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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SACRAMENTO  
12

13 THE PEOPLE OF THE STATE OF  
14 CALIFORNIA,

15 Plaintiff,

16 v.

17 RONI DEUTCH, A PROFESSIONAL TAX  
18 CORPORATION, a California corporation;  
RONI LYNN DEUTCH, an individual; and  
19 DOES 1 through 100, inclusive,

20 Defendants.  
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Case No. 34-2010-00085933

**PLAINTIFF'S EX PARTE  
APPLICATION FOR ORDER TO SHOW  
CAUSE RE CONTEMPT AND  
MEMORANDUM**

Date: April 20, 2011  
Time: 1:30 p.m.  
Dept: 54  
Judge: Hon. Shelleyanne W.L. Chang

Action Filed: August 24, 2010

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**TABLE OF CONTENTS**

	<b>Page</b>
MEMORANDUM .....	1
INTRODUCTION .....	1
ARGUMENT .....	2
I.    BACKGROUND .....	2
II.   AN ORDER DIRECTING DEUTCH TO SHOW CAUSE WHY SHE SHOULD NOT BE FOUND IN CONTEMPT OF COURT IS JUST AND NECESSARY .....	2
A.   Deutch Willfully Disobeyed The OSC and The Preliminary Injunction. ....	3
1.   Deutch Willfully Disobeyed the OSC by Shredding Millions of Pages of Documents.....	3
2.   Deutch Willfully Disobeyed the Preliminary Injunction by Failing to Issue Refunds to Her Clients Within 60 Days. ....	5
B.   Deutch Had The Ability To Comply With The OSC and The Preliminary Injunction. ....	7
C.   Deutch Has Actual Knowledge of The OSC and The Preliminary Injunction. ....	8
1.   Deutch Has Actual Knowledge of the OSC Because It Was Personally Served on Her Counsel and She Took Action Consistent With Knowledge of Its Existence.....	9
2.   Deutch Has Actual Knowledge of the Preliminary Injunction Because It Was Personally Served on Her Counsel and She Took Action Consistent With Knowledge of Its Existence.....	10
D.   The OSC and The Preliminary Injunction are Valid Orders.....	11
E.   Deutch's Contempt of Court Justifies The Severest Possible Penalty.....	11
CONCLUSION .....	12

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Page

**CASES**

*City of Vernon v. Superior Ct.*  
(1952) 38 Cal. 2d 509 ..... 3

*Conn v. Superior Court*  
(1987) 196 Cal.App.3d 774..... 2, 11

*In re Berry,*  
68 Cal. 2d 137 ..... 11

*In re Kraft*  
(1970) 10 Cal.App.3d 355..... 3

*Mattos v. Sup. Ct.*  
(1939) 30 Cal.App.2d 641..... 9

*McFarland v. Superior Court of Merced County*  
(1924) 194 Cal. 407 ..... 3

*People v. Sup. Ct.*  
(1965) 239 Cal.App.2d 99..... 9

**STATUTES**

Business. & Professions Code

§ 6067..... 11

§ 17200 et seq. .... 2

§ 17203..... 11

§ 17207..... 6

§ 17535..... 11

Code Civil Procedure

§ 1218..... 12

1  
2  
3  
4  
5  
6  
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8  
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**TO ALL DEFENDANTS AND THEIR COUNSEL:**

**PLEASE TAKE NOTICE** that on April 20, 2011 at 1:30 p.m., or as soon thereafter as counsel and the parties may be heard in Department 54 of this Court, located at 800 9th Street, Sacramento, CA 95814, Plaintiff, the People of the State of California, will apply to this Court for an order to show cause why Defendant Roni Lynn Deutch (Deutch) should not be held in contempt of the Court's: (1) Order to Show Cause Regarding Preliminary Judgment (OSC) issued on August 31, 2010; and (2) Preliminary Injunction issued on November 17, 2010.

