

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN DIEGO

DEPARTMENT NO. 68

HON. JUDITH F. HAYES, JUDGE

STUTZ ARTIANO SHINOFF & HOLTZ,)

)

PLAINTIFFS,)

)

VS.)

)

MAURA LARKINS,)

)

CASE NO. 37-2007-
00076218-CU-DF-CTL

)

DEFENDANT.)

)

_____)

REPORTER'S TRANSCRIPT

JUNE 21, 2012

A P P E A R A N C E S:

FOR THE PLAINTIFF: STUTZ ARTIANO SHINOFF & HOLTZ
BY: JEFFREY WADE, ESQ.
ATTORNEY AT LAW

FOR THE DEFENDANT: IN PROPRIA PERSONA

MARVEL S. VOTAW, RPR, CRR, CSR NO. 2817
OFFICIAL REPORTER
SAN DIEGO SUPERIOR COURT
SAN DIEGO, CALIFORNIA 92101

1 SAN DIEGO, CALIFORNIA - THURSDAY - 6/21/2012 - 9:00 A.M.

2 --000--

3 THE COURT: ONE ON CALENDAR, SHINOFF VERSUS
4 LARKINS.

5 ALL RIGHT. IN COURT WE HAVE?

6 MR. WADE: GOOD MORNING, YOUR HONOR. JEFFREY
7 WADE ON BEHALF OF STUTZ, ARTIANO, SHINOFF & HOLTZ,
8 PLAINTIFF.

9 THE COURT: AND?

10 MS. LARKINS: MAURA LARKINS, DEFENDANT IN
11 PRO PER.

12 THE COURT: ALL RIGHT. AND MS. LARKINS, THIS IS
13 YOUR EX PARTE APPLICATION TO STAY PROCEEDINGS.

14 MS. LARKINS: ACTUALLY, I JUST ASKED TO STAY
15 SANCTIONS.

16 THE COURT: YOU DID. DID YOU WANT TO BE HEARD?

17 MS. LARKINS: YES, YOUR HONOR.

18 THE COURT: SURE. GO AHEAD.

19 MS. LARKINS: FIRST OF ALL, I WOULD LIKE TO SAY
20 THAT I WOULD LIKE TO INCLUDE THE ORIGINAL 3,000 SANCTIONS
21 ON THIS ORDER TO SHOW CAUSE IN MY REQUEST TO -- TO RESCIND
22 OR STAY. SO TO RESCIND THE 3,000 AND TO RESCIND OR STAY
23 THE 5,000.

24 I WOULD LIKE TO POINT OUT THAT THE ORDER TO
25 SHOW CAUSE ORIGINAL DECISION IN -- ON MARCH 10 OF 2010 WAS
26 BASED ON AN UNCONSTITUTIONAL INJUNCTION. THE PLAINTIFF
27 SHOWED ONLY THAT I HAD MENTIONED THEIR NAME ON MY SITE.

28 AND ALSO I HAVE TWO OTHER PROBLEMS.

1 AND ONE IS THAT THE INJUNCTION HAS NEVER BEEN
2 CLARIFIED. IT SEEMS THAT PLAINTIFFS KEEP ADDING
3 WORDS TO THE INJUNCTION. OR ELSE, IT SEEMS THAT I
4 AM EXPECTED TO FIGURE OUT AHEAD OF TIME IF
5 PLAINTIFF'S BEHAVIOR WAS ILLEGAL OR UNETHICAL. AND
6 THEN I'M NOT SUPPOSED TO TALK ABOUT THE BEHAVIOR IF
7 IT WAS ILLEGAL OR UNETHICAL. I NEED CLARIFICATION
8 IF THIS IS WHAT YOUR HONOR IS -- IF THIS IS HOW YOUR
9 HONOR IS INTERPRETING THE INJUNCTION.

10 I HAVE BEEN DEPRIVED WHEN I'VE BEEN
11 ACCUSED OF SAYING THINGS, LIKE "DANIEL SHINOFF
12 TRAINS ATTORNEYS," AND "DANIEL SHINOFF PLANS TACTICS
13 AGAINST PARENTS," I DON'T UNDERSTAND HOW THOSE COULD
14 POSSIBLY BE VIOLATIONS OF THE INJUNCTION, BECAUSE
15 IT'S NOT ILLEGAL, UNETHICAL, INTIMIDATING, OR
16 UNPROFESSIONAL TO TRAIN ATTORNEYS OR TO PLAN LEGAL
17 TACTICS.

