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**FILED**  
Superior Court of California  
County of Los Angeles

NOV 21 2013

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UNIVERSITY OF TEXAS SYSTEM ON BEHALF OF THE UNIVERSITY OF TEXAS  
15 AT AUSTIN

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF LOS ANGELES**

18 THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
19 BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN,

CASE NO. BC 468468  
[Assigned to The Honorable William A.  
MacLaughlin, Department 89]

20 Plaintiff,

NOTICE OF MOTION AND MOTION FOR  
AN ORDER LIMITING DEFENDANT TO  
HIS PRIOR RESPONSE TO PLAINTIFF'S  
SPECIAL INTERROGATORY NO. 4 AND  
PLAINTIFF'S MOTION *IN LIMINE* NO. 13  
FOR AN ORDER EXCLUDING A WITNESS  
NOT PREVIOUSLY DISCLOSED IN  
RESPONSE TO INTERROGATORY NO. 4;  
MEMORANDUM AND POINTS OF  
AUTHORITIES; DECLARATION OF  
DIANA K. RODGERS AND EXHIBITS;  
[PROPOSED] ORDER

21 vs.

22 RYAN O'NEAL,

23 Defendant,

24 AND RELATED CROSS-ACTION.  
25  
26

27 **NOTICE OF MOTION AND MOTION FOR AN ORDER LIMITING DEFENDANT TO HIS PRIOR**  
**RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORY NO. 4 AND PLAINTIFF'S MOTION *IN***  
***LIMINE* NO. 13 FOR AN ORDER EXCLUDING A WITNESS NOT PREVIOUSLY DISCLOSED IN**  
**RESPONSE TO INTERROGATORY NO. 4; MEMORANDUM AND POINTS OF AUTHORITIES;**  
**DECLARATION OF DIANA K. RODGERS AND EXHIBITS; [PROPOSED] ORDER**

11/22/2013

CIT CASE: BC468468  
REF: 4  
FILED: 11/21/13  
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DATE: November \_\_, 2013  
TIME: 8:30 a.m.  
DEPT.: 89  
  
Filing Date: August 26, 2011  
Trial Date: November 13, 2013  
Disc. C/O: October 11, 2013  
Motion C/O: October 11, 2013

**TO THIS HONORABLE COURT, AND to DEFENDANT RYAN O'NEAL  
AND TO HIS ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on November \_\_, 2013 or as soon thereafter as the motion may be heard in Department 89 of the Los Angeles Superior Court located at 111 North Hill Street, Los Angeles, CA 90012, Plaintiff The Board of Regents of the University of Texas System on behalf of the University of Texas at Austin ("UT") will move for an order limiting Defendant Ryan O'Neal ("O'Neal") to his previous supplemental answers to Interrogatory No. 4 and (and No. 24, to the extent it supplements No. 4) served on or before October 25, 2013. This Motion is made pursuant to Code of Civil Procedure Section 2030.210(b) and (c), and is made on the grounds that (1) O'Neal's failure until the eve of trial to fully answer Interrogatory No. 4 by identifying all witnesses with knowledge of any facts that support his contention that he owns the Warhol Portrait has prejudiced UT, (2) O'Neal has not provided a substantial justification for that failure, and (3) the prejudice to UT cannot be cured by either a continuance to permit further discovery or using O'Neal's initial answer against him under Section 2030.410 of the California Code of Civil Procedure. (Cal. Code Civ. Proc. § 2030.310(c).)

Accordingly, UT also moves for an order precluding O'Neal from calling as a witness Maribel Avila, who was not identified until November 14, 2013, to testify as to any facts supporting O'Neal's contention that he owns the Warhol Portrait This Motion is made on the grounds that Ms. Avila was not properly disclosed during discovery.

On November 21, 2013, counsel for UT satisfied the meet and confer requirement

**NOTICE OF MOTION AND MOTION FOR AN ORDER LIMITING DEFENDANT TO HIS PRIOR RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORY NO. 4 AND PLAINTIFF'S MOTION IN LIMINE NO. 13 FOR AN ORDER EXCLUDING A WITNESS NOT PREVIOUSLY DISCLOSED IN RESPONSE TO INTERROGATORY NO. 4; MEMORANDUM AND POINTS OF AUTHORITIES; DECLARATION OF DIANA K. RODGERS AND EXHIBITS; [PROPOSED] ORDER**

11/22/2013

1 by making attempts to confer with O'Neal's counsel by phone and email. (See Declaration  
2 of Diana K. Rodgers ["Rodgers Decl.,"] at ¶ 2 filed concurrently herewith.) O'Neal's  
3 counsel did not respond to Ms. Rodgers' email or telephone messages.

4 These Motions are based on the accompanying Memorandum of Points and  
5 Authorities, the Declaration of Diana K. Rodgers, the complete files and records in this  
6 action, and on such oral and documentary evidence as may be presented at or before the  
7 hearing of these Motions.

8 DATED: November 21, 2013

ROBIE & MATTHAI  
A Professional Corporation

9  
10  
11 Bv: Diana K. Rodgers

EDITH R. MATTHAI  
DIANA K. RODGERS  
Attorneys for Plaintiff  
THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN

12  
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14  
15 DATED: November 21, 2013

BECK | REDDEN LLP

16  
17 Bv: Diana K. Rodgers for

DAVID J. BECK, ESQ.  
ERIC J.R. NICHOLS, ESQ.  
Attorneys for Plaintiff  
THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN

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27 **NOTICE OF MOTION AND MOTION FOR AN ORDER LIMITING DEFENDANT TO HIS PRIOR  
28 RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORY NO. 4 AND PLAINTIFF'S MOTION IN  
LIMINE NO. 13 FOR AN ORDER EXCLUDING A WITNESS NOT PREVIOUSLY DISCLOSED IN  
RESPONSE TO INTERROGATORY NO. 4; MEMORANDUM AND POINTS OF AUTHORITIES;  
DECLARATION OF DIANA K. RODGERS AND EXHIBITS; [PROPOSED] ORDER**

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION AND FACTUAL BACKGROUND**

3 This motion to limit O’Neal to his prior discovery responses and related motion in  
4 *limine* are necessary because O’Neal failed to identify a witness, Maribel Avila, until the  
5 eve of trial in response to an interrogatory served on him almost two years ago. That  
6 interrogatory requested O’Neal to identify all persons who have knowledge of facts  
7 concerning the ultimate issue in this case – the ownership of the Warhol Portrait. O’Neal’s  
8 identification of Ms. Avila in his most recent supplemental response to that interrogatory –  
9 more than a year after discovery in this case ended – has prejudiced UT and O’Neal has  
10 not provided any substantial justification for his delay. Accordingly, UT moves for an  
11 order limiting O’Neal to his previous responses to that interrogatory and excluding O’Neal  
12 from offering Ms. Avila as a witness to testify concerning any facts related to the  
13 ownership of the Warhol Portrait.

14 **II. BRIEF FACTUAL BACKGROUND**

15 On January 27, 2012, UT served its First Set of Special Interrogatories to O’Neal,  
16 which included Interrogatory No. 4. Interrogatory No. 4 requested that O’Neal identify all  
17 persons who “have knowledge of any facts that support or refute [his] contention [that he  
18 owns the Warhol Portrait].” (Rodgers Decl. at Ex. A.) In March 2012, O’Neal responded  
19 to Interrogatory No. 4, identifying seven persons with such knowledge. (Rodgers Decl. at  
20 Ex. B.) Ms. Avila was not one of those persons identified. In September 2012, UT served  
21 its Third Set of Special Interrogatories to O’Neal, which included Interrogatory No. 24,  
22 requesting O’Neal to review and update his answers to all interrogatories previously served  
23 on him – including Interrogatory No. 4. (Rodgers Decl. at Ex. C.) On November 5, 2012,  
24 O’Neal provided a supplemental response to Interrogatory No. 4, which listed five other  
25 persons who purportedly have knowledge of facts concerning the ownership of the Warhol  
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1 Portrait. (Rodgers Decl. at **Ex. D.**) Again, Ms. Avila was not one of those individuals  
2 listed. Almost a year later, on October 25, 2013, O’Neal served another supplement to his  
3 response to Interrogatory No. 4 – identifying five other witnesses. Yet again, Ms. Avila  
4 was not identified. (**Ex. E.**) It was not until November 14, 2013 (after this trial was  
5 already set to begin) that Ms. Avila was first identified in O’Neal’s fourth amend witness  
6 list. (Rodgers Decl. at **Ex. F.**) O’Neal then waited another four days to amended his  
7 response to Interrogatory No. 4 to include Ms. Avila as a person who O’Neal claims has  
8 knowledge of facts in support of his ownership of the Warhol Portrait. (Rodgers Decl. at  
9 **Ex. G.**)

10 **III. ARGUMENTS & AUTHORITIES**

11 Pursuant to Cal. Code Civ. Proc. § 2030.310(c), O’Neal must be limited to and  
12 bound by his prior interrogatory responses, despite subsequent amendment to those  
13 responses, if (1) O’Neal’s failure to fully and correctly answer Interrogatory No. 4 in his  
14 prior responses has “substantially prejudiced” UT, (2) O’Neal fails to show “substantial  
15 justification” for that failure, and (3) the prejudice suffered by UT cannot be cured by “a  
16 continuance to permit further discovery or by the use of” his previous answer under  
17 Section 2030.410 of the Code of Civil Procedure. (Cal. Code Civ. Proc. § 2030.310(c).)  
18 All of the above conditions are satisfied with regard to UT’s late identification of Ms.  
19 Avila.

20 First, it cannot be seriously disputed that UT has been prejudiced by the  
21 identification of Ms. Avila *days before the trial*, of whom UT had no prior knowledge and  
22 who O’Neal now claims to have knowledge of facts relevant to the ultimate issue in this  
23 case.<sup>1</sup> Indeed, “it is patently obvious [that] prolonged delay and incorrect answers to  
24

25 <sup>1</sup> O’Neal also identified for the first time in his November 18 supplement to Interrogatory No. 4  
26 another witness, Joseph Francaviglia, as a person with knowledge concerning ownership of the Warhol  
Portrait. Given the Court’s order denying UT’s previous motions in *limine* concerning other late identified

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1 interrogatories seriously inhibit the principal aim of discovery procedures in general  
2 [which] is to assist counsel to prepare for trial” and “[w]here answers are erroneous, or  
3 misleading, they should be corrected long before the pretrial conference.” (*Guzman v.*  
4 *General Motors Corp.* (1984) 154 Cal.App.3d 438, 442-443 [internal quotations  
5 omitted].) Indeed, the only information UT has concerning Ms. Avila came from a  
6 declaration made by O’Neal’s counsel – provided just two days ago – in which he states  
7 that Ms. Avila was Ms. Fawcett’s nurse and she will testify concerning thus far  
8 undisclosed “statements made by Ms. Fawcett to her concerning the Warhol Portrait.”<sup>2</sup>  
9 (Rodgers Decl. at Ex. G.) Permitting O’Neal to spring this new witness on UT just days  
10 before the trial begins will result in surprise, an inability to prepare, and undue prejudice to  
11 UT – all of which is precisely what the Discovery Code was designed to prevent. (*West*  
12 *Hills Hospital v. Superior Court* (1979) 98 Cal. App. 3d 656, 659) [“the discovery statutes  
13 are intended to safeguard against surprise”].)

14 Second, O’Neal cannot show a “substantial justification” for his eleventh hour  
15 addition of Ms. Avila to his responses. O’Neal’s only excuse for his extreme tardiness  
16 appears to be that Ms. Avila “first approached [his counsel’s] office with information  
17 about” these purported statements by Ms. Fawcett earlier this month. (Rodgers Decl. at  
18 Ex. G.) But according to O’Neal’s counsel, Ms. Avila was Ms. Fawcett’s nurse  
19 (presumably during Ms. Fawcett’s cancer treatments) – a time during which Mr. O’Neal  
20 has claimed in his book and to the media that he and Ms. Fawcett had reconciled, were in a  
21 committed romantic relationship, and were living together. That O’Neal apparently

22 \_\_\_\_\_  
23 persons whose existence was known to UT prior to their identification in O’Neal’s supplemental response  
24 to Interrogatory No. 4, UT does not move to exclude Mr. Francaviglia’s testimony based on his late  
25 identification.

26 <sup>2</sup> Assuming these statements are being offered for the truth of the matter asserted, they are clearly  
27 inadmissible hearsay and, in the event the Court permits Ms. Avila to testify as a witness, UT reserves its  
28 right to raise that and any other applicable objection during trial.

1 decided not to make basic inquiries during the two and a half years this litigation has been  
2 pending of those persons he must have known interacted regularly with Ms. Fawcett  
3 during that time is not a justification for his late identification of Ms. Avila. (*See Deyo v.*  
4 *Kilbourne* (1978) 84 Cal.App.3d 771, 782, 149 [one “cannot plead ignorance to  
5 information which can be obtained from sources under [one’s] control”].)

6 Finally, the prejudice UT will suffer if Ms. Avila is permitted to testify as to the  
7 undisclosed “statements made by Ms. Fawcett” cannot be cured through further discovery.  
8 This case has been pending since August 2011. It was first set for trial a year ago.  
9 Granting yet another continuance to conduct further discovery because O’Neal was not  
10 diligent in his investigation during the already extensive discovery period would serve only  
11 to further unfairly prejudice UT. At some point, discovery must come to an end. (*See Cal.*  
12 *Code Civ. Proc. § 2024.020.*) UT has waited long enough to have its claims heard and  
13 adjudicated.<sup>3</sup>

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24 <sup>3</sup> Similarly, the prejudice to UT cannot be lessened by allowing UT to use O’Neal’s prior answer to  
25 Interrogatory No. 4 against him pursuant to Cal. Civ. Proc. Code § 2030.410 because O’Neal’s prior  
26 responses simply identify other witnesses. Thus, O’Neal’s failure to identify Ms. Avila in previous  
interrogatory responses will provide UT no relief from the prejudice resulting from permitting her late  
identification and subsequent testimony.

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1 **IV. CONCLUSION**

2 For the foregoing reasons, UT respectfully requests that the Court grant its Motion  
3 and issue an order limiting and binding O'Neal to his responses to Interrogatory No. 4  
4 made on or before October 25, 2013 and precluding O'Neal from calling Ms. Avila as a  
5 witness to testify as to any facts supporting O'Neal's contention that he owns the Warhol  
6 Portrait.

7 DATED: November 21, 2013

ROBIE & MATTHAI  
A Professional Corporation

8  
9 Bv: Diana K. Rodgers

10 EDITH R. MATTHAI  
11 DIANA K. RODGERS  
12 Attorneys for Plaintiff  
13 THE BOARD OF REGENTS FOR THE  
14 UNIVERSITY OF TEXAS SYSTEM ON  
15 BEHALF OF THE UNIVERSITY OF  
16 TEXAS AT AUSTIN

14 DATED: November 21, 2013

BECK | REDDEN LLP

15  
16 Bv: Diana K. Rodgers for

17 DAVID J. BECK, ESQ.  
18 ERIC J.R. NICHOLS, ESQ.  
19 Attorneys for Plaintiff  
20 THE BOARD OF REGENTS FOR THE  
21 UNIVERSITY OF TEXAS SYSTEM ON  
22 BEHALF OF THE UNIVERSITY OF  
23 TEXAS AT AUSTIN





1 O'Neal's Responses to Special Interrogatories, Set One.

2 5. Ms. Avila was not one of those seven persons identified. In September 2012,  
3 UT served its Third Set of Special Interrogatories to O'Neal, which included Interrogatory  
4 No. 24, requesting O'Neal to review and update his answers to all interrogatories  
5 previously served on him – including Interrogatory No. 4. Attached as **Exhibit C** is a true  
6 and correct copy of UT's Special Interrogatories, Set Three to Mr. O'Neal.