This application is made on the grounds that Deutch: (1) willfully failed to comply with the provision of the OSC requiring her "to preserve every document" in her possession that could lead to the discovery of information relevant to this litigation; and (2) willfully failed to comply with the provisions of the Preliminary Injunction forbidding her from failing to refund unearned fees to a client within 60 days of the termination of the attorney-client relationship.

The application is based upon Code of Civil Procedure sections 1209 et seq., the accompanying memorandum in support, the declaration of Conor P. Moore, the declaration of Gary M. Noland, the declaration re notice of Conor P. Moore, and the files and records in this action.

Pursuant to California Rule of Court 3.1202(a), the following names, addresses, and telephone numbers for counsel are known by Plaintiff. Defendants Roni Deutch, a Professional Tax Corporation, a California corporation and Roni Lynn Deutch, an individual, are represented by James J. Banks, Banks & Watson, 813 Sixth Street, Suite 400, Sacramento, California 95814, (916) 325-1000 and Tad A. Devlin, Gordon & Rees, 275 Battery Street, Suite 2000, San Francisco, California 94111 (415) 986-5900.

**PLEASE TAKE FURTHER NOTICE** that a contempt proceeding is criminal in nature. If the court finds you in contempt, the possible penalties include a jail sentence and fines.

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1           You are entitled to the services of an attorney, who should be consulted promptly in order  
2 to assist you. If you cannot afford an attorney, the court may appoint an attorney to represent  
3 you.

4  
5 Dated: April 19, 2011

KAMALA D. HARRIS  
Attorney General of California  
FRANCES T. GRUNDER  
Senior Assistant Attorney General  
KATHRIN SEARS  
Supervising Deputy Attorney General

8  
9 By: \_\_\_\_\_

CONOR P. MOORE  
Deputy Attorney General  
Attorneys for Plaintiff  
THE PEOPLE OF THE STATE OF CALIFORNIA

1 **MEMORANDUM**

2 **INTRODUCTION**

3 Defendant Roni Lynn Deutch (Deutch) has acted with repeated disdain for this Court's  
4 orders. The Court issued an Order to Show Cause re Preliminary Injunction on August 31, 2010  
5 (OSC), which specifically ordered Deutch to "take reasonable steps" to prevent the shredding of  
6 any documents that would be discoverable in this litigation. Despite this order, Deutch has been  
7 routinely shredding discoverable documents on almost a weekly basis since the day the Court  
8 issued its OSC. Deutch's shredding bins were inside her law firm, and she had access to these  
9 bins twenty-four hours a day, seven days a week. She and her subordinates could have placed  
10 any document they wanted in those bins, confident that those documents would be forever out of  
11 the People's grasp.

12 Deutch's flagrant disregard of the OSC has prejudiced the People's entire case. The People  
13 will never learn with complete confidence what Deutch has shredded over the last eight months.  
14 The evidence that these documents would have provided to the People's claims is permanently  
15 gone. From this point forward, anytime Deutch asserts that the People do not have sufficient  
16 evidence for one of its claims, the Court will never know whether or not that evidence was part of  
17 the millions of pages that Deutch has shredded over the last eight months.

18 Deutch did not stop there. The Court issued its Preliminary Injunction on November 17,  
19 2010, which prohibits Deutch from failing to issue refunds to her clients within 60 days. By her  
20 own admission, as of April 5, 2011, her law firm has outstanding refund requests for hundreds of  
21 clients that are older than 60 days, and which total over \$435,000. Deutch allowed these refund  
22 requests to age without seeking any changes to the Preliminary Injunction from the Court.  
23 Instead of using her funds to pay refund requests, per the Court's order, Deutch decided to  
24 disperse funds to friends, family, and other creditors. By draining her estate and that of the law  
25 firm, Deutch has placed her clients at serious risk of never receiving the full amount of their  
26 refunds.

