SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF SANTA CLARA

Department 10
Honorable Frederick S. Chung

Rachel Tien, Courtroom Clerk
191 North First Street, San Jose, CA 95113
Telephone: 408-882-2210

DATE: June 20, 2024 TIME: 9:00 A.M.

To contest the ruling, call (408) 808-6856 before 4:00 P.M.
Make sure to let the other side know before 4:00 P.M. that you plan to contest the ruling, in accordance with California Rule of Court 3.1308(a)(1) and Local Rule 8.E.

The courthouse is open: Department 10 is now fully open for in-person hearings, as of April 18, 2023. The court strongly prefers **in-person** appearances for all contested law-and-motion matters. For all other hearings (*e.g.*, case management conferences), the court strongly prefers either **in-person or video** appearances. Audio-only appearances are permitted but disfavored, as they cause significant disruptions and delays to the proceedings. Please use telephone-only appearances as a last resort.

Scheduling motion hearings: Please go to https://reservations.scscourt.org or call 408-882-2430 between 8:30 a.m. and 12:30 p.m. (Mon.-Fri.) to reserve a hearing date for your motion *before* you file and serve it. You must then file your motion papers no more than five court days after reserving the hearing date, or else the date will be released to other cases.

CourtCall is no longer available: Department 10 uses Microsoft Teams for remote hearings. Please click on this link if you need to appear remotely, and then scroll down to click the link for Department 10: https://www.scscourt.org/general_info/ra_teams/video_hearings_teams.shtml. Again, the court strongly prefers in-person or video appearances. Telephonic appearances are a sub-optimal relic of a bygone era.

Recording is prohibited: As a reminder, most hearings are open to the public, but state and local court rules prohibit recording of court proceedings without a court order. This prohibition applies to both in-person and remote appearances.

Court reporters: Unfortunately, the court is no longer able to provide official court reporters for civil proceedings (as of July 24, 2017). If any party wishes to have a court reporter, the appropriate form must be submitted. See https://www.scscourt.org/general_info/court_reporters.shtml.

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LINE #	CASE #	CASE TITLE	RULING
LINE 1	21CV389929	Tianqing Li v. Phillip Mummah	Demurrer to third amended cross-complaint: in light of the June 6, 2024 dismissal of the cross-complaint, this demurrer is now MOOT.
LINE 2	24CV429388	Keith Blaine et al. v. Hiroshi Shishido et al.	Click on LINE 2 or scroll down for ruling.
LINE 3	21CV376482	Fred Rassaii v. The Board of Trustees of the California State University	Click on LINE 3 or scroll down for ruling.
LINE 4	22CV407006	True Automotive LLC v. Milpitas Vistas, LLC et al.	Click on LINE 4 or scroll down for ruling.
LINE 5	23CV414516	Ashwin Lodhia v. Ocean Avenue Real Estate Fund LLC et al.	Motion to compel the deposition of defendant Tony Garnicki: notice is proper, and the motion is unopposed. Good cause appearing, the court GRANTS the motion. In addition, the court grants plaintiff's request for monetary sanctions of $1,500 (three hours at $500/hour), to be paid within 30 days of notice of entry of order. Moving party shall prepare the proposed order for signature.
LINE 6	23CV417268	William Ekpenyong v. Santa Clara Valley Transportation Authority	Click on LINE 6 or scroll down for ruling in lines 6-7.
LINE 7	23CV417268	William Ekpenyong v. Santa Clara Valley Transportation Authority	Click on LINE 6 or scroll down for ruling in lines 6-7.
LINE 8	21CV376599	Sedigheh Hajizadeh v. Magic Mountain, LLC	Click on LINE 8 or scroll down for ruling.

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Calendar Line 2
Case Name: *Keith Blaine et al. v. Hiroshi Shishido et al.*
Case No.: 24CV429388

I. FACTUAL BACKGROUND

This is a dispute between neighbors in Los Gatos, California. Plaintiffs Keith Blaine and Megan Blaine (the "Blaines") are suing Hiroshi Shishido and Nazila Shishido (the "Shishidos") over the removal of trees allegedly located on the Blaines' property. The original and still-operative complaint, filed on January 17, 2024, states causes of action for: (1) Willful and Malicious Damage to Timber and (2) Trespass.

