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ROB BONTA
Attorney General of California
BRIAN D. WESLEY
Supervising Deputy Attorney General
ANNA BARSEGYAN
Deputy Attorney General
State Bar No. 271878
300 South Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6091
Fax: (916) 731-2144
E-mail: [REDACTED]
Attorneys for Defendants
Franchise Tax Board

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

Christine N. Grab,

Plaintiff,

v.

The California Franchise Tax Board,

Defendant.

Case No. 37-2020-00005100-CL-BT-CTL

DEFENDANT FRANCHISE TAX BOARD'S EX PARTE APPLICATION FOR AN ORDER CONTINUING TRIAL DATE AND PRE-TRIAL RELATED DEADLINES AND FOR AN ORDER REDACTING PLAINTIFF'S PERSONAL IDENTIFYING INFORMATION; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ANNA BARSEGYAN IN SUPPORT

Date: September 16, 2021
Time: 8:30 a.m.
Dept: C67
Judge: The Honorable Eddie C. Sturgeon
Trial Date: March 4, 2022
Action Filed: January 29, 2020

TO THE COURT AND PLAINTIFF CHRISTINE N. GRAB, IN PRO PER:

PLEASE TAKE NOTICE that on September 16, 2021 at 8:30 a.m., or as soon thereafter as the matter may be heard in Department 67 of the above-entitled courthouse located at 330

1 West Broadway, San Diego, California, 92101, Defendant California Franchise Tax Board (FTB)
2 will and hereby does move this Court to continue the current trial date of this case and all pre-trial
3 and discovery dates that run therefrom, and for an order redacting Plaintiff Christine N. Grab's
4 personal identifying information which was inadvertently left unredacted in the Declaration of
5 Grace LeBleu in support of FTB's motion for sanctions filed on September 1, 2021. (ROA #49.)

6 First, the FTB will suffer irreparable harm if a continuance is not granted. Counsel for the
7 FTB has already reserved a hearing on the motion for sanctions and motion for summary
8 judgment. The earliest available date for both motions is March 25, 2022, well after the current
9 trial date scheduled for March 4, 2022. The FTB seeks to minimize the unnecessary cost to the
10 State of California of preparing and going to trial on this matter, and to conserve limited judicial
11 resources by filing a motion for summary judgment, which will dispose of all issues in this case.
12 Therefore, the FTB requests a trial continuance of approximately three months. Second, the FTB
13 seeks an order redacting Plaintiff's personal identifying information to protect Plaintiff from any
14 potential harm which may arise from unauthorized use of that information, and has lodged the
15 redacted copy with the Court.

16 Good cause exists with this *ex parte* request since the FTB cannot proceed by regular
17 motion and comply with the statutory limitations on pre-trial discovery and motions due to the
18 unavailability of any hearing dates until at least March 25, 2022.

19 Notice of this *ex parte* application has been provided as required under rules 3.1202 and
20 3.1203, and 3.1204 of the California Rules of Court as follows:

21 On September 14, 2021 at approximately 9:26 a.m., counsel for the FTB emailed Plaintiff
22 providing notice. (See Barsegyan Declaration, ¶ 5.) Plaintiff was advised that on September 16,
23 2021, the FTB would be appearing *ex parte* in Department 67 of the San Diego Superior Court,
24 330 West Broadway, San Diego, California, 92101 at 8:30 a.m., to apply for an order continuing
25 the trial date and all pre-trial and discovery dates that run therefrom. (*Ibid.*) Plaintiff was also
26 advised that the FTB would be seeking an order redacting all personal identifying information
27 from the Declaration of Grace LeBleu filed on September 1, 2021. (*Ibid.*) Counsel for the FTB

1 asked whether Plaintiff would notify her of her planned attendance and/or opposition. (*Ibid.*)
2 Plaintiff informed FTB counsel that she would be appearing and opposing the *ex parte*
3 application to continue the trial date and pre-trial deadlines, but would not oppose the request for
4 the redaction of her personal identifying information. (*Ibid.*)
5

6 Dated: September 14, 2021

Respectfully submitted,
ROB BONTA
Attorney General of California
BRIAN D. WESLEY
Supervising Deputy Attorney General



ANNA BARSEGYAN
Deputy Attorney General
*Attorneys for Defendant
Franchise Tax Board*

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