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CONFORMED COPY
OF ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 18 2010

John A. Clarke, Executive Officer/Clerk
By RUGENA LOPEZ Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES
12 CENTRAL DISTRICT

13 KENDRICK MOXON

14 Plaintiff,

15 v.

16 GRAHAM BERRY,

17 Defendants.

18 GRAHAM E. BERRY, an individual;

19 Cross-Complainant,

20 v.

21 KENDRICK L. MOXON, an individual;

22 Cross-Defendant.

Case No. BC429217

DEFENDANT AND CROSS-
COMPLAINANT'S REQUEST FOR
JUDICIAL NOTICE FILED IN SUPORT
OF MOTION TO COMPEL DEPOSITION
OF PLAINTIFF, ETC.

Action filed: January 5, 2010

Date: May 6 April 9, 2010

Time: 8-30 AM

Dept. 58

[Filed concurrently with: (1) Motion to
compel deposition of plaintiff, etc., (2)
[proposed] Order.]

1 **COMES NOW** the defendant pro se **GRAHAM BERRY** and attaches hereto the exhibits
2 expressly incorporated into and made a part of his concurrently filed: **(1)** motion to compel
3 deposition of plaintiff and cross-defendant Kendrick L. Moxon; **(2)** motion to bar the assertion of
4 the attorney-client privilege re the underlying matters.

5 **A.** Pursuant to: California Evidence Code sections 450, 452 (c), 452 (d) (1), 453, 454, 455, 459,
6 1530; Code of Civil Procedure sections 430.30 and 430.70; and the Court's own inherent
7 discretion, defendant and cross-complainant Graham E. Berry hereby requests that the court take
8 Judicial Notice of the document (s) listed hereunder for the limited purpose of the matters herein.
9

10 **B.** Attached hereto and made a part hereof are true and correct copies of the following documents,
11 being deposition extracts, and marked as follows:
12

- 13 1. Deposition of Robert J. Cipriano taken June 12, 2000 (pp. 19-23), August 7, 2000 (pp. 23-
14 136), August 9, 2000 (pp.137-154);
15
- 16 2. Declaration of Robert J. Cipriano executed May 5, 1994;
17
- 18 3. Letter, August 6, 1998 from Mr. Moxon to Robert Cipriano re New Jersey expungement.
19
- 20 4. Lease papers signed by Moxon to provide a leased new car for his client Cipriano.
21
- 22 5. Insurance policy for the Moxon and Cipriano car.
23
- 24 6. Documents concerning Moxon renting a Palm Springs condo and luxury home for Cipriano.
25
- 26 7. Check from Moxon client and *Berry v. Barton* defendant Chait to Moxon client Cipriano.
27
- 28 8. Acknowledgement of computer Moxon purchased for his client Cipriano.

- 1 9. Wire transfer instructions for remitting money (\$20,000) from Moxon to New Jersey counsel
2 Levinson to expunge Cipriano's conviction before his trial in *Berry v. Cipriano*, etc.
3
4 10. Copy of document re free legal services being provided by Moxon to Cipriano's friends.
5
6 11. Email between Moxon and Cipriano re financial matters and "our little corporation."
7
8 12. Deposition of Graham Berry, *Berry v. Cipriano*, November 25, 1998.
9
10 13. Deposition of Ana Marina Hurtado taken April 13, 2000.
11
12 14. Deposition of Vanessa Hurtado taken on December 8, 2000.
13
14 15. Deposition of Michael Hurtado taken on July 25, 2000.
15
16 16. Deposition of Anthony Apodaca taken May 3, 2000.
17
18 17. Letter, Abelson to Brodie (New Zealand) dated September 13, 2000.
19
20 18. Transcript of part of Moxon, Ingram (and Abelson?) interview of Anthony Apodaca (recanted)
21
22 19. Notice of Deposition of Anthony Apodaca to be taken by Moxon, May 7, 2000.
23
24
25
26
27
28

DATED: March 17, 2010

Respectfully submitted,


Graham E. Berry

Defendant *pro se*

DATED: March 17, 2010


Barry Van Sickle

Attorney for cross-complainant

**EACH OF THE EXHIBITS TO THIS MOTION IS THE
EXACT SAME EXHIBIT, WITH THE SAME EXHIBIT
NUMBER, AS IN APPENDIX NO. 1, EXHIBIT A.**