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County of Monterey
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12 MULTIDISCIPLINARY ASSOCIATION
13 FOR PSYCHEDELIC STUDIES, INC.
14 A.K.A. MAPS, INC.

14 **SUPERIOR COURT OF CALIFORNIA**

15 **FOR THE COUNTY OF MONTEREY – MONTEREY COURTHOUSE**

16 CARLA GATLIN and SUSAN YBARRA-
17 TELIAS, Individually and as Successors-In-
18 Interest of decedent Baylee Ybarra Gatlin,
19 Plaintiffs,

19 v.

20 DO LAB INC.; MULTIDISCIPLINARY
21 ASSOCIATION FOR PSYCHEDELIC
22 STUDIES, INC. a.k.a. MAPS, INC.; ZENDO
23 PROJECT, a business entity form unknown;
24 RGX MEIDCAL, a business entity form
25 unknown; RICHARD GOTTLIEB, an
26 individual; and DOES 1 to 20, inclusive,
27 Defendants.

) CASE NO. 20CV002753
)
) **MULTIDISCIPLINARY**
) **ASSOCIATION FOR PSYCHEDELIC**
) **STUDIES, INC.’S MEMORANDUM**
) **OF POINTS AND AUTHORITIES IN**
) **SUPPORT OF MOTION TO**
) **COMPEL PLAINTIFF SUSAN**
) **YBARRA-TELIAS TO PROVIDE**
) **FURTHER RESPONSES TO**
) **REQUESTS FOR ADMISSIONS, SET**
) **ONE**

) [Accompanying Documents: Notice;
) Separate Statement; Declaration of
) Counsel; and [Proposed] Order]

) Date: September 30, 2022
) Time: 8:30 a.m.
) Dept.: 15

) Action Filed: May 21, 2018
) Trial Date: October 31, 2022

1 **I. INTRODUCTION**

2 Defendant MULTIDISCIPLINARY ASSOCIATION FOR PSYCHEDELIC STUDIES,
3 INC. a.k.a. MAPS, INC. (hereinafter “Defendant” or “MAPS”) is a non-profit research and
4 educational organization that develops medical, legal, and cultural contexts, currently focused
5 on benefiting U.S. veterans suffering from Post-Traumatic Stress Syndrome which is
6 uninsured for this case. (Decl. of Counsel, para. 6.) As is apparent from Plaintiffs’ operative
7 complaint, the liability claims are directed at the 2017 Lightning in a Bottle (“LiB”) festival
8 promoter, DO LAB INC (hereinafter “DO LAB”) and its medical coordinator RICHARD
9 GOTTLIEB dba RGX MEIDCAL (hereinafter “GOTTLIEB”) rather than MAPS. In order to
10 avoid wasting the donated money MAPS uses to help veterans and others, MAPS initially
11 limited its participation in the case. DO LAB took the lead on all discovery. When the insurer
12 for DO LAB settled the claims against DO LAB and GOTTLIEB, MAPS was forced to
13 conduct discovery. (Decl. of Counsel, para. 7.) MAPS served Requests for Admissions for
14 the purpose of limiting the disputed issues at trial. Plaintiff’s objections and vague/incomplete
15 responses, however, are designed to avoid MAPS’ ability to recover its fees and expenses.
16 Further complete responses should be ordered.

17 Finally, MAPS should not be forced to incur attorney’s fees to obtain simple and
18 straightforward discovery responses so it requests sanctions against plaintiff’s counsel for
19 serving frivolous responses and objections.

20 **II. REQUESTS FOR ADMISSION**

21 Requests for admission are made for the purpose of expediting the trial - the fact that the
22 request is for the admission of a controversial matter, or one involving complex facts, or calls
23 for an opinion, is of no moment. (Cembrook v. Superior Court In and For City and County of
24 San Francisco, (1961) 56 Cal. 2d 423; Hillman v. Stults, (1968) 263 Cal. App. 2d 848.)
25 Moreover, it is no objection that the requesting party already knows the truth of the matter.
26 (Hillman v. Stults, (1968) 263 Cal.App.2d 848. Further, if only a part of a request for
27 admission is objectionable, the remainder of the request must be answered. (Civ. Proc. Code,
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1 § 2033.230, subd. (a).) Additionally, if an objection is made to a request or to a part of a
2 request, the specific ground for the objection must be set forth clearly in the response. Also,
3 Section 2033.290(c) provides that if “a responding party gives lack of information or
4 knowledge as a reason for a failure to admit all or part of a request for admission, that party
5 shall state in the answer that a reasonable inquiry concerning the matter in the particular
6 request has been made, and that the information known or readily obtainable is insufficient to
7 enable that party to admit the matter.”