7 6. On November 5, 2012, O'Neal provided a supplemental response to  
8 Interrogatory No. 4, which listed five other persons who purportedly have knowledge of  
9 facts concerning the ownership of the Warhol Portrait. Attached as **Exhibit D** is a true and  
10 correct copy of Mr. O'Neal's Supplemental Responses. Again, Ms. Avila was not one of  
11 those individuals listed. Almost a year later, on October 25, 2013, O'Neal served another  
12 supplement to his response to Interrogatory No. 4 – identifying five other witnesses. Yet  
13 again, Ms. Avila was not identified. Attached as **Exhibit E** is a true and correct copy of  
14 Mr. O'Neal's Further Supplemental Responses to Special Interrogatories.

15 7. It was not until November 14, 2013 (after this trial was already set to begin)  
16 that Ms. Avila was first identified in O'Neal's fourth amended witness list. Attached as  
17 **Exhibit F** is a true and correct copy of Mr. O'Neal's Fourth Amended Witness List.  
18 O'Neal then waited another four days to amend his response to Interrogatory No. 4 to  
19 include Ms. Avila as a person who O'Neal claims has knowledge of facts in support of his  
20 ownership of the Warhol Portrait. (Attached as **Exhibit G** is a true and correct copy of  
21 Mr. O'Neal's Further (Second) Supplemental Responses to Special Interrogatories, Set  
22 Three.)

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN,

Plaintiff,

vs.

RYAN O'NEAL,

Defendant,

CASE NO. BC 468468

*[Assigned to The Honorable Ernest Hiroshige, Department 54]*

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR AN  
ORDER LIMITING DEFENDANT TO  
HIS PRIOR RESPONSE TO  
PLAINTIFF'S SPECIAL  
INTERROGATORY NO. 4 AND  
PLAINTIFF'S MOTION *IN LIMINE* NO.  
13 FOR AN ORDER EXCLUDING A  
WITNESS NOT PREVIOUSLY  
DISCLOSED IN RESPONSE TO  
INTERROGATORY NO. 4**

Filing Date: August 26, 2011  
Trial Date: November 13, 2013  
Disc. C/O: October 11, 2013  
Motion C/O: October 11, 2013

AND RELATED CROSS-ACTION.

Plaintiff The Board of Regents of the University of Texas System on Behalf of the University of Texas at Austin's Motion to limit and bind Defendant Ryan O'Neal to his prior response to Interrogatory No. 4 and Motion *in Limine* No. 13 for an order excluding a witness not previously disclosed in response to Interrogatory No. 4 came for hearing before this Court on November \_\_, 2013.

**NOTICE OF MOTION AND MOTION FOR AN ORDER LIMITING DEFENDANT TO HIS PRIOR RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORY NO. 4 AND PLAINTIFF'S MOTION *IN LIMINE* NO. 13 FOR AN ORDER EXCLUDING A WITNESS NOT PREVIOUSLY DISCLOSED IN RESPONSE TO INTERROGATORY NO. 4; MEMORANDUM AND POINTS OF AUTHORITIES; DECLARATION OF DIANA K. RODGERS AND EXHIBITS; [PROPOSED] ORDER**

11/22/2013

1 The Court, having reviewed and considered the Motions, all papers and pleadings  
2 on file herein, and any argument of counsel, is of the opinion that the Motions are  
3 meritorious and should be GRANTED. Accordingly, it is ORDERED:

4 Defendant Ryan O'Neal is limited to and bound by his responses to Interrogatory  
5 No. 4 made on or before October 25, 2013, and is precluded from calling Ms. Maribel  
6 Avila as a witness to testify as to any facts supporting Mr. O'Neal's contention that he  
7 owns the Warhol Portrait.

8  
9 DATED: November \_\_, 2013

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11 HON. WILLIAM A. MACLAUGHLIN,  
12 JUDGE PRESIDING  
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1 **PROOF OF SERVICE**

2 I am employed in the county of Los Angeles, State of California. I am over the age of 18  
3 and not a party to the within action; my business address is 500 South Grand Avenue, Suite 1500,  
4 Los Angeles, California 90071.

5 On November 21, 2013 I served the foregoing document described AS **NOTICE OF**  
6 **MOTION AND MOTION FOR AN ORDER LIMITING DEFENDANT TO HIS PRIOR**  
7 **RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORY NO. 4 AND PLAINTIFF'S**  
8 **MOTION IN LIMINE NO. 13 FOR AN ORDER EXCLUDING A WITNESS NOT**  
9 **PREVIOUSLY DISCLOSED IN RESPONSE TO INTERROGATORY NO. 4;**  
10 **MEMORANDUM AND POINTS OF AUTHORITIES; DECLARATION OF DIANA K.**  
11 **RODGERS AND EXHIBITS; [PROPOSED] ORDER** on the interested parties in this action by  
12 placing a true copy thereof enclosed in sealed envelopes addressed as follows:

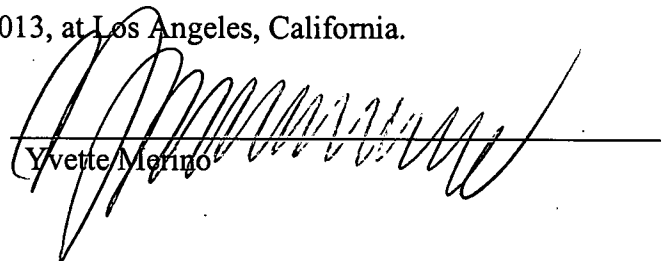
13 SEE ATTACHED SERVICE LIST

14 ( ) VIA MAIL: As follows: I am "readily familiar" with the firm's practice of  
15 collection and processing correspondence for mailing. Under that practice, it would be deposited  
16 with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles,  
17 California in the ordinary course of business. I am aware that on motion of the party served,  
18 service is presumed invalid if postal cancellation date or postage meter date is more than one day  
19 after date of deposit for mailing in affidavit.

20 (XX) BY PERSONAL SERVICE: I delivered such envelope by hand to the above  
21 addressee(s).

22 ( ) BY FACSIMILE TRANSMISSION: I caused the above-referenced document(s) to  
23 be transmitted to the above-named person(s) at the following telecopy number:

24 I declare under penalty of perjury under the laws of the State of California that the above is  
25 true and correct. Executed on November 21, 2013, at Los Angeles, California.

26   
27 Yvette Merino

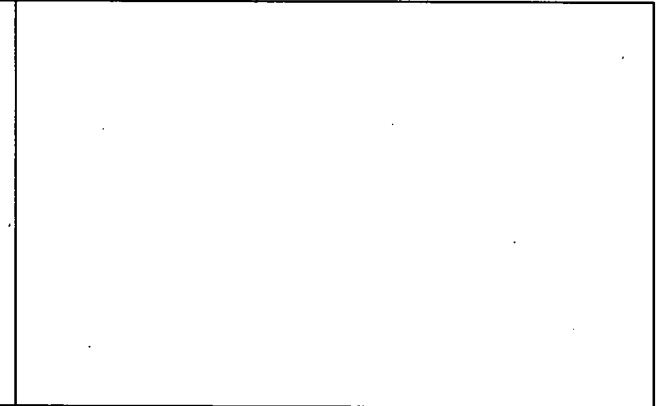
**NOTICE OF MOTION AND MOTION FOR AN ORDER LIMITING DEFENDANT TO HIS PRIOR**  
**RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORY NO. 4 AND PLAINTIFF'S MOTION IN**  
**LIMINE NO. 13 FOR AN ORDER EXCLUDING A WITNESS NOT PREVIOUSLY DISCLOSED IN**  
**RESPONSE TO INTERROGATORY NO. 4; MEMORANDUM AND POINTS OF AUTHORITIES;**  
**DECLARATION OF DIANA K. RODGERS AND EXHIBITS; [PROPOSED] ORDER**

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**NOTICE OF MOTION AND MOTION FOR AN ORDER LIMITING DEFENDANT TO HIS PRIOR  
RESPONSE TO PLAINTIFF'S SPECIAL INTERROGATORY NO. 4 AND PLAINTIFF'S MOTION IN  
LIMINE NO. 13 FOR AN ORDER EXCLUDING A WITNESS NOT PREVIOUSLY DISCLOSED IN  
RESPONSE TO INTERROGATORY NO. 4; MEMORANDUM AND POINTS OF AUTHORITIES;  
DECLARATION OF DIANA K. RODGERS AND EXHIBITS; [PROPOSED] ORDER**

11/22/2013

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6 (Co-Counsel Continued on Last Page)

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9 TEXAS SYSTEM ON BEHALF OF THE UNIVERSITY OF  
10 TEXAS AT AUSTIN

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES

13 THE BOARD OF REGENTS FOR THE  
14 UNIVERSITY OF TEXAS SYSTEM ON  
15 BEHALF OF THE UNIVERSITY OF TEXAS AT  
16 AUSTIN,

17 Plaintiff,

18 v.

19 RYAN O'NEAL,

20 Defendant.

Case No. BC468468

[Hon. Maureen Duffy-Lewis, Dept. 38]

**PLAINTIFF THE BOARD OF  
REGENTS FOR THE UNIVERSITY  
OF TEXAS SYSTEM ON BEHALF  
OF THE UNIVERSITY OF TEXAS  
AT AUSTIN'S SPECIAL  
INTERROGATORIES TO  
DEFENDANT RYAN O'NEAL (SET  
NO. ONE)**

Complaint Filed: Aug. 26, 2011  
Cross-Complaint Filed: Oct. 7, 2011

21 RYAN O'NEAL,

22 Cross-Complainant,

23 v.

24 THE BOARD OF REGENTS FOR THE  
25 UNIVERSITY OF TEXAS SYSTEM ON  
26 BEHALF OF THE UNIVERSITY OF TEXAS AT  
27 AUSTIN, an entity form unknown, and ROES 1 -  
28 50, inclusive,

Cross-Defendant.

11/22/2013

EX-A

1 PROPOUNDING PARTY: Plaintiff The Board of Regents for the University of Texas System  
on Behalf of the University of Texas at Austin

2 RESPONDING PARTY: Defendant Ryan O'Neal

3 SET NUMBER: One

4  
5 TO: DEFENDANT RYAN O'NEAL AND HIS COUNSEL OF RECORD:

6 PLEASE TAKE NOTICE THAT Plaintiff The Board of Regents for the University of  
7 Texas System on Behalf of the University of Texas at Austin, pursuant to California Code of  
8 Civil Procedure § 2030.010, hereby requests that Defendant Ryan O'Neal answer the following  
9 interrogatories within thirty (30) days of service hereof, in accordance with the instructions  
10 below.

11 **INSTRUCTIONS**

12 The following instructions shall apply when responding to these interrogatories:

- 13 1. This discovery seeks all responsive information that is within the possession,  
14 custody, or control of, or is known or available to DEFENDANT, his attorneys, investigators,  
15 agents, employees or other representatives, or any entity controlled by DEFENDANT.
- 16 2. If YOU encounter any ambiguity in construing an interrogatory, definition, or  
17 instruction herein, YOU shall make YOUR best efforts to interpret the interrogatory, definition,  
18 or instruction within the context of the above-captioned litigation and shall set forth the matter  
19 deemed ambiguous, and the construction or interpretation chosen or used in responding.
- 20 3. In the event that YOUR answer to an interrogatory is "not applicable" or any similar  
21 phrase or answer, explain in detail why the interrogatory is not applicable.
- 22 4. If, after reasonable and thorough investigation, using due diligence, YOU are unable  
23 to answer any interrogatory or any part thereof, on the grounds of lack of information available to  
24 YOU, please state what has been done to locate such information. In addition, specify what  
25 knowledge or belief YOU do have concerning the unanswered portion of any interrogatory and  
26 set forth the facts upon which such knowledge or belief is based.
- 27 5. When an interrogatory asks for specific information (e.g., a date) and the precise  
28 specific information is unknown, the answer shall give the best approximation of the information

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1 requested, provided that the answer also indicates the information being given is an  
2 approximation.

3 6. The interrogatories set forth herein shall be construed so as to make responses  
4 inclusive rather than exclusive.

5 7. Whenever an interrogatory requests that you identify a person, state his or her full  
6 name, present or last known residence and business address(es) and telephone number(s).

7 8. Whenever an interrogatory requests that you identify a DOCUMENT, state (i) the  
8 type; (ii) date; (iii) title, if any; (iv) recipient(s); and (v) author(s) of the DOCUMENT.

9 9. If you assert a privilege as to any information, DOCUMENT or other matter, for  
10 each such assertion: (a) identify the information, DOCUMENT or other matter withheld on the  
11 basis of privilege in a manner sufficient to allow the Court to rule upon the asserted privilege; (b)  
12 state the date of the DOCUMENT, statement, conversation or other communication withheld on  
13 the basis of privilege; (c) state the nature of the privilege claimed and the facts upon which the  
14 claim is based; and (d) identify all PERSONS who were provided with a copy, or otherwise have  
15 knowledge, of the information, DOCUMENT or other matter withheld on the basis of privilege.

16 10. Each of these interrogatories is intended to be a continuing interrogatory. If, at a  
17 later date, YOU obtain any additional facts or reach any conclusions or opinions that are different  
18 from, or in addition to, those set forth in YOUR answers to these interrogatories, YOU should  
19 amend YOUR answer promptly so as to fully set forth the new or different information.

### 20 INTERROGATORIES

#### 21 SPECIAL INTERROGATORY NO. 1:

22 Do YOU contend that YOU own the WARHOL PORTRAIT?

23 (“YOU” or “YOUR” or “DEFENDANT” means, includes, and refers to defendant Ryan  
24 O’Neal, O’Neal’s present and former agents, and all other such persons acting on O’Neal’s  
25 behalf, including attorneys and investigators. “WARHOL PORTRAIT” means, includes, and  
26 refers to that certain portrait of Farrah Fawcett, painted by Andy Warhol, that is the subject of the  
27 above-captioned litigation.)

28

11/22/2013

1 **SPECIAL INTERROGATORY NO. 2:**

2 If YOUR answer to Interrogatory No. 1 is anything but an unqualified denial, state all  
3 facts that support or refute YOUR contention.

4 **SPECIAL INTERROGATORY NO. 3:**

5 If YOUR answer to Interrogatory No. 1 is anything but an unqualified denial, identify all  
6 DOCUMENTS that support or refute YOUR contention.

7 ("DOCUMENT" or "DOCUMENTS" includes, without limitation, any writings,  
8 drawings, graphs, charts, photographs, sound recordings, images, electronic records, e-mail, and  
9 other data or data compilations stored in any medium from which information can be obtained,  
10 within the possession, custody and/or control of DEFENDANT, or his employees, agents,  
11 attorneys, and/or any other persons who may act on his behalf, excepting only those  
12 DOCUMENTS which are privileged or otherwise protected from discovery, as to which the claim  
13 of privilege or protection is specifically stated by written notice to PLAINTIFF. "PLAINTIFF"  
14 means plaintiff The Board of Regents for the University of Texas System on Behalf of the  
15 University of Texas at Austin.)