18 ALSO I WOULD LIKE TO POINT OUT THAT
19 MY RESPONSE TO THE MOTION TO STRIKE REPLY WAS --
20 SEEMS TO HAVE BEEN COMPLETELY IGNORED BY THE COURT.
21 THIS DECISION ABOUT SANCTIONS WAS BASED ON
22 ALLEGATIONS THAT FIRST CAME UP IN PLAINTIFF'S MOTION
23 TO REPLY REGARDING ITS MOTION TO STRIKE MY ANSWER.

24 AND THEN YOUR HONOR GAVE ME
25 PERMISSION TO FILE A REPLY -- A FURTHER OPPOSITION.
26 BUT -- AND I PRODUCED DOCUMENTATION SHOWING THAT
27 STATEMENTS HAD BEEN REMOVED. YET -- AND THE COURT'S
28 MAY 30TH, 2012, DECISION GIVING ME 5,000 IN

1 SANCTIONS, THE DECISION SAYS THAT STATEMENTS ARE
2 CURRENTLY ON MY WEBSITE.

3 ALSO, YOUR HONOR DID NOT GIVE ME ANY
4 CLARIFICATION ABOUT PUBLIC RECORDS, WHETHER I AM
5 BANNED FROM HAVING PUBLIC RECORDS ON MY WEBSITE.

6 THAT'S ALL.

7 **THE COURT:** OKAY. GO AHEAD.

8 **MR. WADE:** THANK YOU, YOUR HONOR. WE WOULD
9 OBJECT TO THE REQUEST BY MS. LARKINS. IN REVIEWING THE
10 PAPERS I DID NOT SEE A STATUTORY BASIS OR ANY STATUTE OR
11 CASE LAW THAT WOULD SUPPORT THE DEFENDANT'S REQUEST IN
12 THIS MATTER.

13 AND WITH REGARDS TO THE OTHER
14 MATTERS, I BELIEVE THOSE ISSUES HAVE BEEN THOROUGHLY
15 ADDRESSED IN PREVIOUS HEARINGS BY MS. LARKINS, AND I
16 DON'T THINK THIS IS THE APPROPRIATE MOTION OR THE
17 APPROPRIATE AVENUE TO -- TO REHASH THOSE ISSUES.

18 I WILL SAY THAT I WAS PRESENT IN COURT WHEN
19 THE INJUNCTION, THE ORIGINAL INJUNCTION WAS AGREED TO, AND
20 WE PROVIDED THE TRANSCRIPT AND PORTIONS THEREOF WHERE
21 MS. LARKINS AGREED TO IT AND INDICATED THAT SHE UNDERSTOOD
22 IT.

23 SO THAT WOULD BE ALL I HAVE TO ADD AT
24 THIS MOMENT, YOUR HONOR.

25 **THE COURT:** OKAY. ANYTHING FURTHER?

26 **MS. LARKINS:** YES, YOUR HONOR. I WOULD LIKE TO
27 REPLY TO MR. WADE'S STATEMENT THAT I UNDERSTOOD IT. I DID
28 UNDERSTAND IT. WE SPECIFICALLY STATED BEFORE THE

1 INJUNCTION -- STIPULATED INJUNCTION WAS SIGNED, THAT I
2 WOULD BE ALLOWED TO REPORT FACTS. I WOULD SIMPLY NOT BE
3 ALOUD TO EXPRESS THE OPINION THAT STUTZ'S BEHAVIOR WAS
4 ILLEGAL, UNETHICAL, INTIMIDATING, OR INCOMPETENT. THIS
5 WAS DISCUSSED SPECIFICALLY BEFORE HIM.

6 MR. WADE: NOTHING ELSE, YOUR HONOR.

7 THE COURT: OKAY.

8 MS. LARKINS: ALSO I WOULD LIKE TO POINT OUT
9 THAT MR. WADE WAS PRESENT DURING THOSE DISCUSSIONS.

10 THE COURT: OKAY. ALL RIGHT. MS. LARKINS,
11 THERE IS NO STATUTORY BASIS FOR YOUR APPEARANCE TODAY AND
12 THE RELIEF THAT YOU'RE REQUESTING. THE TERMS OF THE
13 INJUNCTION WERE PERFECTLY CLEAR AT THE TIME. YOU SAID YOU
14 UNDERSTOOD THEM. AND THERE HAS BEEN A PATTERN OF
15 CONTINUED WILLFUL VIOLATION OF THE INJUNCTION. YOU'VE
16 NEVER DENIED THAT YOU HAVE, IN FACT, DONE THE THINGS THAT
17 THE PLAINTIFF HAS ALLEGED YOU HAVE DONE IN TERMS OF THE
18 WEBSITE. THEY DO VIOLATE THE INJUNCTION.

