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10 ALAN JOHNSTON

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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**  
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15 CORY SPENCER, an individual;  
16 DIANA MILENA REED, an  
17 individual; and COASTAL  
18 PROTECTION RANGERS, INC., a  
19 California non-profit public benefit  
20 corporation;

21 Plaintiffs,

22 v.

23 LUNADA BAY BOYS; THE  
24 INDIVIDUAL MEMBERS OF THE  
25 LUNADA BAY BOYS, including but  
26 not limited to SANG LEE, BRANT  
27 BLAKEMAN, ALAN JOHNSTON  
28 aka JALIAN JOHNSTON, MICHAEL  
RAE PAPAYANS, ANGELO  
FERRARA, FRANK FERRARA,  
CHARLIE FERRARA, and N.F.;  
CITY OF PALOS VERDES  
ESTATES; CHIEF OF POLICE  
JEFF KEPLEY, in his representative  
capacity; and DOES 1 – 10,

Defendants.

Case No. 2:16-cv-02129-SJO-RAO

**DEFENDANT ALAN JOHNSTON'S  
LETTER BRIEF REGARDING  
SCHEDULING OF DEPOSITION**

LAW OFFICES  
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June 29, 2017

The Honorable Rozella A. Oliver  
United States District Court - Central District of California  
Courtroom F, 9<sup>th</sup> Floor  
312 N. Spring Street  
Los Angeles, CA 90012

Re: *Spencer et al v. Lunada Bay Boys, et al.*

Dear Judge Oliver,

At the outset of this lawsuit, I advised Plaintiffs' counsel that Mr. Johnston lives and travels internationally most of the year as required by his sponsor, VAST, Inc. On December 12, 2016, I emailed Plaintiff's counsel that Mr. Johnston would be "home for the next three weeks or so and would love to get a deposition date on calendar if that is possible with you guys. Ideally for my schedule is December 20th as we discussed several weeks ago, but I can be flexible."

On February 7, 2017, I followed up with an email request to "set a date for his deposition given [Mr. Johnston's] upcoming international travel. If so, here are some available dates: Feb. 27, March 8, 9, 10, 14, 16, 20."

For over 6 months, Mr. Johnston made himself available for deposition. In June of 2017, after not receiving a date, Mr. Johnston left the country for his pre-arranged obligations for VAST. Just four days after leaving the country, Plaintiffs requested to schedule his deposition.

Mr. Johnston is available for deposition on July 28, 2017. This date is less than 30 days from the originally noticed deposition date and is before the close of discovery. Plaintiffs have noticed several depositions at this late juncture, including for three Ferrara defendants on July 6, 7, and 8, and Defendant Papayans on July 18.

We thank the court for its consideration and submit that there is currently no need for sanctions.

Sincerely,

LAW OFFICES OF J. PATRICK CAREY



J. Patrick Carey  
Attorney for Defendant Allen Johnston