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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY P. DEMARTINI, et al.,	)	Case No. 2:14-cv-02722 JAM-CKD
	)	
Plaintiffs,	)	<b><u>PRETRIAL CONFERENCE ORDER</u></b>
	)	
v.	)	
	)	
MICHAEL J. DEMARTINI, et al.,	)	
	)	
Defendants.	)	

Pursuant to court order, a Pretrial Conference was held on February 16, 2018 before Judge John Mendez. Kirk S. Rimmer, Peter A. Klein and Christian F. Kemos appeared as counsel for plaintiffs; defendants Michael J. Demartini and Renate Demartini appeared Pro Se. After hearing, the Court makes the following findings and orders:

I. JURISDICTION/VENUE

Jurisdiction is predicated upon 28 U.S.C. § 1332 and 28 U.S.C. § 1367(a), and has previously been found to be proper by order of this court, as has venue. Those orders are confirmed.

II. JURY/NON-JURY

Defendants have demanded a jury trial. See Section XIX, infra.

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III. STATEMENT TO BE READ TO JURY

Seven (7) days prior to trial the parties shall E-file a joint statement of the case that may be read to the jury at the beginning of jury selection.

IV. UNDISPUTED FACTS

None.

V. DISPUTED FACTUAL ISSUES

**Plaintiffs' Disputed Factual Issues:**

A. Plaintiffs' Claim for Partition

Defendants dispute that the property at issue in Plaintiffs' first cause of action is "owned" by both Plaintiffs and Defendants.

Defendants dispute that Plaintiffs are entitled to partition, and partition by sale.

B. Plaintiffs' Claim for Breach of Contract

Defendants dispute that they have breached the promissory note and extension, and claim that Plaintiffs were the cause of any breach because they failed to refinance or extend the loan further.

**Defendants' Disputed Factual Issues:**

1. Defendants are informed and believe that at relevant times hereto Plaintiffs were residents and/or citizens of the State of Nevada, which Plaintiffs dispute. Except as mentioned in the undisputed facts above, Defendants have disputed and denied the remainder of the allegations in Plaintiffs' complaint.

2. Defendants dispute that Plaintiffs have an absolute right to partition the claimed property based on Defendants' affirmative defenses, title to the property, partnership claims, and other issues.

3. Further, Defendants dispute that there is an issue regarding the loan payments as Plaintiffs allege. Defendants

1 dispute that the alleged loan was paid by Plaintiffs.

2 4. Defendants dispute that the property was operated as a  
3 tenant in common property.

4 5. Defendants dispute that the title to the property is  
5 clear and in the name of the parties as tenants in common.

6 6. Defendants dispute that Plaintiffs built the building at  
7 12759 Loma Rica Drive.

8 7. Plaintiffs dispute that the 12757 and 12761 building was  
9 built by the partnership or Michael and Renate DeMartini.

10 8. Plaintiffs dispute that a partnership exists and  
11 defendants claim that Plaintiffs wrongfully dissociated from the  
12 partnership for personal gain adverse to the partnership.

13 VI. DISPUTED EVIDENTIARY ISSUES

14 **Plaintiffs' Disputed Evidentiary Issues:**

15 A. Defendants' Documents

16 1. Plaintiffs anticipate that Defendants may attempt to  
17 introduce at trial, exhibits which have never been produced before  
18 in discovery as Defendants have repeatedly claimed they have "more"  
19 information they have not disclosed. Plaintiffs expect that they  
20 will seek a motion in limine precluding the admission and use of  
21 any document or tangible evidence by Defendants, which they have  
22 not produced in discovery.

23 2. Plaintiffs also expect that they will seek motions in  
24 limine barring any discussion or documents relating in any manner  
25 to the claims or properties disposed of in Plaintiffs Motion for  
26 Summary Judgment.

27 B. Defendants' Witnesses

28 Plaintiffs anticipate that Defendants will attempt to call  
witnesses previously undisclosed or improperly disclosed, if that

1 is the case, they will seek a motion in limine precluding these  
2 witness' testimony. Plaintiffs will also seek a motion in limine  
3 barring the testimony of any witness whose expected testimony  
4 relates to any of the issues or claims disposed of in Plaintiffs  
5 Motion for Summary Judgment.

6 C. Expert Witness Issues

7 Plaintiffs will seek to challenge the testimony and  
8 designation of Defendant Michael DeMartini and his son as  
9 percipient expert witnesses.

10 **Defendants' Disputed Evidentiary Issues:**

11 Defendants do not anticipate any disputes. Absent a rule to  
12 the contrary, Defendants anticipate that all exhibits produced at  
13 trial will be documents or things previously produced in the  
14 terabytes of information that Plaintiffs requested during  
15 discovery.

16 VII. RELIEF SOUGHT

17 **Plaintiffs:**

18 A. Plaintiffs' Claim for Partition

19 1. For a determination by the court that Plaintiffs and  
20 Defendants are the sole co-owners of the real property and that no  
21 other persons have any interest in the real property;

22 2. For an order and judgment that the real property be sold  
23 and that from the proceeds of the sale any encumbrance and  
24 adjustments be paid, together with the costs and expenses of this  
25 action and the sale, and the net proceeds then be divided between  
26 Plaintiffs and Defendants in accordance with their respective  
27 interests; and

28 3. Plaintiffs seek statutory costs pursuant to sections

1 874.010 and 874.040 of the California Code of Civil Procedure  
2 Partition statute.