19 AND WHAT HAS OCCURRED HERE IS A
20 PATTERN OF REPEATED VIOLATIONS OF THE INJUNCTION
21 CAUSING THE PLAINTIFF TO BE VEXED, HARASSED,
22 ANNOYED, AND DAMAGE TO THEIR BUSINESS. JUST WHAT
23 FLOWS IN ONE DIRECTION FLOWS IN BOTH DIRECTIONS.
24 THERE ARE FAMILIES THAT DEPEND ON THAT LAW FIRM AND
25 HAVE BEEN DAMAGED BY YOUR INSISTENCE THAT YOU BE
26 ABLE TO MALIGN THEM ON YOUR WEBSITE.

27 AND WHAT YOU DO IN MY OPINION IS THAT
28 YOU FOCUS ON ONE OR TWO WORDS IN ALMOST A GAME

1 PLAYING POSTURE. THE FACT OF THE MATTER IS THAT YOU
2 MADE AN AGREEMENT NOT TO PUT THESE THINGS ON YOUR
3 WEBSITE. YOU THEREAFTER WILLFULLY DID IT OVER, AND
4 OVER, AND OVER AGAIN. AND THE ONLY WAY TO COMPEL
5 YOUR -- YOUR FOLLOWING OF THE COURT'S ORDER IS TO
6 IMPOSE SANCTIONS.

7 SANCTIONS ARE BEING IMPOSED IN A WAY
8 THAT GOES STEP BY STEP. EACH SANCTION IS MORE
9 SEVERE THAN THE PREVIOUS SANCTION UNTIL YOU DECIDE
10 TO COMPLY WITH THE COURT ORDER AND THE INJUNCTION
11 THAT YOU AGREED TO.

12 AND I DON'T KNOW WHY YOU INSIST ON
13 DOING THIS. BUT AS LONG AS YOU DO, THEN THE COURT
14 WILL HAVE NO OPTION BUT TO GO FORWARD WITH THESE
15 SANCTIONS UNTIL YOU DECIDE NOT TO DAMAGE THAT LAW
16 FIRM ANYMORE. AND THAT'S -- THAT'S WHERE WE ARE.

17 THERE'S NO REASON TO STAY AN
18 ENFORCEMENT OF THE SANCTIONS, AND SO THE MOTION IS
19 DENIED.

20 **MS. LARKINS:** MAY I ASK YOU? IS IT A VIOLATION
21 OF THE INJUNCTION TO SAY DANIEL SHINOFF TRAINS EDUCATION
22 ATTORNEYS?

23 **THE COURT:** YOU KNOW, MS. LARKINS, HERE'S THE
24 THING. THE WAY THAT YOU HAVE BEEN APPROACHING THIS CASE
25 IS TO -- IS TO PUT THINGS ON THE WEBSITE THAT CLEARLY
26 VIOLATE THE INJUNCTION AND THEN HANG ON A WORD OR TWO TO
27 TRY AND GET AROUND THE TERMS OF THE INJUNCTION. THERE'S
28 BEEN NO EFFORT TO COMPLY WITH THE INJUNCTION ON YOUR PART

1 AT ALL. YOU HAVE NOT CONTESTED THE FACT THAT YOU PUT
2 THINGS ON THE WEBSITE THAT IMPLY THAT THE SHINOFF FIRM IS
3 DOING ILLEGAL THINGS AND SUBORNING PERJURY, AND THAT
4 SIMPLY CANNOT CONTINUE.

5 IF YOU WANT TO LOOK AT THE REASON WHY YOU
6 HAVE A \$5,000 SANCTION, YOU NEED TO GO NO FURTHER THAN TO
7 LOOK IN THE MIRROR, BECAUSE --

8 **MS. LARKINS:** SO YOU'RE SAYING THAT --

9 **THE COURT:** WAIT FOR JUST A MOMENT, PLEASE.

10 **THE WITNESS:** OKAY.

11 **THE COURT:** YOU HAVE CAUSED THE SANCTION. YOU
12 CONTINUE TO CAUSE THE SANCTION. THIS ISN'T AN INJUNCTION
13 THAT IS DIFFICULT TO UNDERSTAND. YOU UNDERSTOOD IT AT THE
14 TIME YOU MADE A BARGAIN. YOU HAVE TO COMPLY WITH YOUR
15 AGREEMENT NOT TO PUT THESE THINGS ON YOUR WEBSITE. WE'RE
16 NOT GOING TO PARSE WORD BY WORD SO THAT YOU CAN FIND A WAY
17 TO CIRCUMVENT THE COURT'S ORDER AND GO BACK AND DO THE
18 SAME THING AGAIN ON THE WEBSITE.