On February 29, 2024, the Shishidos filed an answer to the complaint and also filed a cross-complaint. The cross-complaint initially alleged eight causes of action against the Blaines and cross-defendant Justin Moorland, who was alleged to reside at the Blaines' property. The eight causes of action were: (1) Quiet Title to Express Easement (against the Blaines); (2) Quiet Title to Prescriptive Easement (against the Blaines); (3) Quiet Title to Prescriptive Easement (against the Blaines); (4) Nuisance (against all cross-defendants); (5) Trespass (against all cross-defendants); (6) Invasion of Privacy (against all cross-defendants); (7) Negligent Infliction of Emotional Distress (against all cross-defendants); and (8) Intentional Infliction of Emotional Distress (against all cross-defendants). The fourth through eighth causes of action were based in part on allegations that the Blaines have made "patently false allegations" about the Shishidos cutting down trees.

On April 2, 2024, the Blaines and Moorland filed a special motion to strike the fourth through eighth causes of action in the cross-complaint under Code of Civil Procedure section 425.16—also known as an "anti-SLAPP" motion. The notice of motion states in part that the Blaines and Moorland "request that the Court grant the Anti-SLAPP motion in its entirety, order all of the SLAPP claims stricken, and order that Plaintiff pay Defendant's costs and attorney fees." (Notice of Motion, p. 5:21-22.) Among other things, the supporting memorandum states that "[a]ttorneys fees should be awarded to the Cross-Defendants, which will be brought on noticed motion after a favorable ruling on this motion." (Memorandum, p. 13:7-8.)

On June 4, 2024, before any opposition to the special motion to strike was due, the Shishidos filed two dismissals. The first dismissed the fourth through eighth causes of action in the cross-complaint and the second dismissed Moorland as a cross-defendant. The dismissals removed all of the targets of the anti-SLAPP motion.

On June 5, 2024, the Shishidos filed opposition papers, including declarations and objections to evidence. In light of the Shishidos' decision to dismiss all of the targets of the motion, significant portions of these papers are arguably moot.[1] The opposition in fact argues that the dismissals render the motion moot and that no motion for attorneys' fees has been filed. (See Opposition, p. 6:18-23.)

[1] The opposition's claim that the notice of motion does not comply with Code of Civil Procedure section 1010 is incorrect, as is its argument that the court setting this motion for hearing on June 20 somehow renders the motion untimely. (See Code Civ. Proc., § 425.16(f).)

On June 10, 2024, the Blaines and Moorland filed a memorandum of costs, apparently on behalf of Moorland only. The memorandum did not state any amount for attorney's fees, which are listed as "TBD."

On June 12, 2024, the Blaines and Moorland filed reply papers, including objections to the Shishidos' evidence. In light of the dismissals of the causes of action, significant portions of these reply papers are also moot. The reply expressly states that the "moving parties agree" with the Shishidos that the motion "is moot based on the dismissals," and argues that "[c]onsideration of the Shishido opposition should be deferred to the time of the attorneys fee motion." (Reply, p. 2:2-9.)[2] The reply later argues that the "substance of the ant-SLAPP motion" should be determined when "the moving parties file their motion for attorneys fees," and that "there is nothing currently presented for the court to decide at the hearing of this motion." (Reply, p. 3:11-13.)

II. EFFECT OF THE DISMISSALS

Where a plaintiff or cross-complainant voluntarily dismisses an action after an anti-SLAPP motion is filed, the court loses jurisdiction to rule on the motion. (*Law Offices of Andrew L. Ellis v. Yang* (2009) 178 Cal.App.4th 869, 879 (*Ellis*) [citing *Pfeiffer Venice Properties v. Bernard* (2002) 101 Cal.App.4th 211, 216, 218–219].) Indeed, there is nothing left to be stricken. Nevertheless, the trial court still retains jurisdiction to "entertain a motion brought by defendants for attorney fees and costs." (*Ellis*, *supra*, 178 Cal.App.4th at pp. 876, 881.) To do so, the court must consider the merits of the motion, but only to determine if the defendant would have prevailed and would have been awarded fees and costs for the motion. (See *Dickinson v. Cosby* (2017) 17 Cal.App.5th 655, 679; *Tourgeman v. Nelson & Kennard* (2014) 222 Cal.App.4th 1447, 1456-1457.)

