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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES**

11 LAUREN REEVES,  
12  
13 Plaintiff,  
14  
15 v.  
16  
17 HOLOGRAM USA, INC.; ALKI DAVID  
PRODUCTIONS, INC.; ALKIVIADES DAVID,  
18 an individual; and DOES 1 through 25, inclusive,  
19 Defendants.  
20

CASE NO. BC643099

Hon. Terry Green  
Dept. 14

**DEFENDANTS' OPPOSITION TO  
PLAINTIFF LAUREN REEVES'  
MOTION IN LIMINE #5  
REQUESTING ORDERS TO  
GOVERN THE CONDUCT OF  
DEFENDANT ALKIVIADES DAVID  
DURING THE TRIAL**

Complaint Filed: December 7, 2016  
Trial: September 9, 2019

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1 Defendants Alkiviades David (“David”), Hologram USA, Inc., and Alki David  
2 Productions, Inc. (collectively, “Defendants”) hereby oppose Plaintiff Lauren Reeves’  
3 (“Plaintiff”) Motion in Limine No. 5.

4 **I. INTRODUCTION**

5 Plaintiff’s late-filed Motion in Limine No. 5 is not a motion in limine at all. Rather,  
6 Plaintiff’s submitted brief is an improper attempt to bias this Court against Mr. David by  
7 describing prior alleged actions or statements by Mr. David, some of which are purely hearsay,  
8 and requesting outrageous limitations on Mr. David’s constitutional right to a fair trial under the  
9 guise of a motion in limine. Mr. David is a defendant in this action and has been compelled into  
10 court by Plaintiff. To suggest that Mr. David not be allowed to freely speak to his attorneys,  
11 leave the courtroom during breaks, or use the restroom on the third floor of the Courtroom would  
12 be a ridiculous and unfair use of Court’s authority. Plaintiff’s motion is unnecessary in any case.  
13 Much of the conduct Plaintiff seeks to control is already governed by local court rules making a  
14 special order by the Court superfluous and unnecessary. In addition, if at some point Mr. David  
15 decides he wants to represent himself, he will need to be able to communicate with opposing  
16 counsel and conduct court business without being sequestered away from all other attorneys.

17 **II. PLAINTIFF’S BRIEF IS NOT A PROPER MOTION IN LIMINE**

18 Plaintiff’s “Motion in Limine” No. 5 is simply an attempt to “poison the well” by  
19 pointing to isolated instances of conduct or alleged conduct from Mr. David’s previous trial that  
20 Plaintiff wishes to highlight for this Court. Plaintiff seeks orders limiting Mr. David’s movement  
21 or speech. However, these requests are not the proper basis for a motion in limine. “A motion in  
22 limine is made to exclude evidence before the evidence is offered at trial, on grounds that would  
23 be sufficient to object to or move to strike the evidence. The purpose of a motion in limine is ‘to  
24 avoid the obviously futile attempt to ‘unring the bell’ in the event a motion to strike is granted in  
25 the proceedings before the jury.’” *Condon-Johnson & Assocs., Inc. v. Sacramento Mun. Util.*  
26 *Dist.*, 149 Cal. App. 4th 1384, 1392 (2007); *see also Fergus v. Songer*, 150 Cal. App. 4th 552,  
27 569 (2007) (“A motion in limine is made to exclude evidence before the evidence is offered at  
28 trial, on grounds that would be sufficient to object to or move to strike the evidence. The purpose

1 of a motion in limine is ‘to avoid the obviously futile attempt to ‘unring the bell’ in the event a  
2 motion to strike is granted in the proceedings before the jury.’”). The Court orders sought by  
3 Plaintiff unfairly seek to limit Mr. David’s access to the forum into which he was brought by  
4 Plaintiff.

5 **III. NO AUTHORITY EXISTS TO AUTHORIZE THE ORDERS SOUGHT BY**  
6 **PLAINTIFF**

7 **A. Plaintiff Offers No Authority That Would Allow The Court To Limit Mr.**  
8 **David’s Movement Or Speech By A Motion In Limine.**

9 The sole authority cited by Plaintiff in support of her requested orders is Code of Civil  
10 Procedure § 128 which generally allows the Court to provide for the orderly conduct of  
11 proceedings. However, Plaintiff fails to cite any authority authorizing a Court to utilize Section  
12 128 to limit when and where a defendant may use the restroom, when and where a defendant  
13 may speak to his attorneys, or whether a civil defendant must be sequestered in a jury room  
14 during all Court breaks. Of course, this is because no such authority exists.