19 I DON'T LIKE TO IMPOSE SANCTIONS. I
20 DON'T KNOW WHY YOU'RE DOING THIS, BUT YOU INSIST ON
21 DOING IT. AND AS LONG AS YOU INSIST ON DOING IT
22 THERE WILL BE MEASURES EMPLOYED TO MAKE YOU STOP
23 DOING IT AND HARMING THAT LAW FIRM.

24 THAT'S WHERE WE ARE. YOU AGREED NOT
25 TO DO IT, AND THE SANCTIONS REMAIN IN FORCE AND
26 EFFECT. IT MAY BE THAT THE FOURTH DISTRICT COURT OF
27 APPEAL WANTS TO STAY THE SANCTION. THAT'S FINE.
28 THAT'S UP TO THEM. IT WILL NOT BE DONE IN THIS

1 DEPARTMENT.

2 MS. LARKINS: SO YOU ARE SAYING THAT TRAINING --
3 DANIEL SHINOFF TRAINS SCHOOL ATTORNEYS IS A VIOLATION OF
4 THE INJUNCTION?

5 THE COURT: WHAT I'M SAYING IS THAT I WILL NOT
6 GO WITH YOU WORD BY WORD THROUGH WHAT YOU WANT TO DO,
7 BECAUSE I BELIEVE IT IS PART OF YOUR PLAN TO CIRCUMVENT
8 THE COURT ORDER. YOU DON'T REALLY WANT TO KNOW FROM THE
9 COURT WHAT THE COURT IS SAYING ABOUT A WORD OR TWO WORDS
10 BECAUSE YOU INTEND TO GO FORWARD, AS I SEE IT, AND PUT THE
11 SAME DEFAMATORY MATERIAL ON THAT WEBSITE THAT YOU'VE
12 MAINTAINED ALL ALONG. AND THAT'S NOT GOING TO HAPPEN. SO
13 I'M NOT GOING TO ANSWER YOUR SPECIFIC QUESTION ABOUT A
14 WORD.

15 "TRAINED ATTORNEYS," OF COURSE IS NOT
16 DEFAMATORY ON ITS FACE, AND IT'S NOT DEFAMATORY WHEN
17 STANDING ALONE, BUT IN CONTEXT -- AND THE CONTEXT IN
18 WHICH YOU EMPLOY IT, IT MAY WELL BE. SO I'M NOT
19 GIVING YOU PERMISSION TO PUT ANYTHING ON.

20 WE'RE GOING TO LOOK AT THIS IN TOTO
21 AND SEE WHAT THE WEBSITE SAYS, WHETHER OR NOT IT'S
22 DEFAMATORY TO THE LAW FIRM. AND IF IT IS, OR IF IT
23 VIOLATES THE TERMS OF THE INJUNCTION THAT YOU AGREED
24 TO, THEN I'LL DO WHAT HAS TO BE DONE TO ENFORCE THE
25 INJUNCTION. THAT'S ALL.

26 THANK YOU.

27 MR. WADE: THANK YOU, YOUR HONOR.

28 (PROCEEDINGS CONCLUDED AT 9:12 A.M.)

CERTIFICATE

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STATE OF CALIFORNIA)
: SS.
COUNTY OF SAN DIEGO)

STUTZ ARTIANO SHINOFF & HOLTZ VS. MAURA LARKINS
CASE NO. 37-2007-00076218-CU-DF-CTL - 6/21/2012
1 THROUGH 7, INCLUSIVE

I, MARVEL S. VOTAW, CERTIFIED SHORTHAND
REPORTER, AN OFFICIAL REPORTER OF THE SUPERIOR COURT
OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DO
HEREBY CERTIFY:

THAT I REPORTED IN SHORTHAND THE PROCEEDINGS
HELD IN THE FOREGOING CAUSE; THAT MY NOTES WERE LATER
TRANSCRIBED INTO TYPEWRITING UNDER MY DIRECTION; AND
THE FOREGOING PAGES CONTAIN A CORRECT TRANSCRIPTION OF
THE PROCEEDINGS.

DATED THIS 23RD DAY OF JUNE, 2012.



MARVEL S. VOTAW, RPR, CRR
CSR NO. 2817
OFFICIAL REPORTER