3 B. Plaintiffs' Claim for Breach of Contract

4 1. Compensatory damages of \$68,606.26; and

5 2. Interest on the sum of \$68,606.26 at the legal rate of  
6 interest from the date of breach to the entry of judgment in this  
7 action.

8 **Defendants:**

9 Regarding relief sought in response to Plaintiffs' present  
10 claims, Defendants seek that the partition and breach of contract  
11 claims be denied.

12 VIII. POINTS OF LAW

13 Trial briefs shall be E-filed with the court no later than  
14 seven (7) days prior to the date of trial, i.e., April 9, 2018.  
15 Any points of law not previously argued to the Court should be  
16 briefed in the trial briefs.

17 IX. ABANDONED ISSUES

18 **Plaintiffs:**

19 Plaintiffs know of no abandoned claims/issues other than all  
20 of the claims in Defendants Second Amended Counterclaim which were  
21 effectively disposed of by Plaintiffs Motion for Summary Judgment.

22 **Defendants:**

23 None of Defendants' affirmative defenses have been abandoned.

24 X. WITNESSES

25 Plaintiffs anticipate calling the following witnesses:

26 1. Timothy P. DeMartini

27 2. Margie DeMartini

28 3. Susan K. McGuire

- 1 4. Chris Skinner of Westamerica Bank
- 2 5. Custodian of Records of Westamerica Bank
- 3 6. Michael DeMartini
- 4 7. Renate DeMartini
- 5 8. Daniel Ketcham

6 Defendants anticipate calling the following witnesses:

- 7 1. Curt Chittock
- 8 2. Richard Cook
- 9 3. Daniel J. DeMartini
- 10 4. David A. DeMartini
- 11 5. James (Jim) C. DeMartini
- 12 6. Jon H. DeMartini
- 13 7. Laurie DeMartini
- 14 8. Margie DeMartini
- 15 9. Mark A. DeMartini
- 16 10. Renate DeMartini
- 17 11. Timothy J. DeMartini
- 18 12. Timothy P. DeMartini
- 19 13. Richard Hawkins
- 20 14. Newell Humpherys
- 21 15. Susan K. McGuire
- 22 16. Kevin Parker
- 23 17. Greg Baerreson
- 24 18. Jim Gates
- 25 19. Bill Divis
- 26 20. Douglas Johnson
- 27 21. Mark Cunningham
- 28 22. E. Shephard

- 1 23. Andy Cassano
- 2 24. A person most knowledgeable from Westamerica Bank
- 3 25. A person most knowledgeable from Wells Fargo Bank
- 4 26. A person most knowledgeable from Bank of America
- 5 27. Nevada County Sheriff's Office (Deputy Johnson)
- 6 28. Walp & Associates (Sheri Gailbreath)
- 7 29. Michael DeMartini, 3362 Meridian Ct.
- 8 30. Michael DeMartini (designated as expert)
- 9 31. Matthew DeMartini
- 10 32. Matthew DeMartini (designated as expert)
- 11 33. A person most knowledgeable from Vossloh Signaling, Inc.
- 12 34. Advanced Towing, Inc (Ryan Condon, Chuck Collins)
- 13 35. John Bilheimer
- 14 36. Preston Williams
- 15 37. Pete Massett
- 16 38. Scott Brown
- 17 39. Mark Gilmartin

18 Each party may call a witness designated by the other.

19 A. No other witnesses will be permitted to testify unless:

20 (1) The party offering the witness demonstrates that the  
21 witness is for the purpose of rebutting evidence which could not be  
22 reasonably anticipated at the Pretrial Conference, or

23 (2) The witness was discovered after the Pretrial  
24 Conference and the proffering party makes the showing required in  
25 "B" below.

26 B. Upon the post-Pretrial discovery of witnesses, the  
27 attorney shall promptly inform the court and opposing parties of  
28 the existence of the unlisted witnesses so that the court may

1 consider at trial whether the witnesses shall be permitted to  
2 testify. The evidence will not be permitted unless:

3 (1) The witnesses could not reasonably have been  
4 discovered prior to Pretrial;

5 (2) The court and opposing counsel were promptly  
6 notified upon discovery of the witnesses;

7 (3) If time permitted, counsel proffered the witnesses  
8 for deposition;

9 (4) If time did not permit, a reasonable summary of the  
10 witnesses' testimony was provided opposing counsel.

11 XI. EXHIBITS, SCHEDULES AND SUMMARIES

12 Plaintiffs' list of exhibits is attached hereto as Exhibit 1.

13 Defendants' list of exhibits is attached hereto as Exhibit 2.

14 Each party may use an exhibit designated by the other.

15 A. No other exhibits will be permitted to be introduced  
16 unless:

17 (1) The party proffering the exhibit demonstrates that  
18 the exhibit is for the purpose of rebutting evidence which could  
19 not be reasonably anticipated at the Pretrial Conference, or

20 (2) The exhibit was discovered after the Pretrial  
21 Conference and the proffering party makes the showing required in  
22 paragraph "B," below.

