



1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2           **PLEASE TAKE NOTICE** that on September 9, 2019, at 10:00 a.m., or as soon  
3 thereafter as the matter may be heard, in Department 14 of the above-referenced court, Plaintiff  
4 Lauren Reeves will move for orders to govern the conduct of Defendant David throughout the  
5 trial as follows:

6           (1) That Defendant David be prohibited from stating that he has taken and/or passed a  
7 lie detector/polygraph test and/or posting flyers on this subject matter in the courthouse.

8           (2) That Defendant David be prohibited from communicating with jurors both inside  
9 and outside the Court including talking in front of jurors on courtroom breaks, walking/standing  
10 in the vicinity of the jury on courtroom breaks. Defendant David is prohibited from being on the  
11 third floor of the courthouse except when he needs to enter and exit Department 14. When Court  
12 is not in session any and all conversations Defendant has with his attorneys, witnesses, friends,  
13 press must take place on another floor and away from the prospective jurors, jurors, Plaintiff and  
14 Plaintiff's counsel. Defendant David is prohibited from using restrooms on the third floor so as  
15 not to interact with prospective jurors, jurors, Plaintiff and/or Plaintiff's counsel. Further, while  
16 in the courtroom Defendant David shall be prohibited from communicating with jurors directly  
17 or expressing his feelings to them by gestures, moans, loud sighs or other body language. On all  
18 Court breaks, excepting lunch, Defendant David shall be ordered to remain in the jury room.

19           (3) That Defendant David be prohibited from alleging or blurting out comments of an  
20 alleged conspiracy between attorney Lisa Bloom and/or her law firm and Gloria Allred and/or her  
21 law firm to destroy Defendant Alki David.

22           (4) That Defendant David be prohibited from attempting to intimidate Plaintiff and/or  
23 her counsel by posting videos of the Plaintiff or of her counsel with blood on their faces.

24           (5) That Defendant David be prohibited from attempting to intimidate Plaintiff and/or  
25 her counsel by yelling at them inside or outside the courtroom, threatening them in front of  
26 jurors, threatening to sue Plaintiff's counsel when the case is over.

27           (6) That Defendant David be prohibited from calling Plaintiff's counsel a liar, a  
28 disgusting liar or claiming that Plaintiff's counsel was concocting stories and/or false allegations.

1 (7) That Defendant David be prohibited from speaking to Plaintiff’s counsel directly.

2 (8) That Defendant David be prohibited from challenging Plaintiff’s counsel to a  
3 fistfight.

4 (9) That Defendant David be prohibited from referring to Plaintiff’s counsel in front  
5 of the jury as a “filthy, filthy person.”

6 (10) That Defendant David be prohibited from interrupting the court proceeding with  
7 repeated outbursts.

8 (11) That Defendant David be prohibited from making references to how much money  
9 he lost because of lawsuit filed against him.

10 (12) That Defendant David be prohibited from laughing during testimony of witnesses.

11 This Motion is based on the attached Memorandum of Points and Authorities, the  
12 complete files and records in this action, and upon such other oral or documentary evidence  
13 presented at the hearing.

14  
15 DATED: September 8, 2019

ALLRED, MAROKO & GOLDBERG

16  
17 By: 

NATHAN GOLDBERG  
DOLORES Y. LEAL  
RENEE MOCHKATEL  
Attorneys for Plaintiff,  
**LAUREN REEVES**

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Alki David has recently gone through two jury trials. In April 2019 while represented by  
4 counsel the jury came back with a verdict against him for \$11.3 million dollars. The second trial  
5 ended a little more than one week ago. In that trial his wholly owned companies were  
6 represented by the same counsel as the first trial and Defendant David represented himself. This  
7 was clearly a strategy designed to allow him to act in any way he wanted inside or outside of the  
8 courtroom, to tamper with the jury, and to engage in conduct which was designed to inflame and  
9 prejudice the jury. The second trial ended in a mistrial. Mr. David was repeatedly sanctioned by  
10 the court in the second trial to no avail. He told the judge he didn't care and he had no intention  
11 in paying the sanctions and his behavior only worsened. Undoubtedly, the mistrial will only  
12 embolden Mr. David to continue his outrageous conduct and perhaps even to increase it.  
13 Therefore, it is necessary that this Court issue orders to protect the integrity of these proceedings  
14 to ensure that there is no tampering with the jury, to protect counsel and witnesses from  
15 intimidation and harassment, and to ensure a fair trial.