8 Plaintiff’s responses to MAPS’ requests for admission generally were evasive, non-
9 responsive and contained meritless objections. MAPS, however, will only focus on a primary
10 issue of whether MAPS was to provide medical services at the 2017 LiB festival as addressed
11 in Request for Admission Nos. 3, 4, and 19.

12 **A. Request for Admission No. 3.**

13 Rather than providing a proper response to Request for Admission No. 3, which asks
14 Plaintiff to admit that MAPS did not provide medical services as it was not the Medical
15 Coordinator, Plaintiff instead “admits that MAPS was not designated as the Medical
16 Coordinator and admits that responding party has not sued MAPS in this action for medical
17 malpractice.” This response ignores and improperly fails to address the requested admission
18 altogether. The deposition of Monterey County’s emergency services planner Fred Claridge
19 testified that his role was to review the medical plan DO LAB submitted and to determine
20 whether the County was willing to sign off on that medical plan. (Deposition of Fred Claridge,
21 p. 7:17-20 and p. 12:14-18, Exh. A to Decl. of Counsel, para 8.) Mr. Claridge confirmed that
22 MAPS was not to provide medical services to concert goers. (Deposition of Fred Claridge, p.
23 79:4 – 81:6, Exh. B to Decl. of Counsel, para 8.) This alone requires a clear admission to
24 Request for Admission No. 3. There is more, however. Plaintiff’s retained medical expert Dr.
25 Ryan O’Connor confirmed at his deposition that MAPS was not to provide medical services at
26 the festival. (Deposition of Ryan O’Connor, Md., p. 44:21-24, Exh. C to Decl. of Counsel,
27 para 9.) Plaintiff’s comments in her response about “medical malpractice” clearly are evasive.

1 Plaintiff should be ordered to provide a further response either admitting or denying MAPS
2 did not provide medical services. MAPS should not be required to prove this established fact
3 at trial or, if it is because Plaintiff denies the fact, recover its expenses.

4 **B. Request for Admission No. 4.**

5 MAPS' Request for Admission No. 4 asks Plaintiff to admit Monterey County had no
6 expectation that MAPS would provide medical services to any attendees at the 2017 LiB
7 festival. This is established by County emergency services planner Fred Claridge. (Deposition
8 of Fred Claridge, p. 7:17-20 and p. 12:14-18, Exh. A to Decl. of Counsel, para. 8.) Plaintiff
9 again evasively responds mentioning MAPS is not being sued for "medical malpractice."
10 Plaintiff should be ordered to provide a further response either admitting or denying Monterey
11 County had no expectation that MAPS would provide medical services to any attendees at the
12 2017 LiB festival.

13 **C. Request for Admission No. 19.**

14 MAPS' Request for Admission No. 19 asks Plaintiff to admit that MAPS' volunteers
15 had no obligation to provide medical services. Plaintiff's response begins by stating that
16 "MAPS is not a defendant because it provided medical services to decedent..." and continues
17 with statements irrelevant to this Request. Code of Civil Procedure section 2033.220(a)
18 requires that: "[e]ach answer in a response to requests for admission shall be as complete and
19 straightforward as the information reasonably available to the responding party permits."
20 Plaintiff's response is far from complete or straightforward.

21 Further, section 2033.220(b) provides that a party has three options in responding to a
22 request for admission, either to "(1) Admit so much of the matter involved in the request as is
23 true, either as expressed in the request itself or as reasonably and clearly qualified by the
24 responding party;" "(2) Deny so much of the matter involved in the request as is untrue;" or "
25 (3) Specify so much of the matter involved in the request as to the truth of which the
26 responding party lacks sufficient information or knowledge." In her response, she fails to
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1 reply as directed in any of the three permitted responses. She should be ordered to provide a
2 further code compliant response to Request for Admission No. 19.

3 Thus, MAPS requests that the court order Plaintiff provide supplemental code-
4 compliant responses to Requests for Admission Nos. 3, 4 and 19.