23 B. Upon the post-Pretrial discovery of exhibits, the  
24 attorneys shall promptly inform the court and opposing counsel of  
25 the existence of such exhibits so that the court may consider at  
26 trial their admissibility. The exhibits will not be received  
27 unless the proffering party demonstrates:

28 (1) The exhibits could not reasonably have been



1 discovered prior to Pretrial;

2 (2) The court and counsel were promptly informed of  
3 their existence;

4 (3) Counsel forwarded a copy of the exhibit(s) (if  
5 physically possible) to opposing counsel. If the exhibit(s) may  
6 not be copied, the proffering counsel must show that he has made  
7 the exhibit(s) reasonably available for inspection by opposing  
8 counsel.

9 As to each exhibit, each party is ordered to exchange copies  
10 of the exhibit not later than fourteen (14) days before trial.  
11 Each party is then granted five (5) days to file and serve  
12 objections to any of the exhibits. In making the objection, the  
13 party is to set forth the grounds for the objection. The parties  
14 shall pre-mark their respective exhibits in accord with the Court's  
15 Pretrial Order. Exhibit stickers may be obtained through the  
16 Clerk's Office. An original and one (1) copy of the exhibits shall  
17 be presented to Harry Vine, Deputy Courtroom Clerk, at 8:30 a.m. on  
18 the date set for trial or at such earlier time as may be agreed  
19 upon. Mr. Vine can be contacted at (916) 930-4091 or via e-mail  
20 at: [hvine@caed.uscourts.gov](mailto:hvine@caed.uscourts.gov). As to each exhibit which is not  
21 objected to, it shall be marked and may be received into evidence  
22 on motion and will require no further foundation. Each exhibit  
23 which is objected to will be marked for identification only.

## 24 XII. DISCOVERY DOCUMENTS

### 25 Plaintiffs:

26 1. The depositions of Michael DeMartini taken on December 8,  
27 2016, and January 21, 2017 and all exhibits attached to those  
28 depositions; the expert deposition and exhibits attached thereto of

1 Michael DeMartini taken on March 22, 2017 (only in the event that  
2 Michael DeMartini is admitted as an expert witness); Deposition of  
3 Renate DeMartini taken on November 7, 2016 and exhibits attached  
4 thereto.

5 2. Interrogatories propounded by Plaintiffs to Defendants  
6 and the responses thereto by Defendants.

7 3. Demand to produce documents propounded by Plaintiffs to  
8 Defendants and the responses thereto by Defendants.

9 4. Requests for admissions propounded by Plaintiffs to  
10 Defendants and the responses thereto by Defendants.

11 **Defendants:**

12 1. Request for Admissions from Michael J. DeMartini to  
13 Timothy P. DeMartini, Set One, 11/18/16.

14 2. Response by Timothy DeMartini to RFA's Propounded by  
15 Michael DeMartini Set One, 12/17/16

16 3. Request for Admissions from Michael J. DeMartini to  
17 Timothy P. DeMartini, Set Two, 12/28/16.

18 4. Response by Timothy DeMartini to Requests for Admissions  
19 Propounded by Michael DeMartini Set Two, 1/26/17.

20 5. Request for Production of Documents Under Rule 34 from  
21 Michael J. DeMartini to Timothy P. DeMartini, Set One, 1/23/17.

22 6. Response by Timothy DeMartini to Demand to produce  
23 Documents Propounded by Michael DeMartini set one, 2/22/17.

24 7. Request for Admissions from Renate DeMartini to Timothy  
25 P. DeMartini, Set One, 9/29/16.

26 8. Request for Admissions from Renate DeMartini to Margie  
27 DeMartini, Set One, 9/29/16.

28 9. Response by Margie DeMartini to Requests for Admissions  
Propounded by Renate DeMartini Set One, 10/27/16.

1 10. Response by Timothy DeMartini to Requests for Admissions  
2 Propounded by Renate DeMartini Set One, 10/27/16.

3 11. First Set of Interrogatories from Michael J. DeMartini to  
4 Timothy P. DeMartini, 12/23/16.

5 12. Response by Timothy DeMartini to Interrogatories  
6 Propounded by Michael DeMartini Set One, 1/21/17.

7 13. 02/14/17 Deposition of Gregory Baerresen w/ Exhibits

8 14. 11/16/16 Deposition of Sheri Gailbreath  
9 (Transcript/Audiovisual) w/ Exhibits

10 15. 10/13/16 Deposition of Jon H. DeMartini  
11 (Transcript/Audiovisual) w/ Exhibits

12 16. 10/21/16 Deposition of Pete Massett  
13 (Transcript/Audiovisual) w/ Exhibits

14 17. 1/12/17 Deposition of Margie DeMartini w/ Exhibits

15 18. 2/21/17 Deposition of Timothy DeMartini w/ Exhibits

16 19. 11/17/16 Deposition of Mark DeMartini  
17 (Transcript/Audiovisual) w/ Exhibits

18 20. 11/17/16 Deposition of Preston Williams  
19 (Transcript/Audiovisual) w/ Exhibits

20 XIII. FURTHER DISCOVERY OR MOTIONS

21 Pursuant to the court's Status Conference Order, all discovery  
22 and law and motion was to have been conducted so as to be completed  
23 as of the date of the Pretrial Conference. That order is  
24 confirmed. The parties are free to do anything they desire  
25 pursuant to informal agreement. However, any such agreement will  
26 not be enforceable in this court.