1 The People ask the Court to issue an order to show cause why Deutch should not be held in  
2 contempt of the Court's OSC and Preliminary Injunction. Deutch's repeated and continuous  
3 violations of this Court's orders insult the dignity of the Court and have severely corrupted the  
4 litigation process essential to a fair trial of the issues in the People's complaint. Deutch is an  
5 officer of this Court and a member of the Bar, which only serves to magnify the seriousness of  
6 Deutch's violations of the Court's orders. If anyone can be expected to respect and follow this  
7 Court's orders, it should be those licensed to practice as attorneys before the Court. The harm  
8 caused by Deutch's contempt is worthy of the most severe sanction.

## 9 ARGUMENT

### 10 I. BACKGROUND

11 Deutch operates a tax debt resolution firm that purports to assist taxpayers resolve their  
12 back tax liability to the Internal Revenue Service. As part of the People's application for a  
13 Preliminary Injunction, the People submitted evidence demonstrating that Deutch does little to  
14 help her clients resolve their tax liability, uses false and misleading advertising to sell her  
15 services, and then generates false billing statements to justify denying her clients refunds of the  
16 thousands of dollars in fees they pay for her services. Deutch's conduct violates numerous  
17 California laws, including the Unfair Competition Law, Business & Professions Code §17200 et  
18 seq. (UCL) and the False Advertising Law, Business & Professions Code §17500 et seq. (FAL).

### 19 II. AN ORDER DIRECTING DEUTCH TO SHOW CAUSE WHY SHE SHOULD 20 NOT BE FOUND IN CONTEMPT OF COURT IS JUST AND NECESSARY

21 "Disobedience of any lawful judgment, order, or process of the court" is contempt. (Code  
22 Civil Proc., § 1209, subd. (a)(5).) Generally, there are four substantive issues involved in a  
23 contempt proceeding: (1) willful disobedience; (2) ability to comply; (3) actual knowledge of the  
24 order; and (4) rendition of a valid order. (*Conn v. Superior Court* (1987) 196 Cal.App.3d 774,  
25 784.) As discussed more fully below, the OSC and the Preliminary Injunction are valid orders,  
26 Deutch knew of the orders, Deutch had to ability to stop the shredding of documents and to  
27 timely pay refunds to her clients, and Deutch willfully disobeyed the orders by shredding millions

1 of documents and allowing hundreds of thousands of dollars in refund requests to go unpaid  
2 for months.

3 **A. Deutch Willfully Disobeyed the OSC and the Preliminary Injunction.**

4 Willful disobedience is not limited to a deliberate intention to disregard a court order, but  
5 also encompasses “an indifferent disregard of the duty to obey [a court order] promptly.” (*In re*  
6 *Kraft* (1970) 10 Cal.App.3d 355, 372 [citation and internal quotations omitted].) A disclaimer of  
7 the intent to commit contempt is no defense where contempt clearly appears from the  
8 circumstances constituting the act. (*City of Vernon v. Superior Ct.* (1952) 38 Cal. 2d 509, 518.)  
9 Thus, where defendants had knowledge of the terms of an injunction and failed to comply, “it can  
10 be reasonably inferred that their inaction was intentional....” (*Ibid.*) Further, even diligent, yet  
11 unsuccessful, efforts to comply are not sufficient to avoid a finding of contempt. (*McFarland v.*  
12 *Superior Court of Merced County* (1924) 194 Cal. 407, 423.)

13 **1. Deutch Willfully Disobeyed the OSC by Shredding Millions of Pages**  
14 **of Documents.**

15 The OSC requires Deutch to “take reasonable steps to preserve every document...in [her]  
16 possession, custody or control, containing information that is relevant to, or may reasonably lead  
17 to the discovery of information relevant to, the subject matter involved in the pending  
18 litigation....Preservation includes taking reasonable steps to prevent the...*shredding*...of such  
19 material.” (Declaration of Conor P. Moore in Support of OSC re Contempt (Moore Decl.), ¶ 4,  
20 Exh. 2 at 5:14 – 6:2 [emphasis added].)

