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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego

**03/26/2024** at 11:44:00 AM

Clerk of the Superior Court  
By Nora Lopez, Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF SAN DIEGO - HALL OF JUSTICE COURTHOUSE**

10 GRECIA FIGUEROA,

11 Plaintiff,

12 v.

13 NATHAN FLETCHER, an individual; SAN  
DIEGO METROPOLITAN TRANSIT  
14 SYSTEM, a California public agency; and,  
DOES 1-20, Inclusive,

15 Defendants.  
16

17 NATHAN FLETCHER, an individual,

18 Cross-Complainant,

19 v.

20 GRECIA FIGUEROA, an individual, and  
ROES 1-50, inclusive,

21 Cross-Defendants.  
22

CASE NO.: 37-2023-00012828-CU-OE-CTL  
[Unlimited Jurisdiction]

*Assigned for all purposes to the Honorable  
Matthew C. Braner, Department C-60*

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
DEFENDANT NATHAN FLETCHER'S  
EX PARTE APPLICATION TO PREVENT  
PLAINTIFF'S DESTRUCTION OF  
EVIDENCE; DECLARATION OF SEAN L.  
MCKAVENEY; [PROPOSED] ORDER  
THEREON**

DATE: March 27, 2024 [Reserved]

TIME: 8:30 a.m.

**ID: Res ID**

Complaint Filed: March 28, 2023

Trial Date: February 7, 2025

23 **I. INTRODUCTION**

24 Defendant Nathan Fletcher seeks *ex parte* relief to prevent Plaintiff's further destruction  
25 of key, exonerating evidence. In light of extremely concerning events occurring in the past week,  
26 he reasonably believes that a serious – and imminent – risk of destruction of evidence exists. To  
27 mitigate this risk, he requests that the Court exercise its authority to establish the sequence and  
28 timing of discovery – to uphold the interests of justice and fairness – by ordering that Plaintiff

1 immediately submit her electronic devices for forensic preservation and imaging. He also  
2 requests that the Court order Plaintiff to preserve all evidence and instruct her about the grave  
3 consequences of aiding in the alteration or erasure of evidence. These proposed measures are  
4 *particularly* critical given that Plaintiff is now self-represented, after her prior counsel promptly  
5 substituted out of the case immediately *after* reviewing the exact evidence that Mr. Fletcher now  
6 seeks to protect.

## 7 **II. STATEMENT OF FACTS**

8 Plaintiff falsely alleges that she was sexually assaulted and battered by Mr. Fletcher on  
9 three occasions occurring in 2022. (See Second Amended Complaint, *generally*). She also alleges  
10 that that he frequently communicated with her on social media and that the communications were  
11 inappropriate. (Id.). She claims to have sustained emotional damages because of these  
12 encounters. (Id.)

13 In light of her allegations, Mr. Fletcher served Plaintiff with Special Interrogatories  
14 asking her to identify witnesses to whom she disclosed conduct that she believed was  
15 inappropriate. (See McKaveney Decl. ¶ 2). He also served Requests for Production that sought  
16 Plaintiff’s relevant communications with these witnesses. (Id.).

17 In response to Mr. Fletcher’s Special Interrogatories, Plaintiff identified her friend as a  
18 witness (hereafter, “Witness #1”).<sup>1</sup> (See McKaveney Decl. ¶ 3). In response to his Requests for  
19 Production, Plaintiff produced a highly curated batch of communications showing, among other  
20 things, that she and Witness #1 began communicating about Mr. Fletcher several months before  
21 he ever sent his first written direct message to Plaintiff. Other messages, sent after two of the  
22 three alleged batteries, revealed that Witness #1 was emphatically advising Plaintiff to continue  
23 her interactions with Mr. Fletcher because she believed he could help Plaintiff in future salary  
24 negotiations with Defendant MTS. The incomplete set of messages between Plaintiff and Witness  
25 #1 also repeatedly referenced other – unproduced – conversations relating to Mr. Fletcher. (See  
26 McKaveney Decl. ¶ 4).

---

27  
28 <sup>1</sup> For privacy reasons, the witnesses name is not referenced herein.

1           Given the serious implications that the communications between Plaintiff and Witness #1  
2 could have on the case, Mr. Fletcher served additional discovery requesting production of all the  
3 missing messages. (See McKaveney Decl. ¶ 5. Mr. Fletcher also issued a subpoena directly to  
4 Witness #1 for these same messages. (See McKaveney Decl. ¶6). In the same set of discovery,  
5 he also served Plaintiff with Requests for Admission that asked her to admit, among other items,  
6 that she had deleted key communications between herself and Mr. Fletcher, *including* a flirtatious  
7 audio message she originally sent him on the same day as the first alleged battery. (See  
8 McKaveney Decl. ¶ 5). Both Plaintiff’s and Witness #1’s response/production deadline was  
9 March 20, 2024. (See McKaveney Decl. ¶7).

10           On the March 20, 2024 deadline, Plaintiff served verified responses to Mr. Fletcher’s  
11 Requests for Admission and effectively admitted, under oath, that she had destroyed key  
12 evidence within the last year. First, she admitted that, on March 11, 2023, she screen-recorded  
13 all her Instagram direct messages with Mr. Fletcher. (See McKaveney Decl. ¶ 8). This screen-  
14 recording was made nearly a month *after* she first sent Mr. Fletcher an evidence preservation  
15 letter informing him that she was “investigating potential claims for sexual harassment and sexual  
16 assault” and that he must “preserve relevant evidence in anticipation of litigation.” (See SAC ¶  
17 59). Notably, the above-mentioned audio message is clearly visible in the March 11, 2023 screen-  
18 recording. (See McKaveney Decl. ¶ 9).

19           Despite her own evidence preservation notice, Plaintiff admitted in response to Request  
20 for Admission No. 54 that she “unsent” the audio message. (See McKaveney Decl. ¶ 10). Given  
21 that the audio message is visible in the March 11, 2023 screen-recording, it is indisputable that  
22 Plaintiff “unsent” the message at some point after this date. To be clear, “unsending” an  
23 Instagram message effectively results in its deletion and permanently alters both the appearance  
24 and substance of the communications between herself and Mr. Fletcher. Withhold a doubt, this  
25 represents a serious spoliation of key, exonerating evidence.

26           Regarding Plaintiff and Witness #1’s document production due March 20, 2024, Defense  
27 counsel received an email from Plaintiff’s counsel claiming that he had “just become aware of  
28 additional documents today that we need to discuss with our client.” (See McKaveney Decl. ¶

1 11, Ex. B). Plaintiff’s counsel later explained that the “pending document production contains in  
2 large part requests for communications between Ms. Figueroa and her friends about the case.”  
3 (Id.). Plaintiff’s counsel also repeatedly represented, in both written and telephonic  
4 conversations, that these communications would be highly important and relevant for Plaintiff’s  
5 upcoming deposition. (See McKaveney Decl. ¶ 12). Given the clear relevance and importance of  
6 the documents, he proposed rescheduling Plaintiff’s deposition to late-April to allow all parties  
7 a fair opportunity to prepare. (See McKaveney Decl. ¶ 11, Ex. B). He estimated the messages  
8 could be produced the next week, potentially as early as Monday, March 25, 2024. (Id).

9 For her part, Witness #1 retained counsel to help respond to Mr. Fletcher’s subpoena. In  
10 telephonic meet and confer discussions, Witness #1’s attorney informed Defense counsel that  
11 there were “hundreds upon hundreds” of messages between Plaintiff and Witness #1, some of  
12 which were supposedly of a “highly sensitive and confidential nature.” (See McKaveney Decl. ¶  
13 13). Despite this, she still agreed to produce documents on March 20, 2024. (See McKaveney  
14 Decl. ¶ 14, Ex. C). In a subsequent phone call, Witness #1’s counsel represented that she was  
15 actively downloading the messages from her client, that there were at least 55 pages of responsive  
16 materials, and that she would produce the documents by close of business on Friday, March 22,  
17 2024. (See McKaveney Decl. ¶15, Ex. D). Defense counsel agreed to this deadline extension.  
18 (Id.) To address any privacy and confidentiality concerns, she requested a copy of the Protective  
19 Order governing the present case, which Defense counsel promptly provided. (See McKaveney  
20 Decl. ¶ 16, Ex. E).

21 By the evening of March 22, 2024, neither Plaintiff, nor Witness #1, had produced a  
22 single responsive document or text message. Given their clear and ongoing refusal to cooperate  
23 in discovery, as well as Plaintiff’s admitted spoliation of evidence, Mr. Fletcher served a demand  
24 for an inspection of Plaintiff’s electronic devices. (See McKaveney Decl. ¶ 17, Ex. F). The  
25 demand request, among other items, a forensic imaging of any device that Plaintiff used to  
26 communicate with either Mr. Fletcher or Witness #1. (Id.) Per the demand, Plaintiff is obligated  
27 to submit her devices for inspection on April 23, 2024 at 10:00 a.m. (Id.) Shortly after receiving  
28 the inspection demand, **Plaintiff’s counsel abruptly provided notice that his firm would be**



1 **substituting out of the case and that Plaintiff would be self-represented moving forward.**

2 (See McKaveney Decl. ¶ 18, Ex. G).

3 Relatedly, Witness #1’s attorney also refused to produce responsive documents to Mr.  
4 Fletcher’s subpoena, prior to withdrawing her own representation. First, she sent a letter on  
5 March 22, 2024 claiming that although “[Witness #1] is agreeable to produce documents in this  
6 matter pursuant to [Mr. Fletcher’s] subpoena.” she would *not* actually be producing documents  
7 because she believed that the case’s Protective Order “does not make clear that third parties can  
8 designate material as ‘CONFIDENTIAL.’” (See McKaveney Decl. ¶19, Ex. H). In response,  
9 Defense counsel sent an email on March 25, 2024 stating:

10  
11 “...the Protective Order does clearly permit non-parties to designate documents  
12 as confidential. In fact, the definition of the term “Designating Party”  
13 specifically includes “the Party **or non-Party** that designates Materials as  
14 ‘Confidential.’” Similarly, the definition of “Confidential Materials” also  
15 references non-parties and includes “Information, data, Documents,  
16 electronically stored information, discovery responses, Testimony, and all other  
17 material or information, whether in paper, electronic, digital, or other format,  
18 that is produced or supplied by any Party **or non-party** in this action which the  
19 Designating Party believes in good faith is entitled to Confidential treatment  
20 under applicable law...” Protecting all confidential information – regardless of  
21 source – was also obviously the intention of all the parties, Plaintiff included.

22  
23 Please confirm that you will be producing the documents today. I’m happy to  
24 discuss on the phone if you think that would be helpful as well, but I really do  
25 not see any ambiguity in the protective order or a need for a separate  
26 stipulation.” (See McKaveney Decl. ¶ 20, Ex. I; emphasis original).

27 Several hours later, and in response to Defense counsel’s email above, Witness #1’s  
28 attorney withdrew her representation of Witness #1 and indicated that Witness #1 would proceed

1 without an attorney. In counsel’s withdrawal email, she also included a letter stating asserting  
2 “amended objections” to the subpoena. (See McKaveney Decl. ¶ 21, Ex. J).