The "prevailing defendant[s]" on a special motion to strike "shall be entitled" to recover their attorney's fees and costs. (Code Civ. Proc. § 425.16(c).) The purpose of this fee-shifting provision is both to discourage meritless lawsuits and to provide financial relief to the SLAPP lawsuit victim. "[A]ny SLAPP defendant who brings a successful motion to strike is entitled to mandatory attorney fees." (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1131. See also *Bernardo v. Planned Parenthood Federation of America* (2004) 115 Cal.App.4th 322, 364 [rejecting due process and equal protection challenges to provision].) Code of Civil Procedure section 425.16, subdivision (c) is ambiguous as to what "fees and costs" are recoverable, but legislative history shows that it was intended to allow only fees and costs incurred on the motion to strike itself and not the entire litigation. (*Lafayette Morehouse, Inc. v. Chronicle Pub. Co.* (1995) 39 Cal.App.4th 1379, 1383; see also *Platypus Wear, Inc. v. Goldberg* (2008) 166 Cal.App.4th 772 [prevailing defendant may recover attorney's fees and costs only on the anti-SLAPP motion, not the entire suit]). Fees for unnecessary filings would not be recoverable.

At present, no noticed motion for attorney's fees has been filed in this case.

In *Catlin Insurance Co., Inc. v. Danko Meredith Law Firm, Inc*. (2022) 73 Cal.App.5th 764, 783 (*Catlin*), a decision cited by the moving parties in their reply, the Court of Appeal

[2] The reply does not comply with Rule of Court 2.108 as there are more than 28 lines of text per page.

affirmed the trial court's decision to defer consideration of the merits until the defendants actually filed their motion for anti-SLAPP fees and costs: "[B]ecause there was no pending fee request, the trial court only had jurisdiction to entertain a subsequent motion for fees, not to decide the merits of the anti-SLAPP motion." (*Id*. at p. 774.) According to the Court of Appeal, the trial court was justified in declining to address the merits of the anti-SLAPP motion, because the defendants had not made the request. (*Ibid*.)

The court is presented with the same situation here. While the original motion includes a generic request for attorney's fees (not explicitly limited to fees for the motion itself), no noticed motion for attorney's fees has been filed. The court therefore declines to consider the merits of the anti-SLAPP motion at this time. The court finds that the motion to strike is moot, but the court retains jurisdiction to consider whether cross-defendants are entitled to attorney's fees and costs incurred in bringing the motion.

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Calendar Line 3
Case Name: *Fred Rassaii v. The Board of Trustees of the California State University*
Case No.: 21CV376482

Plaintiff Fred Rassaii moves to compel further responses to requests for production of documents from defendant The Board of Trustees of the California State University ("CSU"). CSU responds that the motion is premature because Rassaii never met and conferred with CSU regarding the adequacy of the original responses, which CSU served on April 21, 2022, over two years ago.

A motion to compel further discovery responses must be preceded by a good-faith effort to resolve the discovery dispute, and that is especially important here, where CSU provided its responses shortly before the case was stayed for approximately a year and a half, pending appeals in related litigation. Upon resumption of the case in November 2023, it does not appear that Rassaii reached out to CSU regarding these discovery responses before filing this motion. Indeed, Rassaii's notice of motion, supporting declaration, and supporting memorandum of points and authorities say nothing about any effort to meet and confer about this discovery.

As a result, the court agrees with CSU that this motion is premature. It appears that after this motion was filed, the parties had some additional meet-and-confer communications, with an agreement for CSU to provide supplemental responses by June 17, 2024 that was subsequently withdrawn. The court does not know what the current status of the parties' discussions is—the court has not received a timely reply brief—but the court orders to parties to communicate again to try to resolve their differences.

The motion is DENIED.

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Calendar Line 4
Case Name: *True Automotive, LLC v. Milpitas Vistas, LLC et al.*
Case No.: 22CV407006

This is a motion for sanctions by plaintiff True Automotive, LLC ("True Automotive") against defendants Milpitas Vistas, LLC and Mira Shingal. On January 31, 2024, this court ordered Milpitas Vistas, LLC to provide responses to form interrogatories, special interrogatories, and requests for production of documents, and it ordered Shingal to provide responses to form interrogatories. According to True Automotive, defendants failed to serve responses in accordance with the court's order, and they should therefore be sanctioned.