27 XIV. STIPULATIONS

28 None.

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XV. AMENDMENTS/DISMISSALS

Plaintiffs brought a motion to amend before this Court which added two trustee defendants in relation to their third cause of action seeking dissolution of a partnership and the partition of the partnership's owned property. The Court granted that motion. Defendants have appealed that motion.

XVI. FURTHER TRIAL PREPARATION

A. Counsel are directed to Local Rule 285 regarding the contents of trial briefs. Such briefs should be E-filed seven (7) days prior to trial, i.e., April 9, 2018.

B. Counsel are further directed to confer and to attempt to agree upon a joint set of jury instructions. The joint set of instructions shall be lodged via ECF with the court clerk seven (7) calendar days prior to the date of the trial, i.e., April 9, 2018, and shall be identified as the "Jury Instructions Without Objection." As to instructions as to which there is dispute the parties shall submit the instruction(s) via ECF as its package of proposed jury instructions three days before trial, i.e., April 13, 2018. This package of proposed instructions should not include the "Jury Instructions Without Objection" and should be clearly identified as "Disputed Jury Instructions" on the proposed instructions.

The parties shall e-mail a set of all proposed jury instructions in word format to the Court's Judicial Assistant, Jane Klingelhoets, at: [jklingelhoets@caed.uscourts.gov](mailto:jklingelhoets@caed.uscourts.gov).

C. It is the duty of counsel to ensure that a hard copy of any deposition which is to be used at trial has been lodged with the Clerk of the Court pursuant to Local Rule 133(j). The

1 depositions shall be lodged with the court clerk seven (7) calendar  
2 days prior to the date of the trial. Counsel are cautioned that a  
3 failure to discharge this duty may result in the court precluding  
4 use of the deposition or imposition of such other sanctions as the  
5 court deems appropriate.

6 D. The parties are ordered to E-file with the court and  
7 exchange between themselves not later than one (1) week before the  
8 trial a statement designating portions of depositions intended to  
9 be offered or read into evidence (except for portions to be used  
10 only for impeachment or rebuttal).

11 E. The parties are ordered to E-file with the court and  
12 exchange between themselves not later than one (1) week before  
13 trial the portions of Answers to Interrogatories and/or Requests  
14 for Admission which the respective parties intend to offer or read  
15 into evidence at the trial (except portions to be used only for  
16 impeachment or rebuttal).

17 F. Each party may submit proposed voir dire questions the  
18 party would like the court to put to prospective jurors during jury  
19 selection. Proposed voir dire should be submitted via ECF one (1)  
20 week prior to trial.

21 G. Each party may submit a proposed verdict form that the  
22 party would like the Court to use in this case. Proposed verdict  
23 forms should be submitted via ECF one (1) week prior to trial.

24 H. In limine motions shall be E-filed separately at least  
25 ten (10) days prior to trial, i.e., April 6, 2018. Opposition  
26 briefs shall be E-filed five (5) days prior to trial, i.e., April  
27 11, 2018. No reply briefs may be filed.

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XVII. SETTLEMENT NEGOTIATIONS

No further formal Settlement Conference will be set in this case at this time.

XVIII. AGREED STATEMENTS

See paragraph III, *supra*.

XIX. SEPARATE TRIAL OF ISSUES

Plaintiffs' request that the trial be bifurcated is denied, however, the equitable cause of action for partition of the Grass Valley Real Property will be decided by the Court, and the breach of contract cause of action will be tried and decided by a jury.

XX. IMPARTIAL EXPERTS/LIMITATION OF EXPERTS

None.

XXI. ATTORNEYS' FEES

The matter of the award of attorneys' fees to prevailing parties pursuant to statute will be handled by motion in accordance with Local Rule 293.

XXII. MISCELLANEOUS

None.

XXIII. ESTIMATE OF TRIAL TIME/TRIAL DATE

The parties estimate three (3) to five (5) court days for trial. Trial will commence on or about April 16, 2018, at 9:00 a.m.

Counsel are to call Harry Vine, Courtroom Deputy, at (916) 930-4091, one week prior to trial to ascertain the status of the trial date.

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XXIV. OBJECTIONS TO PRETRIAL ORDER

Each party is granted seven (7) days from the date of this Pretrial Order to object or respond to it via ECF.

IT IS SO ORDERED.

DATED: February 20, 2018.

  
\_\_\_\_\_  
JOHN A. MENDEZ  
United States District Judge

EXHIBIT 1



**Plaintiffs' List of Exhibits, Exhibit 1**

1. Deed recorded May 24, 1977, as Instrument No. 13664 in the Office of the County Recorder of Nevada County from Harold J. Gleason and Mildred Gleason to James P. DeMartini and Thelma DeMartini, and to Timothy P. DeMartini and Margie DeMartini regarding property commonly known as 12759 Loma Rica Drive, Grass Valley, California.

