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9 Attorneys for Defendant
10 LIBERTY LIFE ASSURANCE COMPANY OF
11 BOSTON

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15 BELA TORKOS,
16 Plaintiff,
17 v.
18 LIBERTY LIFE ASSURANCE
19 COMPANY OF BOSTON, and DOES 1
20 through 10,
21 Defendant.

CASE NO. C 04 01393 CW

**DECLARATION OF MARY K. PIASTA IN
SUPPORT OF DEFENDANT'S MOTION
TO COMPEL**

Date: April 22, 2005
Time: 1:30 p.m.
Dept: 2

22 I, MARY K. PIASTA, declare:

23 1. I am an attorney at law licensed to practice before the courts of the State of
24 California and the United States District Court, Northern District of California. I am an associate
25 of the law firm of Ropers, Majeski, Kohn & Bentley, counsel of record for defendant Liberty Life
26 Assurance Company of Boston ("Liberty Life"), herein, on whose behalf I make this declaration.
27 If called as a witness, I would competently testify to the following facts, all of which are within
28 my own personal knowledge.

29 2. On December 8, 2004, Liberty Life served by mail Interrogatories, Set One to
30 plaintiff. A true and correct copy of the Interrogatories, Set One is attached hereto as Exhibit A.

31 3. On December 8, 2004, Liberty Life served by mail Defendant's Request for

1 Production of Documents, Set One to plaintiff. A true and correct copy of the Request for
2 Production is attached hereto as Exhibit B.

3 4. On January 10, 2005, plaintiff served via facsimile and mail Responses to Liberty
4 Life's Request for Production, Numbers 1 through 9. A true and correct copy is attached hereto
5 as Exhibit C. No responses to Numbers 10 through 13 were provided. In the cover letter,
6 plaintiff's counsel requested an extension until January 14, 2005 to provide the verified responses
7 to Liberty Life's Interrogatories, Set One. A true and correct copy of the letter is attached hereto
8 as Exhibit D. Despite the belated request, I agreed to the extension.

9 5. Plaintiff did not provide any responses to Liberty Life's Interrogatories, Set One
10 on January 14, 2005.

11 6. On January 21, 2005, I called and left a message with plaintiff's counsel
12 requesting the responses to the Interrogatories and Request for Production, Numbers 10 through
13 13. I left another message on January 24, 2005.

14 7. On January 25, 2005, I spoke with Burton Allyn regarding plaintiff's overdue
15 responses to discovery. He told me the responses would be served at the very latest by January
16 27, 2005. Again, however, no responses were received on that date. On February 24, 2005, I
17 then wrote to plaintiff's counsel requesting responses and documents by March 2, 2005. A true
18 and correct copy of the letter is attached as Exhibit E.

19 8. On March 2, 2005, after I had not received a response, I again wrote to Mr. Allyn
20 requesting the responses and documents. A true and correct copy is attached as Exhibit F.
21 Counsel never responded and to date no responses or documents have been provided.

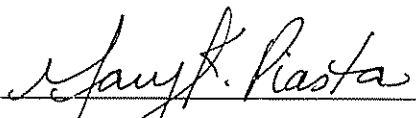
22 9. Since January 14, 2005, I have, in good faith, attempted to confer with plaintiff's
23 counsel to obtain responses to the discovery without the need for court action.

24 10. I have spent three hours preparing this motion. My time is billed at \$175, an hour.
25 Kathryn C. Curry, a partner at Ropers, Majeski, Kohn and Bentley spent one and a half hours
26 preparing this motion. Her time is billed at \$200 an hour. Thus, the total fees in preparing this
27 motion are \$825. If Liberty Life needs to prepare a reply brief or attend a hearing additional
28 expenses and fees will be incurred.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of March 2005 at Redwood City, California.



Mary K. Piasta