16 Specifically, based on Defendant David's antics in the second trial as will be set forth  
17 below, Plaintiff seeks Orders to curtail and prohibit Defendant David's conduct as follows:

18 (1) From stating that he has taken and/or passed a lie detector/polygraph test and/or  
19 posting flyers on this subject matter in the courthouse.

20 (2) That Defendant David be prohibited from communicating with jurors both inside  
21 and outside the Court including talking in front of jurors on courtroom breaks, walking/standing  
22 in the vicinity of the jury on courtroom breaks. Defendant David is prohibited from being on the  
23 third floor of the courthouse except when he needs to enter and exit Department 14. When Court  
24 is not in session any and all conversations Defendant has with his attorneys, witnesses, friends,  
25 press must take place on another floor and away from the prospective jurors, jurors, Plaintiff and  
26 Plaintiff's counsel. Defendant David is prohibited from using restrooms on the third floor so as  
27 not to interact with prospective jurors, jurors, Plaintiff and/or Plaintiff's counsel. Further, while  
28 in the courtroom Defendant David shall be prohibited from communicating with jurors directly

1 or expressing his feelings to them by gestures, moans, loud sighs or other body language. On all  
2 Court breaks, excepting lunch, Defendant David shall be ordered to remain in the jury room.

3 (3) From alleging or blurting out comments of an alleged conspiracy between attorney  
4 Lisa Bloom and/or her law firm and Gloria Allred and/or her law firm to destroy Defendant Alki  
5 David.

6 (4) From attempting to intimidate Plaintiff and/or her counsel by posting videos of the  
7 Plaintiff or of her counsel with blood on their faces.

8 (5) From attempting to intimidate Plaintiff and/or her counsel by yelling at them  
9 inside or outside the courtroom, threatening them in front of jurors, and threatening to sue  
10 Plaintiff's counsel when the case is over.

11 (6) From calling Plaintiff's counsel a liar, a disgusting liar or claiming that Plaintiff's  
12 counsel was concocting stories and/or false allegations.

13 (7) From speaking to Plaintiff's counsel directly.

14 (8) From challenging Plaintiff's counsel to a fist fight.

15 (9) From referring to Plaintiff's counsel in front of the jury as a "filthy, filthy person."

16 (10) From interrupting the Court proceeding with repeated outbursts.

17 (11) From making references to how much money Defendant David lost because of  
18 various lawsuits filed against him.

19 (12) From laughing during testimony of witnesses.

20 The Court must make it abundantly clear to Mr. David what the consequences will be of  
21 his violating any of these orders.

22 Mr. David has made it abundantly clear that monetary sanctions won't work.

23 "You can sanction me all you want your Honor. I will not pay it." Taylor Trial  
24 Transcript (hereinafter "TTT") August 21, 2019, Pg. 159:9-11. On August 23, 2019, in response  
25 to the Court again issuing monetary sanctions against Defendant David he stated to the Judge, "I  
26 will take whatever punishment you want to give me. Give me whatever punishment you want to  
27 give me. I've been waiting a long time to get in that woman's face and in these people's faces  
28 and in every single witness that is going to walk in here." TTT, Pg. 4:26-Pg. 5:14.

1 California *Code of Civil Procedure* Section 128 sets forth in relevant part as follows:

2 “(a) Every court shall have the power to do all of the following:

3 (1) To preserve and enforce order in its immediate presence.

4 (2) To enforce order in the proceedings before it, or before a person or persons  
5 empowered to conduct a judicial investigation under its authority.

6 (3) To provide for the orderly conduct of proceedings before it, or its officers.

7 (4) To compel obedience to its judgments, orders, and process, and to the orders of a  
8 judge out of court, in an action or proceeding pending therein.

9 (5) To control in the furtherance of justice, the conduct of its ministerial officers, and of  
10 all other persons in any manner connected with a judicial proceeding before it, in every matter  
11 pertaining thereto.”

12 CCP Section 128 empowers this Court with the authority to issue the orders requested  
13 herein to govern the conduct of Defendant David.