2. Deed recorded October 17, 1977, as Instrument No. 29428 in the Office of the County Recorder of Nevada County from James and Thelma DeMartini and Timothy and Margie DeMartini to James and Thelma DeMartini, Timothy and Margie DeMartini, and Michael and Renate DeMartini regarding property commonly known as 12759 Loma Rica Drive, Grass Valley, California.

3. Deed recorded December 31, 1984, as Instrument No. 84-32361 in the Office of the County Recorder of Nevada County from James C. DeMartini and Timothy P. DeMartini, trustees of the marital trust under the will of James P. DeMartini dated December 9, 1982 to Thelma DeMartini regarding property commonly known as 12759 Loma Rica Drive, Grass Valley, California.

4. Deed recorded December 31, 1984, as Instrument No. 84-32363 in the Office of the County Recorder of Nevada County from Thelma DeMartini to Timothy P. DeMartini and Margie DeMartini and Michael and Renate DeMartini regarding property commonly known as 12759 Loma Rica Drive, Grass Valley, California.

5. Promissory note dated April 30, 1998, among Michael DeMartini, Renate DeMartini, Timothy DeMartini and Margie DeMartini as obligors, and Westamerica Bank as beneficiary in a principal sum equal to \$250,000.00 (hereafter, "the Bank Loan").

6. Deed of Trust Recorded May 15, 1998, as Instrument No. 98014448 in the Office of the County Recorder of Nevada County with Michael DeMartini, Renate DeMartini, Timothy DeMartini and Margie DeMartini as trustors, and Westamerica Bank as beneficiary ("Deed of Trust").

7. Letter dated April 22, 2014, from Chris Skinner of Westamerica Bank to Timothy DeMartini and Margie DeMartini relating to the Bank Loan maturity on June 1, 2014.

8. Change of terms agreement relating to the Bank Loan dated February 27, 2014, executed by Michael DeMartini, Renate DeMartini, Timothy DeMartini and Margie DeMartini extending the term of the Bank Loan from March 1, 2014 to June 1, 2014 in a principal amount equal to \$140,125.74.

9. May 12, 2014, e-mail from Susan Kay McGuire to Michael DeMartini regarding the pre-approved renewal paperwork relating to the Bank Loan or demand to pay one half of the Bank Loan.

10. May 16, 2014, facsimile from Susan Kay McGuire to Michael DeMartini containing a letter from Tim DeMartini to Michael DeMartini regarding the redemption of the Bank Loan due on June 1, 2014.

11. May 16, 2014, Letter from Timothy DeMartini to Michael DeMartini regarding the redemption of the Bank Loan due on June 1, 2014.

12. Check dated May 23, 2014, in the sum of \$137,212.31 drawn on the checking account of Timothy DeMartini and Margie DeMartini payable to Westamerica Bank for the redemption of the Bank Loan.

13. June 2, 2014, loan transmittal letter from Westamerica Bank referencing the payoff of the Bank Loan in a sum equal to \$137,212.31 from Timothy and Margie DeMartini.

14. May 23, 2014, Westamerica Bank commercial loan payoff quote for the Bank Loan.

15. May 27, 2014, e-mail and U.S. mail certified receipt letter from Susan Kay McGuire to Michael DeMartini regarding the Bank Loan, payoff quote, change in terms agreement, receipt by Westamerica bank of the redemption payment by Timothy and Margie DeMartini regarding the Bank Loan, and Westamerica payoff quote, proof of mailing, and proof of facsimile transmission.

16. May 30, 2014, letter sent Federal Express (with proof of delivery) from Susan Kay McGuire to Michael DeMartini containing Timothy DeMartini's letter to Michael DeMartini and rejecting Michael DeMartini's offer to pay .5% interest per month on Michael and Renate's obligation to pay one half of the \$137,212.31 paid by Timothy and Margie to redeem the Bank Loan.

17. June 2, 2014, e-mail from Susan Kay McGuire to Michael DeMartini containing Timothy DeMartini's letter to Michael DeMartini of May 30, 2014 rejecting Michael DeMartini's offer to pay .5% interest per month on the \$137,212.31 paid by Timothy and Margie to redeem the Bank Loan, proof of mailing of May 30, 2014 of Ms. McGuire's letter to Michael DeMartini, and proof facsimile to Michael DeMartini.

18. June 2, 2014 transmittal letter from Westamerica bank to Michael DeMartini of the cancelled (paid) Bank Loan/promissory note, deed of reconveyance of the Deed of Trust in recordable form, and filed UCC financing statement filed on June 3, 2014 as File No. 147413109 in the Office of the California Secretary of State.

19. Deed of Reconveyance (reconveying the Deed of Trust) recorded June 12, 2014, as Instrument No. 20140010933 in the Office of the County Recorder of Nevada County.

20 June 23, 2014, letter from Timothy DeMartini to Michael and Renate DeMartini notifying them of the redemption by Timothy and Margie DeMartini of the Bank Loan and demanding repayment.

21. Appraisal report dated December 5, 2016, authored by Daniel R. Ketcham and Associates regarding property commonly known as 12759 Loma Rica Drive, Grass Valley, California.