Notice is proper for this motion, but the court has received no opposition from defendants.

At the same time, the court notes that True Automotive's moving papers are careless and confusing. The notice of motion and motion indicates that True Automotive "will move this Court for an order that imposes sanctions on defendants . . . ," but it fails to specify what types of sanctions are being sought. In the supporting memorandum, True Automotive's introductory paragraph requests the imposition of "monetary, evidentiary, and/or terminating sanctions" against "True Automotive, LLC and Mira Shingal (collectively, 'Defendants')." (Presumably, True Automotive meant to identify Milpitas Vistas, LLC as the defendant here, rather than itself.) In the body of the memorandum, however, True Automotive asks for not only monetary, evidentiary, and terminating sanctions, but also "issue" sanctions. This request appears for the first time toward the end of the brief.

The court ultimately concludes that monetary sanctions are appropriate in the amount of **$1,500** (three hours at $500/hour). The court orders defendants to pay this amount to True Automotive within 30 days of notice of entry of this order.

As for evidentiary and issue sanctions, the court finds that True Automotive does not adequately explain what specific non-monetary sanctions are warranted here. Its statement that defendants "should not be permitted to introduce evidence at trial," including any documents or testimony "that would have been responsive to" the discovery requests, is far too general and vague. (Memorandum, p. 6:17-27.) Similarly, the request that the issue of whether defendants engaged in "self help" be "deemed resolved in Plaintiff's favor" is also too vague and insufficiently tied to the subject matter of the discovery requests at issue. (*Id.* at pp. 6:28-7:3.) It is True Automotive's burden to demonstrate how the scope of the sanctions it seeks is appropriate to the scope of defendants' discovery violation. A sanction should not provide a "windfall" to the requesting party, placing it in a better position than it would have been in if it had obtained the requested discovery, but that appears to be what is being requested here.

For similar reasons, the court rejects the request for terminating sanctions, which would provide even more of an unsupported windfall for the plaintiff.

GRANTED in part and DENIED in part.

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Calendar Lines 6-7
Case Name: *William Ekpenyong v. Santa Clara Valley Transportation Authority*
Case No.: 23CV417268

Plaintiff William Ekpenyong has filed two motions to compel further responses from defendant Santa Clara Valley Transportation Authority ("VTA"): (1) to a single request for production of documents (No. 15) and (2) to a first set of special interrogatories. After this motion was filed, VTA served supplemental discovery responses and argues in its opposition that the only remaining items in dispute are Request for Production No. 15 and Interrogatories Nos. 5, 25, 26, 30, 31, and 34. Ekpenyong has filed a reply brief as to the request for production, but he has not filed a reply brief as to the interrogatories, and so the court is unsure whether the interrogatory responses are still in dispute. The uncertainty is heightened by the fact that Ekpenyong's sole reply brief states: "The items that are still in dispute are Request for Production of Documents, Set One Number 15." (Reply, p. 2:2-3.) This is hardly a model of clarity, given that Request No. 15 was the only request for production that was the subject of the original papers.

VTA argues that Ekpenyong failed to meet and confer adequately before bringing this motion, and the court agrees. First, VTA notes that Ekpenyong failed to file the required meet-and-confer declarations called for by Code of Civil Procedure section 2030.300, subdivision (b)(1) (interrogatories), and Code of Civil Procedure section 2031.310, subdivision (b)(2) (document requests). Second, and more critically, in emails dated March 13, 2024 and March 14, 2024, counsel for Ekpenyong refused to provide the reasons why her client was moving to compel further responses until after she filed her opening papers. (Declaration of Richard North, Exhibits D & E.) Counsel stated that she was open to meeting and conferring after the motions were filed. (*Ibid.*) This does not reflect a good-faith effort to resolve the issues informally *before* filing the motions, as required by Code of Civil Procedure section 2016.040. The court strongly disapproves of this practice. Not only does it increase unnecessary motion practice with the court, but it is also exceptionally discourteous to the court, as it all but guarantees that the opening brief that the court receives and reviews from the moving party will not reflect the current state of the parties' disagreement, following more meeting and conferring and following the possibility that the non-moving party then supplements its prior responses, as appears to have happened here. In addition, it is particularly problematic when the moving party fails to submit a reply brief to the court to explain the current state of the dispute, as has happened here with respect to Ekpenyong's special interrogatories.

