleading (Evid. Code § 352).
Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). The Certificate of Registration for the Documentary reflects that the year of completion is 2018. *See* Declaration of David Carlson, dated October 26, 2021, Ex. "C".

20 Court's Ruling on Objection 3: Sustained: _____ Overruled: _____

21 4. **Story's declaration, page 2, ¶6,**
22 **lines 15-16:** "The production
23 agreement governing the parties'
24 agreement gave Joe "final cut"
25 which means he had total and
26 complete control of the project."
27

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). The cited evidence does not support the proffered factual assertion.
Improper Opinion Testimony and Legal Conclusion (Evid. Code §800).
Vague, misleading (Evid. Code § 352).
Best Evidence Rule (Evid. Code § 1500) The best evidence of what the production agreement provides is the production agreement itself, which Plaintiff improperly misinterprets and grossly mischaracterizes.

Court's Ruling on Objection 4:

Sustained: _____ Overruled: _____

5. **Story's declaration, page 2, ¶6, line 18:** "Defendants' allegation that my lawsuit somehow impacts their constitutional rights ignores the fact that no additions to the film were to be permitted."

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). The cited evidence does not support the proffered factual assertion.

Best Evidence Rule (Evid. Code § 1500) The best evidence of what the production agreement provides is the production agreement itself, which Plaintiff improperly misinterprets and grossly mischaracterizes.

Unqualified Expert/ Conclusion/ Lack of Foundation. (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge, skill, experience, training or education, which "must be shown before the witness may testify as an expert"], 800, 803.)

Vague, misleading (Evid. Code § 352).

Irrelevant (Evid. Code §§ 210, 350-351).

Court's Ruling on Objection 5:

Sustained: _____ Overruled: _____

6. **Story's declaration, page 2, ¶6, lines 18-24:** "Throughout his declaration, Carlson conflates production with post-production and conflates production with distribution and marketing of the film. Distribution has to do with generating sales and licensing or selling the product to secure revenues. Postproduction is a process of editing the content, and editing the sound, adding music, whether original or licensed. It does not involve generating new content and precedes the final cut."

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446.

Unqualified Expert/ Conclusion/ Lack of Foundation / Improper Opinion Testimony (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge, skill, experience, training or education, which "must be shown before the witness may testify as an expert"], 800, 803). The anti-SLAPP statute is not limited to claims based on the "production" of creative works – it reaches any "acts that 'advance or assist' the creation and performance of artistic works." *Symmonds v. Mahoney* (2019) 31 Cal.App.5th 1096, 1106.

Lacks foundation (Evid. Code § 403).

Assumes Facts Not in Evidence. (*People v. Heldenburg* (1990) 219 Cal. App. 3d 468, 472) (no evidence is provided regarding Plaintiff's purported characterization of "distribution" and postproduction" in the filmmaking process).

Vague, misleading (Evid. Code § 352).

Court's Ruling on Objection 6: Sustained: _____ Overruled: _____

7. **Story's declaration, page 2, ¶6, line 26:** "I have not heard of the Chicago Alt Film festival."

Irrelevant (Evid. Code §§ 210, 350-351).

Court's Ruling on Objection 7: Sustained: _____ Overruled: _____

8. **Story's declaration, page 3, ¶20-21, line 4:** "This film was not created and developed by Carlson."

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). Plaintiff does not cite any evidence to support the proffered factual assertion.
Improper Legal Argument/Conclusion (Evid. Code §310(a)). Plaintiff's assertion sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446.
Unqualified Expert/ Conclusion/ Lack of Foundation / Improper Opinion Testimony (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge, skill, experience, training or education, which "must be shown before the witness may testify as an expert"], 800, 803). Plaintiff has established no special knowledge, experience, training, or education in documentary filmmaking and clearly has no independent knowledge or basis to determine or assess how a documentary film is made or decreeing who is responsible for creating and developing a documentary film.
Speculative opinion.
Vague, misleading (Evid. Code § 352).