21 Despite the OSC’s prohibition on shredding discoverable documents, *the very next day*  
22 *after the OSC issued*, Deutch conducted a purge of law firm documents that resulted in the  
23 shredding of nearly 2,000 pounds of the firm’s documents, or about 200,000 pages.<sup>1</sup>  
24 (Declaration of Gary M. Noland (Noland Decl.), ¶ 7.) Deutch’s shredding campaign continued  
25 on an almost weekly basis until at least March 24, 2011. (*Id.* at ¶¶ 7-8.) During these weekly

26 <sup>1</sup> 100 pages of typical office paper, which is 20-pound bond paper and measures 8.5” x  
27 11”, weighs one (1) pound. Thus, each pound of paper can be multiplied by 100 to determine the  
28 approximate number of pages (i.e. 2,000 pounds x 100 pages per pound = 200,000 pages).



1 shredding runs, American Mobile Shredding would remove eight (8) bins of paper from Deutch's  
2 firm, each of

3 which holds a maximum of about 100 pounds of paper. (*Id.* at ¶¶ 3-4.) Each bin was  
4 typically anywhere from half-full to full during each of the weekly runs. (*Id.*) From the  
5 date of the OSC to the present, Deutch shredded 213 bins of paper from Deutch's law firm and  
6 conducted two purges during which she shredded a total of 5,792 pounds of paper. (*Id.* at ¶ 7.)  
7 The weight of the paper in the bins ranged from 10,650 pounds if the bins were all half-full, to  
8 21,300 pounds of paper if the bins were all full. Therefore, during the pendency of the OSC,  
9 Deutch has shredded a total of anywhere from 16,436 to 27,086 pounds of paper, or  
10 approximately 1,643,600 to 2,708,600 pages. The millions of pages that Deutch shredded while  
11 the document preservation order was in effect are permanently destroyed because the shredding  
12 company double shreds the documents and then bales them for resale to the recycling industry.  
13 (*Id.* at ¶ 6.) There is absolutely no way for the People to know, much less recover, what Deutch  
14 shredded.

15 There is no doubt that Deutch shredded discoverable documents as part of this shredding  
16 campaign. Deutch's law firm has a written policy on shredding documents. (Moore Decl., ¶ 18,  
17 Exh. 19.) The shredding policy was broad in its scope, and covered all types of documents at the  
18 law firm. The policy required employees to shred "all documents, including letters and  
19 envelopes, which contain any of the following information: Client's name; Client's address;  
20 Client's telephone number; Client's social security number; Client's financial information  
21 relating to their case; Client's personal banking information, including order forms and work  
22 requests; Our letterhead or any document with our name, telephone number or address on the  
23 document; and Roni's name or any other employee's name on the document." (*Id.*) All of the  
24 categories of documents listed in this shredding policy are discoverable and, therefore, should not  
25 have been shredded. There is no colorable argument that information about Deutch's clients,  
26 "order forms and work requests," letters to clients, and documents with law firm employee's  
27 names on them would not be discoverable as part of this litigation.

1 Deutch's abject failure to take *any* steps to prevent the shredding of millions of pages of  
2 discoverable and relevant documents in willful violation of the OSC represents a direct attack on  
3 the integrity of this litigation. By the sheer scope and volume of Deutch's repeated violations of  
4 the OSC, Deutch has irreversibly corrupted the People's case. The Court and the People will  
5 never know exactly what Deutch and her employees placed in their shredding bins and what  
6 evidence Deutch was able to permanently destroy.<sup>2</sup>

7 **2. Deutch Willfully Disobeyed the Preliminary Injunction by Failing to**  
8 **Issue Refunds to Her Clients Within 60 Days.**