EXHIBIT 2

Defendants' List of Exhibits, Exhibit 2

ECF Doc/ Source	Ref Date	Document or Item Description
A.	04/29/15	Declaration of Timothy P. DeMartini w/ Ex. A-S
B.	06/03/15	Transcript Excerpt from deposition of Timothy P. DeMartini August 9, 2010
C.	06/03/15	Copy of \$2,000 discovery sanctions check signed by Timothy P. DeMartini
D.	06/03/15	Joint Stipulation regarding Discovery
E.	06/03/15	Register of Actions report, Marin County Superior Court
F.	06/03/15	Joint Stipulation regarding Discovery
G.	06/03/15	Michael DeMartini Notes re. Agreement with Timothy DeMartini
H.	06/03/15	Matthew DeMartini Declaration
I.	06/03/15	Michael DeMartini Declaration
J.	02/25/98	Fax to WestAmerica Bank to Brian Kendeff
K.	05/15/98	Deed of Trust for WestAmerica Bank
L.	05/15/98	Deed of Trust for WestAmerica Bank Exhibit A
M.	04/01/98	Loan Disbursement Authorization \$250,000 principal
N.	02/25/98	Nevada County Building Permit Receipt \$252,000 /pValuation with Attachments
O.	03/17/14	Letter from Peter H. Cuttitta regarding WestAmerica Bank Loan

P.	05/07/15	DeMartini Brothers Construction Co. Income by Customer Detail 2002 to 2014
Q.	09/15/14	Fax from Susan K. McGuire regarding Temporary Restraining Order
R.	08/01/75	Check No 120 for \$450.00 to Timothy DeMartini, Gold County Bank front and back w/ the back of another check to show the check stamp.
S.	08/15/74	Nevada County Parcel Map 133 (the Coan Ranch)
T.	10/07/76	Copy of letters received back from Paul C. DeMartini with his signatures accepting offers for the Coan Ranch property
U.	12/08/75	Grant Deed to Michael and Renate DeMartini, file no 25096 re. Coan Ranch
V.	12/08/75	Grant Deed to Timothy and Margie DeMartini, file no 25094 re. Coan Ranch Note: Document altered
W.	12/08/75	Grant Deed to Timothy and Margie DeMartini, file no 25094 re. Coan Ranch
X.	04/09/77	Copy of Coan Ranch Survey Field Notes cover sheet, MJD & TD
Y.	07/20/77	Check No 282 for \$560.00 to DeMartini Company, Gold County Bank front and back
Z.	07/26/77	Structural Calcs, Gene S. Porter, Inc. 2 pages
AA.	07/15/77	VP Building Fabrication Shipping List
BB.	03/02/79	1978 DeMartini & Sons Income Tax documents, 10 pages
CC.	04/25/78	Check No 376 for \$5000.00 to DeMartini Company, Gold County Bank front and back

DD.	12/10/85	Lease Agreement - Design Build, Fuel Harvesters, Inc. and Michael J. DeMartini & Timothy P. DeMartini, a general partnership
EE.	03/01/84	Development Plan, Air Park Equipment Shop, Sheet DP-1. Engineer, Mjichael J. DeMartini
FF.	01/15/92	Lease Agreement, Diablo Manufacturing, Inc. and Michael and Timothy DeMartini, a general partnership, faxed by DeMartini RV Sales on March 30, 1998 to Michael DeMartini
GG.	06/15/98	Lease Agreement, Diablo Manufacturing, Inc. and Michael and Timothy DeMartini, a general partnership
HH.	09/28/98	Lease Agreement - Design Build , Electronic Carbide Process and Michael J. DeMartini & Timothy P. DeMartini, a general partnership
II.	10/09/08	Settlement Agreement and Mutual Release, Electric Carbide, Inc., et al and DeMartini Brothers Construction, et al, 12757 Loma Roica Drive, Grass Valley, CA 95945
JJ.	10/09/08	Fax dated August 29, 2018 from DeMartini RV Sales to Michael DeMartini from Tim & Margie - 2 pages and Fax Jurnal Report showing that fax was received on October 9, 2008.
KK.	11/01/06	Proof of Publication of Fictitious Business Names, 0610895 Endorsed by Sacramento County, CA, DeMartini Brothers Construction and DeMartini & Sons
LL.	05/05/14	Proof of Publication of Fictitious Business Names, FBNF2014-02266 Endorsed by Sacramento County, CA, DeMartini Brothers Construction and DeMartini & Sons



MM.	01/28/14	WestAmerica Bank Star Connect Plus for Business, Accounts xxxx795-1 and xxxx930-4 General Partnership Accounts
NN.	09/15/14	Email from partner Michael to <u>Tim@demartini.com</u> regarding WestAmerica Bank Account
OO.	08/27/14	Nevada County Sheriffs Office Activity Log with highlight box
PP.	06/05/14	Email to <u>Tim@demartini.com</u> from partner Michael regarding Fire Alarm Phone Bills, Partnership Business
QQ.	08/05/14	Fax dated August 5, 2014 from Michael DeMartini to Timothy DeMartini Re. WestAmerica Account
RR.	08/11/14	Email from Timothy A. Stanfield of AT&T to Michael, <u>mdcorres@gmail.com</u> regarding returned payment
SS.	08/26/14	Email thread between Susan K. McGuire and Michael DeMartini regarding AT&T telephone account and the partnership, 2 pages
TT.	08/04/11	Misc documents regarding San Anselmo a San Anselmo property that Timothy and I were owners
UU.	08/29/14	Photo taken by Michael DeMartini of label on bale of building insulation shipped to DeMartini Brothers (Construction)
VV.	11/15/78	Grant Deed to DeMartini & Sons, 12731 Loma Rica Drive, File No. 34526 Nevada County California, 1 page
WW.	11/15/78	Deed of Trust to Bank of America, 12731 Loma Rica Drive, File No. 34527 Nevada County California, 3 pages