14 **II. EXAMPLES OF SPECIFIC CONDUCT WHICH ALKI DAVID ENGAGED IN**  
15 **THE TRIAL WHICH JUST ENDED WHEN HE REPRESENTED HIMSELF**

16 **1. Mr. David improperly told the jurors and created a flyer that he had passed**  
17 **a polygraph examination:**

18 Almost immediately after the jury was empaneled Defendant David blurted out  
19 something about a lie detector/polygraph test. The Court immediately advised him that he could  
20 not refer to his having allegedly taking a lie detector/polygraph examination. TTT, August 19,  
21 2019, Pg.9:12-20. In spite of the Court’s order, on August 20, 2019, the very next day, a juror  
22 reported to the court that flyers had been posted on the 9<sup>th</sup> floor and outside the courtroom  
23 regarding Defendant David having passed a polygraph. This necessitated each juror having to be  
24 questioned individually as to whether they had seen the flyers. Mr. David posted a video  
25 bragging about the flyer. TTT, August 20, 2019, Pg.2:14-26.

26 **2. Jury Tampering:**

27 Throughout the Taylor trial Defendant David engaged in behavior that was designed to  
28 and did tamper with the jury. This Court must establish from the very beginning of the

1 proceedings that Defendant David will not be allowed to run roughshod over the Court process in  
2 order to improperly influence the jury.

3 Defendant David made repeated attempts to tamper with the jury as evidenced by the  
4 examples below:

- 5 a) In the hallway outside of the courtroom Defendant David made repeated  
6 references to a supposed Los Angeles Times article regarding Plaintiff's counsel.  
7 TTT, August 20, 2019, Pg.7:10-14.
- 8 b) In the hallway outside of the courtroom Defendant David engaged in loud  
9 conversations with others. TTT, August 20, 2019, Pg.152:8-19.
- 10 c) In front of jurors in the hallway outside the courtroom Defendant David  
11 threatened Plaintiff. TTT, August 20,2019, Pg.117:27-119:3.
- 12 d) On August 20, 2019, in response to Defendant David's conduct the Court warned  
13 him as follows: "You have now shown me through your conduct through the fact  
14 that it has been repeated. It has happened many times and it has happened over  
15 different times. You are attempting to make contact with the jury and trying to  
16 disguise it willfully trying to disguise it as inadvertent remarks or just an  
17 unguarded conversation with a third party. I do not believe it to be inadvertent."  
18 TTT, Pg. 7:14-21.
- 19 e) Defendant David speaking directly to the jury resulted in the Court admonishing  
20 him as follows, "Mr. David, don't speak to the jury." TTT, August 23, 2019,  
21 Pg.211:15.

22 **3. Defendant David blurted out comments during the Taylor trial of an alleged**  
23 **conspiracy between attorney Lisa Bloom and/or her law firm and Gloria Allred and/or her**  
24 **law firm to destroy Defendant Alki David.**

- 25 a) Defendant David stated with reference to all the lawsuits against him that all of  
26 the Plaintiffs were represented by Lisa Bloom or Gloria Allred. "You're such a  
27 hoax." TTT, August 23, 2019, Pg.151:25-27.

28 **4. Defendant David's attempt to intimidate Plaintiff and Plaintiff's counsel by**

1 **posting threatening videos**

2 Defendant David posted threatening and intimidating videos on-line to scare Plaintiff and  
3 her counsel. When Plaintiff’s counsel stated to the Court that there should be consequences for  
4 Defendant David posting an instagram photo of herself and Plaintiff with a bloody knife of their  
5 faces Defendant David mockingly responded, “Can you pass me some tissues. Seriously, I need  
6 some tissue.” TTT, August 23, 2019, Pg. 7:19-20. This was followed by Defendant David  
7 stating “Nobody feels sorry for you, Ms. Bloom.” TTT, August 23, 2019, Pg.8:26-27.

8 That same day, when Defendant David was challenged in the Court by Ms. Bloom he  
9 doubled down and stated “Her face was covered by a pig’s nose.” Defendant David then turned  
10 directly to Plaintiff’s counsel and said “You are squirming like a pig now.” TTT, Pg.44:6.