Court's Ruling on Objection 8: Sustained: _____ Overruled: _____

9. **Story's declaration, page 3, ¶22, lines 13-14:** "For defendant to state, in effect, that he created the film is vainglorious, albeit false, to the extreme."

Irrelevant (Evid. Code §§ 210, 350-351).
Lacks foundation (Evid. Code § 403). Plaintiff has produced no evidence in support of this "fact".
Unqualified Expert/ Conclusion/ Lack of Foundation / Improper Opinion Testimony (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge, skill, experience, training or education, which "must be shown before the witness may testify as an expert"], 800, 803). Plaintiff has established no special knowledge, experience, training, or education in documentary filmmaking and clearly has no independent knowledge or

basis to determine or assess how a documentary film is made or decreeing who is responsible for creating and developing a documentary film.

Vague, misleading (Evid. Code § 352).

Court's Ruling on Objection 9:

Sustained: _____ Overruled: _____

10. **Story's declaration, page 3, ¶24, lines 21-25**: "[T]he film was completed by October 9, 2017, when Joe Frank gave final cut approval. Final cut approval means the film has been completed. Production and post-production (the editing process) is finished. Nothing further is to be done. The final cut was reposed in Joe. Anything done to the film thereafter was gratuitous and in breach of contract."

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446.

Irrelevant (Evid. Code §§ 210, 350-351).

Lacks foundation (Evid. Code § 403). Plaintiff lays no foundation for the assertions that (i) the film was "completed by October 9, 2017, when Joe Frank gave final cut approval"; (ii) "[t]he final cut was reposed in Joe"; or (iii) "[a]nything done thereafter was gratuitous and in breach of contract."

Unqualified Expert/ Conclusion/ Lack of Foundation / Improper Opinion Testimony (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge, skill, experience, training or education, which "must be shown before the witness may testify as an expert"], 800, 803). Plaintiff has established no special knowledge, experience, training, or education in documentary filmmaking and clearly has no independent knowledge or basis to determine or assess how a documentary film is made or decreeing who is responsible for creating and developing a documentary film.

Assumes Facts Not in Evidence.

Vague, misleading (Evid. Code § 352).

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). The Certificate of Registration for the Documentary reflects that the year of completion is 2018. *See* Declaration of David Carlson, dated October 26, 2021, Ex. "C".

Best Evidence Rule (Evid. Code § 1500) The best evidence of what the production agreement provides is the production agreement itself, which Plaintiff improperly misinterprets and grossly mischaracterizes.

Court's Ruling on Objection 10:

Sustained: _____ Overruled: _____

1 11. **Story’s declaration, pages 3-4, ¶24,**
2 **lines 26-2:** “Any *unilateral* work
3 engaged in by Carlson after March,
4 2018, other than attempting to
5 generate revenues violates the
6 parties’ Production Agreement.
7 Worse, it constitutes a blatant
8 attempt to fabricate a free speech
9 issue.”

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446.

Lacks Personal Knowledge / Speculation (Evid. Code § 403, 702). Plaintiff has no personal knowledge and provides no evidence in support of her unsupported assertion that all the work Defendants performed on the film “after March 2018” constitute “a blatant attempt to fabricate a free speech issue.”

Unqualified Expert/ Conclusion/ Lack of Foundation / Improper Opinion Testimony (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge, skill, experience, training or education, which “must be shown before the witness may testify as an expert”], 800, 803). The anti-SLAPP statute is not limited to claims based on the “production” of creative works – it reaches any “acts that ‘advance or assist’ the creation and performance of artistic works.” *Symmonds v. Mahoney* (2019) 31 Cal.App.5th 1096, 1106.

Assumes Facts Not in Evidence.

Vague, misleading (Evid. Code § 352).

16 Court’s Ruling on Objection 11:

Sustained: _____ Overruled: _____

17
18 12. **Story’s declaration, page 4, ¶32,**
19 **lines 3-4:** “The actual Certificate of
20 Copyright was never provided. Only
21 the application was provided.”