3 To summarize the current situation:

- 4
- 5 • Plaintiff and Witness #1 are now both self-represented and have yet to produce any  
6 responsive documents to Mr. Fletcher’s discovery requests.
- 7 • Two different attorneys have immediately withdrawn their legal representation after  
8 reviewing the pending document production.
- 9 • Plaintiff has admitted, under oath, to altering and/or destroying evidence *after* sending  
10 her own evidence preservation letters.
- 11 • Plaintiff and Witness #1 are believed to be the sole possessors of their full  
12 communications with each other.
- 13 • Mr. Fletcher will not have an opportunity to image Plaintiff’s electronic devices and  
14 preserve this critical evidence until April 23, 2024 and has cause to believe that Plaintiff  
15 and/or Witness #1 may delete key evidence prior.
- 16

### 17 **III. LEGAL ANALYSIS**

#### 18 **A. Legal Authority**

19 California Rules of Court, Rule 3.1202(c) states that a Court is empowered to grant relief  
20 *ex parte* where an application makes an affirmative factual showing in a declaration containing  
21 competent testimony based on personal knowledge of irreparable harm, immediate danger, or  
22 any other statutory basis for granting relief. Similarly, trial courts have the inherent power to  
23 control litigation and conserve judicial resources through whatever procedural method reaches  
24 that result. (See *Lucas v. County of Los Angeles* (1996) 47 Cal.App.4th 277, 284–85.) Further,  
25 the Court has inherent power to control the litigation before it at all times in the interests of justice  
26 and grant *ex parte* relief as reasonably necessary. (Code Civ. Proc., §166; *see also* Code of Civ.  
27 Proc., §128 (a)(8) [providing that every Court has the power to “amend and control its process  
28 and orders as to make them conform to law and justice.”]; *Hays v. Superior Court* (1940)

1 16 Cal.2d 260, 264 [“There is nothing novel in the concept that a trial court has the power to  
2 exercise reasonable control over all proceedings connected with the litigation before it. Such  
3 power necessarily exists as one of the inherent powers of the court and such power should be  
4 exercised by the courts in order to ensure the orderly administration of justice.”]; *Santandrea v.*  
5 *Siltec Corp.* (1976) 56 Cal.App.3d 525, 529 [“Every court has the inherent power to regulate the  
6 proceedings of the matters before it and to effect an orderly disposition of the issues presented.”];  
7 *see also Bauguess v. Paine* (1978) 22 Cal.3d 626, 635-42; *Western Steel & Ship Repair, Inc. v.*  
8 *RMI, Inc.* (1986) 176 Cal.App.3d 1108, 1116-1117.) Lastly, the Court has authority and  
9 discretion to change the timing and sequence of discovery. Code of Civil Procedure §2019.020(b)  
10 provides, in-part, that “the court may establish the sequence and timing of discovery for the  
11 convenience of parties and witnesses in the interests of justice.” Indeed, the Court has inherent  
12 power and discretion to make any orders that justice requires which appear most conformable to  
13 the spirit of equity and law.

14 **B. Argument**

15 In light of the facts above, it is clear that Plaintiff and Witness #1 possess significant  
16 evidence that likely substantially undermines her claims against Mr. Fletcher. Two separate  
17 attorneys have reviewed the evidence, determined that it was relevant to the issues in this  
18 litigation, and then abruptly withdrew their representation of their respective clients. To make  
19 matter’s more dire, the entirety of this key evidence is believed to be solely maintained by a  
20 plaintiff who is now self-represented and has already admitted to previously destroying material,  
21 exonerating evidence.

22 Mr. Fletcher is entitled to the evidence in Plaintiff’s and Witness #1’s possession and has  
23 taken the numerous, diligent, steps to obtain it from multiple sources. Unfortunately, at every  
24 turn, Plaintiff and her friends/attorneys have improperly obstructed his access by making  
25 multiple, false, bad-faith representations that these documents would be produced in short order.  
26 Given the abrupt withdrawals, these representations seem to have been made in bad-faith and  
27 with the intention to evade/delay plainly appropriate discovery requests.

28 ///

1 In light of the above, Mr. Fletcher respectfully requests that the court advance the date  
2 for forensic imaging of Plaintiff's devices from April 23, 2024 to occur immediately, but no later  
3 than April 2, 2023. Mr. Fletcher agrees to fully finance the inspection and its related costs. This  
4 relief is reasonably intended to mitigate the further destruction of evidence and provide  
5 immediate access to exonerating material. The Court has the authority to reschedule the date of  
6 inspection, given that Code of Civil Procedure §2019.020(b) provides that it "may establish the  
7 fsequence and timing of discovery for the convenience of parties and witnesses in the interests  
8 of justice." Additionally, Mr. Fletcher also respectfully requests that the Court formally order  
9 Plaintiff to preserve all evidence and instruct her about the grave consequences of aiding in the  
10 alteration or erasure of evidence.

11 Without these orders, Mr. Fletcher faces clear irreparable harm and immediate danger in  
12 the form of destruction, alternation, or failure to preserve exonerating documents. (See  
13 McKaveney Decl. ¶ 22).


14 **IV. CONCLUSION**

15 For the reasons above, Mr. Fletcher respectfully requests that his ex parte application be  
16 granted in its entirety.

17 DATE: March 26, 2024

FISHER & PHILLIPS LLP

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By:   
Danielle Hultenius Moore  
Stephanie Reynolds  
Sean L. McKaveney  
Attorneys for Nathan Fletcher

1 DECLARATION OF SEAN L. MCKAVENEY

2 I, Sean L. McKaveney, hereby declare and state as follows:

3 1. I am an attorney at law duly licensed to practice before all courts in the State of  
4 California. I am an associate with Fisher & Phillips LLP, counsel of record for Defendant Nathan  
5 Fletcher. Based on my personal knowledge, I assert the facts set forth herein and, if called as a  
6 witness, I could and would competently testify thereto.

7 2. On August 17, 2023, Mr. Fletcher served Special Interrogatories (Set One) and  
8 Requests for Production (Set Two) on Plaintiff. The Special Interrogatories asking Plaintiff to  
9 identify witnesses to whom she disclosed conduct that she believed was inappropriate, while the  
10 Requests for Production asked her to produce communications with these witnesses.

11 3. In response to Mr. Fletcher's Special Interrogatories, Plaintiff identified her friend  
12 as a witness (Witness #1) as an individual to whom she disclosed allegedly inappropriate conduct.

13 4. In responses to Mr. Fletcher's Requests for Production, Plaintiff produced  
14 selected communications that she and Witness #1 had several months before Mr. Fletcher ever  
15 sent his first written direct message to Plaintiff. Other messages, revealed that Witness #1 was  
16 advised Plaintiff to use Mr. Fletcher to help in salary negotiations. Other messages referenced  
17 prior conversations relating to Mr. Fletcher.

18 5. On February 7, 2024, Mr. Fletcher served Requests for Production (Set Three) to  
19 obtain the missing messages. In this same set of discovery he also served Requests for Admission  
20 (Set Two).

21 6. Fletcher also issued a subpoena directly to Witness #1 for these same messages.

22 7. Both Plaintiff's and Witness #1's response/production deadline was March 20,  
23 2024.

24 8. Plaintiff admitted that, on March 11, 2023, she screen-recorded all her Instagram  
25 direct messages with Mr. Fletcher.

26 9. An audio message sent by Ms. Figueroa to Mr. Fletcher on May 12, 2022 is clearly  
27 visible in the March 11, 2023 screen-recording. A true and correct copy of this email is attached  
28 hereto as **Exhibit A**.

1           10.     Plaintiff admitted in response to Request for Admission No. 54 that she “unsent”  
2 the May 12, 2022 audio message.

3           11.     On March 20, 2024, Defense counsel received an email from Plaintiff’s counsel  
4 claiming that he had “just become aware of additional documents today that we need to discuss  
5 with our client.” A true and correct copy of this email is attached hereto as **Exhibit B**.

6           12.     Plaintiff’s counsel also repeatedly suggested, in both written and telephonic  
7 conversations, that these communications would be highly important and relevant for Plaintiff’s  
8 upcoming deposition.

9           13.     In telephonic meet and confer discussions, Witness #1’s attorney informed  
10 Defense counsel that there were “hundreds upon hundreds” of messages between Plaintiff and  
11 Witness #1, some of which were supposedly of a “highly sensitive and confidential nature.”

12           14.     Witness #1’s attorney agreed to produce documents on March 20, 2024. Attached  
13 hereto as **Exhibit C** is a true and correct copy of Defense counsel’s email memorialize the  
14 response deadline.

15           15.     In a subsequent phone call, Witness #1’s counsel represented that she was actively  
16 downloading the messages from her client, that there were at least 55 pages of responsive  
17 materials, and that she would produce the documents by close of business on Friday, March 22,  
18 2024. Attached hereto as **Exhibit D** is a true and correct copy of Defense counsel’s email  
19 memorialize the extended response deadline.

20           16.     Witness #1’s counsel requested a copy of the Protective Order governing the  
21 present case, which Defense counsel promptly provided. Attached hereto as **Exhibit E** is a true  
22 and correct copy of Defense counsel’s email regarding the protective order.

23           17.     Mr. Fletcher served a demand for an inspection of Plaintiff’s electronic devices.  
24 Attached hereto as **Exhibit F** is a true and correct copy of the inspection demand.

25           18.     Attached hereto as **Exhibit G** is a true and correct copy of the substitution notice.

26           19.     Attached hereto as **Exhibit H** is a true and correct copy of the Witness #1’s  
27 attorney’s letter on March 22, 2024.

28     ///



1 **PROPOSED ORDER**

2 On March 26, 2024, at 8:30 a.m., before the Honorable Matthew Braner, Defendant  
3 Nathan Fletcher (“Defendant”) moved the Court for an ex parte order that Plaintiff submit her  
4 electronic devices for forensic preservation and imaging, and that she be ordered to preserve all  
5 evidence and instructed about the grave consequences of aiding in the alteration or erasure of  
6 evidence. Appearances were stated for the record. After considering the moving papers, the  
7 opposition papers, arguments of counsel, the entire record, and all other matters presented to the  
8 Court, the Court GRANTS the Mr. Fletcher’s ex parte application as follows:

9 1. Plaintiff is ordered to submit her electron devices for forensic imaging pursuant  
10 to the terms and protocols of Mr. Fletcher’s Demand for Inspection (McKaveney Ex. F), on or  
11 before April 2, 2023.

12 2. Plaintiff is ordered to preserve all evidence and instructed about the grave  
13 consequences of aiding in the alteration or erasure of evidence.

14 3. The Court further orders that:  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_

18  
19  
20 **IT IS SO ORDERED.**

21 DATED: \_\_\_\_\_

22 By: \_\_\_\_\_  
23 Hon. Matthew Braner  
24 Judge of the Superior Court  
25  
26  
27  
28



# **EXHIBIT A**



nathan\_fletcher

Politician



I'm gonna teach you a word in Spanish... since you mentioned you don't know too much Spanish

But I can't tell you what it means



Ok!

You'd have to look it up



"Papasito"

Are you alone rn? Can I send you an audio? For pronunciation purposes

Sweet!



You can send me an audio



0:23

Plz make sure you delete that Audio lololol



# **EXHIBIT B**

**From:** [McKaveney, Sean](#)  
**To:** [Zachary Freire-Aviña](#); [Stef White](#); [Whitaker, Lisa](#); [Jessica Pride](#); [Dante Pride](#); [Alfred Von Kessler](#); [Arla Clark](#); [jbrown@meyersnave.com](#); [nbermudez@meyersnave.com](#); [cphillip@meyersnave.com](#); [krussell@meyersnave.com](#); [ewilliams@meyersnave.com](#); [fmcgee@meyersnave.com](#); [jmalavar@meyersnave.com](#); [jbrandt-guerra@meyersnave.com](#); [Sophia Rebecca-Marie](#)  
**Cc:** [Moore, Danielle](#); [Reynolds, Stephanie](#); [Atkinson, Keia](#); [West, Courtney](#); [Funkhouser, Amanda](#); [Jackson, Susan](#); [Hickman, Zilia](#); [Zekan, Karen](#); [Clipper, Monica](#)  
**Subject:** RE: Grecia Figueroa v. Nathan Fletcher, et al.  
**Date:** Friday, March 22, 2024 12:34:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)


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Good afternoon everyone,

Following up on my proposal below. Until I hear back from everyone, we will proceed under the assumption that all depositions will be going forward next week.

Thanks,

Sean

	<p><b>Sean McKaveney</b> Associate Fisher &amp; Phillips LLP 4747 Executive Drive   Suite 1000   San Diego, CA 92121 <a href="mailto:smckaveney@fisherphillips.com">smckaveney@fisherphillips.com</a>   O: (858) 666-3302</p> <p><a href="#">vCard</a>   <a href="#">Bio</a>   <a href="#">Website</a> <b>On the Front Lines of Workplace Law<sup>SM</sup></b></p>
------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error, then immediately delete this message.*

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**From:** McKaveney, Sean  
**Sent:** Thursday, March 21, 2024 3:56 PM  
**To:** Zachary Freire-Aviña <[zfa@pridelawfirm.com](mailto:zfa@pridelawfirm.com)>; Stef White <[swhite@pridelawfirm.com](mailto:swhite@pridelawfirm.com)>; Whitaker, Lisa <[lwhitaker@fisherphillips.com](mailto:lwhitaker@fisherphillips.com)>; Jessica Pride <[jpride@pridelawfirm.com](mailto:jpride@pridelawfirm.com)>; Dante Pride <[dpride@pridelawfirm.com](mailto:dpride@pridelawfirm.com)>; Alfred Von Kessler <[AVK@pridelawfirm.com](mailto:AVK@pridelawfirm.com)>; Arla Clark <[aclark@pridelawfirm.com](mailto:aclark@pridelawfirm.com)>; [jbrown@meyersnave.com](#); [nbermudez@meyersnave.com](#); [cphillip@meyersnave.com](#); [krussell@meyersnave.com](#); [ewilliams@meyersnave.com](#); [fmcgee@meyersnave.com](#); [jmalavar@meyersnave.com](#); [jbrandt-guerra@meyersnave.com](#); [Sophia Rebecca-Marie < sophia@pridelawfirm.com >](#)  
**Cc:** Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Atkinson, Keia <[katkinson@fisherphillips.com](mailto:katkinson@fisherphillips.com)>; West, Courtney <[cwest@fisherphillips.com](mailto:cwest@fisherphillips.com)>; Funkhouser, Amanda <[afunkhouser@fisherphillips.com](mailto:afunkhouser@fisherphillips.com)>; Jackson, Susan <[sjackson@fisherphillips.com](mailto:sjackson@fisherphillips.com)>; Hickman, Zilia <[zhickman@fisherphillips.com](mailto:zhickman@fisherphillips.com)>; Zekan, Karen <[kzekan@fisherphillips.com](mailto:kzekan@fisherphillips.com)>; Clipper, Monica <[mclipper@fisherphillips.com](mailto:mclipper@fisherphillips.com)>  
**Subject:** RE: Grecia Figueroa v. Nathan Fletcher, et al.