11 **5. Defendant Threatening and/or Intimidating Plaintiff and/or her Counsel**

12 During the trial Defendant David repeatedly threatened and/or intimidated both Plaintiff  
13 and her counsel. His conduct was so outrageous that the Court ordered a Bailiff to be in the  
14 courtroom for the entire proceeding. The Court stated: “It is unusual to have a bailiff present  
15 throughout a civil case. It is even more unusual to have, as we had yesterday, at one point four or  
16 five people from the sheriff’s department in this courtroom monitoring the proceedings and  
17 trying to maintain order.” TTT, August 23, 2019, Pg. 238:18-23.

18 Defendant David told Plaintiff’s counsel in front of the jury, “Don’t shake your head. You  
19 shook your damn head.” TTT, August 22, 2019. Pg.85:22-23.

20 During the trial and in front of the jury Defendant David yelled at Plaintiff “You are  
21 going down.” TTT, August 20, 2019, Pg.3:25-28.

22 Defendant David repeatedly and in a loud voice threatened Plaintiff and counsel in the  
23 hallway outside the courtroom in front of jurors. TTT, August 20, 2019, Pg.117:27 - 118:3.

24 Defendant David threatened Plaintiff’s counsel stating, “That is nothing compared to  
25 what I will do to you and your firm after this is done.” TTT, August 23, 2019,Pg.186:2-3.

26 Defendant David repeatedly threatened to sue Plaintiff’s counsel when the case was over.  
27 TTT, August 23, 2019, Pg.152:24-28.

28 **6. Calling Plaintiff’s counsel a liar**

1 In an effort to inflame the jury against Plaintiff and her counsel Defendant David  
2 repeatedly referred to Plaintiff's counsel as a liar or liars.

3 In open Court Defendant David stated to Plaintiff's counsel "You know you are lying. A  
4 boldfaced open faced lie. You just sit there lying." TTT, August 22, 2019, Pg.80:12-13.  
5 Defendant David stated, "and these peoples' dishonest activities all of you should be ashamed."  
6 TTT, August 23, 2019, Pg. 6:19-23.

7 When Defendant David was on the stand being cross examined by Plaintiff's counsel,  
8 without a pending question, he looked at counsel and said "You are a liar." TTT, August 23,  
9 2019, Pg. 152:21. That same day he stated, "You're lying. You're completely lying" referring to  
10 attorney Lisa Bloom. Pg.160:19-23. He stated, "This is a complete lie. You're a liar, you're a  
11 disgusting liar." Pg. 164:22-25. Finally, on August 23, 2019 Defendant David stated "You are  
12 concocting stories and concocting false allegations and targeting victims like me." Pg. 177:1-9.

13 This Court must take all steps necessary to curtail this outrageous conduct by Defendant  
14 David.

15 **7. Defendant David continually violated the Court's order that he not speak directly**  
16 **to Plaintiff's counsel.**

17 When Plaintiff's counsel pointed out that Defendant was speaking to her directly, in spite  
18 of a court order to the contrary, Defendant David stated that he was very angry because he lost  
19 \$100,000,000 because of lies and manipulation and that he would fight to the death to protect his  
20 place. TTT, August 23, 2019, Pg.5:11-17. According to Peter Van Pruissen, the former CFO of  
21 David's companies, the reason that the public offering was not successful was because NASDAQ  
22 put a hold on the offering due to an inquiry from the SEC. Mr. Van Pruissen testified that the  
23 lawsuits against Defendant David had no effect whatsoever on the public offering. TTT, August  
24 23, 2019, Pg. 70:6-11; 74:17-25.

25 **8. Defendant David Challenged Plaintiff's counsel to a fist fight**

26 See TTT, August 23, 2019, Pg. 132:16-20

27 **9. Defendant David referred to Plaintiff's counsel as a "filthy, filthy person" in**  
28 **front of the jury.**

1 Defendant David, in front of the jury, called Plaintiff’s counsel, “a filthy person.”  
2 TTT, August 23, 2019, Pg. 181:23-24.

3 **10. Defendant interrupted the Court proceedings with repeated outbursts.**

4 Defendant David yelling during sidebar arguments. TTT, August 20, 2019, Pg. 29:1-6  
5 and Pg. 34:21-25.

6 Defendant David made repeated outbursts during the trial and was told by the Court as  
7 follows, “I am telling you that now because I want you to know your conduct has delayed this  
8 case by essentially a couple of court days have been taken up with your repeated outbursts, your  
9 repeated failure to obey my order and your repeated attempts to contact the jury.” TTT, August  
10 20, 2019, Pg.6:22-27.