Irrelevant (Evid. Code §§ 210, 350-351). Plaintiff concedes the copyright application was provided, which clearly identified both Film Foetus and Plaintiff as the copyright claimants in the film. Plaintiff also does not contest in any respect that the film was registered with the United States Copyright Office, receiving a registration number of Pau 3-987-589, and further does not contest that, in accordance with the production agreement, both Film Foetus and Plaintiff Story are in fact identified as the copyright claimants of the film within this registration. Plaintiff does not indicate that she ever requested the actual “certified of copyright” or that she could not simply check the Copyright Office website to confirm that, in accordance with the production agreement, both Film Foetus and Plaintiff Story are in fact identified as the copyright claimants of the film within the copyright registration.

Court's Ruling on Objection 12:

Sustained: _____ Overruled: _____

13. **Story's declaration, page 4, ¶36, lines 7-17**: "Joe Frank had a contractually conferred right of final cut [exhibit 1 at 2(c)]. This means that he had the right or entitlement to determine the final version of the picture. Defendant's declaration to the contrary is false. His "creative control" had to do with distribution and exploitation of the film. Carlson is dismissive of Joe's unilateral right to approve the final cut of the documentary by attempting to elevate his distribution rights to embrace all creative decisions pertaining to content. What creative decisions? Defendant makes no specific references to changes to the content of the documentary because Joe's final cut would preclude that. If he did make changes to the content after the final cut approval by Joe, such would be gratuitous, void of right, and bereft of any input or contribution from Joe Frank or plaintiff. Carlson has engaged in a fabrication of an anti-SLAPP claim."

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). The cited evidence does not support the proffered factual assertion.

Unqualified Expert/ Conclusion/ Lack of Foundation / Improper Opinion Testimony (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge, skill, experience, training or education, which "must be shown before the witness may testify as an expert"], 800, 803). Plaintiff has established no special knowledge, experience, training, or education in documentary filmmaking and clearly has no independent knowledge or basis to determine or assess how a documentary film is made or decreeing who is responsible for creating and developing a documentary film.

Vague, misleading (Evid. Code § 352).

Irrelevant (Evid. Code §§ 210, 350-351).

Speculative opinion (Evid. Code § 702).

Lacks foundation (Evid. Code § 403).

Assumes Facts Not in Evidence.

Best Evidence Rule (Evid. Code § 1500) The best evidence of what the production agreement provides is the production agreement itself, which Plaintiff improperly misinterprets and grossly mischaracterizes.

Court's Ruling on Objection 13:

Sustained: _____ Overruled: _____

14. **Story's declaration, page 4, ¶37-38, lines 18-20**: "These assertions are unequivocally false. Defendant had control over distribution. But he did not fully apprise me, let alone meaningfully consult with me, at any time."

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). The cited evidence does not support the proffered factual assertion.

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446.

Improper Opinion Testimony and Legal Conclusion (Evid. Code §800).

Vague, misleading (Evid. Code § 352).

Lacks foundation (Evid. Code § 403).

Assumes Facts Not in Evidence.

1 Court's Ruling on Objection 14: Sustained: _____ Overruled: _____

2 15. Story's declaration, page 4, ¶42,
3 line 21: "He concedes he has not
4 consulted with me. Updates are
5 something different."

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446. Plaintiff's subjective attempt to distinguish the numerous updates regarding the film and numerous invitations to discuss the film that Plaintiff concedes Plaintiff was provided with the word "consultation" is improper argument.

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220). The cited evidence does not support the proffered factual assertion.

Vague, misleading (Evid. Code § 352). Plaintiff's subjective attempt to distinguish the numerous updates regarding the film and numerous invitations to discuss the film that Plaintiff concedes Plaintiff was provided with the word "consultation" is improper.

Lacks foundation (Evid. Code § 403).

Assumes Facts Not in Evidence.

16 Court's Ruling on Objection 15: Sustained: _____ Overruled: _____

17 16. Story's declaration, page 4, ¶43-
18 91, lines 24-26: "Defendant has
19 multiple bank accounts to which
20 funds for the movie have transferred,
21 but has not provided full and
22 complete bank statements."