Hi Zach,

Thanks again for our call earlier today. Regarding April dates for Mr. Fletcher's deposition, we are available on April 30. This would be just three business days after Ms. Figueroa's deposition, which you have indicated can occur on April 25. This timeframe would also closely mirror the original scheduling agreed to by the parties and allow everyone sufficient time to review/ prepare for the upcoming document production.

Let me know if this works for you.

Thanks,

Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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**From:** McKaveney, Sean

**Sent:** Thursday, March 21, 2024 3:22 PM

**To:** Zachary Freire-Aviña <[zfa@pridelawfirm.com](mailto:zfa@pridelawfirm.com)>; Stef White <[swhite@pridelawfirm.com](mailto:swhite@pridelawfirm.com)>; Whitaker, Lisa <[lwhitaker@fisherphillips.com](mailto:lwhitaker@fisherphillips.com)>; Jessica Pride <[jpride@pridelawfirm.com](mailto:jpride@pridelawfirm.com)>; Dante Pride <[dpride@pridelawfirm.com](mailto:dpride@pridelawfirm.com)>; Alfred Von Kessler <[AVK@pridelawfirm.com](mailto:AVK@pridelawfirm.com)>; Arla Clark <[aclark@pridelawfirm.com](mailto:aclark@pridelawfirm.com)>; [jbrown@meyersnave.com](mailto:jbrown@meyersnave.com); [nbermudez@meyersnave.com](mailto:nbermudez@meyersnave.com); [cphillip@meyersnave.com](mailto:cphillip@meyersnave.com); [krussell@meyersnave.com](mailto:krussell@meyersnave.com); [ewilliams@meyersnave.com](mailto:ewilliams@meyersnave.com); [fmcgee@meyersnave.com](mailto:fmcgee@meyersnave.com); [jmalavar@meyersnave.com](mailto:jmalavar@meyersnave.com); [jbrandt-guerra@meyersnave.com](mailto:jbrandt-guerra@meyersnave.com); Sophia Rebecca-Marie <[sophia@pridelawfirm.com](mailto:sophia@pridelawfirm.com)>

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**Subject:** RE: Grecia Figueroa v. Nathan Fletcher, et al.

Nice speaking with you a minute ago. I circle back to you with an update as soon as I can.

Best,

Sean

**Sean McKaveney**





**Associate**

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**From:** Zachary Freire-Aviña <[zfa@pridelawfirm.com](mailto:zfa@pridelawfirm.com)>

**Sent:** Thursday, March 21, 2024 12:01 PM

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**Subject:** Re: Grecia Figueroa v. Nathan Fletcher, et al.

Hi Sean,

Thank you for your email. We will await your amended deposition notice for April 25, 2024. Our formal objection is also forthcoming. As to the discovery, we will get you the pending document production well before Ms. Figueroa's rescheduled deposition; my estimate is next week. Happy to continue a dialogue on these issues as well.

While I can understand your client's frustration that certain truths about his conduct are now public, we cannot agree with the depiction of events in your email. Perhaps most troubling is the unfounded assertion (or at least suggestion) that Ms. Figueroa is willfully withholding documents. At all relevant times, we have reminded you that discovery is *ongoing*, and Ms. Figueroa may amend her responses/production *at any time* as documents/things become known or available to her. This is standard course. In the past, Ms. Figueroa attempted to protect her own privacy rights and the privacy rights of third parties with respect to document production by delaying certain production until a protective order was in place. However, this was communicated to you and such production has long since occurred. Ms. Figueroa has exercised good faith and diligence in the face of your office's staggering 208 document requests – many of which refer to other documents/exhibits in contravention of discovery practices.

My email dated March 20, 2024, clearly indicated that we need a little more time to finalize responses to your voluminous document requests and to finalize the corresponding production. This is not an uncommon sentiment in litigation; sometimes extensions are needed, and it is the task of the attorneys to remain professional and extend courtesies where feasible. To this end, my email acknowledged that the pending document production would likely be important to your office with respect to Ms. Figueroa's deposition next week. I proposed a compromise and gave the defense several dates in the near future for Ms. Figueroa's deposition, the purpose being to allow document production to occur and the defense time to review the same. This is perfectly reasonable.

Setting aside your mischaracterization of events, what we find unacceptable is your inexplicable revocation of Mr. Fletcher's deposition. There is absolutely no indication in your email, or from your office at all, that Mr. Fletcher is no longer available. Indeed, your office is the one who provided the date and all counsel agreed to scheduling. Furthermore, Mr. Fletcher's testimony will *not* depend or rely upon Ms. Figueroa's testimony, nor her pending document production, because all communications between the parties have already been produced. The pending document production contains in large part requests for communications between Ms. Figueroa and her friends about the case. This has nothing to do with Mr. Fletcher's testimony. We also must point out that our office has priority since Mr. Fletcher's deposition was noticed first, which is a long-standing professional courtesy recognized in many cases. Your choice to ignore this professional courtesy is telling.

It is clear that your revocation of Mr. Fletcher's deposition, and intent to reschedule it for a time after Ms. Figueroa's deposition, is simply a retaliation tactic made in bad faith. And although you attempt to victim blame Ms. Figueroa at every turn, it is evident from recent filings and news stories that the defendants in this case are truly the ones attempting to hide the ball. For example, one article from today reports on MTS' attempts to have one of their former employees lie for Mr. Fletcher – interestingly, that employee was also retaliated against for her refusal to engage in unethical/illegal conduct. All of this to say, counsel, your continued mud flinging is not productive or professional. Instead, it is hypocritical and bullying.

For these many reasons, we will *not* be removing Mr. Fletcher's deposition from the calendar, and will take a non-appearance before filing a motion to compel, which will include a request for sanctions given the retaliatory nature of your conduct. This is not our preference as there has already been what we view as unnecessary motion practice from the defense; however, we will continue to protect our client's interests and hold all parties and counsel accountable.

Thanks,  
Zach



**Zachary Freire-Aviña**  
Senior Counsel

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**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Date:** Thursday, March 21, 2024 at 10:13 AM

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**Subject:** RE: Grecia Figueroa v. Nathan Fletcher, et al.

Good morning Zach,

We are in receipt of your email and update from yesterday regarding Plaintiff's discovery responses, document production, and deposition.

As an initial matter, it continues to be extremely concerning that Plaintiff either refuses (or is somehow unable) to timely produce documents known to be in her in current possession, custody, or control. It is also concerning that she repeatedly fails to adhere to the Code of Civil Procedure when drafting her written responses. This has become a troubling pattern of behavior in this case and has resulted in unnecessary delays, and is now impacting scheduled depositions that were agreed upon by the parties. As you know, we initially served Requests for Production (Set One) on June 20, 2023 and production was due on July 24, 2023, yet we didn't receive any responsive documents from Plaintiff until November 5, 2023. We served a second set of Requests for Production on August 17, 2023 and production was due on October 4, 2023, but we only received all responsive documents approximately five months later, on January 5, 2024. We served a third set of Requests for Production on February 7, 2024, and now for a third time, we have not received responsive documents by the March 20, 2024 deadline. Absent a stipulation, production is due on the response deadline and it is improper to unilaterally withhold documents or reschedule depositions simply so that you can have more



time to review or discuss those documents with your client. All responsive documents were due yesterday, they are now overdue, and they must be produced immediately.

In addition to the production issues, Plaintiff's written responses to Requests for Production (Set Three) are also not code compliant, not verified, contain no statements of compliance or representations of an inability to comply, and give no other insights as to the requests for which she intends to produce responsive materials. Instead, Plaintiff copied and pasted the same inapplicable boilerplate objections in response to every request, including a particularly curious objection that all of the requests "are premature as discovery is in its infancy and Plaintiff has not yet retained experts to assess damages." Given that she is aware of the documents currently in her possession, there is no reason preventing her from providing substantive, verified written responses. Similarly, the claim that you just became aware of "additional documents" is also not grounds for withholding production of all *other* responsive materials. We will be sending a formal meet and confer letter that memorializes these issues in-detail, as well as the other numerous defects in Plaintiff's most recent responses.

We understand that delays sometimes occur in discovery, but Plaintiff's delays in his case have been unreasonable. Based on her past productions, as well as other sources, we know responsive documents exist and are in her current possession, but have not been produced. Her delays continue to result in unnecessary discovery disputes and waste of party resources. In this case, multiple schedules were consulted for Plaintiff deposition; now, because Plaintiff apparently found additional documents a week before her deposition that were never produced, your office proposed that the deposition be continued for a month. This delay will also obviously impact other scheduled depositions, like Mr. Fletcher's deposition. I hope you can understand our deep frustrations about these repeated issues. To the extent that your client does not want to produce documents or sit for her deposition, she is welcome to dismiss this case.

In any event, we are available to take Ms. Figueroa's deposition on April 25, 2024. We will send an amended notice for that date shortly. I have also asked Mr. Fletcher to provide me with his availability in May for the rescheduled first session of his deposition and I will provide those dates to your office when I receive them. In the meantime, please provide me with a **firm date** when we can expect to receive all responsive documents, as well as code-compliant, verified, written responses, to Requests for Production (Set Three).

Thanks,

Sean McKaveney



**Sean McKaveney**

Associate

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**From:** Zachary Freire-Aviña <[zfa@pridelawfirm.com](mailto:zfa@pridelawfirm.com)>  
**Sent:** Wednesday, March 20, 2024 2:09 PM  
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**Subject:** RE: Grecia Figueroa v. Nathan Fletcher, et al.  
**Importance:** High

Good afternoon, Sean:

Thank you for the below extension. Unfortunately, we have just become aware of additional documents today that we need to discuss with our client. We are meeting with her this afternoon. We can get you the responses to RFAs, SROGs, and FROGs today, but will need additional time to get you the responses to RFPs and related production. We are mindful of your desire for documents prior to Ms. Figueroa's deposition set for next week, and do not want to deprive any party of sufficient time to review documents. Therefore, we believe it is best to reschedule Ms. Figueroa's deposition to a slightly later date to allow our office to finalize the responses to RFPs and related production and to allow defense time to review the same before the deposition. To this end, we will circulate a formal objection to the deposition. However, Ms. Figueroa and our office are available on April 16, 17, 24, and 25. Please let us know which of these dates work for the defense. Your attention to this matter is greatly appreciated.

Best,  
Zach



**Zachary Freire-Aviña**

Senior Counsel

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**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
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**Subject:** RE: Grecia Figueroa v. Nathan Fletcher, et al.

Good morning and happy Friday,

No problem. The 9-day extension is granted and responses are now due on **March 20, 2024**. Please be advised that we will likely be unable to grant any further extensions, given that Plaintiff's deposition is the following week. However, feel free to give me a call to meet/confer if you have any questions or wish to discuss.