16 **SPECIAL INTERROGATORY NO. 4:**

17 If YOUR answer to Interrogatory No. 1 is anything but an unqualified denial, identify all  
18 PERSONS who have knowledge of any facts that support or refute YOUR contention.

19 ("PERSON" or "PERSONS" means any natural person, corporation, limited or general  
20 partnership, joint venture, firm, association, proprietorship, agency, board authority,  
21 governmental entity, or any other entity.)

22 **SPECIAL INTERROGATORY NO. 5:**

23 Do YOU contend that YOU own the WARHOL NAPKIN?

24 ("WARHOL NAPKIN" means, includes, and refers to that certain drawing by Andy  
25 Warhol referred to as the Warhol Napkin in Paragraph 7 of DEFENDANT'S Cross-Complaint, a  
26 picture of which is attached as Exhibit A to DEFENDANT'S Cross-Complaint. A true and  
27 correct copy of DEFENDANT'S Cross-Complaint is attached to these interrogatories as Exhibit  
28 1.)

1 **SPECIAL INTERROGATORY NO. 6:**

2 If YOUR answer to Interrogatory No. 5 is anything but an unqualified denial, state all  
3 facts that support or refute YOUR contention.

4 **SPECIAL INTERROGATORY NO. 7:**

5 If YOUR answer to Interrogatory No. 5 is anything but an unqualified denial, identify all  
6 DOCUMENTS that support or refute YOUR contention.

7 **SPECIAL INTERROGATORY NO. 8:**

8 If YOUR answer to Interrogatory No. 5 is anything but an unqualified denial, identify all  
9 PERSONS who have knowledge of any facts that support or refute YOUR contention.

10 **SPECIAL INTERROGATORY NO. 9:**

11 Do YOU contend that YOU own the R.O. LIPS DRAWING?

12 (“R.O. LIPS DRAWING” means, includes, and refers to that certain drawing by Andy  
13 Warhol, ostensibly of DEFENDANT’S lips, pictured in the background of photographs featuring  
14 DEFENDANT in the September 2009 Vanity Fair article entitled, “Beautiful People, Ugly  
15 Choices,” a true and correct copy of which is attached to these interrogatories as Exhibit 2.)

16 **SPECIAL INTERROGATORY NO. 10:**

17 If YOUR answer to Interrogatory No. 9 is anything but an unqualified denial, state all  
18 facts that support or refute YOUR contention.

19 **SPECIAL INTERROGATORY NO. 11:**

20 If YOUR answer to Interrogatory No. 9 is anything but an unqualified denial, identify all  
21 DOCUMENTS that support or refute YOUR contention.

22 **SPECIAL INTERROGATORY NO. 12:**

23 If YOUR answer to Interrogatory No. 9 is anything but an unqualified denial, identify all  
24 PERSONS who have knowledge of any facts that support or refute YOUR contention.

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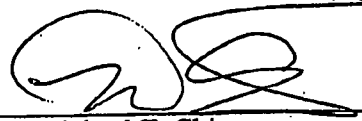
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Dated: January 27, 2012

CHARLES E. PATTERSON  
MICHAEL T. CHIN  
MORRISON & FOERSTER LLP

By:   
Michael T. Chin

Attorneys for Plaintiff and Cross-Defendant  
THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF TEXAS AT  
AUSTIN

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9  
10 Attorneys for Defendant and Cross-Complainant  
11 Ryan O'Neal

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

10	THE BOARD OF REGENTS FOR THE	)	CASE NO. BC468468
11	UNIVERSITY OF TEXAS SYSTEM ON	)	
12	BEHALF OF THE UNIVERSITY OF	)	DEFENDANT AND CROSS-
13	TEXAS AT AUSTIN,	)	COMPLAINANT RYAN O'NEAL'S
14		)	RESPONSES TO PLAINTIFF'S
15	Plaintiff,	)	SPECIAL INTERROGATORIES
16		)	
17	v.	)	[SET NO. ONE]
18	RYAN O'NEAL,	)	
19		)	
20	Defendant.	)	

19 **PROPOUNDING PARTY:** THE BOARD OF REGENTS FOR THE UNIVERSITY  
20 OF TEXAS SYSTEM ON BEHALF OF THE  
21 UNIVERSITY OF TEXAS AT AUSTIN

22 **RESPONDING PARTY:** RYAN O'NEAL

23 **SET NUMBER:** ONE (1)

24 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**  
25 Defendant and Cross-Complainant Ryan O'Neal ("Defendant" or "Responding Party")  
26 hereby responds and objects to the First Set of Special Interrogatories propounded by Plaintiff The  
27 Board of Regents for The University of Texas System on Behalf of the University of Texas at  
28 Austin ("Plaintiff" or "Propounding Party") as follows:

11/22/2013

EXB





1 to permit insertion of responsive information omitted herefrom.

2 No incidental or implied admissions are intended by the objections and responses herein.  
3 The fact that Responding Party may respond to the subject discovery request should not be taken  
4 as an admission that such responses or objections constitute admissible evidence. The fact that  
5 Responding Party may respond or object to any particular request is not intended to and should  
6 not be construed to be a waiver by Responding Party of any part of any objection to any portion  
7 of said request or any particular request. Each response is subject to all objections as to  
8 admissibility and any other objection which would result in the exclusion of any document at trial.

9 The responses are also given without prejudice to Responding Party's right to produce any  
10 inadvertently omitted evidence and introduce such evidence at trial. Thus, to the extent consistent  
11 with the Code of Civil Procedure, the following responses and objections are provided without  
12 prejudice to Responding Party's right to produce evidence, documentary or otherwise, of any  
13 subsequently discovered facts and/or documents. This preliminary statement is incorporated into  
14 each and every response set forth below.

15

16 **GENERAL OBJECTIONS**

17 1. Responding Party objects to the Interrogatories to the extent that they are not  
18 limited to the subject matter of this action and thus are irrelevant, immaterial, and not reasonably  
19 calculated to lead to the discovery of admissible evidence.

20 2. Responding Party objects to the Interrogatories to the extent that they are unduly  
21 burdensome, oppressive, unreasonably cumulative, duplicative and overbroad.

22 3. Responding Party objects to the Interrogatories to the extent that they seek  
23 information protected from disclosure under the attorney-client privilege, work product doctrine  
24 or any other applicable protection or privilege. To the extent any Interrogatories seek information  
25 that is privileged under law, whether under attorney-client privilege, or work product doctrine,  
26 or otherwise, Responding Party objects thereto and asserts the privilege protection provided by  
27 such doctrines to the fullest extent permitted by law.

28 ///

1 4. Responding Party objects to the Interrogatories to the extent that they seek  
2 disclosure of trade secret and/or other confidential and/or proprietary information.

3 5. Responding Party objects to the scope of the Interrogatories to the extent that they  
4 fail to specify a properly limited period of time relevant to each Request, making each Request  
5 overly broad, unduly burdensome, harassing, oppressive, vague, irrelevant and not reasonably  
6 calculated to lead to the discovery of admissible evidence.

7 6. Responding Party objects to the Interrogatories to the extent that they seek  
8 information protected from disclosure by rights of privacy under the Constitutions of the United  
9 States or the State of California.

10 7. Responding Party objects to the Interrogatories to the extent that they seek  
11 information to which the Propounding Party has equal access.

12 8. Responding Party objects generally to the Interrogatories to the extent that they  
13 assume facts not in evidence, mischaracterize or misstate facts and/or allegations appearing in the  
14 pleadings in this action.

15 9. Responding Party objects generally to the Interrogatories on the grounds and to the  
16 extent that they are vague and ambiguous in that the manner in which specific Interrogatories are  
17 phrased creates confusion.

18 The Preliminary Statement and General Objections are incorporated into each response  
19 below, regardless of whether specifically mentioned. The specific objections set forth below are  
20 not a waiver, in whole or in part, of any of these general objections.

21

22 **RESPONSES TO SPECIAL INTERROGATORIES (SET ONE)**

23

24 **SPECIAL INTERROGATORY NO. 1:**

25 Do YOU contend that YOU own the WARHOL PORTRAIT?

26 ("YOU" or "YOUR" or "DEFENDANT" means, includes, and refers to defendant Ryan  
27 O'Neal, O'Neal's present and former agents, and all other such persons acting on O'Neal's behalf,  
28 including attorneys and investigators. "WARHOL PORTRAIT" means, includes, and refers to

11/22/2013

1 that certain portrait of Farrah Fawcett, painted by Andy Warhol, that is the subject of the  
2 above-captioned litigation.)

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

4 Responding Party incorporates by this reference each and every General Objection as  
5 though fully set forth herein.

6 Subject to and without waiving the foregoing objections, Responding Party responds as  
7 follows: Yes.

8  
9 **SPECIAL INTERROGATORY NO. 2:**

10 If YOUR answer to Interrogatory No. 1 is anything but an unqualified denial, state all facts  
11 that support or refute YOUR contention.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

13 Responding Party incorporates by this reference each and every General Objection as  
14 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
15 Party responds as follows:

16 Responding Party met the late artist, Andy Warhol, in or around 1969 in New York, and  
17 they became good friends. In or around 1979, Responding Party met the late Farrah Fawcett and  
18 began a relationship with her that would endure until her untimely death in 2009.

19 In or around 1980, Responding Party introduced Ms. Fawcett to Mr. Warhol. Shortly  
20 afterward, Mr. Warhol called Responding Party in New York where Responding Party was  
21 staying at the time. Ms. Fawcett was also in New York. Mr. Warhol called Responding Party  
22 and asked if he could create a portrait of Ms. Fawcett in connection with the production of a  
23 television news program entitled "20/20," which was planning to film a segment featuring Mr.  
24 Warhol at work in his studio. Responding Party told Mr. Warhol that he could create a portrait,  
25 so long as he gave one copy to Ms. Fawcett and another copy to Responding Party. In connection  
26 therewith, Responding Party explained to Mr. Warhol that Ms. Fawcett and Responding Party  
27 each wanted their own copies of the portrait for their separate homes in California. Mr. Warhol  
28 readily agreed to Responding Party's request for two copies of the portrait, one for Ms. Fawcett

1 and the other for Responding Party. Based on this agreement, Responding Party arranged for Ms.  
2 Fawcett to appear for the portrait.

3         Shortly afterwards, Responding Party accompanied Ms. Fawcett to Mr. Warhol's studio  
4 where Ms. Fawcett was photographed by Mr. Warhol for the portrait. Several weeks later, Ms.  
5 Fawcett and Responding Party each received one copy of the portrait.

6         For approximately the next 30 years, Ms. Fawcett and Responding Party would share  
7 residences on and off again, and their respective artwork would sometimes be displayed in each  
8 others' homes. With regard to the Warhol portrait, Responding Party's copy was usually  
9 displayed at Responding Party's home in Malibu, although at times it was also displayed in Ms.  
10 Fawcett's residence for long periods, in part to protect it from the ocean air of Malibu. At no time

11 did Responding Party ever relinquish ownership of Responding Party's copy of the Warhol  
12 portrait, regardless of whether it was displayed at Responding Party's home, Ms. Fawcett's home,  
13 or when it was placed in a storage facility maintained by Ms. Fawcett. At no time has Responding  
14 Party represented to anyone that Responding Party did not own his copy of the Warhol portrait.

15         Discovery is ongoing and continuous and Responding Party reserves the right to  
16 supplement this Response.

17

18 **SPECIAL INTERROGATORY NO. 3:**

19         If YOUR answer to Interrogatory No. 1 is anything but an unqualified denial, identify all  
20 DOCUMENTS that support or refute YOUR contention.

21         ("DOCUMENT" or "DOCUMENTS" includes, without limitation, any writings,  
22 drawings, graphs, charts, photographs, sound recordings, images, electronic records, e-mail, and  
23 other data or data compilations stored in any medium from which information can be obtained,  
24 within the possession, custody and/or control of DEFENDANT, or his employees, agents,  
25 attorneys, and/or any other persons who may act on his behalf, excepting only those  
26 DOCUMENTS which are privileged or otherwise protected from discovery, as to which the claim  
27 of privilege or protection is specifically stated by written notice to PLAINTIFF. "PLAINTIFF"

28 ///

1 means plaintiff The Board of Regents for the University of Texas System on Behalf of the  
2 University of Texas at Austin.)

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

4 Responding Party incorporates by this reference each and every General Objection as  
5 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
6 Party responds as follows: Please see Responding Party's document production, Bates Nos. 1  
7 through 23. Discovery is ongoing and continuous and Responding Party reserves the right to  
8 supplement this Response.

9  
10 **SPECIAL INTERROGATORY NO. 4:**

11 If YOUR answer to Interrogatory No. 1 is anything but an unqualified denial, identify all  
12 PERSONS who have knowledge of any facts that support or refute YOUR contention.

13 ("PERSON" or "PERSONS" means any natural person, corporation, limited or general  
14 partnership, joint venture, firm, association, proprietorship, agency, board authority,  
15 governmental entity, or any other entity.)

16 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

17 Responding Party incorporates by this reference each and every General Objection as  
18 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
19 Party responds as follows: Responding Party, Richard Francis, Russell Francis, Rick Rogers,  
20 Shira Nachshon, Jeffrey Eisen, David Pinsky, each of whom may be contacted via counsel of  
21 record for Responding Party. Discovery is ongoing and continuous and Responding Party  
22 reserves the right to supplement this Response.

23  
24 **SPECIAL INTERROGATORY NO. 5:**

25 Do YOU contend that YOU own the WARHOL NAPKIN?

26 ("WARHOL NAPKIN" means, includes, and refers to that certain drawing by Andy  
27 Warhol referred to as the Warhol Napkin in Paragraph 7 of DEFENDANT'S Cross-Complaint,  
28 a picture of which is attached as Exhibit A to DEFENDANT'S Cross-Complaint. A true and

1 correct copy of DEFENDANT'S Cross-Complaint is attached to these interrogatories as Exhibit  
2 1.)

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

4 Responding Party incorporates by this reference each and every General Objection as  
5 though fully set forth herein.

6 Subject to and without waiving the foregoing objections, Responding Party responds as  
7 follows: Yes.

8

9 **SPECIAL INTERROGATORY NO. 6:**

10 If YOUR answer to Interrogatory No. 5 is anything but an unqualified denial, state all facts  
11 that support or refute YOUR contention.

12 **RESPONSE TO SPECIAL INTERROGATORY NO. 6:**

13 Responding Party incorporates by this reference each and every General Objection as  
14 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
15 Party responds as follows:

16 Responding Party met Warhol in the 1970s in New York. They shared an enduring  
17 friendship and Responding Party visited Warhol on numerous occasions. It was Responding Party  
18 who eventually introduced his long time romantic partner, the late iconic actress Farrah Fawcett,  
19 to Warhol in 1980. Thereafter, Responding Party and Ms. Fawcett would visit Warhol in  
20 Manhattan and at Montauk in Long Island. Both Responding Party and Ms. Fawcett received  
21 artwork from Warhol on several occasions, including, without limitation, the "Warhol Napkin,"  
22 when visiting Warhol.

23 Ms. Fawcett and Responding Party had an extremely close but sometimes tumultuous  
24 relationship. During the last 30 years of Ms. Fawcett's life they lived together on and off again.  
25 They were never married. On those several occasions when Ms. Fawcett and Responding Party  
26 stopped living together, Ms. Fawcett would remove certain items from Responding Party's home,  
27 including artwork and collectibles created by Warhol and others. Responding Party did not seek

28 ///

1 immediate physical return of those items, however, because Responding Party knew that they  
2 would eventually reconcile and once again share the same home.