Lacks Foundation (Evid. Code § 403). Plaintiff offers no evidence to support this statement.

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220).

Lacks Personal Knowledge/Speculation (Evid. Code § 702). Plaintiff has provided no evidence that the statements she has routinely been provided are not "full" or "complete" in any respect.

Assumes Facts Not in Evidence.

Conclusory.

Vague, misleading (Evid. Code § 352).

25 Court's Ruling on Objection 16: Sustained: _____ Overruled: _____

26 17. Story's declaration, page 4, ¶43-
27 91, lines 22-28: "Either the \$4,917
28 reflects a major under-statement of
sales, or defendants' attempt to

Lacks Foundation (Evid. Code § 403). Plaintiff offers no evidence to support this statement.

Misleading/Misstates the Evidence (Rules of Prof.

1 elevate Joe is a ploy to attempt to
2 invoke CCP § 425.16.”

Conduct, Rules 5-200, 5-220).

Lacks Personal Knowledge/Speculation (Evid. Code § 702).

Assumes Facts Not in Evidence.

Conclusory.

Vague, misleading (Evid. Code § 352).

Improper Opinion Testimony and Legal Conclusion (Evid. Code §800).

8 Court’s Ruling on Objection 17:

Sustained: _____ Overruled: _____

9 18. **Story’s declaration, page 5, ¶43-**
10 **97, lines 1-5**: “Budget updates have
11 been inconsistent, contradictory,
12 unreliable and not in conformity
13 with the production agreement.
14 Carlson has acted as if he owns the
15 film, can do whatever he wishes, and
16 does not have to consult with or
17 report to me. He now concedes for
18 the first time that there was a
19 \$75,000 investment. It was never
20 accounted for. Why not?”

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446. Plaintiff’s blanket, unsupported characterizations of the numerous budget updates she concedes she was provided is improper and conclusory.

Lacks Foundation (Evid. Code § 403). Plaintiff offers no evidence to support this statement.

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220).

Lacks Personal Knowledge/Speculation (Evid. Code § 702).

Assumes Facts Not in Evidence.

Conclusory.

Vague, misleading (Evid. Code § 352).

21 Court’s Ruling on Objection 18:

Sustained: _____ Overruled: _____

22 19. **Story’s declaration, page 5, ¶92-**
23 **196, lines 7-17**: “These paragraphs
24 do not address free speech or
25 constitutional rights. Instead, they
26 attempt to rebut the allegations
27 contained in the complaint. If
28 defendant spent money on the
project he was contractually required
to do so. Spending money is not an
act of speech. Preparing budgets is
not an act of speech. Editing the film

Improper Legal Argument/Conclusion (Evid. Code §310(a)). Declaration testimony which sets forth only conclusions, opinions, or ultimate facts is insufficient. *Kramer v. Barnes* (1983) 212 Cal.App.2d 440, 446. Plaintiff’s blanket, unsupported characterizations of the numerous budget updates she concedes she was provided is improper and conclusory.

Unqualified Expert/ Conclusion/ Lack of Foundation / Improper Opinion Testimony (Cal. Evid. Code §§ 720 [to qualify as an expert, witness must have special knowledge,

1 is not an act of speech. Distributing
2 the film is not an act of speech.
3 Being a public figure, if Joe was
4 that, is not an act of speech and does
5 not transform his radio show to
6 defendant's act of speech. The
7 unsavory attempt by defendant to
8 mutate Joe's radio show to
9 something Carlson created is an
10 affront to the Court, let alone to my
11 husband. It represents an attempt to
12 fall within the umbrella of free
13 speech. Nothing was to be done after
14 Joe approved the final cut.
15 Defendant was basically in charge of
16 business—nothing more.”

skill, experience, training or education, which “must be shown before the witness may testify as an expert”], 800, 803). The anti-SLAPP statute is not limited to claims based on the “production” of creative works – it reaches any “acts that ‘advance or assist’ the creation and performance of artistic works.” *Symmonds v. Mahoney* (2019) 31 Cal.App.5th 1096, 1106.