15 **B. Court Orders Limiting Contact With The Jury Or Opposing Counsel Are**  
16 **Superfluous And Unnecessary.**

17 Many of the Plaintiff’s requested orders relate to limiting Mr. David’s contact with the  
18 jury or opposing counsel. Such orders are superfluous and unnecessary as such conduct is  
19 already addressed by local court rules. For example, LASC Local Rule 3.130, entitled  
20 “COMMUNICATION TO JURORS BY PARTIES AND WITNESSES”, states, “Counsel must  
21 instruct their clients and witnesses that they must not communicate with any juror.” Similarly, LASC  
22 Local Rule 2.20, entitled “JUROR INTERFERENCE” states, “Except as may be authorized by a  
23 judge, no person may distribute or attempt to distribute any written materials tending to influence,  
24 interfere, or impede the lawful discharge of the duties of a trial juror, or communicate or attempt to  
25 communicate with any person summoned, drawn, or serving as a trial juror for purposes of  
26 influencing, interfering, or impeding the lawful discharge of the duties of a trial juror in, or within 50  
27 yards of any public entrance to, the facilities within which the court conducts jury trials.” Finally,  
28 LASC Local Rule 3.129, entitled “ADDRESS TO COURT BY REPRESENTED PARTY OR

1 WITNESS” states “A party or witness represented by counsel seeking to address the court directly  
2 may be instructed by the court to confer with such counsel. Thereafter, the court will confer with  
3 counsel outside the hearing of the jury concerning the subject matter of such communication and  
4 determine whether or not such party or witness will be permitted to address the court, and if so, the  
5 limits thereon.” Additional orders to Mr. David are unnecessary.

6 Much of the “evidence” cited in Plaintiff’s motion consists of a courtroom transcript of  
7 Elizabeth Taylor’s counsel, Lisa Bloom, complaining to Judge Lui about alleged conduct that  
8 happened outside the courtroom. Ms. Bloom did not provide a declaration in support of Plaintiff’s  
9 motion and therefore most of Ms. Bloom’s statements are inadmissible hearsay. Judge Lui  
10 specifically stated that he could not make rulings based on things that may or may not have happened  
11 outside of the courtroom which he did not witness without an evidentiary hearing. See TTT, August  
12 20, 2019 at 152:4-5 (“I can’t make a decision based just on unsworn representations of counsel”); *see*  
13 *also* 118:9-18.

14 Some of the other “evidence” cited by Plaintiff simply consists of Mr. David’s responses to  
15 leading cross-examination. For example, Plaintiff seeks to preclude Mr. David from calling  
16 Plaintiff’s counsel a liar, citing the following exchange during Mr. David’s cross-examination:

17 Q. And you have attempted to intimidate [Chasity Jones] as a witness?

18 A. That’s a complete lie, you’re a liar, you’re disgusting liar.

19 Mr. David’s response may not be palatable to plaintiff but it was responsive to the question asked of  
20 him. Plaintiff cannot limit Mr. David’s testimony by precluding him from truthfully responding to  
21 questions.

22 Of course, with respect to Mr. David speaking to opposing counsel, Plaintiff’s counsel  
23 has the obligation not to engage in discussions with Mr. David without his attorneys being  
24 present. California Rule of Professional Conduct 4.2(a) states, “In representing a client, a lawyer  
25 shall not communicate directly or indirectly about the subject of the representation with a person  
26 the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the  
27 consent of the other lawyer.” In addition, if Mr. David were to file a substitution of attorney to  
28 represent himself, Plaintiff cannot preclude Mr. David from speaking to her counsel.

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C. **Court Orders Limiting Mr. David’s Movement Are Unfair and Unduly Prejudicial**

Plaintiff also seeks orders precluding Mr. David from “walking/standing in the vicinity of the jury on courtroom breaks”, “being on the third floor of the courthouse except when he needs to enter and exit Department 14”, “using the restrooms on the third floor” and requiring Mr. David to remain in the jury room during all court breaks. Such orders are unduly prejudicial and unfair. Plaintiff should not be allowed to stand with or near jurors during breaks while Mr. David is locked away in the jury room. The jury could infer all kinds of reasons why Mr. David is not allowed outside of the Court room while Plaintiff is free to roam the halls with her team of lawyers and the implications are extremely prejudicial to Defendants. In addition, Mr. David may need to confer with his attorneys during Court breaks regarding testimony of witnesses or other evidence. Requiring Mr. David to either spend time walking to another floor or keeping him separate from his attorneys would unfairly prejudice Mr. David and all defendants and such orders are not authorized by Section 128 or any other statute or Court rule.

IV. **CONCLUSION**

For the foregoing reasons, Defendants respectfully request that the Court deny Plaintiff’s Motion in Limine No. 5.

Dated: September 10, 2019

VENABLE LLP

By:   
Ellyn S. Garofalo  
Amir Kaltgrad

Attorneys for Defendants HOLOGRAM USA, INC.; ALKI DAVID PRODUCTIONS, INC.; and ALKIVIADES DAVID

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3 COUNTY OF LOS ANGELES

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7 PLAINTIFF LAUREN REEVES' MOTION IN LIMINE #5 REQUESTING ORDERS TO  
8 GOVERN THE CONDUCT OF DEFENDANT ALKIVIADES DAVID DURING THE  
9 TRIAL**, on the person(s) below:

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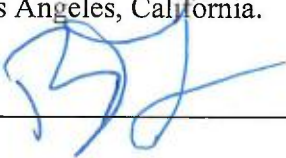
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28 to accept service.

25 I declare under penalty of perjury under the laws of the State of California that the above  
26 is true and correct. Executed on September 10, 2019, at Los Angeles, California.

27   
28 \_\_\_\_\_  
Bonny Garza