The parties' meet-and-confer correspondence in this case reflects a desire by Ekpenyong's counsel to get a motion on file and then "try to narrow the issues . . . given the backlog on Chung;'s [sic] calendar." (Email of March 14, 2024, 4:28 p.m.) This is a misuse of the court's limited resources. Part of the reason the court continues to have a backlog in civil motions is precisely because of ill-considered and premature motions such as these, where there has been an inadequate effort to meet and confer. These motions are part of the problem, not the solution.

The failure to meet and confer adequately is especially significant here, given that VTA has argued that Ekpenyong's position with respect to Request for Production No. 15 is inconsistent with the parties' informal agreement in January 2024 that VTA would search for responsive documents "from the following custodians: (1) interview panelists; (2) hiring manager; [and] (3) Plaintiff's current supervisor." (VTA's Responsive Separate Statement,

p. 3:7-16.) Ekpenyong's reply brief and reply separate statement totally fail to address this point, merely asserting vaguely and conclusorily that VTA's responses are "evasive." (Reply, p. 3:5; Reply Separate Statement, p. 3:19.)

In short, the court rejects Ekpenyong's characterization of the failure to file meet-and-confer declarations with the opening motions as a "clerical error." (Reply, p. 2:11.) The meet-and-confer requirement is far more fundamental than that.

Finally, notwithstanding the failure to meet and confer, the court has reviewed the latest answers to Special Interrogatories Nos. 5, 25, 26, 30, 31, and 34, and it finds that the answers are code compliant and sufficiently responsive.

The motions to compel are DENIED.

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Calendar Line 8
Case Name: *Sedigheh Hajizadeh v. Magic Mountain, LLC*
Case No.: 21CV376599

Plaintiff Sedigheh Hajizadeh moves to set aside a dismissal of her case that was entered nearly three years ago, on July 14, 2021. She argues that she was unaware that her attorney signed this dismissal on her behalf until very recently. Indeed, she indicates that she did not even know that this action had been filed in Santa Clara County, as she has been knowingly engaged in a nearly identical action in Los Angeles County. Because she contends that she never authorized dismissing the Santa Clara case *with* prejudice, she requests that the court now vacate that dismissal and then enter a new dismissal of the case *without* prejudice. She brings this request under Code of Civil Procedure section 473, subdivision (d), and *Romadka v. Hoge* (1991) 232 Cal.App.3d 1231 (*Romadka*). Alternatively, she brings this motion under Code of Civil Procedure section 473, subdivision (b).

Defendant Magic Mountain LLC ("Magic Mountain") opposes, noting that the only reason Hajizadeh has brought this motion now, after all this time, is that Magic Mountain recently filed a motion for judgment on the pleadings in the Los Angeles case, arguing that the Los Angeles case is barred by principles of res judicata (*i.e.*, "claim preclusion") as a result of the dismissal of the Santa Clara case with prejudice.[3] In addition, Magic Mountain contends that Hajizadeh affirmatively "availed herself of the benefit of filing the Santa Clara" when she relied on the Santa Clara case to oppose a statute of limitations argument in the Los Angeles case on November 15, 2023. Thus, Magic Mountain disputes Hajizadeh's assertion that she did not know about the Santa Clara case until March 19, 2024.

Both sides have submitted various papers in support of their positions, including numerous filings from the Los Angeles case (as well as some missing ones, as noted in ***footnote 3*** above). In addition, Hajizadeh has filed a request under rule 3.1306(b) of the California Rules of Court to present live testimony from two witnesses (Hajizadeh and her attorney Michael Saeedian) at the motion hearing on June 20, 2024; she estimates that this testimony will take approximately 90 minutes, including Farsi-language interpretation for her own testimony. The court ultimately finds, however, that it does not need to resolve any of these disputed factual questions because the matter can be decided as a matter of law, based on the case law cited by the parties. The court therefore does not rely on any of the materials submitted with the parties' requests for judicial notice, except to the extent that it provides an interesting factual backdrop to the legal issue presented by this motion.