Thanks and have a nice weekend,

Sean McKaveney

	<p><b>Sean McKaveney</b> Associate Fisher &amp; Phillips LLP 4747 Executive Drive   Suite 1000   San Diego, CA 92121 <a href="mailto:smckaveney@fisherphillips.com">smckaveney@fisherphillips.com</a>   O: (858) 666-3302</p> <p><a href="#">vCard</a>   <a href="#">Bio</a>   <a href="#">Website</a> <i>On the Front Lines of Workplace Law<sup>SM</sup></i></p>
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**From:** Stef White <[swhite@pridelawfirm.com](mailto:swhite@pridelawfirm.com)>  
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<[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Atkinson, Keia <[katkinson@fisherphillips.com](mailto:katkinson@fisherphillips.com)>; McKaveney, Sean  
<[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>; West, Courtney <[cwest@fisherphillips.com](mailto:cwest@fisherphillips.com)>; Funkhouser,  
Amanda <[afunkhouser@fisherphillips.com](mailto:afunkhouser@fisherphillips.com)>; Jackson, Susan <[sjackson@fisherphillips.com](mailto:sjackson@fisherphillips.com)>;  
Hickman, Zilia <[zhickman@fisherphillips.com](mailto:zhickman@fisherphillips.com)>; Zekan, Karen <[kzekan@fisherphillips.com](mailto:kzekan@fisherphillips.com)>; Clipper,  
Monica <[mclipper@fisherphillips.com](mailto:mclipper@fisherphillips.com)>

**Subject:** RE: Grecia Figueroa v. Nathan Fletcher, et al.

Good Afternoon Counsel,

I am emailing to request a 9-day extension for Plaintiff's discovery, which is due on Monday. The new due date would be March 20th. Thank you in advance for your consideration.



**Stef White**

Paralegal/Office Manager

---

[swhite@pridelawfirm.com](mailto:swhite@pridelawfirm.com)

P: (619) 516-8166

F: (619) 785-3414

[2831 Camino Del Rio South, Ste 104](#)

[San Diego, CA 92108](#)

[pridelawfirm.com](http://pridelawfirm.com) | [survivorlawyer.com](http://survivorlawyer.com)

---

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LAW FIRM



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---

**From:** Whitaker, Lisa <[lwhitaker@fisherphillips.com](mailto:lwhitaker@fisherphillips.com)>

**Sent:** Wednesday, February 7, 2024 5:11 PM

**To:** Jessica Pride <[jpride@pridelawfirm.com](mailto:jpride@pridelawfirm.com)>; Dante Pride <[dpride@pridelawfirm.com](mailto:dpride@pridelawfirm.com)>; Zachary Freire-Aviña <[zfa@pridelawfirm.com](mailto:zfa@pridelawfirm.com)>; Alfred Von Kessler <[AVK@pridelawfirm.com](mailto:AVK@pridelawfirm.com)>; Stef White <[swhite@pridelawfirm.com](mailto:swhite@pridelawfirm.com)>; Arla Clark <[aclark@pridelawfirm.com](mailto:aclark@pridelawfirm.com)>; [jbrown@meyersnave.com](mailto:jbrown@meyersnave.com); [nbermudez@meyersnave.com](mailto:nbermudez@meyersnave.com); [cphillip@meyersnave.com](mailto:cphillip@meyersnave.com); [krussell@meyersnave.com](mailto:krussell@meyersnave.com); [ewilliams@meyersnave.com](mailto:ewilliams@meyersnave.com); [fmcgee@meyersnave.com](mailto:fmcgee@meyersnave.com); [jmalavar@meyersnave.com](mailto:jmalavar@meyersnave.com); [jbrandt-guerra@meyersnave.com](mailto:jbrandt-guerra@meyersnave.com)

**Cc:** Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Reynolds, Stephanie

<seynolds@fisherphillips.com>; Atkinson, Keia <katkinson@fisherphillips.com>; Mckaveney, Sean  
<smckaveney@fisherphillips.com>; West, Courtney <west@fisherphillips.com>; Funkhouser,  
Amanda <afunkhouser@fisherphillips.com>; Jackson, Susan <jackson@fisherphillips.com>;  
Hickman, Zilia <zhickman@fisherphillips.com>; Zekan, Karen <kzekan@fisherphillips.com>; Clipper,  
Monica <mclipper@fisherphillips.com>

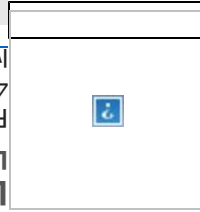
**Subject:** Grecia Figueroa v. Nathan Fletcher, et al.

Dear Counsel:

Enclosed are e-service copies of the following documents:

1. DEFENDANT NATHAN FLETCHER'S REQUESTS FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF [SET THREE];
2. DEFENDANT NATHAN FLETCHER'S REQUESTS FOR ADMISSION TO PLAINTIFF [SET TWO];
3. DEFENDANT NATHAN FLETCHER'S FORM INTERROGATORIES-GENERAL TO PLAINTIFF [SET TWO];
4. DEFENDANT NATHAN FLETCHER'S SPECIAL INTERROGATORIES TO PLAINTIFF [SET TWO];
5. DECLARATION OF SEAN L. MCKAVENEY FOR ADDITIONAL DISCOVERY – REQUESTS FOR ADMISSION [SET TWO]; and
6. DECLARATION OF SEAN L. MCKAVENEY FOR ADDITIONAL DISCOVERY – SPECIAL INTERROGATORIES [SET TWO].

Sincerely,



**Lisa Whitaker**  
Legal Secretary

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[lwhitaker@fisherphillips.com](mailto:lwhitaker@fisherphillips.com) | O: (858) 666-3304

Website  
**On the Front Lines of Workplace Law<sup>SM</sup>**

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# **EXHIBIT C**

**From:** [McKaveney, Sean](#)  
**To:** ["Amy Martel"](#)  
**Cc:** [Reynolds, Stephanie](#)  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena  
**Date:** Thursday, March 21, 2024 8:18:00 AM

---

Hi Amy,

Happy Thursday. Sorry to pest but will you be producing documents today? Per our past agreement regarding the date of production, I was expecting documents to be produced yesterday. I didn't receive anything and just wanted to make sure nothing got lost in the shuffle.

Please advise.

Thanks,

-Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

---

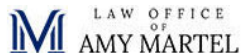
*This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error, then immediately delete this message.*

---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Wednesday, March 20, 2024 1:46 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean

She is sending me screenshots in batches. Slow, but progress. I will keep you posted.



Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Wednesday, March 20, 2024 1:19 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Any update? Let me know

Thanks!

-Sean



**Sean McKaveney**

Associate

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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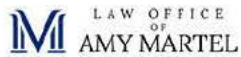
*This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error, then immediately delete this message.*

---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Monday, March 18, 2024 4:30 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hello

I gave her the link to the app and she emailed me yesterday that she would give it a try. I will check in with her in the morning and let you know.



Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Monday, March 18, 2024 4:16 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Hope you had a nice weekend. I wanted to check-in and see if you were able to make any progress on [REDACTED] text messages. Please let me know.

Thanks,



Sean McKaveney



**Sean McKaveney**

Associate

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

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---

**From:** McKaveney, Sean

**Sent:** Wednesday, March 13, 2024 3:02 PM

**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>

**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Thanks for the update and I think we'll be able to work something out. I'm available until 5pm today and all day tomorrow. Just let me know a time that works best for you and I'll give you a call.

Best,

Sean McKaveney



**Sean McKaveney**

Associate

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

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---

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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Sent:** Monday, March 11, 2024 7:33 PM

**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Subject:** Re: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean

Let me know when you have a few minutes for a call this week. I think I can narrow down the request because she only has documents responsive to her communication with the plaintiff. However, there seems to be an issue with being able to get the information off her phone and so I want to see how you want to go about that if you're going to pay for a third-party to download the information and give it to

me to redact, or what your plan is. All options that I have looked at appear to be very expensive and I'm sure you don't anticipate that she would have to cover the cost of that.

Let me know when you're available. Thanks.

Sent from my iPhone

On Feb 29, 2024, at 11:48 AM, Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)> wrote:

Hi Sean  
That works for me.  
Thanks

<image001.jpg>

Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, February 29, 2024 10:49 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Thanks Amy,

To avoid any conflicts, can we agree that service was effective when I emailed the subpoena to you on February 27, 2024, and also agree to a production/response date of March 20<sup>th</sup>? I just need sometime to review any documents before upcoming depositions in the case.

And yes, Ms. Gonzalez has been instructed not to contact anyone. She is also now represented through her own counsel.

Thanks and let me know if you want a call to discuss.

Best,

Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Wednesday, February 28, 2024 4:13 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean,

Nice speaking with you as well and thank you for sending me the subpoena. The POS is odd since she did not receive it and that is not her address but, given that I am now involved I am not sure that is a real issue. Can we agree to a 30-day extension of time to respond to allow for me to discuss with my client and meet and confer with you?

Also, I would kindly ask that your client's wife, Ms. Gonzalez, refrain from contacting [REDACTED]. If she has any additional questions for her please direct her to me.

Thank you.

<image001.jpg>

Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Tuesday, February 27, 2024 8:13 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>  
**Subject:** Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Nice talking with you yesterday. I've attached a copy of [REDACTED] subpoena for you to re-review. Once you take a look, let me know a time when we can discuss.

Thanks,

Sean McKaveney

**Sean McKaveney**



**Associate**

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

---

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# **EXHIBIT D**

**From:** [McKaveney, Sean](#)  
**To:** [Amy Martel](#)  
**Cc:** [Reynolds, Stephanie](#)  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena  
**Date:** Thursday, March 21, 2024 3:00:07 PM  
**Attachments:** [Protective Order 12-21-23\(49377380.1\).pdf](#)

---

Hi Amy,

Nice speaking with you today. As we agreed, we will grant an extension to your document production to 5pm on Friday, March 22, 2024. I've also attached the protective order for you to review.

Thanks,

Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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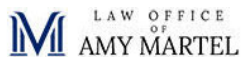
*This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error, then immediately delete this message.*

---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Thursday, March 21, 2024 12:56 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Sean

I understand there is an existing protective order in this case, I would like to talk with you about having that applicable to these text as well. Are you available at 3?



Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, March 21, 2024 8:29 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Great, thank you. I'll keep an eye out.



**Sean McKaveney**

Associate

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#)

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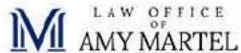
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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Thursday, March 21, 2024 8:28 AM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Yes, I will have documents for you this afternoon.



Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, March 21, 2024 8:18 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Happy Thursday. Sorry to pest but will you be producing documents today? Per our past agreement regarding the date of production, I was expecting documents to be produced yesterday. I didn't receive anything and just wanted to make sure nothing got lost in the shuffle.

Please advise.

Thanks,

-Sean

**Sean McKaveney**

Associate

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302





[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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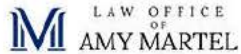
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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Wednesday, March 20, 2024 1:46 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean

She is sending me screenshots in batches. Slow, but progress. I will keep you posted.



Amy Martel, Esq.  
619-374-0074  
[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Wednesday, March 20, 2024 1:19 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Any update? Let me know

Thanks!

-Sean



**Sean McKaveney**  
Associate  
Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302  
[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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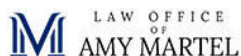


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**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Monday, March 18, 2024 4:30 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hello

I gave her the link to the app and she emailed me yesterday that she would give it a try. I will check in with her in the morning and let you know.



Amy Martel, Esq.  
619-374-0074  
[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Monday, March 18, 2024 4:16 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Hope you had a nice weekend. I wanted to check-in and see if you were able to make any progress on [REDACTED] text messages. Please let me know.

Thanks,

Sean McKaveney



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) **On the Front Lines of Workplace Law<sup>SM</sup>**

---

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**Sent:** Wednesday, March 13, 2024 3:02 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>

**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Thanks for the update and I think we'll be able to work something out. I'm available until 5pm today and all day tomorrow. Just let me know a time that works best for you and I'll give you a call.

Best,

Sean McKaveney



**Sean McKaveney**

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**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Sent:** Monday, March 11, 2024 7:33 PM

**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Subject:** Re: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean

Let me know when you have a few minutes for a call this week. I think I can narrow down the request because she only has documents responsive to her communication with the plaintiff. However, there seems to be an issue with being able to get the information off her phone and so I want to see how you want to go about that if you're going to pay for a third-party to download the information and give it to me to redact, or what your plan is. All options that I have looked at appear to be very expensive and I'm sure you don't anticipate that she would have to cover the cost of that.

Let me know when you're available. Thanks.

Sent from my iPhone

On Feb 29, 2024, at 11:48 AM, Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)> wrote:

Hi Sean

That works for me.

Thanks

<[image001.jpg](#)>

Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

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**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, February 29, 2024 10:49 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Thanks Amy,

To avoid any conflicts, can we agree that service was effective when I emailed the subpoena to you on February 27, 2024, and also agree to a production/response date of March 20<sup>th</sup>? I just need sometime to review any documents before upcoming depositions in the case.

And yes, Ms. Gonzalez has been instructed not to contact anyone. She is also now represented through her own counsel.

Thanks and let me know if you want a call to discuss.

Best,

Sean



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**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Wednesday, February 28, 2024 4:13 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean,

Nice speaking with you as well and thank you for sending me the subpoena. The POS is odd since she did not receive it and that is not her address but, given that I am now involved I am not sure that is a real issue. Can we agree to a 30-day extension of time to respond to allow for me to discuss with my client and meet and confer with you?

