

1 CHARLES A. BONNER, ESQ. SB# 85413
2 A. CABRAL BONNER, ESQ. SB# 247528
3 **LAW OFFICES OF CHARLES A. BONNER**
4 475 GATE FIVE RD., SUITE 212
5 SAUSALITO, CA 94965
6 TEL: (415) 331-3070
7 FAX: (415) 331-2738
8 cbonner799@aol.com
9 cabral@bonnerlaw.com

10 ATTORNEYS FOR PLAINTIFF

11 **ELECTRONICALLY
FILED**
12 *Superior Court of California,
13 County of San Francisco*
14 **04/22/2016**
15 **Clerk of the Court**
16 **BY: NOELIA RIVERA**
17 **Deputy Clerk**

18 **SUPERIOR COURT OF CALIFORNIA**
19 **IN AND FOR THE COUNTY OF SAN FRANCISCO**
20 **UNLIMITED JURISDICTION**

21 KEITH MARTIN,

22 Plaintiff,

23 vs.

24 RICHARD BEE and CAROL BEE,

25 Defendants.

26 Case No.: CGC-15-543473

27 **DISCOVERY**

28 **DECLARATION OF KEITH MARTIN IN
SUPPORT OF MOTION TO VACATE
ORDER**

1 Date: May 26, 2016
2 Time: 9:00 a.m.
3 Dept: 302

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF KEITH MARTIN

I, Keith Martin, declare:

1. I am the Plaintiff in this matter.
2. The reasons I did not respond to letters sent to me included the following:
3. On or about July 2015, I had an address change from 1208 Sir Francis Drake Blvd. San Anselmo, CA 94960 to 1222 Sir Francis Drake Blvd. San Anselmo CA. 94960.
4. In July 2015 when I made the address change, I also made an application for forwarding my mail to the new address. In or about September or October, 2015, I learned that the U.S. Post Officer had a snafu with the forwarding of my mail to my new address. I then made a new application for forwarding my mail, listing each person who lived in my home, including my wife, four children and my business.
5. On or about January 20, 2016, when I finally received documents from Defendant's attorney, it was after the date I was to respond or appear.
6. On or about January 20, 2016, I telephone Defendant's attorney and gave him my new address. See Exhibit B, Letter dated January 20, 2016 from Defendants' David Chen, confirming my telephone call with my new address. On this same date of January 20, 2016, I gave Defendants' attorney David Chen my Email Address.
7. I did not receive the Request for Admission bu U.S. Mail until sometime after I notified Defendants' Attorney of my change of address. On or about January 20, 2016, I did receive via email a "Courtesey Copy" of Request for Admission, and other legal documents.
8. I was not represented by an attorney and did not know how to respond to the legal document when I did receive them in my email. I received the same legal documents by regular U.S. Mail sometime in February. I am not an attorney. I have no legal training. Never worked in the legal field. These legal documents I received were foreign to me. I diligently sought the help of an attorney to address these matters.
9. I was represented by the Law Offices of Delfino, Green and Green in San Rafael, CA. On or about August 2015, that firm withdrew as my attorneys and substituted me in as my

1 own attorney, In Pro Per. I then diligently attempted to retain additional attorneys and
2 after consulting several law firms, I was finally able on March 21, 2016 to retain my
3 current attorney of the Law Offices of Bonner & Bonner.

- 4 10. On or about February 9, 2016, I receive a letter in the U.S. Mail to show up at the
5 Defendants attorney's office for a deposition. Even though I did not have an attorney, on
6 February 11, I appeared at David Chen's Law Office in Oakland for the deposition. When
7 I arrived in Oakland a called Mr. Chen while in the front of his building and told him "I
8 was here for the deposition and asked him where to park." He informed me that he had
9 changed the date to February 15 or 16. To date I had not received any notice of a change
10 of the deposition date to February 15 or 16.
- 11 11. On March 22, 2016, the very next day after I retained the Bonner Firm, Mr. Charles
12 Bonner and I went to the deposition and I was deposed.
- 13 12. My case is meritorious as I have sustained Lost Wages from accident and out of pocket
14 expenses from the Jan 3, 2013 to present in excess of \$50,000.00. Medical providers have
15 made a diagnosis of my spinal injury to include a Diskectomy of my Cervical spine.
- 16 13. My total medical bills from date of the accident, January 3, 2013, incurred to date are
17 approximately \$42,000.00. My Response to Request for Admissions is Exhibit A
- 18 14. My out of pocket medical expense from May 2015 to present for my doctor's continued
19 care is in excess of \$200.00 per month. May 2015 is when my workers' compensation
20 case settled. Since May 2015, I have been paying my doctor out of my pocket as I
21 continue to require medical attention and treatment.
- 22 15. I have also suffered emotional distress, financial stress, pain and suffering, and other
23 personal damages. I continue to take pain medication to control pain from accident. I
24 have recently returned to work for the first time since the incident.
- 25 16. During my deposition on March 22, my attorney Mr. Bonner requested Defendants'
26 attorney, Mr. Chan to stipulate to set aside the Order to Compel Plaintiff's Attendance at
27 Deposition and Request for Reasonable Sanctions and Attorney Fees, dated February 4,
28 2016. Exhibit D Mr. Chan declined to agree to set aside the Orders.

1 17. Therefore, I respectfully ask this Court to set aside the Order Establishing Admissions
2 and For Monetary Sanction. Exhibit C I further asked the Court to set aside the Order to
3 Compel Plaintiff's Attendance at Deposition and Request for Reasonable Sanctions and
4 Attorney Fees, dated February 4, 2016. Exhibit D

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. This declaration was executed on April 21, 2016 at Sausalito, California.


KEITH MARTIN

PROOF OF SERVICE

I, the undersigned, hereby certify that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. My business address is 475 Gate Five Road, Suite 212, Sausalito, California 94965

DOCUMENT(S):

1. NOTICE OF MOTION AND MOTION TO VACATE ORDER ESTABLISHING ADMISSIONS AND FOR MONETARY SANCTION; MEMORANDUM OF POINTS AND AUTHORITIES AND DECLARATION OF KEITH MARTIN IN SUPPORT THEREOF
 2. DECLARATION OF CHARLES A. BONNER
 3. EXHIBITS
 4. ORDER

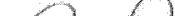
I caused to be served a true copy of the above-named document(s) per the addressee(s) listed below or per the attached list.

(X)BY U.S. MAIL and FACSIMILE ONLY

DAVID W. CHEN, ESQ.
Stratman, Patterson & Hunter
P.O. BOX 258829
Oklahoma City, OK 73125-8829
Fax: (510) 238-8968

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Served and executed this 21ST day of April, 2016.



Sandra Beltran