XX.	07/24/14	Fax dated July 24, 2014 to Timothy DeMartini from Michael DeMartini regarding Loma Rica 12759 and 12731 A to H
YY.	08/01/14	Email to Tim@demartini.com from partner Michael regarding occupation of 12759 Loma Rica Dr., Grass Valley, CA
ZZ.	08/23/14	Photo P1030203 taken by Michael DeMartini of window building at 12759 Loma Rica Dr., Grass Valley, CA
AAA.	08/27/14	Four Misc photos taken by Michael DeMartini on August 27, 2014 at 12759 Loma Rica Dr., Grass Valley, CA
BBB.	11/10/16	Exhibits A-C to Pleading Opp to Quash
CCC.	06/03/15	DECLARATION of Renate DeMartini in OPPOSITION TO Motion to Compel counter-claimants to post security for costs.
DDD.	08/09/10	Deposition of Timothy P. DeMartini. (8/9/10 and 8/10/10)
EEE.	06/29/15	Stipulation and Order for return of bond with interest
FFF.	11/04/15	Exhibit A-H to the Declaration of Michael J. DeMartini
GGG.	07/18/16	Exhibit A-G to the Second Amended Answer and Counterclaims
HHH.	11/08/16	Exhibit H to the Decl. of Christian Kemos
III.	11/29/16	Exhibit H to the Decl. of Christian Kemos
JJJ.	12/05/16	DECLARATION of Yasmin Quilat
KKK.	12/05/16	Exhibit A to Defendants Statement
LLL.	12/12/16	Declaration of Renate DeMartini,
MMM.	12/12/16	Declaration of Michael DeMartini

NNN.	12/16/16	Decl. of Dustin Grate
OOO.	12/16/16	Decl. of Bechtold
PPP.	12/16/16	Decl. of Doll
QQQ.	12/16/16	Decl. of Hopkins & Attach. Ex. A
RRR.	12/19/16	DECLARATION of Kirk Rimmer w/ Exh. A-C
SSS.	12/19/16	Decl. of Timothy DeMartini
TTT.	12/19/16	REQUEST for JUDICIAL NOTICE w/ Exh. A-E
UUU.	12/19/16	Decl. of Renate DeMartini
VVV.	12/19/16	Decl. of Michael DeMartini
WWW.	12/20/16	Decl. of Renate DeMartini w/ Ex. A
XXX.	12/21/16	Exhibits submitted at hearing
YYY.	12/21/16	Transcript of hearing on TRO
ZZZ.	01/05/17	Decl. of Michael DeMartini w. Ex. A and B
AAAA.	01/13/17	Decl. of Michael DeMartini
BBBB.	02/01/17	Motion to Compel
CCCC.	02/01/17	Declaration of Michael J. DeMartini
DDDD.	02/17/17	NOTICE of Inability to Serve by Michael J. DeMartini
EEEE.	02/17/17	Motion to Amend 195,195-1,195-2
FFFF.	03/08/17	Ex. A to Motion to Req. Bond
GGGG.	09/01/17	CIVIL DOCKET FOR CASE #: 2:14-cv-02722-JAM-CKD
HHHH.	03/22/17	Decl. of Michael DeMartini w/ Ex. 1-7
IIII.	03/22/17	Opp. to Req. to Post Bond w/ attached Decl. of MJD and RBD
JJJJ.	03/24/17	Decl. of K. Rimmer, Decl of T. DeMartini. 202-3 - 202-6
KKKK.	05/01/17	F&Rs of Magistrate

LLLL.	05/15/17	Aff.s' of RBD and MJD 216-2,216-3 w/ Ex. A-D,216-4 w/ Ex. A-L
MMMM.	05/15/17	Resp. to F&Rs
NNNN.	05/26/17	Req. to File Excerpt w. Decl. of MJD
Oooo.	06/01/17	SUPPLEMENTAL DEPOSITION TRANSCRIPT EXCERPT
PPPP.	06/09/17	RJN w/ Ex. A-B
QQQQ.	06/13/17	Errata Notice RJN w/ Ex. A-B
RRRR.	05/31/17	Hearing Transcript
SSSS.	07/10/17	RJN w/ Attachment
TTTT.	08/29/17	Obj. to F&R w/ Ex. A-B (Bank card + Balance Sheet/taxes)
UUUU.	08/30/17	Req. to Seal w/ Ex.
VVVV.	08/27/14	Audio Recording (~1:15:25; Voice 006[-009].m4a)
WWWW.		Evidence Bag w/ F C 9MM LUGER Casing
XXXX.	08/29/17	Westamerica Bank Signature Card
YYYY.	06/08/05	DeMartini Brothers Construction (Balance Sheet, Liabilities and Equity, Statement of Income, U.S. Form 1065, Form 4562, CA Form 565, CA Form 3885
ZZZZ.	09/22/16	Email from Kirk Rimmer to M. DeMartini
AAAAA.	08/27/14	Fax from Susan K. McGuire and Emails
BBBBB.	07/15/17	Photo of adjacent Loma Rica parcel
CCCCC.	06/10/15	Decl. of Timothy w/ Ex. G-H
DDDDD.	06/01/17	Pl.s' Second amended complaint
EEEEE.	03/01/13	Fax dated March 1, 2013 from Ms. McGuire
FFFFF.	Misc	demartinirv.com website archives
GGGGG.	05/04/99	Letter to Patrick Norman