Also, I would kindly ask that your client's wife, Ms. Gonzalez, refrain from contacting Ms. [REDACTED]. If she has any additional questions for her please direct her to me.

Thank you.

<image001.jpg>

Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Sent:** Tuesday, February 27, 2024 8:13 AM

**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>

**Subject:** Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Nice talking with you yesterday. I've attached a copy of [REDACTED] subpoena for you to re-review. Once you take a look, let me know a time when we can discuss.

Thanks,

Sean McKaveney



**Sean McKaveney**  
Associate

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---

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# **EXHIBIT E**

**From:** [McKaveney, Sean](#)  
**To:** [Amy Martel](#)  
**Cc:** [Reynolds, Stephanie](#)  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena  
**Date:** Thursday, March 21, 2024 3:00:07 PM  
**Attachments:** [Protective Order 12-21-23\(49377380.1\).pdf](#)

---

Hi Amy,

Nice speaking with you today. As we agreed, we will grant an extension to your document production to 5pm on Friday, March 22, 2024. I've also attached the protective order for you to review.

Thanks,

Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

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---

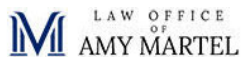
*This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error, then immediately delete this message.*

---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Thursday, March 21, 2024 12:56 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Sean

I understand there is an existing protective order in this case, I would like to talk with you about having that applicable to these text as well. Are you available at 3?



Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, March 21, 2024 8:29 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Great, thank you. I'll keep an eye out.



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

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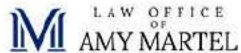
---

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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Thursday, March 21, 2024 8:28 AM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Yes, I will have documents for you this afternoon.



Amy Martel, Esq.  
619-374-0074  
[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, March 21, 2024 8:18 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Happy Thursday. Sorry to pest but will you be producing documents today? Per our past agreement regarding the date of production, I was expecting documents to be produced yesterday. I didn't receive anything and just wanted to make sure nothing got lost in the shuffle.

Please advise.

Thanks,

-Sean

**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
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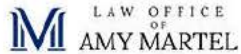
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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Wednesday, March 20, 2024 1:46 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean

She is sending me screenshots in batches. Slow, but progress. I will keep you posted.



Amy Martel, Esq.  
619-374-0074  
[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Wednesday, March 20, 2024 1:19 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Any update? Let me know

Thanks!

-Sean



**Sean McKaveney**  
Associate  
Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302  
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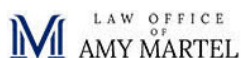


---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Monday, March 18, 2024 4:30 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hello

I gave her the link to the app and she emailed me yesterday that she would give it a try. I will check in with her in the morning and let you know.



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**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

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**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Subject:** Re: Figueroa v. Fletcher - [REDACTED] Subpoena

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Amy Martel, Esq.

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**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Thanks Amy,

To avoid any conflicts, can we agree that service was effective when I emailed the subpoena to you on February 27, 2024, and also agree to a production/response date of March 20<sup>th</sup>? I just need sometime to review any documents before upcoming depositions in the case.

And yes, Ms. Gonzalez has been instructed not to contact anyone. She is also now represented through her own counsel.

Thanks and let me know if you want a call to discuss.

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**Sent:** Wednesday, February 28, 2024 4:13 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean,

Nice speaking with you as well and thank you for sending me the subpoena. The POS is odd since she did not receive it and that is not her address but, given that I am now involved I am not sure that is a real issue. Can we agree to a 30-day extension of time to respond to allow for me to discuss with my client and meet and confer with you?

Also, I would kindly ask that your client's wife, Ms. Gonzalez, refrain from contacting Ms. [REDACTED]. If she has any additional questions for her please direct her to me.

Thank you.

<image001.jpg>

Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

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**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Sent:** Tuesday, February 27, 2024 8:13 AM

**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>

**Subject:** Figueroa v. Fletcher - [REDACTED] Subpoena

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Thanks,

Sean McKaveney



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

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---

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# **EXHIBIT F**

1 Danielle Hultenius Moore (SBN 232480)  
E-Mail: [dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)  
2 Stephanie Reynolds (SBN 220090)  
E-Mail: [sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)  
3 Sean L. McKaveney (SBN 331374)  
E-Mail: [smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)

4 **FISHER & PHILLIPS LLP**  
4747 Executive Drive, Suite 1000  
5 San Diego, California 92121  
Telephone: (858) 597-9600  
6 Facsimile: (858) 597-9601

7 Attorneys for Defendant, Nathan Fletcher

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN DIEGO - HALL OF JUSTICE COURTHOUSE**

11 GRECIA FIGUEROA,

12 Plaintiff,

13 v.

14 NATHAN FLETCHER, an individual; SAN  
DIEGO METROPOLITAN TRANSIT  
15 SYSTEM, a California public agency; and,  
DOES 1-20, Inclusive,

16 Defendants.

CASE NO.: 37-2023-00012828-CU-OE-CTL  
[Unlimited Jurisdiction]

*Assigned for all purposes to the Honorable  
Matthew C. Braner, Department C-60*

**DEFENDANT NATHAN FLETCHER'S  
DEMAND FOR INSPECTION TO  
PLAINTIFF GRECIA FIGUEROA [SET  
ONE**

Complaint Filed: March 28, 2023  
Trial Date: February 7, 2025

18  
19 PROPOUNDING PARTY: Defendant Nathan Fletcher

20 RESPONDING PARTY: Plaintiff Grecia Figueroa

21 SET NO.: One (1)

22 Pursuant to California Code of Civil Procedure section 2031.010 subsections (c) and (e),  
23 Defendant Nathan Fletcher demands that Plaintiff Grecia Figueroa produce for inspection and  
24 examination the following tangible items within 30 days of electronic service of this Inspection  
25 Demand on April 23, 2024, , at 10:00 a.m. at the law offices of Fisher & Phillips LLP, located at  
26 4747 Executive Drive, Suite 1000, San Diego, California, 92121. Production of the originals (*i.e.*,  
27 the actual tangible items, not copies thereof) is required.

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1 **I. DEFINITIONS**

2 For the purposes of this Inspection Demand, the following definitions shall apply:

3 1. The terms “PLAINTIFF,” “YOU,” and “YOURS,” as used herein, refer to  
4 Plaintiff Grecia Figueroa, and her current and prior attorney(s) representing her in this action, or  
5 any PERSON(s) acting as her agent or otherwise on her behalf.

6 2. The term “DEFENDANT” as used herein refers to named Defendant Nathan  
7 Fletcher or to any PERSON(s) acting as an agent, employee, or otherwise on behalf of  
8 DEFENDANT.

9 3. The terms “DOCUMENT” and/or “DOCUMENTS,” as used herein, include any  
10 writings, tape recordings, transcriptions, notes, computer disks, electronic data files, information  
11 stored on computer or on any type of computer readable storage media and capable of being  
12 reproduced by printed representation, or any other form of physical evidence. Specifically, the  
13 terms “DOCUMENT” and/or “DOCUMENTS,” as used herein, include any matter or tangible  
14 thing containing or recording any electronic data, handwriting, typewriting, printing,  
15 photographing, or any other means of recording on any tangible thing, any form of  
16 COMMUNICATION, INCLUDING letters, words, pictures, sounds, or symbols, or  
17 combinations thereof, and it further includes any oral COMMUNICATION later reduced to  
18 writing or confirmed by writing. By way of example only, the terms “DOCUMENT” and/or  
19 “DOCUMENTS,” as used herein, include, but are not limited to, any letter, correspondence, note,  
20 book, pamphlet, article, bulletin, directive, review, report, publication, memorandum, diary, log,  
21 test, analysis, study, projection, check, invoice, receipt, bill, audit report, contract, agreement,  
22 work paper, calendar, envelope, paper, telephone message, post-it notes, tapes, drawings, charts,  
23 accounts, graphs, ledgers, statements, reports, financial data, oral COMMUNICATIONS reduced  
24 to writing or confirmed by writing, meeting agendas, meeting notes, and all other writings or  
25 COMMUNICATIONS, INCLUDING all non-identical copies, drafts, preliminary sketches, no  
26 matter how produced or maintained in YOUR actual or constructive possession, custody, or  
27 control or of which YOU have knowledge or the existence of, and whether prepared, published,  
28 or release by you or by any other PERSON. The terms “DOCUMENT” and/or “DOCUMENTS,”



1 as used herein, shall also include all information generated, recorded, preserved or maintained  
2 by electronic means, INCLUDING information generated, recorded, preserved or maintained on  
3 computer hard drives, floppy disks, e-mail, computer files, deleted computer files, mirror image  
4 files, file menus, file directories, file distribution lists, acknowledgment of receipt files, backup  
5 computer files, magnetic tapes, computer archives, computer memory, computer disk, computer  
6 card, film, microfilm, microfiche, microforms, photographs, or any other form of computer  
7 readable storage media. Without limitation on the foregoing, the terms "DOCUMENT" and/or  
8 "DOCUMENTS" shall include any copy that differs in any respect from the original or any other  
9 versions of the DOCUMENT, such as, but not limited to, copies containing notations, insertions,  
10 corrections, redlining, marginal notes, recommendations, drafts, or any other variations.

11 4. The term "COMMUNICATION" or "COMMUNICATIONS," as used herein  
12 means any contact or act by which any information or knowledge is transmitted or conveyed  
13 between two (2) or more PERSONS, INCLUDING written contact (by such means as letters,  
14 memoranda, telegrams, electronic mail, telexes, facsimiles, tape recordings, computer  
15 transmissions, computer readable recordings, e-mail, text message, instant messenger, online  
16 chat or any other DOCUMENTS), oral contact (by such means as face-to-face  
17 COMMUNICATIONS or telephone conversations), or any other transfer of information, written  
18 or otherwise.

19 5. The term "INCLUDING," as used herein, means "including without limitation"  
20 or "including, but not limited to."

21 6. The terms "RELATE TO" or "RELATING TO" should be understood to apply to  
22 the content of the DOCUMENT if that DOCUMENT consists of, embodies, comprises, concerns,  
23 constitutes, evidences, memorializes, reflects, refers to, pertains to, alludes to, responds to,  
24 describes, analyzes, constructs, discusses, mentions, comments on, demonstrates, substantiates,  
25 shows, supports, proves or disproves, or in any other way deals with, or is logically or factually  
26 connected with or is about or regarding, the subject matter of the request in which the term  
27 "RELATES TO" or "RELATING TO" appears.

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1           7.       The term “PERSON,” as used herein, refers to a natural person, firm, association,  
2 organization, partnership, business, trust, limited liability company, corporation, or public entity.

3           8.       “And” and “or” shall be construed either conjunctively or disjunctively as  
4 necessary to bring within the scope of the discovery request all responses that might otherwise  
5 be construed to be outside of its scope.

6           9.       “Any,” “all,” “every,” and “each” shall be construed as inclusive or exclusive, as  
7 necessary to afford the broadest and most comprehensive possible scope to the Request  
8 containing such terms.

9       **II.       GENERAL INSTRUCTIONS**

10       **A.       Tangible Items Requested**

11           1.       The requests set out herein call for all items in PLAINTIFF’s actual or  
12 constructive possession, custody, control or care, INCLUDING those DOCUMENTS in the  
13 actual or constructive possession, custody, control, or care of any current or former attorney(s),  
14 agent, or other representative of PLAINTIFF.

15           2.       If any electronic device responsive to this Inspection Demand was, but is no  
16 longer, in YOUR possession, custody, or control, YOU are to identify such electronic device (by  
17 type, brand, model number and serial number) and identify the PERSON(s) in whose possession,  
18 custody, or control such electronic device was last known to be located.

19           3.       If any electronic device responsive to this Inspection Demand is no longer in  
20 existence, YOU are to state when, how and why such electronic device ceased to exist.

21       **B.       Tangible Items Withheld**

22           If any tangible item or portion of a tangible item is withheld under a claim of privilege or  
23 other protection, so as to aid the court and the parties hereto to determine the validity of the claim  
24 of privilege or other protection, provide the following information with respect to any such  
25 tangible item or portion thereof: (a) the identity of the PERSON(s) to whom the tangible item or  
26 portion thereof was directed; (b) the nature and substance of the tangible item or portion thereof  
27 with sufficient particularity to enable the court and parties hereto to identify the withheld item  
28 or portion; (c) the identity of the PERSON who has custody of, or control over, the tangible

1 item or portion thereof being withheld and each copy thereof; (d) the identity of each PERSON  
2 to whom copies of the tangible item were furnished; (e) the basis on which any privilege or other  
3 protection is claimed; and (f) whether any non-privileged matter is included in the tangible item.