9 Paragraph nine of the Preliminary Injunction prohibits Deutch from "failing to refund all  
10 unearned fees to clients, even if a client has not requested a refund, within 60 days of either (1)  
11 the date the client terminated Defendants' representation or (2) the date Defendants resigned from  
12 the client's representation." (Moore Decl., ¶ 7, Exh. 5 at p. 22.) After the Attorney General  
13 raised concerns about Deutch's systematic failure to issue refunds within the court-ordered, 60-  
14 day period, Deutch's counsel responded by admitting that Deutch had failed to issue refunds to  
15 hundreds of clients within the 60-day period. As Deutch's counsel put it, "\$114,997 [in  
16 outstanding refund requests] is 120 days old, \$151,883 is 90 days old, \$168,448 is 60 days  
17 old...." (*Id.* at ¶ 12, Exh. 11.) Deutch admits that she has over \$400,000 in refund requests for  
18 hundreds of clients that are older than 60 days. (*Id.*)

19 The Court issued its order to ensure that Deutch refunded unearned fees to her clients  
20 within 60 days of the termination of the attorney-client relationship. Deutch willfully ignored the  
21 Court's order by choosing to pay friends, family, and other creditors instead of her clients. (*Id.* at  
22 ¶¶ 13-17.) One of the most disturbing choices she made was to direct at least \$12,000 to her  
23 brother, Scott Juceam, from November 2010 to January 2011. (*Id.* at ¶ 21, Exh. 18.) After the  
24 Court issued its Preliminary Injunction on November 17, 2010, which limited the ways in which  
25 Deutch could conduct her business, Juceam began to prepare to launch a tax debt resolution

26 <sup>2</sup> The Attorney General is concurrently filing an application for the appointment of a  
27 Receiver, whose duties will include monitoring the law firm to ensure that no further destruction  
28 of documents takes place. The Attorney General also intends to file a motion for sanctions  
against Defendants, up to and including terminating sanctions, for Deutch's wholesale destruction  
of discoverable documents.

1 company, which he refers to as the Juceam Group, and to run this company from one of the Roni  
2 Deutch Tax Center (RDTC) locations that he operates. (*Id.* at ¶¶ 19-20, Exhs. 20-21.) The timing  
3 of Deutch's transfer of \$12,000 to her brother perfectly coincided with the launch of the Juceam  
4 Group, which began to advertise as early as January 3, 2011. (*Id.* at ¶ 20, Exh. 21.)

5 There is little doubt that Deutch knew about and approved of Juceam's new company.  
6 Aside from providing start-up capital, Juceam operates the company from his RDTC location in  
7 Fair Oaks. (*Id.*) According to RDTC's franchise agreement, RDTC had to provide Juceam with  
8 prior written approval to launch the Juceam Group from his RDTC location. (*Id.* at ¶ 23, Exh.  
9 25.) Additionally, the Juceam Group provides the exact same services as Deutch's law firm, and  
10 the descriptions of these services on Juceam's website copy word-for-word the descriptions of  
11 services on Deutch's law firm website. (*Id.* at ¶ 22, Exhs. 22-23.) If Deutch was experiencing a  
12 cash crisis was so severe that it prevented her from complying with the Court's Preliminary  
13 Injunction (see Declaration of Roni Lynn Deutch in support of Defendants' Motion to Modify the  
14 Preliminary Injunction (Deutch Decl.), ¶¶ 2, 3), diverting \$12,000 in capital to help launch a  
15 business that will directly compete with her law firm was not the solution. In truth, Deutch  
16 simply made a choice to invest in her brother's business instead of obeying the Court's  
17 Preliminary Injunction – the very definition of a willful violation.

