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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 **FAY AVENUE PROPERTIES, LLC; LA**
11 **JOLLA SPA MD, INC.,**

12 **Plaintiffs,**

13 **vs.**

14 **TRAVELERS PROPERTY CASUALTY**
15 **COMPANY OF AMERICA; AND DOES**
16 **1 through 100, inclusive,**

17 **Defendants.**

CASE NO. 3-11-CV-02389 DMS-WVG

SECOND SUPPLEMENTAL
DECLARATION OF DIANNE YORK
RE LA JOLLA SPA MD, INC.
DISCOVERY RESPONSES

18
19
20 I, Dianne York, declare;

21 1. I am the President of La Jolla Spa MD, Inc., a plaintiff in the above entitled action.
22 The facts stated herein are true of my own first-hand knowledge. If called as a witness, I could
23 and would competently testify hereto.

24 2. Attached hereto as Exhibit "A" is a true and correct copy of Defendant La Jolla
25 Spa MD, Inc.'s Supplemental Answers to Defendant's Interrogatories (Set One), including one
26 exhibit consisting of a complete list of all of the property damage.

27 3. Attached hereto as Exhibit "B" is a true and correct copy of Defendant La Jolla
28 Spa MD, Inc.'s Supplemental Responses to Defendant's Request For Production of Documents



1 (Set One), including one exhibit consisting of the list of documents included in Plaintiff's Initial
2 Disclosures identifying the location of the documents listed.

3 4. La Jolla Spa MD, Inc. has completed all outstanding discovery and identified the
4 location of the documents requested in the 12,000 previously produced pages as requested by
5 this Court. In addition to the 12,000 previously produced pages, Plaintiff is producing
6 concurrently herewith less than 10 documents out of an abundance of caution. These documents
7 were either generated after all other previous productions occurred or are being produced in an
8 abundance of caution as they were not readily located in the produced documents. Those
9 documents include the police report and the documents requested concerning Dr. Peter Mann.
10 Even though the divorce file is completely irrelevant, we are producing a CD containing the
11 entire divorce file. These documents are lodged concurrently herewith for the Court's
12 convenience.

13 5. In conclusion, Travelers has acted in bad faith. To take this Court's time and
14 reiterate that they have received only 57 pages of discovery is an abomination, let alone
15 expensive in their attempt to weasel out of paying their insured what is legally and contractually
16 due. This insurance company has caused the financial demise of over 200 employee families
17 and their children, the demise of 7 corporations, multiple tenants mostly physicians and their
18 practices, and the loss of a \$12 Million commercial medical building when fully leased. To
19 disrupt the personal lives, let alone the business corporations, is an abomination of the legal
20 system and punitive damages should be awarded at trial.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct and that this declaration is executed at La Jolla, California on May 20, 2013.

23 /s/ Dianne York
24 Dianne York
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