4 **C. Providing Access**

5 Where the Inspection Demand requests that YOU provide DEFENDANT and  
6 DEFENDANT's designated forensic analyst at the time and place set for inspection access to the  
7 tangible item, YOU are to cooperate with and provide reasonable assistance to DEFENDANT  
8 and DEFENDANT's designated forensic analyst in their efforts to inspect and examine the  
9 tangible item, INCLUDING by disclosing and giving to DEFENDANT and DEFENDANT's  
10 designated forensic analyst all passwords and keys needed to access, open or log into the device,  
11 online storage account or e-mail account.

12 **III. ORIGINAL TANGIBLE ITEMS REQUIRED FOR PRODUCTION**

13 **DEMAND FOR INSPECTION NO. 1:**

14 Produce and make available for inspection and examination, INCLUDING by providing  
15 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
16 inspection access to, all cellular, wireless, and/or smart phones on which YOU used any social  
17 media application (including but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to  
18 interact with, COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings  
19 to DEFENDANT Nathan Fletcher.

20 **DEMAND FOR INSPECTION NO. 2:**

21 Produce and make available for inspection and examination, INCLUDING by providing  
22 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
23 inspection access to, all cellular, wireless, and/or smart phones on which YOU used to save  
24 and/or download any COMMUNICATIONS between YOU and DEFENDANT Nathan Fletcher.

25 **DEMAND FOR INSPECTION NO. 3:**

26 Produce and make available for inspection and examination, INCLUDING by providing  
27 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
28 inspection access to, all SIM cards from cellular, wireless, and/or smart phones on which YOU

1 used any social media application (including but not limited to Instagram, Facebook, Twitter,  
2 and/or Tik Tok) to interact with, COMMUNICATE with, talk to, write to, message, and/or  
3 transmit voice recordings to DEFENDANT Nathan Fletcher.

4 **DEMAND FOR INSPECTION NO. 4:**

5 Produce and make available for inspection and examination, INCLUDING by providing  
6 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
7 inspection access to, all desktop computers on which YOU used any social media application  
8 (including but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to interact with,  
9 COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings to  
10 DEFENDANT Nathan Fletcher.

11 **DEMAND FOR INSPECTION NO. 5:**

12 Produce and make available for inspection and examination, INCLUDING by providing  
13 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
14 inspection access to, all desktop computers on which YOU saved and/or downloaded any  
15 COMMUNICATIONS between YOU and DEFENDANT Nathan Fletcher.

16 **DEMAND FOR INSPECTION NO. 6:**

17 Produce and make available for inspection and examination, INCLUDING by providing  
18 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
19 inspection access to, all laptop computers on which YOU used any social media application  
20 (including but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to interact with,  
21 COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings to  
22 DEFENDANT Nathan Fletcher.

23 **DEMAND FOR INSPECTION NO. 7:**

24 Produce and make available for inspection and examination, INCLUDING by providing  
25 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
26 inspection access to, all laptop computers on which YOU saved and/or downloaded any  
27 COMMUNICATIONS between YOU and DEFENDANT Nathan Fletcher.

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**DEMAND FOR INSPECTION NO. 8:**

Produce and make available for inspection and examination, INCLUDING by providing DEFENDANT and DEFENDANT’s designated forensic analyst at the time and place set for inspection access to, all computer tablets (such as iPads and similar mobile computer devices with touchscreen display) on which YOU on which YOU used any social media application (including but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to interact with, COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings to DEFENDANT Nathan Fletcher.

**DEMAND FOR INSPECTION NO. 9:**

Produce and make available for inspection and examination, INCLUDING by providing DEFENDANT and DEFENDANT’s designated forensic analyst at the time and place set for inspection access to, all computer tablets (such as iPads and similar mobile computer devices with touchscreen display) on which YOU saved and/or downloaded any COMMUNICATIONS between YOU and DEFENDANT Nathan Fletcher.

**DEMAND FOR INSPECTION NO. 10:**

Produce and make available for inspection and examination, INCLUDING by providing DEFENDANT and DEFENDANT’s designated forensic analyst at the time and place set for inspection access to, all thumb drives, flash drives, external hard drives, and other electronic memory storage devices on which YOU stored any DOCUMENTS, information, data, COMMUNICATIONS, texts, emails, Instagram direct messages, photographs, videos, voice recorders, social media content, and/or any other similar electronic or digital material that evidence, or tend to evidence in any way, any COMMUNICATIONS or interactions (whether in-person, electronic, digital, or verbal) between YOU and DEFENDANT Nathan Fletcher.

**DEMAND FOR INSPECTION NO. 11:**

Produce and make available for inspection and examination, INCLUDING by providing DEFENDANT and DEFENDANT’s designated forensic analyst at the time and place set for inspection access to, all thumb drives, flash drives, external hard drives, and other electronic

1 memory storage devices on which YOU saved and/or downloaded any COMMUNICATIONS  
2 between YOU and DEFENDANT Nathan Fletcher.

3 **DEMAND FOR INSPECTION NO. 12:**

4 Produce and make available for inspection and examination, INCLUDING by providing  
5 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
6 inspection access to, all YOUR online Cloud storage accounts, for DEFENDANT to search and  
7 examine whether any of YOUR Cloud storage accounts contains any DOCUMENTS, information,  
8 data, COMMUNICATIONS, texts, emails, Instagram direct messages, photographs, videos, voice  
9 recorders, social media content, and/or any other similar electronic or digital material that evidence, or  
10 tend to evidence in any way, any COMMUNICATIONS or interactions (whether in-person, electronic,  
11 digital, or verbal) between YOU and DEFENDANT Nathan Fletcher.

12 **DEMAND FOR INSPECTION NO. 13:**

13 Produce and make available for inspection and examination, INCLUDING by providing  
14 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
15 inspection access to, YOUR online Google Drive, for DEFENDANT to search and examine  
16 whether YOUR Google Drive contains any DOCUMENTS, information, data,  
17 COMMUNICATIONS, texts, emails, Instagram direct messages, photographs, videos, voice recorders,  
18 social media content, and/or any other similar electronic or digital material that evidence, or tend to  
19 evidence in any way, any COMMUNICATIONS or interactions (whether in-person, electronic, digital,  
20 or verbal) between YOU and DEFENDANT Nathan Fletcher.

21 **DEMAND FOR INSPECTION NO. 14:**

22 Produce and make available for inspection and examination, INCLUDING by providing  
23 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
24 inspection access to, YOUR online DropBox, for DEFENDANT to search and examine whether  
25 YOUR DropBox contains any DOCUMENTS, information, data, COMMUNICATIONS, texts,  
26 emails, Instagram direct messages, photographs, videos, voice recorders, social media content, and/or  
27 any other similar electronic or digital material that evidence, or tend to evidence in any way, any

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1 COMMUNICATIONS or interactions (whether in-person, electronic, digital, or verbal) between YOU  
2 and DEFENDANT Nathan Fletcher.

3 **DEMAND FOR INSPECTION NO. 15:**

4 Produce and make available for inspection and examination, INCLUDING by providing  
5 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
6 inspection access to, the e-mail account [figueroa.grecia@gmail.com](mailto:figueroa.grecia@gmail.com) or any other e-mail account  
7 YOU have utilized since June 1, 2019, for DEFENDANT to search and examine whether this  
8 e-mail account, INCLUDING all folders and subfolders, sent, deleted, and unsent draft e-mails,  
9 contains any DOCUMENTS, information, data, COMMUNICATIONS, texts, emails, Instagram direct  
10 messages, photographs, videos, voice recorders, social media content, and/or any other similar electronic  
11 or digital material that evidence, or tend to evidence in any way, any COMMUNICATIONS or  
12 interactions (whether in-person, electronic, digital, or verbal) between YOU and DEFENDANT Nathan  
13 Fletcher.

14 **DEMAND FOR INSPECTION NO. 16:**

15 Produce and make available for inspection and examination, INCLUDING by providing  
16 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
17 inspection access to, all cellular, wireless, and/or smart phones on which YOU used any social  
18 media application (including but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to  
19 interact with, COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings  
20 to [REDACTED].

21 **DEMAND FOR INSPECTION NO. 17:**

22 Produce and make available for inspection and examination, INCLUDING by providing  
23 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
24 inspection access to, all cellular, wireless, and/or smart phones on which YOU used to save  
25 and/or download any COMMUNICATIONS between YOU and [REDACTED].

26 **DEMAND FOR INSPECTION NO. 18:**

27 Produce and make available for inspection and examination, INCLUDING by providing  
28 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for



1 inspection access to, all SIM cards from cellular, wireless, and/or smart phones on which YOU  
2 used any social media application (including but not limited to Instagram, Facebook, Twitter,  
3 and/or Tik Tok) to interact with, COMMUNICATE with, talk to, write to, message, and/or  
4 transmit voice recordings to [REDACTED].

5 **DEMAND FOR INSPECTION NO. 19:**

6 Produce and make available for inspection and examination, INCLUDING by providing  
7 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
8 inspection access to, all desktop computers on which YOU used any social media application  
9 (including but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to interact with,  
10 COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings to [REDACTED]  
11 [REDACTED]

12 **DEMAND FOR INSPECTION NO. 19:**

13 Produce and make available for inspection and examination, INCLUDING by providing  
14 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
15 inspection access to, all desktop computers on which YOU saved and/or downloaded any  
16 COMMUNICATIONS between YOU and [REDACTED].

17 **DEMAND FOR INSPECTION NO. 20:**

18 Produce and make available for inspection and examination, INCLUDING by providing  
19 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
20 inspection access to, all laptop computers on which YOU used any social media application  
21 (including but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to interact with,  
22 COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings to [REDACTED]  
23 [REDACTED]

24 **DEMAND FOR INSPECTION NO. 21:**

25 Produce and make available for inspection and examination, INCLUDING by providing  
26 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
27 inspection access to, all laptop computers on which YOU saved and/or downloaded any  
28 COMMUNICATIONS between YOU and [REDACTED].

1 **DEMAND FOR INSPECTION NO. 22:**

2 Produce and make available for inspection and examination, INCLUDING by providing  
3 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
4 inspection access to, all computer tablets (such as iPads and similar mobile computer devices with  
5 touchscreen display) on which YOU on which YOU used any social media application (including  
6 but not limited to Instagram, Facebook, Twitter, and/or Tik Tok) to interact with,  
7 COMMUNICATE with, talk to, write to, message, and/or transmit voice recordings to [REDACTED]

8 [REDACTED]  
9 **DEMAND FOR INSPECTION NO. 23:**

10 Produce and make available for inspection and examination, INCLUDING by providing  
11 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
12 inspection access to, all computer tablets (such as iPads and similar mobile computer devices with  
13 touchscreen display) on which YOU saved and/or downloaded any COMMUNICATIONS  
14 between YOU and [REDACTED].

15 **DEMAND FOR INSPECTION NO. 24:**

16 Produce and make available for inspection and examination, INCLUDING by providing  
17 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
18 inspection access to, all thumb drives, flash drives, external hard drives, and other electronic  
19 memory storage devices on which YOU stored any DOCUMENTS, information, data,  
20 COMMUNICATIONS, texts, emails, Instagram direct messages, photographs, videos, voice recorders,  
21 social media content, and/or any other similar electronic or digital material that evidence, or tend to  
22 evidence in any way, any COMMUNICATIONS or interactions (whether in-person, electronic, digital,  
23 or verbal) between YOU and [REDACTED].

24 **DEMAND FOR INSPECTION NO. 25:**

25 Produce and make available for inspection and examination, INCLUDING by providing  
26 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
27 inspection access to, all thumb drives, flash drives, external hard drives, and other electronic

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1 memory storage devices on which YOU saved and/or downloaded any COMMUNICATIONS  
2 between YOU and [REDACTED]

3 **DEMAND FOR INSPECTION NO. 26:**

4 Produce and make available for inspection and examination, INCLUDING by providing  
5 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
6 inspection access to, all YOUR online Cloud storage accounts, for DEFENDANT to search and  
7 examine whether any of YOUR Cloud storage accounts contains any DOCUMENTS, information,  
8 data, COMMUNICATIONS, texts, emails, Instagram direct messages, photographs, videos, voice  
9 recorders, social media content, and/or any other similar electronic or digital material that evidence, or  
10 tend to evidence in any way, any COMMUNICATIONS or interactions (whether in-person, electronic,  
11 digital, or verbal) between YOU and [REDACTED].