3 When Ms. Fawcett tragically succumbed to cancer in 2009, the artwork that she owned  
4 passed from the Farrah Fawcett Living Trust to the University. Among the items removed from  
5 Ms. Fawcett's home and received by the University, however, was artwork which did not  
6 exclusively belong to Ms. Fawcett, but was jointly owned by Responding Party and Ms. Fawcett.  
7 This includes the Warhol Napkin which was owned jointly by Ms. Fawcett and Responding Party.  
8 In fact, the Warhol Napkin is inscribed by Warhol "To Farrah F. And Ryan O'".

9 Discovery is ongoing and continuous and Responding Party reserves the right to  
10 supplement this Response.

11

12 **SPECIAL INTERROGATORY NO. 7:**

13 If YOUR answer to Interrogatory No. 5 is anything but an unqualified denial, identify all  
14 DOCUMENTS that support or refute YOUR contention.

15 **RESPONSE TO SPECIAL INTERROGATORY NO. 7:**

16 Responding Party incorporates by this reference each and every General Objection as  
17 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
18 Party responds as follows: Please see Responding Party's document production, Bates Nos. 1  
19 through 23. Discovery is ongoing and continuous and Responding Party reserves the right to  
20 supplement this Response.

21

22 **SPECIAL INTERROGATORY NO. 8:**

23 If YOUR answer to Interrogatory No. 5 is anything but an unqualified denial, identify all  
24 PERSONS who have knowledge of any facts that support or refute YOUR contention.

25 **RESPONSE TO SPECIAL INTERROGATORY NO. 8:**

26 Responding Party incorporates by this reference each and every General Objection as  
27 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
28 Party responds as follows: Responding Party, Richard Francis, Russell Francis, Rick Rogers,



1 Shira Nachshon, Jeffrey Eisen, David Pinsky, each of whom may be contacted via counsel of  
2 record for Responding Party. Discovery is ongoing and continuous and Responding Party  
3 reserves the right to supplement this Response.

4  
5 **SPECIAL INTERROGATORY NO. 9:**

6 Do YOU contend that YOU own the R.O. LIPS DRAWING?  
7 ("R.O. LIPS DRAWING" means, includes, and refers to that certain drawing by Andy  
8 Warhol, ostensibly of DEFENDANT'S lips, pictured in the background of photographs featuring  
9 DEFENDANT in the September 2009 Vanity Fair article entitled, "Beautiful People, Ugly  
10 Choices," a true and correct copy of which is attached to these interrogatories as Exhibit 2.)

11 **RESPONSE TO SPECIAL INTERROGATORY NO. 9:**

12 Responding Party incorporates by this reference each and every General Objection as  
13 though fully set forth herein. Responding Party further objects to this Interrogatory to the extent  
14 that it assumes facts not in evidence, including that the R.O. Lips drawing appears in the  
15 background of a September 2009 Vanity Fair article entitled "Beautiful People, Ugly Choices."  
16 Subject to and without waiving the foregoing objections, Responding Party responds as  
17 follows: Yes.

18  
19 **SPECIAL INTERROGATORY NO. 10:**

20 If YOUR answer to Interrogatory No. 9 is anything but an unqualified denial, state all facts  
21 that support or refute YOUR contention.

22 **RESPONSE TO SPECIAL INTERROGATORY NO. 10:**

23 Responding Party incorporates by this reference each and every General Objection as  
24 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
25 Party responds as follows:

26 Responding Party met Warhol in the 1970s in New York. They shared an enduring  
27 friendship and Responding Party visited Warhol on numerous occasions. It was Responding Party  
28 who eventually introduced his long time romantic partner, the late iconic actress Farrah Fawcett,

1 to Warhol in 1980. Thereafter, Responding Party and Ms. Fawcett would visit Warhol in  
2 Manhattan and at Montauk in Long Island. Responding Party received artwork from Warhol on  
3 several occasions, including, without limitation, the "R.O. Lips" when visiting Warhol. The R.O.  
4 Lips is owned exclusively by Responding Party.

5 Ms. Fawcett and Responding Party had an extremely close but sometimes tumultuous  
6 relationship. During the last 30 years of Ms. Fawcett's life they lived together on and off again.  
7 They were never married. On those several occasions when Ms. Fawcett and Responding Party  
8 stopped living together, Ms. Fawcett would remove certain items from Responding Party's home,  
9 including artwork and collectibles created by Warhol and others. Responding Party did not seek  
10 immediate physical return of those items, however, because Responding Party knew that they

11 would eventually reconcile and once again share the same home.

12 Discovery is ongoing and continuous and Responding Party reserves the right to  
13 supplement this Response.

14

15 **SPECIAL INTERROGATORY NO. 11:**

16 If YOUR answer to Interrogatory No. 9 is anything but an unqualified denial, identify all  
17 DOCUMENTS that support or refute YOUR contention.

18 **RESPONSE TO SPECIAL INTERROGATORY NO. 11:**

19 Responding Party incorporates by this reference each and every General Objection as  
20 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
21 Party responds as follows: Please see Responding Party's document production, Bates Nos. 1  
22 through 23. Discovery is ongoing and continuous and Responding Party reserves the right to  
23 supplement this Response.

24

25 **SPECIAL INTERROGATORY NO. 12:**

26 If YOUR answer to Interrogatory No. 9 is anything but an unqualified denial, identify all  
27 PERSONS who have knowledge of any facts that support or refute YOUR contention.

28 ///

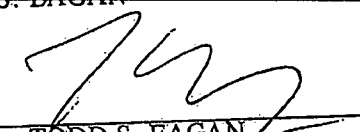
1 RESPONSE TO SPECIAL INTERROGATORY NO. 12:

2 Responding Party incorporates by this reference each and every General Objection as  
3 though fully set forth herein. Subject to and without waiving the foregoing objections, Responding  
4 Party responds as follows: Responding Party, Richard Francis, Russell Francis, Rick Rogers,  
5 Shira Nachshon, Jeffrey Eisen, David Pinsky, each of whom may be contacted via counsel of  
6 record for Responding Party. Discovery is ongoing and continuous and Responding Party  
7 reserves the right to supplement this Response.

8  
9 DATE: February 29 2012

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
MARTIN D. SINGER  
TODD S. EAGAN

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By:   
TODD S. EAGAN  
Attorneys for Defendant and Cross-Complainant  
RYAN O'NEAL

11 / 22 / 2013

VERIFICATION

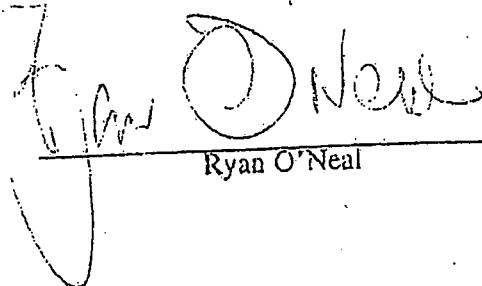
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I, Ryan O'Neal, have read the foregoing Defendant and Cross-Complainant Ryan O'Neal's Responses to Plaintiff's Special Interrogatories, Set One, and know its contents.

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

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

Executed on February 21, 2012, at Malibu, California.

  
\_\_\_\_\_  
Ryan O'Neal

11 / 22 / 2013

**PROOF OF SERVICE**  
1013A(3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

On March 2, 2012, I served the foregoing document described as:

**DEFENDANT AND CROSS-COMPLAINANT RYAN O'NEAL'S RESPONSES TO  
PLAINTIFF'S INTERROGATORIES, SET ONE**

on the interested parties in this action by placing:

a true and correct copy -OR-  the original document  
thereof enclosed in sealed envelopes addressed as follows:

Charles E. Patterson, Esq.  
Michael Chin, Esq.  
MORRISON & FOERSTER LLP  
555 West Fifth Street, Suite 3500  
Los Angeles, California 90013-1024

Attorneys for THE BOARD OF REGENTS  
FOR THE UNIVERSITY OF TEXAS  
SYSTEM ON BEHALF OF THE  
UNIVERSITY OF TEXAS AT AUSTIN

David J. Beck, Esq.  
1221 McKinney Street, Suite 4500  
Houston, Texas 77010

Attorneys for THE BOARD OF  
REGENTS FOR THE UNIVERSITY OF  
TEXAS SYSTEM ON BEHALF OF THE  
UNIVERSITY OF TEXAS AT AUSTIN

Eric J.R. Nichols, Esq.  
BECK, REDDEN & SECREST, L.L.P.  
515 Congress Avenue, Suite 1750  
Austin, Texas 78701

Attorneys for THE BOARD OF  
REGENTS FOR THE UNIVERSITY OF  
TEXAS SYSTEM ON BEHALF OF THE  
UNIVERSITY OF TEXAS AT AUSTIN

**BY MAIL:**

I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed March 2, 2012 at Los Angeles, California.

  
Jelena Jovanovic

11/22/2013

11 / 22 / 2013

1 CHARLES E. PATTERSON (CA SBN 120081)  
 CPatterson@mofocom  
 2 HAILLY T.N. KORMAN (CA SBN 273927)  
 HKorman@mofocom  
 3 MORRISON & FOERSTER LLP  
 555 West Fifth Street, Suite 3500  
 4 Los Angeles, California 90013-1024  
 Telephone: (213) 892-5200  
 5 Facsimile: (213) 892-5454

6 (Co-Counsel Continued on Last Page)

7 Attorneys for Plaintiff and Cross-Defendant  
 8 THE BOARD OF REGENTS FOR THE UNIVERSITY OF  
 9 TEXAS SYSTEM ON BEHALF OF THE UNIVERSITY OF  
 TEXAS AT AUSTIN

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 11 COUNTY OF LOS ANGELES

12 THE BOARD OF REGENTS FOR THE  
 13 UNIVERSITY OF TEXAS SYSTEM ON  
 BEHALF OF THE UNIVERSITY OF TEXAS AT  
 14 AUSTIN,

15 Plaintiff,

16 v.

17 RYAN O'NEAL,

18 Defendant.

Case No. BC468468

[Hon. Maureen Duffy-Lewis, Dept. 38]

**PLAINTIFF THE BOARD OF  
 REGENTS FOR THE UNIVERSITY  
 OF TEXAS SYSTEM ON BEHALF  
 OF THE UNIVERSITY OF TEXAS  
 AT AUSTIN'S SPECIAL  
 INTERROGATORIES TO  
 DEFENDANT RYAN O'NEAL (SET  
 NO. THREE)**

Complaint Filed: Aug. 26, 2011  
 Cross-Complaint Filed: Oct. 7, 2011

19  
 20  
 21 RYAN O'NEAL,

22 Cross-Complainant,

23 v.

24 THE BOARD OF REGENTS FOR THE  
 25 UNIVERSITY OF TEXAS SYSTEM ON  
 BEHALF OF THE UNIVERSITY OF TEXAS AT  
 AUSTIN, an entity form unknown, and ROES 1 -  
 26 50, inclusive,

27 Cross-Defendant.

28 la-1185425

11/22/2013

EXC

1 PROPOUNDING PARTY: Plaintiff The Board of Regents for the University of Texas System  
on Behalf of the University of Texas at Austin

2 RESPONDING PARTY: Defendant Ryan O'Neal

3 SET NUMBER: Three

4  
5 TO: DEFENDANT RYAN O'NEAL AND HIS COUNSEL OF RECORD:

6 PLEASE TAKE NOTICE THAT Plaintiff The Board of Regents for the University of  
7 Texas System on Behalf of the University of Texas at Austin, pursuant to California Code of  
8 Civil Procedure § 2030.010, hereby requests that Defendant Ryan O'Neal answer the following  
9 interrogatories within thirty (30) days of service hereof, in accordance with the instructions  
10 below.

11 **INSTRUCTIONS**

12 The following instructions shall apply when responding to these interrogatories:

13 1. This discovery seeks all responsive information that is within the possession,  
14 custody, or control of, or is known or available to DEFENDANT, his attorneys, investigators,  
15 agents, employees or other representatives, or any entity controlled by DEFENDANT.

16 2. If YOU encounter any ambiguity in construing an interrogatory, definition, or  
17 instruction herein, YOU shall make YOUR best efforts to interpret the interrogatory, definition,  
18 or instruction within the context of the above-captioned litigation and shall set forth the matter  
19 deemed ambiguous, and the construction or interpretation chosen or used in responding.

20 3. In the event that YOUR answer to an interrogatory is "not applicable" or any similar  
21 phrase or answer, explain in detail why the interrogatory is not applicable.

22 4. If, after reasonable and thorough investigation, using due diligence, YOU are unable  
23 to answer any interrogatory or any part thereof, on the grounds of lack of information available to  
24 YOU, please state what has been done to locate such information. In addition, specify what  
25 knowledge or belief YOU do have concerning the unanswered portion of any interrogatory and  
26 set forth the facts upon which such knowledge or belief is based.

27 5. When an interrogatory asks for specific information (e.g., a date) and the precise  
28 specific information is unknown, the answer shall give the best approximation of the information



1 requested, provided that the answer also indicates the information being given is an  
2 approximation.

3 6. The interrogatories set forth herein shall be construed so as to make responses  
4 inclusive rather than exclusive.

5 7. Whenever an interrogatory requests that you identify a person, state his or her full  
6 name, present or last known residence and business address(es) and telephone number(s).

7  
8 **INTERROGATORIES**

9 **SPECIAL INTERROGATORY NO. 20:**

10 Have YOU ever been convicted (including pleas of guilty or no contest) of any criminal  
11 felony? ("YOU" or "YOUR" or "DEFENDANT" means, includes, and refers to defendant Ryan  
12 O'Neal and anyone acting on his behalf.)

13 **SPECIAL INTERROGATORY NO. 21:**

14 If YOUR response to Interrogatory No. 20 is in the affirmative, please identify the  
15 offense, jurisdiction, date of conviction, the court and case number, and any post-conviction  
16 proceedings (e.g. expungement or pardon).

17 **SPECIAL INTERROGATORY NO. 22:**

18 Have YOU included the WARHOL PORTRAIT in YOUR will, living trust, or other  
19 testamentary instrument? ("WARHOL PORTRAIT" means, includes, and refers to that certain  
20 portrait of Farrah Fawcett, painted by Andy Warhol, that is the subject of the above-captioned  
21 litigation.)

22 **SPECIAL INTERROGATORY NO. 23:**

23 If YOUR response to Interrogatory No. 22 is in the affirmative, describe when you added  
24 the WARHOL PORTRAIT to that testamentary instrument and who is to receive it.

25 **SPECIAL INTERROGATORY NO. 23:**

26 Pursuant to Code of Civil Procedure section 2030.070, identify any information that YOU  
27 have acquired since YOU answered Plaintiff's Special Interrogatories (Sets One and Two).

1 SPECIAL INTERROGATORY NO. 24:

2 Pursuant to Code of Civil Procedure section 2030.070, review YOUR answers to all  
3 Interrogatories previously served on YOU in this action, including all special and form  
4 Interrogatories. If any of YOUR answers to those interrogatories is incorrect, incomplete, or does  
5 not include all of the information YOU possess, please update YOUR interrogatory response by  
6 identifying the answer and providing whatever information is necessary to make the answer  
7 accurate and fully complete as of this date.