HHHHH.	06/21/04	Email from John Baker to Michael
IIIII.	Misc	Mead Notebook Air Park Phase II
JJJJJ.	04/11/77	Coan Ranch Aerial Photography
KKKKK.	05/07/77	Pcl 2 of lot 13 plot plan
LLLLL.	05/30/05	Coan Ranch development plan
MMMMM.	12/04/06	Computer plot of elevation model DeMartini RV
NNNNN.	06/89	Air Park Phase 2 Development Plan Sheet DP-1
OOOOO.	12/97	Air Park Equipment Shop Phase II, Details and Structural Notes S-2, Foundation Plan S-1
PPPPP.	3/98	Warehouse lighting plan Air Park Phase II (E1, E2, E3)
QQQQQ.	01/98	Landscape plan Air Park Manufacturing L-1
RRRRR.	06/19/05	Site plan, grading plan GP-1, Floor plan (3), elevation, parcel map
SSSSS.	10/30/90	Tim DeMartini Mike DeMartini Fax
TTTTT.	07/31/92	Financial statements of DeMartini Trust-Thelma
UUUUU.	12/31/88	Financial statements of DeMartini Trust-Thelma
VVVVV.	08/27/14	Photos/videos at airport
WWWWW.	08/29/14	Photos at airport
XXXXX.	06/25/14	Disc. w/ Greg at 12731 Loma Rica
YYYYY.	12/01/16	Emails with Rimmer Re: Explosion @12731 Loma Rica
ZZZZZ.	12/05/16	Email with Rimmer Re: Explosion @12731 Loma Rica
AAAAA.	12/13/16	Emails with Fire Marshal re fire ball
BBBBB.	12/01/16	Video of explosion @12731 Loma Rica

CCCCCC	12/01/16	Facebook website screenshots and downloads re, 12731 Loma Rica (Williams)
DDDDDD	09/12/16	Photos at Air Park Buildings/Vicinity
EEEEEE	10/11/16	Audio of meeting with Advanced Towing, Inc
FFFFFF	05/12/14	Correspondence between Michael and Timothy Re: development of property
GGGGGG	09/01/13	Email from Timothy to others re: electrical
HHHHHH	03/17/14	Correspondence from Timothy refusal re: loan
IIIIII	05/01/14	Correspondence from Timothy will not communicate
JJJJJJ	05/11/14	Email from Timothy to other re: management
KKKKKK	05/12/14	Timothy correspondence re: communicate through intermediaries
LLLLLL	06/23/14	Corres. Timothy refusal of check for loan payment
MMMMMM	06/27/14	Corres. Timothy refusal to retain attorney
NNNNNN	07/18/14	Corres. Timothy refusal of check for loan payment, letters in unmarked envelope, partnership matters through representative
OOOOOO	02/22/17	Exhibits from DVD 7 Utilized for Timothy Deposition, w/ Preston related files
PPPPPP	05/07/15	Doc. From discovery: 20150507_QuickBooksIncome12757-61LomaRica.pdf
QQQQQQ	04/15/92	Doc. From discovery: 19920415_DBC_IncomeTaxes1991.pdf
RRRRRR	04/15/87	Doc. From discovery: 19870415_DBC_IncomeTaxes1986.pdf

SSSSSS	04/15/87	Doc. From discovery: 19870415_DBC_Accounting1986.pdf
TTTTTT	06/23/14	Doc. From discovery: 20140623_EmailsToTim2014ToDateReAirport.pdf
UUUUUU	07/21/98	Doc. From discovery: 19980721lapsite Layout1 (1).pdf
VVVVVV	10/15/14	Doc. From discovery: MDVideos20141015 (folder)
WWWWWW	10/13/14	Doc. From discovery: MDPHOTOS20141013-15 (folder)
XXXXXX	10/15/14	Doc. From discovery: 20141015 (folder) .exe Video Viewer from Security Footage
YYYYYY	06/18/14	Doc. From discovery: FAXS20140618_143134_0001.tif
ZZZZZZ	Note	Defendants picked out the best they could exhibits from discovery DVD 1-7 that was previously produced to Plaintiffs. Plaintiffs haven't meet/conferred yet regarding pretrial and they area that Plaintiffs intend to focus on, and this case has an extensive 40 year history.