12 **DEMAND FOR INSPECTION NO. 27:**

13 Produce and make available for inspection and examination, INCLUDING by providing  
14 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
15 inspection access to, YOUR online Google Drive, for DEFENDANT to search and examine  
16 whether YOUR Google Drive contains any DOCUMENTS, information, data,  
17 COMMUNICATIONS, texts, emails, Instagram direct messages, photographs, videos, voice recorders,  
18 social media content, and/or any other similar electronic or digital material that evidence, or tend to  
19 evidence in any way, any COMMUNICATIONS or interactions (whether in-person, electronic, digital,  
20 or verbal) between YOU and [REDACTED].

21 **DEMAND FOR INSPECTION NO. 28:**

22 Produce and make available for inspection and examination, INCLUDING by providing  
23 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
24 inspection access to, YOUR online DropBox, for DEFENDANT to search and examine whether  
25 YOUR DropBox contains any DOCUMENTS, information, data, COMMUNICATIONS, texts,  
26 emails, Instagram direct messages, photographs, videos, voice recorders, social media content, and/or  
27 any other similar electronic or digital material that evidence, or tend to evidence in any way, any

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1 COMMUNICATIONS or interactions (whether in-person, electronic, digital, or verbal) between YOU  
2 and [REDACTED].

3 **DEMAND FOR INSPECTION NO. 29:**

4 Produce and make available for inspection and examination, INCLUDING by providing  
5 DEFENDANT and DEFENDANT's designated forensic analyst at the time and place set for  
6 inspection access to, the e-mail account [figueroa.grecia@gmail.com](mailto:figueroa.grecia@gmail.com) or any other e-mail account  
7 YOU have utilized since June 1, 2019, for DEFENDANT to search and examine whether this  
8 e-mail account, INCLUDING all folders and subfolders, sent, deleted, and unsent draft e-mails,  
9 contains any DOCUMENTS, information, data, COMMUNICATIONS, texts, emails, Instagram direct  
10 messages, photographs, videos, voice recorders, social media content, and/or any other similar electronic  
11 or digital material that evidence, or tend to evidence in any way, any COMMUNICATIONS or  
12 interactions (whether in-person, electronic, digital, or verbal) between YOU and [REDACTED].

13 DATE: March 22, 2024

**FISHER & PHILLIPS LLP**

14 By:   
15 \_\_\_\_\_  
16 Danielle Hultenius Moore  
17 Stephanie Reynolds  
18 Sean L. McKaveney  
19 Attorneys for Nathan Fletcher  
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**PROOF OF SERVICE  
(CCP §§1013(a) and 2015.5)**

I, the undersigned, am at least 18 years old and not a party to this action. I am employed in the County of San Diego with the law offices of Fisher & Phillips LLP and its business address is 4747 Executive Drive, Suite 1000, San Diego, California, 92121.

On March 22, 2024, I served the following document(s) **DEFENDANT NATHAN FLETCHER'S DEMAND FOR INSPECTION TO PLAINTIFF GRECIA FIGUEROA [SET ONE]** on the person(s) listed below by placing  *the original*  *a true copy* thereof enclosed in sealed envelope(s) addressed as follows:

<p><b>E-Service Per C.C.P. §1010.6 (Eff. 01/01/23)</b> Jessica K. Pride (SBN 249212) Dante T. Pride (SBN 262362) Zachary Freire-Aviña (SBN 325460) Alfred Von Kessler IV (SBN 309453) THE PRIDE LAW FIRM 2831 Camino del Rio South, Suite 104 San Diego, California 92108</p>	<p>Telephone: (619)516-8166 Facsimile: (619)785-3414 E-Mail: <a href="mailto:jpride@pridelawfirm.com">jpride@pridelawfirm.com</a>; <a href="mailto:dpride@pridelawfirm.com">dpride@pridelawfirm.com</a>; <a href="mailto:zfa@pridelawfirm.com">zfa@pridelawfirm.com</a>; <a href="mailto:avk@pridelawfirm.com">avk@pridelawfirm.com</a>; <a href="mailto:swhite@pridelawfirm.com">swhite@pridelawfirm.com</a>; <a href="mailto:aclark@pridelawfirm.com">aclark@pridelawfirm.com</a>; Counsel for Plaintiff, Grecia Figueroa</p>
<p><b>E-Service Per C.C.P. §1010.6 (Eff. 01/01/23)</b> Janice P. Brown (SBN 114433) Nadia P. Bermudez (SBN 216555) MEYERS NAVE RIBACK SILVER &amp; WILSON 600 "B" Street, Suite 1650 San Diego, California 92101</p>	<p>Telephone: (619)330-1700 Facsimile: (619)330-1701 E-Mail: <a href="mailto:jbrown@meyersnave.com">jbrown@meyersnave.com</a>; <a href="mailto:nbermudez@meyersnave.com">nbermudez@meyersnave.com</a>; <a href="mailto:cphillip@meyersnave.com">cphillip@meyersnave.com</a>; <a href="mailto:ewilliams@meyersnave.com">ewilliams@meyersnave.com</a>; <a href="mailto:jmalavar@meyersnave.com">jmalavar@meyersnave.com</a>; <a href="mailto:jbrandt-guerra@meyersnave.com">jbrandt-guerra@meyersnave.com</a>; <a href="mailto:amusicant@meyersnave.com">amusicant@meyersnave.com</a> Counsel for San Diego Metropolitan Transit System</p>

[by **ELECTRONIC SERVICE**] - Pursuant to Code of Civil Procedure section 1010.6 (effective January 1, 2023), I electronically served the document(s) to the person(s) at the electronic service address(es) listed above.

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

Executed March 22, 2024, at San Diego, California.

\_\_\_\_\_  
Lisa Whitaker  
Print Name

By: \_\_\_\_\_

  
\_\_\_\_\_  
Signature

# **EXHIBIT G**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jessica Pride (SBN 249212); Dante Pride(262362); Zachary Freire-Aviña (SBN 325460) The Pride Law Firm 2831 Camino del Rio S., Ste. 104, San Diego, CA 92108 TELEPHONE NO.: 619-516-8166 FAX NO. (Optional): 619-785-3414 E-MAIL ADDRESS (Optional): jpride@pridelawfirm.com; dpride@pridelawfirm.com ATTORNEY FOR (Name): Grecia Figueroa	FOR COURT USE ONLY           CASE NUMBER: 37-2023-00012828-CU-OE-CTL
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego</b> STREET ADDRESS: 330 W. Broadway MAILING ADDRESS: 330 W. Bradway CITY AND ZIP CODE: San Diego 92108 BRANCH NAME: Hall of Justice	
CASE NAME: Figueroa v. Nathan Fletcher, et al.	
<b>SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)</b>	

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): Grecia Figueroa makes the following substitution:

- Former legal representative**  Party represented self  Attorney (name): Jessica K. Pride
- New legal representative**  Party is representing self\*  Attorney
  - Name:
  - State Bar No. (if applicable):
  - Address (number, street, city, ZIP, and law firm name, if applicable):
  - Telephone No. (include area code):
- The party making this substitution is a  plaintiff  defendant  petitioner  respondent  other (specify):  
Grecia Figueroa

**\*NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

- Guardian
- Personal Representative
- Guardian ad litem
- Conservator
- Probate fiduciary
- Unincorporated association
- Trustee
- Corporation


If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

**NOTICE TO PARTIES WITHOUT ATTORNEYS**  
 A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.  
 Date: 3/22/24  
 Grecia Figueroa  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶   
 \_\_\_\_\_  
 (SIGNATURE OF PARTY)

5.  I consent to this substitution.  
 Date: 3/22/24  
 Jessica K. Pride  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶   
 \_\_\_\_\_  
 (SIGNATURE OF FORMER ATTORNEY)

6.  I consent to this substitution.  
 Date:  
 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

▶ \_\_\_\_\_  
 (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)



CASE NAME: — Figueroa v. Nathan Fletcher, et al.	CASE NUMBER: 37-2023-00012828-CU-OE-CTL
-----------------------------------------------------	--------------------------------------------

**PROOF OF SERVICE BY MAIL  
Substitution of Attorney—Civil**

**Instructions:** After having all parties served by mail with the Substitution of Attorney—Civil, have the person who mailed the document complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with the document. Give the Substitution of Attorney—Civil and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

1. I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (*specify*):
  
2. I served the Substitution of Attorney—Civil by enclosing a true copy in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.
  
(1 ) Date of mailing:
  
(2) Place of mailing (*city and state*):
  
3. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

\_\_\_\_\_ (TYPE OR PRINT NAME) \_\_\_\_\_ (SIGNATURE)

**NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED**

4. a. Name of person served:
  
b. Address (*number, street, city, and ZIP*):
  
- c. Name of person served:
  
d. Address (*number, street, city, and ZIP*):
  
- e. Name of person served:
  
f. Address (*number, street, city, and ZIP*):
  
- g. Name of person served:
  
h. Address (*number, street, city, and ZIP*):
  
- i. Name of person served:
  
j. Address (*number, street, city, and ZIP*):

List of names and addresses continued in attachment.

1 PROOF OF SERVICE

2 I am employed by The Pride Law Firm in the County of San Diego, State of California. I  
3 am over the age of 18 years and not a party to this action. My business address is 2831 Camino  
4 Del Rio South, Suite 104 San Diego, CA 92108. On March 22, 2024, I caused to be served the  
5 following document(s):

6 • **PLAINTIFF’S SUBSTITUTION OF ATTORNEY**

7 on all parties’ registered attorneys of record at:

8 Danielle Hultenius Moore, Esq.  
9 [dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)  
10 Stephanie Reynolds, Esq.  
11 [sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)  
12 Sean L. McKaveney, Esq.  
13 [smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)  
14 Carola Murguia, Esq.  
15 [cmurguia@fisherphillips.com](mailto:cmurguia@fisherphillips.com)  
16 Lisa Whitaker  
17 [lwhitaker@fisherphillips.com](mailto:lwhitaker@fisherphillips.com)  
18 Amanda Funkhouser  
19 [afunkhouser@fisherphillips.com](mailto:afunkhouser@fisherphillips.com)  
20 FISHER & PHILLIPS, LLP  
4747 Executive Drive, Suite 1000  
San Diego, CA 92121  
Attorneys for Defendant Nathan Fletcher

Janice P. Brown, Esq.  
[jbrown@meyersnave.com](mailto:jbrown@meyersnave.com)  
Corrin M. Phillip, Esq.  
[cphillip@meyersnave.com](mailto:cphillip@meyersnave.com)  
Nadia P. Bermudez  
[nbermudez@meyersnave.com](mailto:nbermudez@meyersnave.com)  
MEYERS NAVE  
600 B Street, Suite 1650  
San Diego, California 92101  
Telephone: (619) 330-1700  
Facsimile: (619) 330-1701  
Attorneys for Defendant San Diego  
Metropolitan Transit System

21 [x] **(BY EMAIL)** I caused such document(s) to be delivered by electronic mail to the email  
22 addresses of the addressee(s): [dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com); [sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com);  
23 [smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com); [cmurguia@fisherphillips.com](mailto:cmurguia@fisherphillips.com); [lwhitaker@fisherphillips.com](mailto:lwhitaker@fisherphillips.com);  
24 [afunkhouser@fisherphillips.com](mailto:afunkhouser@fisherphillips.com); [zhickman@fisherphillips.com](mailto:zhickman@fisherphillips.com); [mclipper@fisherphillips.com](mailto:mclipper@fisherphillips.com);  
25 [jbrown@meyersnave.com](mailto:jbrown@meyersnave.com); [cphillip@meyersnave.com](mailto:cphillip@meyersnave.com); [ewilliams@meyersnave.com](mailto:ewilliams@meyersnave.com);  
26 [amusicant@meyersnave.com](mailto:amusicant@meyersnave.com); [nbermudez@meyersnave.com](mailto:nbermudez@meyersnave.com); (C.C.P. § 1013(g)).

27 I declare under penalty of perjury under the laws of the State of California that the above  
28 is true and correct. Executed on March 22, 2024 at San Diego, California.



Zachary Freire-Aviña

# **EXHIBIT H**



March 22, 2024

Sean McKaveney  
Fisher & Phillips LLP  
4747 Executive Drive, Suite 1000  
San Diego, CA 92121

Re: Figueroa v. Fletcher, et. al.

Dear Mr. McKaveney,

Thank you for providing the Protective Order established in this case and signed by Judge Braner on December 21, 2023. Please be advised, Ms. [REDACTED] is agreeable to produce documents in this matter pursuant to your office's subpoena. However, due to the sensitive nature of the material she is requesting the documents be marked as "CONFIDENTIAL" pursuant to the terms of the Protective Order.