18 By dispersing assets to others, and then pleading poverty, her clients now face a real chance  
19 that they will never receive their advance fees back from Deutch. Furthermore, Deutch's failure  
20 to issue these court-ordered refunds was not limited to isolated events or related to clients who  
21 happened to fall through the cracks. Deutch's failure was systemic and far-reaching, and reflects  
22 a willful decision to issue refunds on a schedule that fit Deutch's preferences, instead of the court-  
23 ordered schedule designed to benefit her clients. This failure was a policy choice by Deutch  
24 about where to direct her financial resources, and not an inadvertent mistake.<sup>3</sup>

25 <sup>3</sup> Deutch's willful violations of the Preliminary Injunction also subject her to civil  
26 penalties of up to \$6,000 per violation. (Bus. & Prof. Code § 17207.) Each client who Deutch  
27 failed to timely refund fees would constitute a separate violation of the Preliminary Injunction,  
28 subjecting Deutch to liability for millions of dollars in civil penalties. The Attorney General  
intends to seek leave of Court to amend its Complaint to allege these violations as a separate  
cause of action.

1 Deutch's other actions provide further support for a finding that her violations of the  
2 Preliminary Injunction were willful. Even assuming Deutch did not have the funds to pay the  
3 court-ordered refunds, which she did, she does not have the right to simply ignore a court order.

4 As an officer of this Court, if she simply cannot afford to make court-ordered payments, she  
5 has an obligation to ask the Court to modify the terms of the injunction so that she can abide by  
6 them. She should not have stood by while the unpaid, court-ordered refund requests approached  
7 \$450,000.

8 Deutch has now asked the Court for a modification to the Preliminary Injunction, but only  
9 because the Attorney General approached her after receiving complaints from her clients  
10 that they were waiting months for their refunds. (*Id.* at ¶ 12, Exh. 10.) She only made any effort  
11 to modify the Preliminary Injunction once she realized that the Attorney General had discovered  
12 her violations of the Preliminary Injunction. Her decision to avoid asking the Court for a  
13 modification to the Preliminary Injunction, something she was capable of doing, is further  
14 evidence that the violations were willful.

15 **B. Deutch Had the Ability to Comply with the OSC and the Preliminary**  
16 **Injunction.**

17 The OSC requires that Deutch prevent the shredding of any discoverable documents. As  
18 the President of the law firm, Deutch is certainly in the position to stop all shredding of  
19 discoverable documents at the law firm.

20 Deutch also had the ability to comply with the Preliminary Injunction's requirement that  
21 she issue refunds to her clients within 60 days of the termination of the attorney-client  
22 relationship. Deutch admits that she has \$435,328 in refund requests for hundreds of clients that  
23 have aged beyond the Preliminary Injunction's limit of 60 days. Her law firm's own balance  
24 sheet demonstrates that the firm has sufficient equity to pay the entire balance of the outstanding  
25 refund requests. (Deutch Decl., ¶ 6, Exh. A.) There is no doubt that Deutch had the ability to  
26 timely pay this money to her clients.

27 On February 24, 2011, Deutch sold her house for \$1,475,000. (*Id.* at ¶ 13, Exhs. 12-13.)  
28

1 Although there is a mortgage recorded on the property for \$850,900, Deutch would have received  
2 hundreds of thousands of dollars from the sale of her home, even excluding brokerage fees,  
3 closing costs, and taxes associated with the sale. She could have used these funds to satisfy the  
4 Court's order that she timely issue refunds to her clients. (*Id.* at ¶ 14, Exh. 14.) Deutch, however,  
5 chose to transfer this equity to InterMedia, one of her other creditors. On December 24, 2010,  
6 about one month after the Court issued the Preliminary Injunction, Deutch gave a deed to trust on  
7 her home to InterMedia for \$1,123,709 as security for debts the law firm had accrued as part of its  
8 advertising campaign. (*Id.* at ¶ 15, Exh. 15.) This Christmas Eve transaction guaranteed that  
9 InterMedia would receive all the equity in her home when it sold. About two weeks later, on or  
10 about January 10, 2011, Deutch listed her house for sale. (*Id.* at ¶ 16, Exh. 16.) When the home  
11 sold, InterMedia received hundreds of thousands of dollars that could have been used to satisfy  
12 Deutch's obligation to timely provide refunds to her clients.