The court agrees with the parties that the two key cases on point are *Romadka*, *supra*, and *W. Bradley Electric, Inc. v. Mitchell Engineering* (2024) 100 Cal.App.5th 1 (*Bradley Electric*). Having read these cases closely, the court concludes that even if it accepts the entirety of Hajizadeh's evidence as true (including the declarations of Hajizadeh, Saeedian, and Patsy Rojas), the most that this evidence would establish is that the July 14, 2021 dismissal was *voidable* rather than *void* on its face. Accordingly, under the detailed and persuasive analysis set forth in *Bradley Electric*, Hajizadeh is not entitled to relief under section 473, subdivision(d), which only applies if the dismissal was void.

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[3] In support, Magic Mountain purports to cite Exhibits 10 and 11 to its request for judicial notice, but these documents are not attached to the request for judicial notice. In fact, it appears that at least Exhibits 10-18 (and possibly more) are missing from the filing.

As *Bradley Electric* explains, "void" generally refers to a situation in which "the trial court lacks jurisdiction in a fundamental sense." "If the court has fundamental jurisdiction but exceeds its jurisdiction by acting contrary to its statutory duties, the judgment is merely voidable, not void . . . . And a judgment that is merely voidable is not subject to section 473, subdivision (d)." (*Bradley Electric*, 100 Cal.App.5th at p. 13.) The Court of Appeal goes on to note: "In our view, a judgment entered pursuant to a settlement and request for dismissal that were not authorized by the client would be voidable, not void. This is consistent with the well-established distinction between matters that are 'void' as opposed to 'voidable,' which limits the term 'void' to decrees for which the court lacked fundamental jurisdiction." (*Ibid.*)

Hajizadeh is correct that the Court of Appeal in *Bradley Electric* ultimately refrained from explicitly deciding whether a request for dismissal that was not authorized by a client (just like the request for dismissal in the instant case) was void or voidable, but that does not mean, as Hajizadeh asserts, that the "only actual appellate authority before the [c]ourt is the *Romadka* . . . line of cases." (Reply, p. 5:22-23.) On the contrary, *Bradley Electric* made it clear that it interpreted *Whittier Union High School District v. Superior Court* (1977) 66 Cal.App.3d 504, 506-508 as holding that such dismissals were "merely *voidable*." (*Bradley Electric*, 100 Cal.App.5th at p. 14, italics in original.)[4] In addition, *Bradley Electric* cited other decisions as being consistent with its analysis of "void"-versus-"voidable" under section 473, subdivision (d). (*Bowden v. Green* (1982) 128 Cal.App.3d 65, 70, 73-74; *Bice v. Stevens* (1958) 160 Cal.App.2d 222, 225, 233-234.) Most important of all, the Court in *Bradley Electric* made it clear that it saw *Romadka* as the outlier and "exception" rather than the mainstream view in the decisional authorities. Having now read *Romadka* in its entirety, this court agrees, as there is nothing in *Romadka* that suggests that the Court even considered the distinction between "void" and "voidable"; the *Romadka* Court merely assumed that the dismissal was "void" because the clients and their attorney both agreed that it was signed without authorization.

Another material distinction between *Romadka* and the present case is that in *Romadka*, the plaintiffs filed their motion to vacate the dismissal less than two years after it was entered. Here, by contrast Hajizadeh filed her motion two years and eight months after the fact. As Magic Mountain points out, the case law generally does not allow challenges to voidable judgments more than two years after they were entered. (*Trackman v. Kenny* (2010) 187 Cal.App.4th 175, 180-181.)

Although this court recognizes that *Romadka* came out of this judicial appellate district (the Sixth), and *Bradley Electric* came out of a different appellate district (the First), *Romadka* is 33 years older and does not appear to reflect the "majority" view, as noted by the *Bradley Electric* Court. In addition, *Romadka* does not provide any reasoned basis upon which to conclude that the dismissal involved in that case was void, as opposed to merely voidable. The court therefore finds *Bradley Electric* to be significantly more persuasive.

The court finds that Hajizadeh is not entitled to relief under Code of Civil Procedure section 473, subdivision (d).

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[4] Magic Mountain relies extensively on *Whittier* in its opposition brief.

Having reached that conclusion, the court also finds that Hajizadeh is not entitled to relief under Code of Civil Procedure section 473, subdivision (b), which explicitly requires that a motion be brought within six months of dismissal. Under that subdivision, this motion is more than two years too late.

The motion is DENIED. Hajizadeh's request to present live testimony at the law-and-motion hearing is also DENIED.

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