My concern is that the Protective Order does not make clear that third parties can designate material as "CONFIDENTIAL." Therefore, prior to production of the documents I request that you obtain a stipulation from all parties that these documents may be designated as "CONFIDENTIAL" pursuant to the terms and conditions set forth in the Protective Order.

**RESPONSE TO DOCUMENTS REQUESTED**

Response to Requests Nos. 1, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28.

Objection, this request is vague, ambiguous and overbroad as to time and content as well as vague. This request is impermissibly overbroad, and not reasonably particularized. (Calcor Space Facility, Inc. v. Super. Ct. (1997) 53 Cal.App.4th 216.) Objection, this request seeks information and documents which are irrelevant to the subject matter of this litigation and beyond the scope of permissible discovery. Objection, this request seeks electronically stored information that is not reasonably accessible due to undue burden and/or expense. (See Cal. Code of Civ. Proc. § 2031.210(d).) Objection, this request violated responding parties right to privacy, Article I, Section 1 of the California Constitution. This request seeks documents as to this parties thoughts

2262 Carmel Valley Rd. Suite G Del Mar, Ca. 92014  
(619) 374-0074 [amy@amymartellaw.com](mailto:amy@amymartellaw.com)  
[www.amymartellaw.com](http://www.amymartellaw.com)

or impressions which are not relevant to the matters in this case. This request seeks information and documents that may be protected from discovery by the attorney-client privilege and/or work product privilege. This request seeks documents which may not be available pursuant to C.C.P. Section 2020.220(m)(1). In light of the aforementioned objections, Responding Party further objects to this request as harassing and overly burdensome. Without waiving said objections, Responding Party responds as follows: Responding party will produce said documents upon receipt of written stipulation that the documents produced may be designated as “Confidential” pursuant to the terms and conditions of the Protective Order entered by Judge Braner on December 21, 2023.

Responding Party reserves the right to amend and/or supplement this response if additional information becomes available.

Response to Requests Nos. 2, 3, 4, 5, 6, 7, 8, 9,10, 11, 12, 29, 30, 31,32,33, 34, 35, 36, 37, 38

Objection, this request is vague, ambiguous and overbroad as to time and content as well as vague. This request is impermissibly overbroad, and not reasonably particularized. (Calcor Space Facility, Inc. v. Super. Ct. (1997) 53 Cal.App.4th 216.) Objection, this request seeks information and documents which are irrelevant to the subject matter of this litigation and beyond the scope of permissible discovery. Objection, this request seeks electronically stored information that is not reasonably accessible due to undue burden and/or expense. (See Cal. Code of Civ. Proc. § 2031.210(d).) Objection, this request violated responding parties right to privacy, Article I, Section 1 of the California Constitution This request seeks documents as to this parties thoughts or impressions which are not relevant to the matters in this case. This request seeks information and documents that may be protected from discovery by the attorney-client privilege and/or work product privilege. This request seeks documents which may not be available pursuant to C.C.P. Section 2020.220(m)(1). In light of the aforementioned objections, Responding Party further objects to this request as harassing and overly burdensome. Without waiving said objections, Responding Party responds as follows: After a diligent search and reasonable inquiry, no such documents exist. Responding Party reserves the right to amend and/or supplement this response if additional information becomes available.

Please provide the requested stipulation from all parties. Please do not hesitate to contact my office should you have any questions.

Very Truly,



Amy Martel, Esq.

# **EXHIBIT I**

**From:** [McKaveney, Sean](#)  
**To:** [Amy Martel](#)  
**Cc:** [Reynolds, Stephanie](#); [Moore, Danielle](#)  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena  
**Date:** Monday, March 25, 2024 11:44:00 AM

---

Thanks, Amy.

Hope you had a nice weekend. Regarding your letter, the Protective Order does clearly permit non-parties to designate documents as confidential. In fact, the definition of the term “Designating Party” specifically includes “the Party **or non-Party** that designates Materials as ‘Confidential.’” Similarly, the definition of “Confidential Materials” also references non-parties and includes “Information, data, Documents, electronically stored information, discovery responses, Testimony, and all other material or information, whether in paper, electronic, digital, or other format, that is produced or supplied by any Party **or non-party** in this action which the Designating Party believes in good faith is entitled to Confidential treatment under applicable law...” Protecting all confidential information – regardless of source – was also obviously the intention of all the parties, Plaintiff included.

Please confirm that you will be producing the documents today. I’m happy to discuss on the phone if you think that would be helpful as well, but I really do not see any ambiguity in the protective order or a need for a separate stipulation.

Thanks,

Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

---

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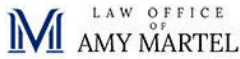
---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Friday, March 22, 2024 12:21 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Sean

Please see attached correspondence in response to your office’s subpoena.  
Thank you





Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Sent:** Thursday, March 21, 2024 3:00 PM

**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>

**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Nice speaking with you today. As we agreed, we will grant an extension to your document production to 5pm on Friday, March 22, 2024. I've also attached the protective order for you to review.

Thanks,

Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

---

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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Sent:** Thursday, March 21, 2024 12:56 PM

**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>

**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Sean

I understand there is an existing protective order in this case, I would like to talk with you about having that applicable to these text as well. Are you available at 3?



Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, March 21, 2024 8:29 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Great, thank you. I'll keep an eye out.



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

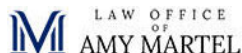
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**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Thursday, March 21, 2024 8:28 AM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Yes, I will have documents for you this afternoon.



Amy Martel, Esq.  
619-374-0074  
[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, March 21, 2024 8:18 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Happy Thursday. Sorry to pest but will you be producing documents today? Per our past agreement regarding the date of production, I was expecting documents to be produced yesterday. I didn't receive anything and just wanted to make sure nothing got lost in the shuffle.

Please advise.

Thanks,

-Sean



**Sean McKaveney**

Associate

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#)

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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Sent:** Wednesday, March 20, 2024 1:46 PM

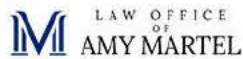
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>

**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean

She is sending me screenshots in batches. Slow, but progress. I will keep you posted.



Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Sent:** Wednesday, March 20, 2024 1:19 PM

**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>

**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Any update? Let me know

Thanks!

-Sean

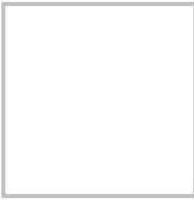
**Sean McKaveney**

Associate

Fisher & Phillips LLP

4747 Executive Drive | Suite 1000 | San Diego, CA 92121

[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302



[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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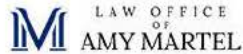
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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Monday, March 18, 2024 4:30 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hello

I gave her the link to the app and she emailed me yesterday that she would give it a try. I will check in with her in the morning and let you know.



Amy Martel, Esq.  
619-374-0074  
[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Monday, March 18, 2024 4:16 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Hope you had a nice weekend. I wanted to check-in and see if you were able to make any progress on [REDACTED] text messages. Please let me know.

Thanks,

Sean McKaveney



**Sean McKaveney**  
Associate  
Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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reply to advise the sender of the error, then immediately delete this message.

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**From:** McKaveney, Sean  
**Sent:** Wednesday, March 13, 2024 3:02 PM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Thanks for the update and I think we'll be able to work something out. I'm available until 5pm today and all day tomorrow. Just let me know a time that works best for you and I'll give you a call.

Best,

Sean McKaveney



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

---

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---

**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Monday, March 11, 2024 7:33 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Subject:** Re: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean

Let me know when you have a few minutes for a call this week. I think I can narrow down the request because she only has documents responsive to her communication with the plaintiff. However, there seems to be an issue with being able to get the information off her phone and so I want to see how you want to go about that if you're going to pay for a third-party to download the information and give it to me to redact, or what your plan is. All options that I have looked at appear to be very expensive and I'm sure you don't anticipate that she would have to cover the cost of that.

Let me know when you're available. Thanks.

Sent from my iPhone

On Feb 29, 2024, at 11:48 AM, Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)> wrote:

Hi Sean  
That works for me.  
Thanks

<image001.jpg>

Amy Martel, Esq.  
619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

---

**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Sent:** Thursday, February 29, 2024 10:49 AM  
**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Thanks Amy,

To avoid any conflicts, can we agree that service was effective when I emailed the subpoena to you on February 27, 2024, and also agree to a production/response date of March 20<sup>th</sup>? I just need sometime to review any documents before upcoming depositions in the case.

And yes, Ms. Gonzalez has been instructed not to contact anyone. She is also now represented through her own counsel.

Thanks and let me know if you want a call to discuss.

Best,

Sean



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com) | O: (858) 666-3302

[vCard](#) | [Bio](#) | [Website](#) **On the Front Lines of Workplace Law<sup>SM</sup>**

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**From:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>  
**Sent:** Wednesday, February 28, 2024 4:13 PM  
**To:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>  
**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>; Galang Nguyen <[galang@amymartellaw.com](mailto:galang@amymartellaw.com)>  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Sean,

Nice speaking with you as well and thank you for sending me the subpoena. The POS is odd since she did not receive it and that is not her address but, given that I am now involved I am not sure that is a real issue. Can we agree to a 30-day extension of time to respond to allow for me to discuss with my client and meet and confer with you?

Also, I would kindly ask that your client's wife, Ms. Gonzalez, refrain from contacting Ms. [REDACTED]. If she has any additional questions for her please direct her to me.

Thank you.

<image001.jpg>

Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

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**From:** McKaveney, Sean <[smckaveney@fisherphillips.com](mailto:smckaveney@fisherphillips.com)>

**Sent:** Tuesday, February 27, 2024 8:13 AM

**To:** Amy Martel <[amy@amymartellaw.com](mailto:amy@amymartellaw.com)>

**Cc:** Reynolds, Stephanie <[sreynolds@fisherphillips.com](mailto:sreynolds@fisherphillips.com)>; Moore, Danielle <[dmoore@fisherphillips.com](mailto:dmoore@fisherphillips.com)>

**Subject:** Figueroa v. Fletcher - [REDACTED] Subpoena

Hi Amy,

Nice talking with you yesterday. I've attached a copy of [REDACTED] subpoena for you to re-review. Once you take a look, let me know a time when we can discuss.

Thanks,

Sean McKaveney



**Sean McKaveney**  
Associate

Fisher & Phillips LLP  
4747 Executive Drive | Suite 1000 | San Diego, CA 92121  
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[vCard](#) | [Bio](#) | [Website](#) *On the Front Lines of Workplace Law<sup>SM</sup>*

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# **EXHIBIT J**

**From:** [Amy Martel](#)  
**To:** [McKaveney, Sean](#); [REDACTED]  
**Cc:** [Reynolds, Stephanie](#); [Moore, Danielle](#)  
**Subject:** RE: Figueroa v. Fletcher - [REDACTED] Subpoena  
**Date:** Monday, March 25, 2024 6:37:38 PM  
**Attachments:** [Response to Subpoena 3.25.24.pdf](#)

---

Sean,

Please find an amended objection to your request.

Please be advised, I no longer represent [REDACTED]. You may contact her directly. She is cc'd here and her phone number is [REDACTED].

Thank you,

LAW OFFICE  
OF  
AMY MARTEL

Amy Martel, Esq.

619-374-0074

[www.amymartellaw.com](http://www.amymartellaw.com)

**PROOF OF SERVICE  
(CCP §§1013(a) and 2015.5)**

I, the undersigned, am at least 18 years old and not a party to this action. I am employed in the County of San Diego with the law offices of Fisher & Phillips LLP and its business address is 4747 Executive Drive, Suite 1000, San Diego, California, 92121.

On March 26, 2024, I served the following document(s) **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT NATHAN FLETCHER'S EX PARTE APPLICATION TO PREVENT PLAINTIFF'S DESTRUCTION OF EVIDENCE; DECLARATION OF SEAN L. MCKAVENEY; [PROPOSED] ORDER THEREON** on the person(s) listed below by placing  *the original*  *a true copy* thereof enclosed in sealed envelope(s) addressed as follows:

<i>E-Service Per C.C.P. §1010.6</i>	Email: <a href="mailto:figueroa.grecia@gmail.com">figueroa.grecia@gmail.com</a>
Grecia Figueroa	Plaintiff In Pro Per

[by **ELECTRONIC SERVICE**] - Pursuant to Code of Civil Procedure section 1010.6 (effective January 1, 2023), I electronically served the document(s) to the person(s) at the electronic service address(es) listed above.

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

Executed March 26, 2024, at San Diego, California.

\_\_\_\_\_  
Lisa Whitaker  
Print Name

By: \_\_\_\_\_  
*Lisa Whitaker*  
Signature