Lacks Foundation (Evid. Code § 403). Plaintiff offers no evidence to support this statement.

Misleading/Misstates the Evidence (Rules of Prof. Conduct, Rules 5-200, 5-220).

Lacks Personal Knowledge/Speculation (Evid. Code § 702).

Assumes Facts Not in Evidence.

Conclusory.

Vague, misleading (Evid. Code § 352).

Court's Ruling on Objection 19:

Sustained: _____ Overruled: _____

13
14 20. **Story's declaration, page 5, ¶166,**
15 **lines 18-19:** “Very simply, my
16 husband and I spent tens of
17 thousands of hours on the project
18 from the time of its inception in
19 2010 through the final cut concluded
20 in 2017.”

Lacks Foundation (Evid. Code § 403). Plaintiff offers no evidence to support this statement.

Vague, misleading (Evid. Code § 352).

Court's Ruling on Objection 20:

Sustained: _____ Overruled: _____

21 **DATED:** December 14, 2021

Respectfully submitted,

SINGH, SINGH & TRAUBEN, LLP
MICHAEL A. TRAUBEN

22
23
24
25 By: 
Michael A. Trauben

Attorneys for Defendants
DAVID CARLSON and FILM FOETUS, INC.

1 **PROOF OF SERVICE**
2 **California Rules of Court, Rule 2.251**
3 **Code of Civil Procedure sections 1010.6, 1013, 1013a, and 1013b**

4 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

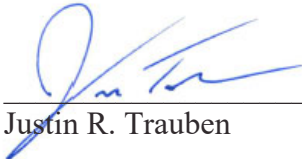
5 I am over the age of 18 and not a party to the within action; I am employed by SINGH, SINGH
6 & TRAUBEN, LLP in the County of Los Angeles at 400 S. Beverly Drive, Suite 240, Beverly Hills, CA
7 90212.

8 On December 14, 2021, I served the foregoing documents described as:

9 **DEFENDANTS DAVID CARLSON AND FILM FOETUS, INC.'S EVIDENTIARY**
10 **OBJECTIONS TO EVIDENCE FILED IN OPPOSITION TO DEFENDANTS' SPECIAL**
11 **MOTION TO STRIKE COUNTS 1, 2, 3, 6 AND 7 OF PLAINTIFF MICHAL STORY'S**
12 **UNVERIFIED FIRST AMENDED COMPLAINT UNDER THE CALIFORNIA ANTI-**
13 **SLAPP STATUTE, CODE OF CIVIL PROCEDURE § 425.16**

- 14 **(BY MAIL)** I enclosed the document(s) in a sealed envelope or package addressed to the
15 persons at the addresses listed in the Service List and placed the envelope for collection and
16 mailing, following our ordinary business practices. I am readily familiar with the firm's practice
17 for collecting and processing correspondence for mailing. On the same day that correspondence
18 is placed for collection and mailing, it is deposited in the ordinary course of business with the
19 United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or
20 employed in the county where the mailing occurred.
- 21 **(BY E-MAIL OR ELECTRONIC TRANSMISSION)** I caused the document(s) to be sent
22 from e-mail address jtrauben@singhtraubenlaw.com to the persons at the e-mail addresses listed
23 in the Service List. I did not receive, within a reasonable time after the transmission, any
24 electronic message or other indication that the transmission was unsuccessful.
- 25 **(BY FEDERAL EXPRESS DELIVERY)** By placing a true and correct copy of the above
26 document(s) in a sealed envelope addressed as indicated above and causing such envelope(s) to
27 be delivered to the FEDERAL EXPRESS Service Center, on _____, to be delivered
28 by their next business day delivery service on _____, to the addressee designated.
- (BY PERSONAL SERVICE)** I caused such envelope(s) to be hand delivered to the offices of
the addressee(s), or by hand to the addressee or its designated representative.
- (State) I declare under penalty of perjury under the laws of the State of California that the above
is true and correct.

Executed on December 14, 2021 at Beverly Hills, California.


Justin R. Trauben