8 Additional Counsel:

9 DAVID J. BECK (TX SBN 00000070)  
10 dbeck@brsfirm.com  
11 BECK, REDDEN & SECREST, L.L.P.  
12 1221 McKinney Street, Suite 4500  
13 Houston, TX 77010-2010  
14 Telephone: (713) 951-3700

15 ERIC J.R. NICHOLS (TX SBN 14994500)  
16 enichols@brsfirm.com  
17 TIMOTHY CLEVELAND (TX SBN 24055318)  
18 tcleveland@brsfirm.com  
19 BECK, REDDEN & SECREST, L.L.P.  
20 515 Congress Avenue, Suite 1750  
21 Austin, TX 78701  
22 Telephone: (512) 708-1000  
23 Facsimile: (512) 708-1002

24 Dated: September 24, 2012

CHARLES E. PATTERSON  
HAILLY T.N. KORMAN  
MORRISON & FOERSTER LLP

25 By:   
Hailly T.N. Korman

26 Attorneys for Plaintiff and Cross-Defendant  
27 THE BOARD OF REGENTS FOR THE  
28 UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF TEXAS AT  
AUSTIN

1 **PROOF OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address  
3 is 555 West Fifth Street, Los Angeles, California 90013. I am not a party to the within cause, and  
4 I am over the age of eighteen years.

5 I further declare that on September 24, 2012, I served a copy of:

6 **PLAINTIFF THE BOARD OF REGENTS FOR THE**  
7 **UNIVERSITY OF TEXAS SYSTEM ON BEHALF OF THE**  
8 **UNIVERSITY OF TEXAS AT AUSTIN'S SPECIAL**  
9 **INTERROGATORIES TO DEFENDANT RYAN O'NEAL**  
10 **(SET NO. THREE)**

11  **BY PERSONAL SERVICE [Code Civ. Proc sec. 1011]** by placing a true copy  
12 thereof enclosed in a sealed envelope addressed as follows for collection and  
13 delivery at the mailroom of Morrison & Foerster LLP, causing personal delivery of  
14 the document(s) listed above to the person(s) at the address(es) set forth below.

15 I am readily familiar with Morrison & Foerster LLP's practice for the collection and  
16 processing of documents for hand delivery and know that in the ordinary course of  
17 Morrison & Foerster LLP's business practice the document(s) described above will be  
18 taken from Morrison & Foerster LLP's mailroom and hand delivered to the  
19 document's addressee (or left with an employee or person in charge of the  
20 addressee's office) on the same date that it is placed at Morrison & Foerster LLP's  
21 mailroom.

22 Martin S. Singer, Esq.  
23 Todd S. Eagan, Esq.  
24 Lavelly & Singer  
25 2049 Century Park East, Suite 2400  
26 Los Angeles, CA 90067

27 I declare under penalty of perjury under the laws of the State of California that the  
28 foregoing is true and correct.

Executed at Los Angeles, California, this 24th day of September, 2012.

\_\_\_\_\_  
Janis Price  
(typed)

\_\_\_\_\_  
*Janis Price*  
(signature)

11/22/2013

11 / 22 / 2013

EXHIBIT D

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D

1 MARTIN D. SINGER (BAR NO. 78166)  
TODD S. EAGAN (BAR NO. 207426)  
2 LAVELY & SINGER  
PROFESSIONAL CORPORATION  
3 2049 Century Park East, Suite 2400  
Los Angeles, California 90067-2906  
4 Telephone: (310) 556-3501  
Facsimile: (310) 556-3615  
5  
6 Attorneys for Defendant and Cross-Complainant  
Ryan O'Neal

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

10 THE BOARD OF REGENTS FOR THE ) CASE NO. BC468468  
11 UNIVERSITY OF TEXAS SYSTEM ON )  
BEHALF OF THE UNIVERSITY OF ) DEFENDANT AND CROSS-  
12 TEXAS AT AUSTIN, ) COMPLAINT RYAN O'NEAL'S  
13 Plaintiff, ) SUPPLEMENTAL RESPONSES TO  
14 v. ) PLAINTIFF'S SPECIAL  
15 RYAN O'NEAL, ) INTERROGATORIES  
16 Defendant. ) [SET NO. THREE]

17 AND RELATED CROSS-ACTION.  
18

19 PROPOUNDING PARTY: THE BOARD OF REGENTS FOR THE UNIVERSITY  
20 OF TEXAS SYSTEM ON BEHALF OF THE  
21 UNIVERSITY OF TEXAS AT AUSTIN  
22 RESPONDING PARTY: RYAN O'NEAL  
23 SET NUMBER: THREE (3)  
24

25 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:  
26 Defendant and Cross-Complainant Ryan O'Neal ("Defendant" or "Responding Party")  
27 hereby supplements his responses and objections to the Third Set of Special Interrogatories  
28 propounded by Plaintiff The Board of Regents for The University of Texas System on Behalf of

11/22/2013

EX-1

1 the University of Texas at Austin ("Plaintiff" or "Propounding Party") as follows:

2 PRELIMINARY STATEMENT

3 Each of the following objections and responses are made solely for the purposes of this  
4 action. Each response is subject to all objections as to competence, relevance, materiality,  
5 propriety, admissibility and any and all objections on any ground that would require exclusion of  
6 any response herein, if it were introduced in Court, all of which objections and grounds are  
7 expressly reserved and may be interposed at time of trial.

8 Responding Party has not fully completed the investigation of the facts relating to this case,  
9 discovery in this action or preparation for trial. All of the responses contained herein are based  
10 only upon such information and documents which are presently available to, and specifically  
11 known to the Responding Party. Discovery is continuing and will continue as long as permitted  
12 by rule, statute or stipulation of the parties herein, and the investigation of Responding Party's  
13 attorneys and agents will continue to and through any hearing, judicial proceeding, or trial in this  
14 action. It is anticipated that further discovery, independent investigation, legal research and  
15 analysis will supply additional facts, which may, in turn, clarify and add meaning to known facts  
16 as well as establish entirely new factual matters, all of which will lead to substantial additions to,  
17 changes in, and variations from the contentions and responses herein set forth.

18 The following responses are given without prejudice to Responding Party's right to  
19 produce evidence of any subsequently discovered fact or facts, witnesses or documents which this  
20 Responding Party may later recall. Responding Party accordingly reserves the right to change any  
21 and all responses herein as additional facts are ascertained, analyses are made, legal research is  
22 completed and contentions are formulated. Responding Party, however, does not assume the  
23 obligation to revise, correct, augment, add to and/or clarify any responses stated herein based  
24 upon information, documentation, facts and/or contentions he may subsequently ascertain and/or  
25 develop.

26 Responding Party reserves the right, prior to or at the time of any hearing, judicial  
27 proceeding or trial to introduce any evidence from any source that hereafter may be discovered  
28 and testimony of witnesses whose identities may hereafter be discovered. If any information has

11/22/2013

1 been omitted from these responses, Responding Party reserves the right to apply for relief so as  
2 to permit insertion of responsive information omitted herefrom.

3 No incidental or implied admissions are intended by the objections and responses herein.  
4 The fact that Responding Party may respond to the subject discovery request should not be taken  
5 as an admission that such responses or objections constitute admissible evidence. The fact that  
6 Responding Party may respond or object to any particular request is not intended to and should  
7 not be construed to be a waiver by Responding Party of any part of any objection to any portion  
8 of said request or any particular request. Each response is subject to all objections as to  
9 admissibility and any other objection which would result in the exclusion of any document at trial.

10 The responses are also given without prejudice to Responding Party's right to produce any  
11 inadvertently omitted evidence and introduce such evidence at trial. Thus, to the extent consistent  
12 with the Code of Civil Procedure, the following responses and objections are provided without  
13 prejudice to Responding Party's right to produce evidence, documentary or otherwise, of any  
14 subsequently discovered facts and/or documents. This preliminary statement is incorporated into  
15 each and every response set forth below.

16 **GENERAL OBJECTIONS**

17 1. Responding Party objects to the Interrogatories to the extent that they are not  
18 limited to the subject matter of this action and thus are irrelevant, immaterial, and not reasonably  
19 calculated to lead to the discovery of admissible evidence.

20 2. Responding Party objects to the Interrogatories to the extent that they are unduly  
21 burdensome, oppressive, unreasonably cumulative, duplicative and overbroad.

22 3. Responding Party objects to the Interrogatories to the extent that they seek  
23 information protected from disclosure under the attorney-client privilege, work product doctrine  
24 or any other applicable protection or privilege. To the extent any Interrogatories seek information  
25 that is privileged under law, whether under attorney-client privilege, or work product doctrine,  
26 or otherwise, Responding Party objects thereto and asserts the privilege protection provided by  
27 such doctrines to the fullest extent permitted by law.

28 4. Responding Party objects to the Interrogatories to the extent that they seek

11/22/2013

1 disclosure of trade secret and/or other confidential and/or proprietary information.

2 5. Responding Party objects to the scope of the Interrogatories to the extent that they  
3 fail to specify a properly limited period of time relevant to each Request, making each Request  
4 overly broad, unduly burdensome, harassing, oppressive, vague, irrelevant and not reasonably  
5 calculated to lead to the discovery of admissible evidence.

6 6. Responding Party objects to the Interrogatories to the extent that they seek  
7 information protected from disclosure by rights of privacy under the Constitutions of the United  
8 States or the State of California.

9 7. Responding Party objects to the Interrogatories to the extent that they seek  
10 information to which the Propounding Party has equal access.

11 8. Responding Party objects generally to the Interrogatories to the extent that they  
12 assume facts not in evidence, mischaracterize or misstate facts and/or allegations appearing in the  
13 pleadings in this action.

14 9. Responding Party objects generally to the Interrogatories on the grounds and to the  
15 extent that they are vague and ambiguous in that the manner in which specific Interrogatories are  
16 phrased creates confusion.

17 The Preliminary Statement and General Objections are incorporated into each response  
18 below, regardless of whether specifically mentioned. The specific objections set forth below are  
19 not a waiver, in whole or in part, of any of these general objections.

20

21 **SUPPLEMENTAL RESPONSES TO SPECIAL INTERROGATORIES (SET THREE)**

22

23 **SPECIAL INTERROGATORY NO. 23 [sic]:**

24 Pursuant to Code of Civil Procedure section 2030.070, identify any information that  
25 YOU have acquired since YOU answered Plaintiff's Special Interrogatories (Sets One and  
26 Two).

27 **RESPONSE TO SPECIAL INTERROGATORY NO. 23 [sic]:**

28 Responding Party incorporates by this reference each and every General Objection as

11/22/2013



1 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
2 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory  
3 on the grounds that it is overly broad, oppressive, unduly burdensome and harassing.  
4 Responding Party further objects to this Interrogatory on the grounds that it seeks irrelevant  
5 information not likely to lead to the discovery of admissible evidence. Responding Party  
6 further objects to this Interrogatory on the grounds that it seeks to invade Responding Party's  
7 right of privacy in his financial affairs. Responding Party further objects to this Interrogatory  
8 to the extent that it violates the attorney-client privilege and/or work product doctrine.

9 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 23 [sic]:**

10         Responding Party incorporates by this reference each and every General Objection as  
11 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
12 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory  
13 on the grounds that it is overly broad, oppressive, unduly burdensome and harassing.  
14 Responding Party further objects to this Interrogatory on the grounds that it seeks irrelevant  
15 information not likely to lead to the discovery of admissible evidence. Responding Party  
16 further objects to this Interrogatory on the grounds that it seeks to invade Responding Party's  
17 right of privacy in his financial affairs. Responding Party further objects to this Interrogatory  
18 to the extent that is violates the attorney-client privilege and/or work product doctrine.

19         Subject to and without waiver of the foregoing objections, Responding Party responds  
20 as follows: To the extent that additional factual information has been acquired by Responding  
21 Party, Responding Party directs the Requesting Party to the deposition transcripts of Richard  
22 B. Francis, Russell Francis, Jeffrey Eisen, Shira Nachson, David Pinsky and the declarations  
23 of Russell Francis, Jeffrey Eisen, David Pinsky, Mela Murphy, Arnold Robinson and Rick  
24 Rogers produced in this action and Responding Party's document production.

25  
26 **SPECIAL INTERROGATORY NO. 24:**

27         Pursuant to Code of Civil Procedure section 2030.070, review YOUR answers to all  
28 Interrogatories previously served on YOU in this action, including all special and form

11/22/2013

1 Interrogatories. If any of YOUR answers to those interrogatories is incorrect, incomplete, or  
2 does not include all of the information YOU possess, please update YOUR interrogatory  
3 response by identifying the answer and providing whatever information is necessary to make  
4 the answer accurate and fully complete as of this date.

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 24:**

6 Responding Party incorporates by this reference each and every General Objection as  
7 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
8 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory  
9 on the grounds that it is overly broad, oppressive, unduly burdensome and harassing.  
10 Responding Party further objects to this Interrogatory on the grounds that it seeks irrelevant  
11 information not likely to lead to the discovery of admissible evidence. Responding Party  
12 further objects to this Interrogatory on the grounds that it seeks to invade Responding Party's  
13 right of privacy in his financial affairs. Responding Party further objects to this Interrogatory  
14 to the extent that it violates the attorney-client privilege and/or work product doctrine.

15 **SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 24:**

16 Responding Party incorporates by this reference each and every General Objection as  
17 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
18 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory  
19 on the grounds that it is overly broad, oppressive, unduly burdensome and harassing.  
20 Responding Party further objects to this Interrogatory on the grounds that it seeks irrelevant  
21 information not likely to lead to the discovery of admissible evidence. Responding Party  
22 further objects to this Interrogatory on the grounds that it seeks to invade Responding Party's  
23 right of privacy in his financial affairs. Responding Party further objects to this Interrogatory  
24 to the extent that it violates the attorney-client privilege and/or work product doctrine.

25 Subject to and without waiver of the foregoing objections, Responding Party responds  
26 as follows:

27 Special Interrogatory No. 2: Responding Party directs the Requesting Party to the  
28 deposition transcripts of Richard B. Francis, Russell Francis, Shira Nachson, David Pinsky

11/22/2013

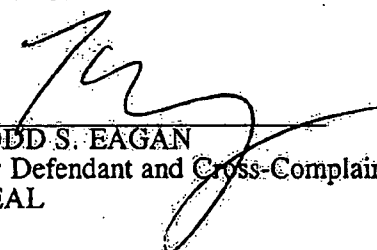
1 and the declarations of Russell Francis, Jeffrey Eisen, David Pinsky, Mela Murphy, Arnold  
2 Robinson and Rick Rogers produced in this action, as well as Responding Party's document  
3 production.

4 Special Interrogatory No. 3: Responding Party directs the Requesting Party to the  
5 deposition transcripts of Richard B. Francis, Russell Francis, Shira Nachson, David Pinsky  
6 and the declarations of Russell Francis, Jeffrey Eisen, David Pinsky, Mela Murphy, Arnold  
7 Robinson and Rick Rogers produced in this action, as well as Responding Party's document  
8 production.

9 Special Interrogatory No. 4: Responding Party directs the Requesting Party to the  
10 deposition transcripts of Richard B. Francis, Russell Francis, Shira Nachson, David Pinsky  
11 and the declarations of Russell Francis, Jeffrey Eisen, David Pinsky, Mela Murphy, Arnold  
12 Robinson and Rick Rogers produced in this action, as well as Responding Party's document  
13 production. Responding Party further identifies witnesses Robert S. Scott Company  
14 Appraisers, Albert G. Ruben & Company, Donna Currie, Sharon Goodman Squires, and  
15 Bonhams & Butterfields.