13 Further, in the first *ten weeks* after the Court issued its Preliminary Injunction on November  
14 17, 2010, Deutch withdrew over \$66,000 *in cash* from her personal account, authorized almost  
15 \$55,000 *in cash* withdrawals from the law firm's accounts, and took \$120,000 in draws from the  
16 law firm's account at just *one bank*<sup>4</sup>. (*Id.* at ¶ 17, Exh. 18.) On an annual basis, her law firm  
17 draws during this period amount to a salary of nearly \$625,000. In this same period, she gave  
18 friends, family, and a NASCAR team payments totaling \$21,000. (*Id.*) This hardly paints a  
19 picture of a company executive so financially strapped that she cannot make court-ordered  
20 payments to her clients. A review of her investment or bank accounts at other financial  
21 institutions may increase the amount of these withdrawals, gifts, and salary draws. Deutch had  
22 the ability to timely pay her clients' refunds requests and comply with the Preliminary Injunction.

23 **C. Deutch Has Actual Knowledge of the OSC and the Preliminary Injunction.**

24 Both the OSC and the Preliminary Injunction were served on Deutch's in-house and outside  
25 counsel, which raises the presumption that Deutch has actual knowledge of the orders. (See

26 \_\_\_\_\_  
27 <sup>4</sup> The People have issued a subpoena to another one of Deutch's banks, but have not yet  
28 received the bank's complete production on those accounts. Only the first ten weeks can be  
analyzed at this point because that is all that was called for under the first set of subpoenas.

1 *People v. Sup. Ct.* (1965) 239 Cal.App.2d 99, 104 (“Proof of service of the order upon  
2 defendant’s attorney is sufficient to raise the disputable presumption that the attorney had  
3 performed his duty and communicated his knowledge of the order to his client.”); *Mattos v. Sup.*  
4 *Ct.* (1939) 30 Cal.App.2d 641, 647 (“When the accused person appears personally in court or is  
5 represented by an attorney at the time the injunction is heard and granted, he is deemed to have  
6 actual notice thereof.”.) Aside from this presumption, Deutch has taken action she could have  
7 only taken with knowledge of both the OSC and the Preliminary Injunction.

8 **1. Deutch Has Actual Knowledge of the OSC Because It Was Personally**  
9 **Served on Her Counsel and She Took Action Consistent With**  
10 **Knowledge of Its Existence.**

11 The same day the People filed its complaint in this action, the People also applied ex parte  
12 for an OSC re Preliminary Injunction. The ex parte application, which included a proposed order,  
13 was personally served on Deutch’s in-house general counsel and her outside counsel, who  
14 both agreed to accept service on Deutch’s behalf. (See Moore Decl., ¶ 3, Exh. 1.) Deutch  
15 opposed the People’s ex parte application, and the Court held two hearings on the matter. At both  
16 hearings, Deutch was represented by her outside counsel and her in-house general counsel. At the  
17 conclusion of the second hearing, on August 31, 2010, the Court indicated that it would issue the  
18 OSC and asked counsel for both parties to wait in the hallway for the clerk to deliver copies of the  
19 signed order. (*Id.* at ¶ 4.) The Court’s clerk then personally handed the Court’s OSC to Deutch’s  
20 counsel. (*Id.*)

21 Furthermore, Deutch took actions she could only take if she knew about the OSC. Deutch  
22 made a statement to the media on August 25, 2010, indicating that she was aware of the People’s  
23 action against her. (*Id.* at ¶ 5, Exh. 3.) She issued this statement the day after her counsel  
24 received service of the ex parte application for the OSC re Preliminary Injunction, which included  
25 the proposed order the Court eventually issued on August 31, 2010. The OSC set a briefing  
26 schedule and a hearing date for the People’s motion for a Preliminary Injunction. (*Id.* at ¶ 4, Exh.  
27 2.) Deutch filed her opposition to the Preliminary Injunction on October 22, 2010, which is the  
28 date specified in the OSC for Defendants to file and serve their opposition. She could only have

1 known of this deadline by reading the OSC. On September 13, 2010, Deutch's counsel also filed  
2 a declaration with the Court in which he acknowledged the existence and various provisions of  
3 the OSC, including the deadline for filing Deutch's opposition and the hearing date on the motion  
4 for a Preliminary Injunction. (*Id.* at ¶ 6, Exh. 4.)

