

1 Nikolaus W. Reed, Esq. (SBN 259951)  
2 Law Office of Nikolaus W. Reed  
3 135 10th Street  
4 San Francisco, CA 94103  
5 Tel: 415/940-7766  
6 Fax: 415/940-7706  
7 Email: Nik@nwrlaw.com

8 Attorney for Plaintiff, Mark Golob

9  
10 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
11 COUNTY OF MENDOCINO  
12

13 MARK GOLOB,

14 Plaintiff,

15 vs.

16 SEAN KELLY; DOES 1-10,

17 ) Case No.: SUUK CV PO-1463543

18 ) MARK GOLOB'S OBJECTION TO  
19 ) DECLARATION OF SEAN KELLY

20 ) Hon. Richard Henderson

21 ) Dept: E

22 ) Date: April 11, 2014

23 ) Time: 9:30 a.m.

24  
25 **I. INTRODUCTION**

26 Defendant Sean Kelly submitted in support of his Special Motion to Strike the  
27 Declaration of Sean Kelly.

28 This declaration consists of conclusions, speculation, hearsay, and other statements which  
would not be admissible if they were oral testimony. Declarations may not consist of hearsay  
statements or otherwise incompetent or inadmissible evidence. Overland Plumbing, Inc. v.  
Transamerica Insurance Co. (1981) 119 Cal.App.3d 476 (summary judgment motion).

Plaintiff Mark Golob hereby objects to consideration of the Declaration of Sean Kelly  
and exhibits thereto and the following portions thereof.

**II. SPECIFIC OBJECTIONS**

Objection 1

Paragraph 9

Paragraph 9 is hearsay and is inadmissible for that reason. Evid. Code Section 1200.

1 Court's Ruling on Objection 1

2 Sustained: \_\_\_\_\_

3 Overruled: \_\_\_\_\_

4  
5 Objection 2

6 Paragraph 10

7 Paragraph 10 is hearsay and is inadmissible for that reason. Evid. Code Section 1200.

8 Court's Ruling on Objection 2

9 Sustained: \_\_\_\_\_

10 Overruled: \_\_\_\_\_

11  
12  
13 Objection 3

14 Paragraph 11

15 Paragraph 11 is hearsay and is inadmissible for that reason. Evid. Code Section 1200.

16 Court's Ruling on Objection 3

17 Sustained: \_\_\_\_\_

18 Overruled: \_\_\_\_\_

19  
20 Objection 4

21 Paragraph 12

22 Paragraph 12 is hearsay and is inadmissible for that reason. Evid. Code Section 1200.

23 Court's Ruling on Objection 4

24 Sustained: \_\_\_\_\_

25 Overruled: \_\_\_\_\_

26  
27 Objection 5

28 Paragraph 13

1           Objection 9

2           Paragraph 17

3           Paragraph 17 is hearsay and is inadmissible for that reason. Evid. Code Section 1200.

4           This is also a conclusion. Declarations may not consist of conclusions. See, *Strauch v*  
5 *Eyring* (1994) 30 Cal. App. 4th 181, 186 (verified pleadings consisting of ultimate facts rather  
6 than evidentiary facts are not acceptable as evidence); *Snider v Snider* (1962) 200 Cal. App. 2d  
7 741, 751 (conclusions on summary judgment motion); *Hayman v Block* (1986) 176 Cal. App. 3d  
8 629, 638-639 (inadmissible hearsay and opinions in summary judgment motion); *Ahrens v*  
9 *Superior Court* (1988) 197 Cal. App. 3d 1134, 1146-1147.

10           Court's Ruling on Objection 9

11                           Sustained: \_\_\_\_\_

12                           Overruled: \_\_\_\_\_

13  
14  
15           Objection 10

16           Paragraph 22

17           Paragraph 22 is hearsay and is inadmissible for that reason. Evid. Code Section 1200.

18           This is also a conclusion. Declarations may not consist of conclusions. See, *Strauch v*  
19 *Eyring* (1994) 30 Cal. App. 4th 181, 186 (verified pleadings consisting of ultimate facts rather  
20 than evidentiary facts are not acceptable as evidence); *Snider v Snider* (1962) 200 Cal. App. 2d  
21 741, 751 (conclusions on summary judgment motion); *Hayman v Block* (1986) 176 Cal. App. 3d  
22 629, 638-639 (inadmissible hearsay and opinions in summary judgment motion); *Ahrens v*  
23 *Superior Court* (1988) 197 Cal. App. 3d 1134, 1146-1147.

24           Court's Ruling on Objection 10

25                           Sustained: \_\_\_\_\_

26                           Overruled: \_\_\_\_\_

1  
2       Objection 11

3       Exhibit A

4       Exhibit A is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

5 (b)

6       Court's Ruling on Objection 11

7                   Sustained: \_\_\_\_\_

8                   Overruled: \_\_\_\_\_

9  
10       Objection 12

11       Exhibit B

12       Exhibit B is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

13 (b)

14       Court's Ruling on Objection 12

15                   Sustained: \_\_\_\_\_

16                   Overruled: \_\_\_\_\_

17  
18       Objection 13

19       Exhibit C

20       Exhibit C is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

21 (b)

22       Court's Ruling on Objection 13

23                   Sustained: \_\_\_\_\_

24                   Overruled: \_\_\_\_\_

25  
26       Objection 14

27       Exhibit D

1 Exhibit D is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

2 (b)

3 Court's Ruling on Objection 14

4 Sustained: \_\_\_\_\_

5 Overruled: \_\_\_\_\_

6  
7 Objection 15

8 Exhibit E

9 Exhibit E is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

10 (b)

11 Court's Ruling on Objection 15

12 Sustained: \_\_\_\_\_

13 Overruled: \_\_\_\_\_

14  
15 Objection 16

16 Exhibit F

17 Exhibit F is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

18 (b)

19 Court's Ruling on Objection 16

20 Sustained: \_\_\_\_\_

21 Overruled: \_\_\_\_\_

22  
23 Objection 17

24 Exhibit G

25 Exhibit G is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

26 (b)

27 Court's Ruling on Objection 17

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

Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

Objection 18

Exhibit H

Exhibit H is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

(b)

Court's Ruling on Objection 18

Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

Objection 19

Exhibit I

Exhibit I is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

(b)

Court's Ruling on Objection 19

Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

Objection 20

Exhibit J

Exhibit J is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

(b)

Court's Ruling on Objection 20

Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

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

Objection 21

Exhibit K

Exhibit K is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200

(b)

Court's Ruling on Objection 21

Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

Objection 22

Exhibit L

Exhibit L is a hearsay document and is inadmissible for that reason. Evid. Code sec 1200


(b)

Court's Ruling on Objection 22

Sustained: \_\_\_\_\_

Overruled: \_\_\_\_\_

Dated 3-26-14

  
\_\_\_\_\_  
Nikolaus W. Reed  
Attorney for Plaintiff, Mark Golob