16  
17 DATE: November 5, 2012

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
MARTIN D. SINGER  
TODD S. EAGAN

18  
19  
20  
21 By:   
TODD S. EAGAN  
22 Attorneys for Defendant and Cross-Complainant.  
RYAN O'NEAL

11/22/2013

1 **PROOF OF SERVICE**  
1013A(3) C.C.P. Revised 5/1/88

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  
4 18 and not a party to the within action. My business address is 2049 Century Park East, Suite  
2400, Los Angeles, California 90067-2906.

5 On the date stated below, I served the foregoing document described as:

6 **DEFENDANT AND CROSS-COMPLAINANT RYAN O'NEAL'S SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S SPECIAL INTERROGATORIES [SET NO. THREE]**

7 on the interested parties in this action by placing:  a true and correct copy -OR-  the  
8 original document thereof enclosed in sealed envelopes addressed as follows:

9 Charles E. Patterson, Esq.  
Hailly T.N. Korman, Esq.  
MORRISON & FOERSTER LLP  
10 555 West Fifth Street, Suite 3500  
Los Angeles, California 90013-1024

Attorneys for Plaintiff/Cross-Defendant  
**THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN**

11 David J. Beck, Esq.  
12 1221 McKinney Street, Suite 4500  
Houston, Texas 77010

Attorneys for Plaintiff/Cross-Defendant  
**THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN**

13  
14  
15  **BY MAIL:** I am "readily familiar" with the firm's practice of collection and  
16 processing correspondence for mailing. Under that practice it would be deposited with U.S.  
17 postal service on that same day with postage thereon fully prepaid at Los Angeles,  
California in the ordinary course of business. I am aware that on motion of the party  
served, service is presumed invalid if postal cancellation date or postage meter date is more  
than one day after date of deposit for mailing in affidavit.

18 Eric J.R. Nichols, Esq. [ORIGINAL]  
19 Tim Cleveland, Esq.  
BECK, REDDEN & SECREST, L.L.P.  
20 515 Congress Avenue, Suite 1750  
Austin, Texas 78701

Attorneys for Plaintiff/Cross-Defendant  
**THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN**

21  **BY E-MAIL:** I served the foregoing document by e-mail with an Adobe Acrobat  
22 attachment. The transmission was complete and no error was reported. I printed a copy  
of the e-mail, showing the attachment, a copy of which is attached to this Declaration.

23  **BY MAIL:** As follows: I am "readily familiar" with the firm's practice of collection and  
24 processing correspondence for mailing. Under that practice it would be deposited with  
25 U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles,  
California in the ordinary course of business. I am aware that on motion of the party  
served, service is presumed invalid if postal cancellation date or postage meter date is more  
than one day after date of deposit for mailing in affidavit.

26 I declare under penalty of perjury under the laws of the State of California that the above  
27 is true and correct. Executed on November 5, 2012 at Los Angeles, California.

28  
  
Janice Titus

11/22/2013

1 MARTIN D. SINGER (BAR NO. 78166)  
TODD S. EAGAN (BAR NO. 207426)  
2 LAVELY & SINGER  
PROFESSIONAL CORPORATION  
3 2049 Century Park East, Suite 2400  
Los Angeles, California 90067-2906  
4 Telephone: (310) 556-3501  
Facsimile: (310) 556-3615

12:13pm  
OCT 25 2011  
By messenger

5 Attorneys for Defendant and Cross-Complainant  
6 Ryan O'Neal

7

8

SUPERIOR COURT OF THE STATE OF CALIFORNIA

9

FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

10

11 THE BOARD OF REGENTS FOR THE )  
UNIVERSITY OF TEXAS SYSTEM ON )  
BEHALF OF THE UNIVERSITY OF )  
12 TEXAS AT AUSTIN, )

13

Plaintiff,

14

v.

15

RYAN O'NEAL,

16

Defendant.

17

AND RELATED CROSS-ACTION.

18

CASE NO. BC468468

DEFENDANT AND CROSS-  
COMPLAINANT RYAN O'NEAL'S  
FURTHER SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S  
SPECIAL INTERROGATORIES

[SET NO. THREE]

19

PROPOUNDING PARTY:

THE BOARD OF REGENTS FOR THE UNIVERSITY

20

OF TEXAS SYSTEM ON BEHALF OF THE

21

UNIVERSITY OF TEXAS AT AUSTIN

22

RESPONDING PARTY:

RYAN O'NEAL

23

SET NUMBER:

THREE (3)

24

25

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

26

Defendant and Cross-Complainant Ryan O'Neal ("Defendant" or "Responding Party")

27

hereby further supplements his responses and objections to the Third Set of Special Interrogatories

28

propounded by Plaintiff The Board of Regents for The University of Texas System on Behalf of

11/22/2013

EXE

1 the University of Texas at Austin ("Plaintiff" or "Propounding Party") as follows:

2 **PRELIMINARY STATEMENT**

3 Each of the following objections and responses are made solely for the purposes of this  
4 action. Each response is subject to all objections as to competence, relevance, materiality,  
5 propriety, admissibility and any and all objections on any ground that would require exclusion of  
6 any response herein, if it were introduced in Court, all of which objections and grounds are  
7 expressly reserved and may be interposed at time of trial.

8 Responding Party has not fully completed the investigation of the facts relating to this case,  
9 discovery in this action or preparation for trial. All of the responses contained herein are based  
10 only upon such information and documents which are presently available to, and specifically  
11 known to the Responding Party. Discovery is continuing and will continue as long as permitted  
12 by rule, statute or stipulation of the parties herein, and the investigation of Responding Party's  
13 attorneys and agents will continue to and through any hearing, judicial proceeding, or trial in this  
14 action. It is anticipated that further discovery, independent investigation, legal research and  
15 analysis will supply additional facts, which may, in turn, clarify and add meaning to known facts  
16 as well as establish entirely new factual matters, all of which will lead to substantial additions to,  
17 changes in, and variations from the contentions and responses herein set forth.

18 The following responses are given without prejudice to Responding Party's right to  
19 produce evidence of any subsequently discovered fact or facts, witnesses or documents which this  
20 Responding Party may later recall. Responding Party accordingly reserves the right to change any  
21 and all responses herein as additional facts are ascertained, analyses are made, legal research is  
22 completed and contentions are formulated. Responding Party, however, does not assume the  
23 obligation to revise, correct, augment, add to and/or clarify any responses stated herein based  
24 upon information, documentation, facts and/or contentions he may subsequently ascertain and/or  
25 develop.

26 Responding Party reserves the right, prior to or at the time of any hearing, judicial  
27 proceeding or trial to introduce any evidence from any source that hereafter may be discovered  
28 and testimony of witnesses whose identities may hereafter be discovered. If any information has

11/22/2013

1 been omitted from these responses, Responding Party reserves the right to apply for relief so as  
2 to permit insertion of responsive information omitted herefrom.

3 No incidental or implied admissions are intended by the objections and responses herein.  
4 The fact that Responding Party may respond to the subject discovery request should not be taken  
5 as an admission that such responses or objections constitute admissible evidence. The fact that  
6 Responding Party may respond or object to any particular request is not intended to and should  
7 not be construed to be a waiver by Responding Party of any part of any objection to any portion  
8 of said request or any particular request. Each response is subject to all objections as to  
9 admissibility and any other objection which would result in the exclusion of any document at trial.

10 The responses are also given without prejudice to Responding Party's right to produce any  
11 inadvertently omitted evidence and introduce such evidence at trial. Thus, to the extent consistent  
12 with the Code of Civil Procedure, the following responses and objections are provided without  
13 prejudice to Responding Party's right to produce evidence, documentary or otherwise, of any  
14 subsequently discovered facts and/or documents. This preliminary statement is incorporated into  
15 each and every response set forth below.

16 **GENERAL OBJECTIONS**

17 1. Responding Party objects to the Interrogatories to the extent that they are not  
18 limited to the subject matter of this action and thus are irrelevant, immaterial, and not reasonably  
19 calculated to lead to the discovery of admissible evidence.

20 2. Responding Party objects to the Interrogatories to the extent that they are unduly  
21 burdensome, oppressive, unreasonably cumulative, duplicative and overbroad.

22 3. Responding Party objects to the Interrogatories to the extent that they seek  
23 information protected from disclosure under the attorney-client privilege, work product doctrine  
24 or any other applicable protection or privilege. To the extent any Interrogatories seek information  
25 that is privileged under law, whether under attorney-client privilege, or work product doctrine,  
26 or otherwise, Responding Party objects thereto and asserts the privilege protection provided by  
27 such doctrines to the fullest extent permitted by law.

28 4. Responding Party objects to the Interrogatories to the extent that they seek

11/22/2013



1 disclosure of trade secret and/or other confidential and/or proprietary information.

2 5. Responding Party objects to the scope of the Interrogatories to the extent that they  
3 fail to specify a properly limited period of time relevant to each Request, making each Request  
4 overly broad, unduly burdensome, harassing, oppressive, vague, irrelevant and not reasonably  
5 calculated to lead to the discovery of admissible evidence.

6 6. Responding Party objects to the Interrogatories to the extent that they seek  
7 information protected from disclosure by rights of privacy under the Constitutions of the United  
8 States or the State of California.

9 7. Responding Party objects to the Interrogatories to the extent that they seek  
10 information to which the Propounding Party has equal access.

11 8. Responding Party objects generally to the Interrogatories to the extent that they  
12 assume facts not in evidence, mischaracterize or misstate facts and/or allegations appearing in the  
13 pleadings in this action.

14 9. Responding Party objects generally to the Interrogatories on the grounds and to the  
15 extent that they are vague and ambiguous in that the manner in which specific Interrogatories are  
16 phrased creates confusion.

17 The Preliminary Statement and General Objections are incorporated into each response  
18 below, regardless of whether specifically mentioned. The specific objections set forth below are  
19 not a waiver, in whole or in part, of any of these general objections.

20

21 **FURTHER SUPPLEMENTAL RESPONSES TO SPECIAL INTERROGATORIES**

22 **(SET THREE)**

23

24 **SPECIAL INTERROGATORY NO. 24:**

25 Pursuant to Code of Civil Procedure section 2030.070, review YOUR answers to all  
26 Interrogatories previously served on YOU in this action, including all special and form  
27 Interrogatories. If any of YOUR answers to those interrogatories is incorrect, incomplete, or  
28 does not include all of the information YOU possess, please update YOUR interrogatory

11/22/2013

1 response by identifying the answer and providing whatever information is necessary to make  
2 the answer accurate and fully complete as of this date.

3 **RESPONSE TO SPECIAL INTERROGATORY NO. 24:**

4         Responding Party incorporates by this reference each and every General Objection as  
5 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
6 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory  
7 on the grounds that it is overly broad, oppressive, unduly burdensome and harassing.  
8 Responding Party further objects to this Interrogatory on the grounds that it seeks irrelevant  
9 information not likely to lead to the discovery of admissible evidence. Responding Party  
10 further objects to this Interrogatory on the grounds that it seeks to invade Responding Party's  
11 right of privacy in his financial affairs. Responding Party further objects to this Interrogatory  
12 to the extent that it violates the attorney-client privilege and/or work product doctrine.

13 **FURTHER SUPPLEMENTAL RESPONSE TO SPECIAL INTERROGATORY NO. 24**

14         Responding Party incorporates by this reference each and every General Objection as  
15 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
16 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory  
17 on the grounds that it is overly broad, oppressive, unduly burdensome and harassing.  
18 Responding Party further objects to this Interrogatory on the grounds that it seeks irrelevant  
19 information not likely to lead to the discovery of admissible evidence. Responding Party  
20 further objects to this Interrogatory on the grounds that it seeks to invade Responding Party's  
21 right of privacy in his financial affairs. Responding Party further objects to this Interrogatory  
22 to the extent that it violates the attorney-client privilege and/or work product doctrine.

23         Subject to and without waiver of the foregoing objections, Responding Party responds  
24 as follows:

25 ///

26 ///

27 ///

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11/22/2013

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Special Interrogatory No. 4: Responding Party further identifies witnesses Alana Stewart, Jacqueline Smith, Chris Zaphrus, Jenni Weinman, Sandy Gleysteen, Greg Hodell, Redmond O'Neal.

DATE: October 24, 2013

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
MARTIN D. SINGER  
TODD S. EAGAN

By:   
TODD S. EAGAN  
Attorneys for Defendant and Cross-Complainant  
RYAN O'NEAL

11 / 22 / 2013

**PROOF OF SERVICE**  
1013A(3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

On October 25, 2013, I served the foregoing document described as:

**DEFENDANT AND CROSS-COMPLAINANT RYAN O'NEAL'S FURTHER  
SUPPLEMENTAL RESPONSES TO PLAINTIFFS SPECIAL INTERROGATORIES  
SET THREE**

on the interested parties in this action by placing:  a true and correct copy -OR-  the original document thereof enclosed in sealed envelopes addressed as follows:

David J. Beck, Esq.  
1221 McKinney Street, Suite 4500  
Houston, Texas 77010

Attorneys for Plaintiff/Cross-Defendant  
**THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN.**

Eric J.R. Nichols, Esq.  
BECK, REDDEN & SECREST, L.L.P.  
515 Congress Avenue, Suite 1750  
Austin, Texas 78701

Attorneys for Plaintiff/Cross-Defendant  
**THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN.**

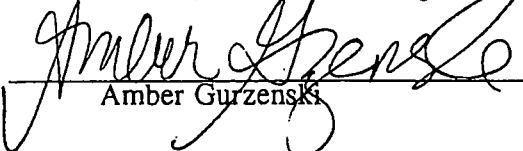
**BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY FEDERAL EXPRESS:** I am "readily familiar" with the firm's practice of collection and processing correspondence for Federal Express. Under that practice it would be deposited with Federal Express on that same day with all costs fully prepaid at Los Angeles, California in the ordinary course of business.

**BY PERSONAL SERVICE:** I delivered said envelope(s) to the offices of the addressee(s), via hand delivery.

**BY ELECTRONIC SERVICE:** I served the foregoing document by electronically mailing a true and correct copy through Lavelly & Singer Professional Corporation's electronic mail system to the e-mail address(s) stated on the service list per agreement in accordance with Code of Civil Procedures section 1010.6.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 25, 2013, at Los Angeles, California.

  
\_\_\_\_\_  
Amber Gurzenski

11/22/2013

**PROOF OF SERVICE**  
1013A(3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 1609 James M. Wood Boulevard, Los Angeles, California 90015

On OCTOBER 25, 2013, I served the foregoing document described as:

**DEFENDANT AND CROSS-COMPLAINANT RYAN O'NEAL'S FURTHER  
SUPPLEMENTAL RESPONSES TO PLAINTIFF'S SPECIAL INTERROGATORIES,  
SET THREE**

on the interested parties in this action by placing:  a true and correct copy -OR-  the original document thereof enclosed in sealed envelopes addressed as follows:

Edith R. Matthai  
Diana K. Rodgers  
Robie & Mattahi, APC  
500 S. Grand Avenue, Suite 1500  
Los Angeles, CA 90071  
[ematthai@romalaw.com](mailto:ematthai@romalaw.com)  
[drodgers@romalaw.com](mailto:drodgers@romalaw.com)

**Attorneys for Plaintiff/Cross-Defendant  
THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN**

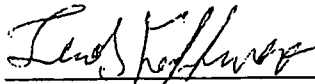
**BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY FEDERAL EXPRESS:** I am "readily familiar" with the firm's practice of collection and processing correspondence for Federal Express. Under that practice it would be deposited with Federal Express on that same day with all costs fully prepaid at Los Angeles, California in the ordinary course of business.