5 **III. MAPS MET AND CONFERRED PRIOR TO FILING THIS MOTION**

6 As set forth in the accompanying declaration and Exhibits D, E and F, MAPS attempted
7 to meet and confer in order to avoid this motion. Plaintiff's counsel refused to cooperate
8 making this motion necessary. Also, as Plaintiff's counsel unreasonable refused MAPS'
9 counsel's request to extend the deadline for this motion and, based on Plaintiff's counsel's
10 response, additional meet and confer efforts would be fruitless, MAPS had no choice but to
11 seek the assistance of the court in obtaining discovery responses. (Decl. of Counsel paras. 2-
12 5.)

13 **IV. MAPS MOTION SHOULD BE HEARD AS TRIAL IS SET FOR 10/31/22,
14 GOOD CAUSE EXISTS AND PLAINTIFF HAS SUFFERED NO PREJUDICE**

15 Rather than providing verified complete responses following MAPS meet and confer
16 requests, Plaintiff's counsel claims MAPS may not move to compel because "discovery is
17 closed." As counsel concedes, however, this court has authority to order Plaintiff to hear this
18 motion and respond to discovery under Code of Civil Procedure section 2024.050(a). Section
19 2024.050(b) sets forth the following factors this court is to consider in deciding this motion, all
20 of which favor MAPS' position.

21 **(b)(1) The necessity and the reasons for the discovery.**

22 The admissions sought in Requests 3, 4 and 19 are required in order to limit the disputed
23 issue at trial. Plaintiff has knowledge that the evidence, including the opinion of her retained
24 expert, confirms MAPS and its volunteers were not expected to and did not provide medical
25 services in the harm reduction tent.

26 **(2) The diligence or lack of diligence of the party seeking the discovery or the
27 hearing of a discovery motion, and the reasons that the discovery was not
28 completed or that the discovery motion was not heard earlier.**

1 MAPS did not perform discovery earlier because (1) it is not insured and, thus,
2 attempted to avoid defense costs; (2) until Plaintiffs collectively settled with Do Lab and
3 Gottlieb Do Lab took the lead on discovery and (3) MAPS made reasonable attempts to settle
4 the case at and after the Mandatory Settlement Conference (“MSC”). Before the MSC,
5 Plaintiffs served an Offer to Compromise with MAPS for \$1 million. Then, Plaintiffs
6 increased their demand multi-fold without explanation. When it became clear Plaintiffs would
7 not settle and the case would proceed to trial, MAPS timely served reasonable discovery
8 requests. MAPS had hoped that when faced with being required to provide evidence to
9 support their claims against MAPS, they would reconsider entering into reasonable settlement
10 negotiations. Instead of responding to MAPS’ discovery with evidence, they evaded and
11 asserted frivolous objections. MAPS continues to believe that if this court orders Plaintiffs to
12 respond to the discovery, the opportunity to settle the case will increase dramatically.
13 (Decl. of Counsel, para. 10.)

14 **(3) Any likelihood that permitting the discovery or hearing the discovery motion**
15 **will prevent the case from going to trial on the date set, or otherwise interfere with**
16 **the trial calendar, or result in prejudice to any other party.**

17 Trial has been continued to October 31, 2022. Thus, permitting this discovery will not
18 prevent the case from going to trial or otherwise interfere with the trial calendar.

19 **(4) The length of time that has elapsed between any date previously set, and the**
20 **date presently set, for the trial of the action.**

21 The trial was continued from June 27 to October 31, 2022, a little over four months.
22 Thus, plenty of time exists to complete this discovery before trial.

23 Accordingly, all the factors Set forth in section 2024.050(b) weigh in favor permitting
24 this discovery before trial.

25 **V. SANCTIONS**

26 Code of Civil section 2033.290(d) provides for sanctions against a party who fails to
27 prevail in a motion to compel further responses. Plaintiff has no substantial justification for
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1 opposing this motion. Should Plaintiff serve and opposition, MAPS requests sanctions me
2 awarded for the expenses, including attorney's fees related to this motion.

3
4 As set forth above, Plaintiff's responses are evasive, incomplete, and include meritless
5 objections. Thus, sanctions are warranted against plaintiff's counsel.¹

6 As set forth in the accompanying declaration, counsel have spent well over 3.5 hours for
7 preparing this motion. At the hourly rate charged, MAPS seeks \$1,360 as of this time. Should
8 Plaintiff oppose this motion requiring MAPS to prepare a reply and/or appear at a hearing
9 additional sanctions will be requested.