5 **2. Deutch Has Actual Knowledge of the Preliminary Injunction Because**  
6 **It Was Personally Served on Her Counsel and She Took Action**  
7 **Consistent With Knowledge of Its Existence.**

8 On November 16, 2010, the Court held its hearing on the People's application for a  
9 Preliminary Injunction, which was attended by Deutch's counsel. On November 17, 2010, the  
10 Court signed the submitted matter ruling, issued its Preliminary Injunction, and the clerk of the  
11 Court served the submitted matter ruling on Deutch's counsel by mail. (Moore Decl., ¶ 7, Exh.

12 5.) After the Court signed the submitted matter ruling, the People submitted a proposed  
13 Preliminary Injunction for the Court's signature and on December 2, 2010, the Court signed the  
14 Preliminary Injunction. (*Id.* at ¶ 8, Exh. 6.) On December 8, 2010, the People served the  
15 December 2, 2010, Preliminary Injunction on Deutch's counsel. (*Id.* at ¶ 9, Exh. 7.)

16 Deutch took actions she could only take if she knew about the Preliminary Injunction. The  
17 day after the hearing on the Preliminary Injunction, Deutch issued a statement acknowledging the  
18 Court's hearing on the Preliminary Injunction. (*Id.* at ¶ 10, Exh. 8.) Deutch has even admitted  
19 under oath that she is aware of the Preliminary Injunction. In response to written discovery  
20 propounded by the People, Deutch produced some of the requested documents and made a series  
21 of objections to the discovery requests. (*Id.* at ¶ 11, Exh. 9.) One of Deutch's objections to the  
22 written discovery was that the requests "seek discovery relating to DEUTCH's compliance with  
23 the PRELIMINARY INJUNCTION" and acknowledges that "the COURT entered its final  
24 minute order establishing the PRELIMINARY INJUNCTION on November 17, 2010." (*Id.*  
25 [capitals in original].) Deutch signed the verification accompanying her response to the People's  
26 discovery, in which she swore under oath that she had read the responses to the People's  
27 discovery and knew their contents. (*Id.*)





1 Likewise, Deutch's shredding campaign has resulted in the destruction of millions of pages  
2 of discoverable documents. By willfully disobeying the Court's document preservation order in  
3 the OSC, the People have been permanently deprived of valuable evidence and the legal process  
4 has been corrupted. Valuable evidence is gone and, as a result, the extent of Deutch's  
5 wrongdoing and the harm she has caused may never be fully known. The Court and the public  
6 are entitled to better than this, especially from one licensed as an attorney.

7 The People respectfully request that the Court fine Deutch one thousand dollars (\$1,000)  
8 and imprison her for five days for each and every separate contempt of this Court. The Attorney  
9 General also reserves her right to seek reimbursement of her reasonable attorney fees incurred in  
10 connection with the contempt proceeding. (Code Civ. Proc., § 1218, subd. (a).)

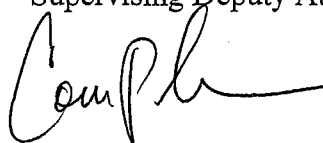
### 11 CONCLUSION

12 For the foregoing reasons, the People respectfully request that the Court issue an order  
13 directing Defendant Roni Lynn Deutch to show cause why she should not be held in contempt of  
14 this Court.

15 Dated: April 19, 2011

Respectfully Submitted,

16 KAMALA D. HARRIS  
17 Attorney General of California  
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27  
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