**BY PERSONAL SERVICE:** I delivered said envelope(s) to the offices of the addressee(s), via hand delivery.

**BY ELECTRONIC SERVICE:** I served the foregoing document by electronically mailing a true and correct copy through Lavelly & Singer Professional Corporation's electronic mail system to the e-mail address(s) stated on the service list per agreement in accordance with Code of Civil Procedures section 1010.6.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on October 25, 2013, at Los Angeles, California.

  
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NATIONWIDE LEGAL

11/22/2013

11/22/2013

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MARTIN D. SINGER (BAR NO. 78166)  
TODD S. EAGAN (BAR NO. 207426)  
LAVELY & SINGER  
PROFESSIONAL CORPORATION  
2049 Century Park East, Suite 2400  
Los Angeles, California 90067-2906  
Telephone: (310) 556-3501  
Facsimile: (310) 556-3615

Attorneys for Defendant and Cross-Complainant  
RYAN O'NEAL

RECEIVED  
1:55 pm  
NOV 14 2013  
By messenger  
MOORE & MATTHAI

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

THE BOARD OF REGENTS OF THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF TEXAS  
AT AUSTIN,

Plaintiff,

v.

RYAN O'NEAL, an individual,

Defendant.

RYAN O'NEAL,

Cross-Complainant,

v.

THE BOARD OF REGENTS OF THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF TEXAS  
AT AUSTIN, an entity form unknown; and  
ROES 1 - 50, inclusive,

Cross-Defendants.

CASE NO. BC468468

[Hon. Ernest M. Hiroshige, Department 54]

**DEFENDANT AND CROSS-  
COMPLAINANT RYAN O'NEAL'S  
FOURTH AMENDED WITNESS LIST**

Final Status  
Conference: November 1, 2013  
Time: 9:00 A.M.  
Dept: 54

Trial Date: November 13, 2013  
Time: 9:30 A.M.  
Dept: 54

Complaint Filed: August 26, 2011

EXF

11/22/2013

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

Defendant and Cross-Complainant Ryan O'Neal hereby discloses that any or all of the following persons may be called at trial to present testimony, including expert testimony pursuant to California Evidence Code Section 801. The Parties also reserve the right to call any person appearing on any other party's witness list or other witnesses for impeachment and/or rebuttal.

Name	Percipient or Expert Witness	Deposed	Estimated Time for Direct Exam by Defendant	Estimated Time for Cross Exam by Plaintiff	Adverse Witness
Avila, Maribel	Percipient	No	.5	Unknown	No
Currie, Donna	Percipient	No	.5	Unknown	No
Eisen, Jeffrey	Percipient	Yes	.5	Unknown	No
Francaviglia, Joseph	Percipient	No	.5	Unknown	No
Francis, Richard	Percipient	Yes	1.5	Unknown	No
Francis, Russell	Percipient	Yes	.5	Unknown	No
Gleysteen, Sandy	Percipient	No	.5	Unknown	No
Goodman Squires, Sharon	Percipient	No	.5	Unknown	No
Hodal, Greg	Percipient	No	.5	Unknown	No
Lott, Greg	Percipient	Yes	1.0	Unknown	Yes
McManus, Karen	Expert	No	1.0	Unknown	No
Murphy, Mela	Percipient	Yes	1.0	Unknown	No
Nachson, Shira	Percipient	Yes	.5	Unknown	No
Nevius, Craig	Percipient	Yes	1.0	Unknown	Yes
O'Neal, Redmond	Percipient	No	.5	Unknown	No
O'Neal, Ryan	Percipient	Yes	3.5	Unknown	No
Pinsky, David	Percipient	Yes	1.0	Unknown	No
Rogers, Richard	Percipient	No	.5	Unknown	No
Rogers, Rick	Percipient	No	.5	Unknown	No
Robinson, Arnold	Percipient	No	.5	Unknown	No
Safady, Randa	Percipient	Yes	.5	Unknown	Yes
Scott, Robert S. of Robert S. Scott Appraisal Company	Percipient	No	.5	Unknown	No
Smith, Jaclyn	Percipient	No	.5	Unknown	No
Stewart, Alana	Percipient	No	.5	Unknown	No
University of Texas PMK	Percipient	Yes	1.0	Unknown	Yes

11/22/2019




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Name	Percipient or Expert Witness	Deposed	Estimated Time for Direct Exam by Defendant	Estimated Time for Cross Exam by Plaintiff	Adverse Witness
Van Buren, Joy formerly of Albert G. Ruben & Company	Percipient	No	.5	Unknown	No
Weinman, Jenni	Percipient	No	.5	Unknown	No
Zaferes, Chris	Percipient	No	.5	Unknown	No

Dated: November 14, 2013

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
MARTIN D. SINGER  
TODD S. EAGAN

By:   
TODD S. EAGAN  
Attorneys for Defendant and Cross-  
Complainant RYAN O'NEAL

11/22/2013

**PROOF OF SERVICE**  
1013A(3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is P.R.O.S at 339 S. Ardmore Avenue, Suite 329, Los Angeles, California 90020

On the date stated below, I served the foregoing document described as:

**DEFENDANT AND CROSS-COMPLAINANT RYAN O'NEAL'S FOURTH AMENDED WITNESS LIST**

on the interested parties in this action by placing:  a true and correct copy -OR-  the original document thereof enclosed in sealed envelopes addressed as follows:

Edith R. Matthai  
Diana K. Rodgers  
Robie & Mattahi, APC  
500 S. Grand Avenue, Suite 1500  
Los Angeles, CA 90071  
[ematthai@romalaw.com](mailto:ematthai@romalaw.com)  
[drodgers@romalaw.com](mailto:drodgers@romalaw.com)

**Attorneys for Plaintiff/Cross-Defendant  
THE BOARD OF REGENTS FOR THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN**

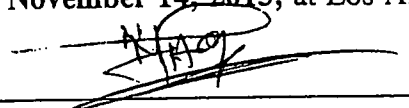
**BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY FEDERAL EXPRESS:** I am "readily familiar" with the firm's practice of collection and processing correspondence for Federal Express. Under that practice it would be deposited with Federal Express on that same day with all costs fully prepaid at Los Angeles, California in the ordinary course of business.

**BY PERSONAL SERVICE:** I delivered said envelope(s) to the offices of the addressee(s), via hand delivery.

**BY ELECTRONIC SERVICE:** I served the foregoing document by electronically mailing a true and correct copy through Lavelly & Singer Professional Corporation's electronic mail system to the e-mail address(s) stated on the service list per agreement in accordance with Code of Civil Procedures section 1010.6.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 14, 2013, at Los Angeles, California.

  
\_\_\_\_\_

11 / 22 / 2013



11/22/2013

1 MARTIN D. SINGER (BAR NO. 78166)  
TODD S. EAGAN (BAR NO. 207426)  
2 LAVELY & SINGER  
PROFESSIONAL CORPORATION  
3 2049 Century Park East, Suite 2400  
Los Angeles, California 90067-2906  
4 Telephone: (310) 556-3501  
Facsimile: (310) 556-3615

RECEIVED  
9:10 AM  
NOV 19 2013  
By *Ryan O'Neal*

5 Attorneys for Defendant and Cross-Complainant  
6 RYAN O'NEAL

7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

10 THE BOARD OF REGENTS FOR THE )  
11 UNIVERSITY OF TEXAS SYSTEM ON )  
12 BEHALF OF THE UNIVERSITY OF )  
TEXAS AT AUSTIN, )  
13 Plaintiff, )  
14 v. )  
15 RYAN O'NEAL, )  
16 Defendant. )  
17 )  
18 AND RELATED CROSS-ACTION. )

CASE NO. BC468468  
DEFENDANT AND CROSS-  
COMPLAINANT RYAN O'NEAL'S  
FURTHER (SECOND) SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S  
SPECIAL INTERROGATORIES  
[SET NO. THREE]

19 PROPOUNDING PARTY: THE BOARD OF REGENTS FOR THE UNIVERSITY  
20 OF TEXAS SYSTEM ON BEHALF OF THE  
21 UNIVERSITY OF TEXAS AT AUSTIN  
22 RESPONDING PARTY: RYAN O'NEAL  
23 SET NUMBER: THREE (3)

24  
25 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:  
26 Defendant and Cross-Complainant Ryan O'Neal ("Defendant" or "Responding Party")  
27 hereby further supplements his responses and objections to the Third Set of Special Interrogatories  
28 propounded by Plaintiff The Board of Regents for The University of Texas System on Behalf of the

11/22/2013

*Handwritten initials/signature*

1 University of Texas at Austin ("Plaintiff" or "Propounding Party") as follows:

2 **PRELIMINARY STATEMENT**

3 Each of the following objections and responses are made solely for the purposes of this  
4 action. Each response is subject to all objections as to competence, relevance, materiality, propriety,  
5 admissibility and any and all objections on any ground that would require exclusion of any response  
6 herein, if it were introduced in Court, all of which objections and grounds are expressly reserved and  
7 may be interposed at time of trial.

8 Responding Party has not fully completed the investigation of the facts relating to this case,  
9 discovery in this action or preparation for trial. All of the responses contained herein are based only  
10 upon such information and documents which are presently available to, and specifically known to  
11 the Responding Party. Discovery is continuing and will continue as long as permitted by rule, statute  
12 or stipulation of the parties herein, and the investigation of Responding Party's attorneys and agents  
13 will continue to and through any hearing, judicial proceeding, or trial in this action. It is anticipated  
14 that further discovery, independent investigation, legal research and analysis will supply additional  
15 facts, which may, in turn, clarify and add meaning to known facts as well as establish entirely new  
16 factual matters, all of which will lead to substantial additions to, changes in, and variations from the  
17 contentions and responses herein set forth.

18 The following responses are given without prejudice to Responding Party's right to produce  
19 evidence of any subsequently discovered fact or facts, witnesses or documents which this  
20 Responding Party may later recall. Responding Party accordingly reserves the right to change any  
21 and all responses herein as additional facts are ascertained, analyses are made, legal research is  
22 completed and contentions are formulated. Responding Party, however, does not assume the  
23 obligation to revise, correct, augment, add to and/or clarify any responses stated herein based upon  
24 information, documentation, facts and/or contentions he may subsequently ascertain and/or develop.

25 Responding Party reserves the right, prior to or at the time of any hearing, judicial proceeding  
26 or trial to introduce any evidence from any source that hereafter may be discovered and testimony  
27 of witnesses whose identities may hereafter be discovered. If any information has been omitted from  
28 these responses, Responding Party reserves the right to apply for relief so as to permit insertion of

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1 responsive information omitted herefrom.

2 No incidental or implied admissions are intended by the objections and responses herein.  
3 The fact that Responding Party may respond to the subject discovery request should not be taken as  
4 an admission that such responses or objections constitute admissible evidence. The fact that  
5 Responding Party may respond or object to any particular request is not intended to and should not  
6 be construed to be a waiver by Responding Party of any part of any objection to any portion of said  
7 request or any particular request. Each response is subject to all objections as to admissibility and  
8 any other objection which would result in the exclusion of any document at trial.

9 The responses are also given without prejudice to Responding Party's right to produce any  
10 inadvertently omitted evidence and introduce such evidence at trial. Thus, to the extent consistent  
11 with the Code of Civil Procedure, the following responses and objections are provided without  
12 prejudice to Responding Party's right to produce evidence, documentary or otherwise, of any  
13 subsequently discovered facts and/or documents. This preliminary statement is incorporated into  
14 each and every response set forth below.

15 **GENERAL OBJECTIONS**

16 1. Responding Party objects to the Interrogatories to the extent that they are not limited  
17 to the subject matter of this action and thus are irrelevant, immaterial, and not reasonably calculated  
18 to lead to the discovery of admissible evidence.

19 2. Responding Party objects to the Interrogatories to the extent that they are unduly  
20 burdensome, oppressive, unreasonably cumulative, duplicative and overbroad.

21 3. Responding Party objects to the Interrogatories to the extent that they seek  
22 information protected from disclosure under the attorney-client privilege, work product doctrine or  
23 any other applicable protection or privilege. To the extent any Interrogatories seek information that  
24 is privileged under law, whether under attorney-client privilege, or work product doctrine, or  
25 otherwise, Responding Party objects thereto and asserts the privilege protection provided by such  
26 doctrines to the fullest extent permitted by law.

27 4. Responding Party objects to the Interrogatories to the extent that they seek disclosure  
28 of trade secret and/or other confidential and/or proprietary information.

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1 5. Responding Party objects to the scope of the Interrogatories to the extent that they fail  
2 to specify a properly limited period of time relevant to each Request, making each Request overly  
3 broad, unduly burdensome, harassing, oppressive, vague, irrelevant and not reasonably calculated  
4 to lead to the discovery of admissible evidence.

5 6. Responding Party objects to the Interrogatories to the extent that they seek  
6 information protected from disclosure by rights of privacy under the Constitutions of the United  
7 States or the State of California.

8 7. Responding Party objects to the Interrogatories to the extent that they seek  
9 information to which the Propounding Party has equal access.

10 8. Responding Party objects generally to the Interrogatories to the extent that they  
11 assume facts not in evidence, mischaracterize or misstate facts and/or allegations appearing in the  
12 pleadings in this action.

13 9. Responding Party objects generally to the Interrogatories on the grounds and to the  
14 extent that they are vague and ambiguous in that the manner in which specific Interrogatories are  
15 phrased creates confusion.

16 The Preliminary Statement and General Objections are incorporated into each response  
17 below, regardless of whether specifically mentioned. The specific objections set forth below are not  
18 a waiver, in whole or in part, of any of these general objections.

19

20 **FURTHER (SECOND) SUPPLEMENTAL RESPONSES TO SPECIAL**  
21 **INTERROGATORIES (SET THREE)**

22

23 **SPECIAL INTERROGATORY NO. 24:**

24

25 Pursuant to Code of Civil Procedure section 2030.070, review YOUR answers to all  
26 Interrogatories previously served on YOU in this action, including all special and form  
27 Interrogatories. If any of YOUR answers to those interrogatories is incorrect, incomplete, or  
28 does not include all of the information YOU possess, please update YOUR interrogatory  
response by identifying the answer and providing whatever information is necessary to make the

11/22/2013



1 answer accurate and fully complete as of this date.

2 **RESPONSE TO SPECIAL INTERROGATORY NO. 24:**

3 Responding Party incorporates by this reference each and every General Objection as  
4 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
5 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory on  
6 the grounds that it is overly broad, oppressive, unduly burdensome and harassing. Responding  
7 Party further objects to this Interrogatory on the grounds that it seeks irrelevant information not  
8 likely to lead to the discovery of admissible evidence. Responding Party further objects to this  
9 Interrogatory on the grounds that it seeks to invade Responding Party's right of privacy in his  
10 financial affairs. Responding Party further objects to this Interrogatory to the extent that is  
11 violates the attorney-client privilege and/or work product doctrine.

12 **FURTHER (SECOND) SUPPLEMENTAL RESPONSE TO SPECIAL**  
13 **INTERROGATORY NO. 24**

14 Responding Party incorporates by this reference each and every General Objection as  
15 though fully set forth herein. Responding Party further objects to this Interrogatory on the  
16 grounds that it is vague and ambiguous. Responding Party further objects to this Interrogatory on  
17 the grounds that it is overly broad, oppressive, unduly burdensome and harassing. Responding  
18 Party further objects to this Interrogatory on the grounds that it seeks irrelevant information not  
19 likely to lead to the discovery of admissible evidence. Responding Party further objects to this  
20 Interrogatory on the grounds that it seeks to invade Responding Party's right of privacy in his  
21 financial affairs. Responding Party further objects to this Interrogatory to the extent that is  
22 violates the attorney-client privilege and/or work product doctrine.