10 **CONCLUSION**

11 For the reasons set forth herein and in the accompanying papers, MAPS asks this court
12 to hear this motion under the authority of Code of Civil Procedure section 2024.050 and that
13 the court order Plaintiff provide supplemental code-compliant, verified responses to Requests
14 for Admission Nos. 3, 4 and 19.

15 Dated: July 12, 2022

16
17 Law Offices of Scott A. Bonzell

18
19 By: 

20 Charles S. Custer
21 Attorneys for Defendant
22 MULTIDISCIPLINARY ASSOCIATION
23 FOR PSYCHEDELIC STUDIES, INC.
24 a.k.a. MAPS, INC.

25
26
27 _____
28 ¹ MAPS does not believe Plaintiff should be responsible for her attorneys' actions so the request for sanctions is directed at counsel.

1 **PROOF OF SERVICE**

2 *Gatlin, Carla, et al. v. Do Lab Inc., et al.*
3 Monterey County Superior Court Case No. 20CV002753

4 I am a resident of the State of California, over the age of eighteen years, and not a party
5 to the within action. My business address is: Gordon Rees Scully Mansukhani, LLP, 275
6 Battery Street, Suite 2000, San Francisco, CA 94111. On the date below, I served the within
7 documents:

8 MULTIDISCIPLINARY ASSOCIATION FOR PSYCHEDELIC STUDIES, INC.'S
9 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO
10 COMPEL PLAINTIFF SUSAN YBARRA-TELIAS TO PROVIDE FURTHER RESPONSES
11 TO REQUESTS FOR ADMISSION, SET ONE; Accompanying documents: Notice; Separate
12 Statement; Declaration of Counsel; and [Proposed] Order

- 13 by transmitting via facsimile the document(s) listed above to the fax number(s) set
14 forth below on this date before 5:00 p.m.
- 15 by transmitting VIA ELECTRONIC MAIL the document(s) listed above to the email
16 address(es) set forth below on this date before 5:00 p.m. (*Per agreement of the*
17 *parties.*)
- 18 by placing the document(s) listed above in a sealed envelope with postage thereon
19 fully prepaid, in United States mail in the State of California at San Francisco,
20 addressed as set forth below.
- 21 by placing a true copy thereof enclosed in a sealed envelope, at a station designated
22 for collection and processing of envelopes and packages for overnight delivery by
23 FedEx as part of the ordinary business practices of Gordon & Rees LLP described
24 below, addressed as follows:

16 Mark R. Pachowicz 17 Jennie Hendrickson 18 Pachowicz/Goldenring 19 6050 Seahawk Street 20 Ventura, CA 93003-6622 21 Tel: 805-642-6072 22 Fax: 805-642-3145 23 <i>Attorneys for Plaintiff</i> 24 <i>Email:</i> Mark@pglaw.law 25 Jennie@pglaw.law 26 <i>cc:</i> Tina Amoke, Paralegal 27 Email: tina@pglaw.law	16 Lowthorp, Richards, McMillan, Miller & 17 Templeman 18 John H. Howard 19 Brett C. Templeman 20 300 East Esplanade Drive, Suite 850 21 Oxnard, CA 93036 22 Tel: 805-981-8555 23 Fax: 805-983-1967 24 <i>Attorneys for Plaintiff</i> 25 <i>Email:</i> jhoward@lrmmt.com 26 btempleman@lrmmt.com 27 ElizabethY@lrmmt.com 28 tmoore@lrmmt.com
23 Bremer Whyte Brown & O'Meara LLP 24 J. Jackson Briscoe 25 Casey Nathan 26 21215 Burbank Blvd., Suite 500 27 Woodland Hills, CA 91367 28 Tel: 818-712-9800 Fax: 818-712-9900 <i>Attorneys for Defendant</i> <i>Do Lab Inc.</i> <i>Email:</i> cnathan@bremerwhyte.com jbriscoe@bremerwhyte.com	23 James Farinaro 24 Law Offices of James Farinaro 25 852 East 14 th Street 26 San Leandro, CA 94577 27 Tel: 510-740-9269 28 Fax: 877-689-0676 Email: james@farinarolaw.com <i>cc:</i> kimberly@farinarolaw.com <i>Attorney for Defendant</i> <i>Richard Gottlieb, an individual dba RGX</i> <i>Medical</i>

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

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

Executed on July 12, 2022 at San Francisco, California.



Terry L. Johnson