11 **11. Defendant commenting on testimony.**

12 Defendant David made numerous comments on testimony including the following:  
13 “Amazing how much effort they go to hiding the truth.” TTT, August 22, 2019, Pg. 36:24-25; “It  
14 is bullshit” TTT, August 22, 2019, Pg. 91:7-8; “Is it important to hide the truth of everything?”  
15 August 22, 2019, Pg. 141:18-19; “I am here to clear my name and to deal with liars.” August 22,  
16 2019, Pg. 144:28-145:1.

17 **12. Making references to how much money he lost because of lawsuits filed**  
18 **against him.**

19 Defendant David repeatedly attempted to convince the jury that the lawsuit filed by  
20 Plaintiff and others resulted in a substantial financial loss to him and his companies. This is  
21 untrue.

22 Defendant David speaking to the Judge “Your honor,,why are you doing this...you are  
23 protecting somebody who is concluding to cause major crimes, crimes in excess of a hundred  
24 million dollars is what these people are responsible for. Crimes, your honor.” TTT, August 21,  
25 2019, Pg.120:8-16.

26 Defendant David stated in front of the jury “You run a \$75 million dollar investment plus  
27 and you’re worried about a \$30,000 piece have bullshit using sex as ...” Once again, the Court  
28 ordered Defendant David to stop talking. TTT, August 23, 2019, Pg. 124:19-25.

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**13. Laughing during testimony of witnesses.**

Defendant David’s outrageous behavior was evident when he loudly laughed during the testimony of Plaintiff. “Please let the record reflect that Mr. David is laughing at your portion of your testimony. The Court: The record will reflect that.” TTT, August 20, 2019, Pg.42:17-19; “Let the record reflect that Mr. David is laughing. The Court: Yes.” TTT, August 21, 2019, Pg. 62:24-26.

**IV. CONCLUSION**

Accordingly, Plaintiff Reeves respectfully requests that this Court issue orders set forth in the concurrently filed (Proposed) Order to govern the conduct of Defendant David throughout the trial. These orders are necessary to ensure a fair trial.

Dated: September 9, 2019

ALLRED, MAROKO & GOLDBERG

By: 

NATHAN GOLDBERG  
DOLORES Y. LEAL  
RENEE MOCHKATEL  
Attorneys for Plaintiff,  
**LAUREN REEVES**

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
4 and not a party to the within action; my business address is: 6300 Wilshire Boulevard, Suite  
5 1500, Los Angeles, California 90048.

6 On **September 8, 2019**, I served the foregoing document described as **PLAINTIFF'S**  
7 **MOTION IN LIMINE NO. 5 REQUESTING ORDERS TO GOVERN THE CONDUCT**  
8 **OF DEFENDANT ALKIVIADES DAVID DURING TRIAL; MEMORANDUM OF**  
9 **POINTS AND AUTHORITIES** on interested parties in this action

10  by placing  the original  a true copy thereof enclosed in sealed envelopes at Los  
11 Angeles, California addressed as follows:

12 **Attorneys for Defendants:**

13 Ellyn S. Garofalo, Esq.

14 Amir Kaltgrad, Esq.

15 **VENABLE LLP**

16 2049 Century Park East, Suite 2300

17 Los Angeles, CA 90067

18 [ESGarofalo@Venable.com](mailto:ESGarofalo@Venable.com)

19 [Akaltgrad@Venable.com](mailto:Akaltgrad@Venable.com)

20  **BY MAIL:** I caused such envelope with postage thereon fully prepaid to be placed in the  
21 United States mail at Los Angeles, California.

22  **BY E-MAIL:** I caused such document to be electronically served via email to the email  
23 address of the addressee(s).

24  **BY OVERNIGHT DELIVERY:** I enclosed the documents on the date shown below in  
25 an envelope or package provided by an overnight delivery carrier and addressed to the  
26 person at the addresses above. I placed the envelope or package for collection and  
27 overnight delivery at an office or a regular utilized drop box of the overnight delivery  
28 carrier.

Executed on **September 8, 2019**, at Los Angeles, California.

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

\_\_\_\_\_  
RENEE MOCHKATEL