23 Subject to and without waiver of the foregoing objections, Responding Party responds as  
24 follows:

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Special Interrogatory No. 4: Responding Party further identifies witnesses Maribel Avila,  
Joseph Francaviglia and Joy Van Buren, in addition to all previously identified witnesses.

DATE: November 18, 2013

LAVELY & SINGER  
PROFESSIONAL CORPORATION  
MARTIN D. SINGER  
TODD S. EAGAN

By:   
TODD S. EAGAN  
Attorneys for Defendant and Cross-Complainant  
RYAN O'NEAL

11/22/2013

**PROOF OF SERVICE**  
1013A(3) C.C.P. Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 2049 Century Park East, Suite 2400, Los Angeles, California 90067-2906.

On the date stated below, I served the foregoing document described as:  
**DEFENDANT AND CROSS-COMPLAINANT RYAN O'NEAL'S FURTHER (SECOND) SUPPLEMENTAL RESPONSES TO PLAINTIFF'S SPECIAL INTERROGATORIES [SET NO. THREE]**

on the interested parties in this action by placing:  a true and correct copy -OR-  the original document thereof enclosed in sealed envelopes addressed as follows:

**BY PERSONAL SERVICE:**

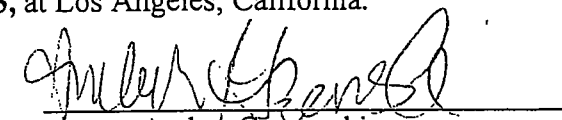
- I caused such envelope to be delivered by a process server employed by P.R.O.S. Attorney Service, 339 S. Ardmore, Suite 329, Los Angeles, CA 90020.  
 I delivered said envelope(s) to the offices of the addressee(s), via hand delivery.

Edith R. Matthai Diana K. Rodgers Robie & Mattahi, APC 500 S. Grand Avenue, Suite 1500 Los Angeles, CA 90071 <a href="mailto:ematthai@romalaw.com">ematthai@romalaw.com</a> <a href="mailto:drodgers@romalaw.com">drodgers@romalaw.com</a>	<b>Attorneys for Plaintiff/Cross-Defendant THE BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM ON BEHALF OF THE UNIVERSITY OF TEXAS AT AUSTIN</b>
--	---

**BY FEDERAL EXPRESS:** I am "readily familiar" with the firm's practice of collection and processing correspondence for Federal Express. Under that practice it would be deposited with Federal Express on that same day with all costs fully prepaid at Los Angeles, California in the ordinary course of business.

David J. Beck, Esq. 1221 McKinney Street, Suite 4500 Houston, Texas 77010	<b>Attorneys for Plaintiff/Cross-Defendant THE BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM ON BEHALF OF THE UNIVERSITY OF TEXAS AT AUSTIN</b>
Eric J.R. Nichols, Esq. BECK, REDDEN & SECREST, L.L.P. 515 Congress Avenue, Suite 1750 Austin, Texas 78701	<b>Attorneys for Plaintiff/Cross-Defendant THE BOARD OF REGENTS FOR THE UNIVERSITY OF TEXAS SYSTEM ON BEHALF OF THE UNIVERSITY OF TEXAS AT AUSTIN</b>

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 19, 2013, at Los Angeles, California.

  
\_\_\_\_\_  
Amber Gurzenski

11/22/2013

11/22/2013

**Diana Rodgers - UT v. O'Neal - Motion in Limine No. 13 and Motion to Preclude Maribel Avila**

---

**From:** Diana Rodgers  
**To:** mdsinger@lavelysinger.com; teagan@lavelysinger.com  
**Date:** 11/21/2013 9:29 AM  
**Subject:** UT v. O'Neal - Motion in Limine No. 13 and Motion to Preclude Maribel Avila  
**CC:** dbeck@beckredde.com; Edith Matthai; enichols@beckredde.com

---

Dear Marty and Todd,

I am writing to meet and confer with you regarding Maribel Avila's testimony. I called you both earlier this morning but you were out, so I left you both telephone messages about this motion.

We intend to make a motion pursuant to Code of Civil Procedure Section 2030.310 to limit Mr. O'Neal's discovery responses to those filed on or before October 25, 2013 and to preclude Ms. Avila from testifying. Ms. Avila was not identified in those interrogatory responses. It is our position that she should not be permitted to testify. UT did not know of Ms. Avila before she was just identified by Mr. O'Neal. The only information we have regarding Ms. Avila was provided only two days ago in Marty's declaration, in which Marty states that she is a nurse who cared for Ms. Fawcett. The discovery statutes are intended to safeguard against surprise, an inability to prepare for trial and witnesses, and to safeguard against undue prejudice -- all of which would result from MS. Avila's being permitted to testify. (West Hills Hospital v. Sup. Ct. (1979) 98 Cal.App.3d 656, 659 ["the discovery statutes are intended to safeguard against surprise".])

Mr. O'Neal cannot show substantial justification for this extremely tardy identification of Ms. Avila. Mr. O'Neal claims he had reconciled with Ms. Fawcett after she became ill, and that they were living together, so Mr. O'Neal knew Ms. Avila and knew he should interview her and obtain any information known by her. (See Deyo v. Kilbourne (1978) 84 Cal.App.3d 771, 782, 149 [one "cannot plead ignorance to information which can be obtained from sources under [one's] control".]) This prejudice cannot be cured through further discovery. This case has been pending for over two years and was set for trial a year ago.

Please let me know if you will agree to limit Mr. O'Neal's discovery to responses filed on or before October 25, 2013, and whether you will agree to withdraw Ms. Avila as a witness.

Thank you.

Diana

Diana K. Rodgers, Esq.  
Robie & Matthai  
500 South Grand Avenue, 15th Floor  
Los Angeles, California 90071-2609  
(213) 706-8000, ex. 254  
(213) 706-9913 (fax)  
Drodgers@romalaw.com, [www.romalaw.com](http://www.romalaw.com)

EX-14

**WARNING TO UNAUTHORIZED RECIPIENTS**

This transmission and the document(s) attached, if any, are intended only to be received by, and for the use of, the individual or entity to whom this transmission is addressed. These materials may contain confidential, work product, or privileged information that is not intended for unauthorized recipients. If this transmission has been transmitted in error or has been received by someone other than the individual or entity to whom it is addressed, please contact the sender immediately at (213) 706-8000 or [Drodgers@romalaw.com](mailto:Drodgers@romalaw.com)

11/22/2013

11 / 22 / 2013

1 MARTIN D. SINGER (BAR NO. 78166)  
TODD S. EAGAN (BAR NO. 207426)  
2 JONATHAN M. KLEIN (BAR NO. 274401)  
LAVELY & SINGER  
3 PROFESSIONAL CORPORATION  
2049 Century Park East, Suite 2400  
4 Los Angeles, California 90067-2906  
Telephone: (310) 556-3501  
5 Facsimile: (310) 556-3615

RECEIVED  
9:10 AM  
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By messengers  
TODD S. EAGAN

6 Attorneys for Defendant and Cross-Complainant  
RYAN O'NEAL

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT

THE BOARD OF REGENTS OF THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN,

Plaintiff,

v.

RYAN O'NEAL, an individual,  
Defendant.

) CASE NO. BC468468  
) [Hon. William A. MacLaughlin, Department 89]  
) **DECLARATION OF MARTIN D. SINGER**  
) **IN FURTHER SUPPORT OF DEFENDANT**  
) **AND CROSS-COMPLAINANT RYAN**  
) **O'NEAL'S OPPOSITION TO PLAINTIFF'S**  
) **MOTION *IN LIMINE* NOS. 6 AND**  
) **SUPPLEMENTAL MOTION *IN LIMINE***  
) **NO. 11 TO EXCLUDE TESTIMONY OF**  
) **WITNESSES NOT DISCLOSED IN**  
) **DISCOVERY**

RYAN O'NEAL,  
Cross-Complainant,

v.

THE BOARD OF REGENTS OF THE  
UNIVERSITY OF TEXAS SYSTEM ON  
BEHALF OF THE UNIVERSITY OF  
TEXAS AT AUSTIN, an entity form  
unknown; and DOES 1 - 50, inclusive,

Cross-Defendants.

) New Trial Date: November 20, 2013  
) Old Date: November 13, 2013  
) Time: 9:00 a.m.  
) Dept: 89  
)  
) Complaint Filed: August 26, 2011

11/22/2013

EX-17



DECLARATION OF MARTIN D. SINGER

I, Martin D. Singer, declare and say as follows:

1. I am an attorney at law duly qualified to practice before the Courts of the State of California and am a member of the firm of Lavelly & Singer Professional Corporation, attorneys for Defendant and Cross-Complainant Ryan O'Neal ("O'Neal"). The facts stated herein are stated of my own personal knowledge and if called and sworn as a witness, I could and would testify competently thereto. I submit this declaration in support of O'Neal's Opposition to Plaintiff's Motions *in Limine* Nos. 6 and 11 Excluding Testimony of Witnesses Not Disclosed in Discovery.

2. On November 16, 2012, O'Neal filed his First Amended Witness List with the Court identifying, among others, Alana Stewart, Joy Van Buren, Sandy Gleysteen and Redmond O'Neal. Ms. Stewart and Mr. O'Neal are expected to provide testimony of their observations of the location of the disputed Warhol Portrait at different times between 1980 - 2009. Ms. Van Buren is expected to testify regarding Mr. O'Neal's insurance coverage on the Warhol Portrait in 1991, which she arranged. Ms. Gleysteen was an NBC producer who is expected to testify about UT's key-witness' (Craig Nevius) removal from the "Farrah's Story" documentary in or around 2008/2009 at the request of the network, and Mr. Nevius' resulting vendetta against O'Neal. My office first learned of these witnesses and their availability and willingness to testify about important material facts in November 2012 and immediately identified them to UT. In the year since these witnesses were identified to UT, UT has not sought to initiate any discovery directed toward them.

3. In the intervening year since O'Neal filed his First Amended Witness List, and in no small part due to UT's recent aggressive media campaign to try and support their claims in this case and to attack Mr. O'Neal on the "Today" show, on Good Morning America, in the pages of the *New York Post* and through other tabloid media and websites, new witnesses have come forward to offer their testimony regarding the Warhol Portrait. As a result, on October 25, 2013, O'Neal filed his Second Amended Witness List and identified additional witnesses Jaclyn Smith, Jenni Weinman and Dr. Chris Zaferes. Ms. Smith and Ms. Weinman are expected to

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1 testify regarding the location of the Warhol Portrait after 1980. The witnesses will refute UT's  
2 contention that the Warhol portrait was always at Ms. Fawcett's home after 1997. My office first  
3 learned that these witnesses had relevant information and were willing to testify in October 2013.  
4 In fact, Ms. Smith first contacted my office on October 7, 2013, after being phoned by UT's  
5 counsel around the same time. As for Ms. Weinman, it was not until on October 21, 2013 that  
6 my office first learned that Ms. Weinman was a percipient witness willing to offer testimony.  
7 Also on October 21, 2013, my office first learned that Dr. Zaferes had important information  
8 about statements made to him by Ms. Fawcett concerning the Warhol Portrait. O'Neal's  
9 responses to interrogatories were supplemented accordingly on October 25, 2013, and the Second  
10 Amended Witness List was filed.

11         4.       Thereafter, on November 14, 2013, after learning of two new witnesses, O'Neal  
12 filed his Fourth Amended Witness List identifying Joseph Francaviglia and Maribel Avila. In  
13 that regard, on November 13, 2013, Joseph Francaviglia, who is the custodian of records for the  
14 auction house Bonhams and Butterfields, first approached me at Court with information  
15 concerning UT's handling of the assets of the Fawcett Estate which is pertinent to this action, and  
16 indicated his willingness to testify as an individual (in addition to appearing as custodian of  
17 records for Bonhams & Butterfields, whose records have been subpoenaed for trial). On  
18 November 14, 2013, Maribel Avila, a nurse to Ms. Fawcett, first approached my office with  
19 information about statements made by Ms. Fawcett to her concerning the Warhol Portrait after  
20 reading about the action in the New York Post within a few days of her reading the article.

21         5.       My office has made offers to UT's counsel to make each of these witnesses  
22 available for deposition. On November 12, 2013 attorney Todd S. Eagan ("Eagan") of my office  
23 sent a letter to Diana Rodgers ("Rodgers"), attorney for UT, representing that O'Neal would  
24 make the witnesses available for deposition prior to trial. Attached hereto as Exhibit "A" is a  
25 true and correct copy of Mr. Eagan's November 12, 2013 correspondence to Ms. Rodgers.  
26 Ms. Rodgers did not respond.

27         6.       On November 14, 2013, I approached Edith Matthai ("Matthai"), attorney for UT  
28 in Court, and reiterated O'Neal's offer to make each of the witnesses available for deposition. In

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1 doing so, I said to Ms. Matthai that any of the five attorneys representing UT present in the  
2 courtroom that day could be available to proceed with the depositions prior to trial if UT wanted  
3 to take their depositions. Ms. Matthai did not accept or reject my proposal, nor did she state that  
4 the five UT attorneys present in the courtroom were unavailable to proceed with depositions  
5 prior to trial. Nor did Ms. Matthai articulate any prejudice faced by UT in connection with  
6 calling these witnesses to testify at trial based on the time of the disclosure.

7 7. Also on November 14, 2013, I sent a follow-up letter to Ms. Matthai confirming  
8 our conversation at Court, and once again offering to make available any witnesses that UT  
9 contended were not identified on the original witness list. Attached hereto as Exhibit "B" is a  
10 true and correct copy of my November 14, 2013 correspondence to Ms. Matthai.

11 8. On Saturday night at 11:13 p.m. on November 16, 2013, Ms. Matthai sent me an  
12 email (but dated the letter November 15, 2013) in which she formally declined our offer to make  
13 the witnesses available in writing. Attached hereto as Exhibit "C" is a true and correct copy of  
14 Ms. Matthai's November 16, 2013 email to me. At no time has Ms. Matthai articulated how UT  
15 is prejudiced by the timing of disclosure of these witnesses.

16 9. Each of the witnesses which UT contends were not timely disclosed have  
17 information concerning key facts relevant to this action. The witnesses were each identified as  
18 soon as my office learned that they possessed information regarding material facts and were  
19 willing to testify at trial. UT has never demonstrated prejudice by way of a fact-based  
20 declaration which would justify the wholesale exclusion of these witnesses, nor has any such  
21 representation been made on an informal basis. To ensure a full and fair determination of this  
22 action on the merits, I believe that each witness should be permitted to testify. Certainly, UT has  
23 the resources to depose the witnesses, but has declined to conduct any discovery regarding the  
24 witnesses, including through the depositions which my office offered to coordinate.

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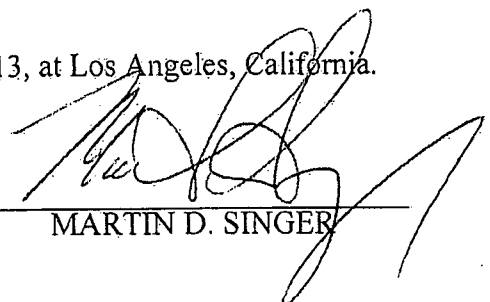
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1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct.

3 Executed this 19 day of November, 2013, at Los Angeles, California.



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6 MARTIN D. SINGER  
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