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Plaintiff in Pro Se

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LARRY KLAYMAN,  
  
Plaintiff,  
  
v.  
  
JUDICIAL WATCH,  
  
Defendant.

Case No. : 14-cv-1602

[Pending in the Southern District of  
Florida, Case 13-20610-CIV]

**REPLY IN SUPPORT OF  
EXPEDITED MOTION TO  
COMPEL COMPLIANCE WITH  
SUBPOENA TO ORLY TAITZ  
AND REQUEST TO SUMMARILY  
GRANT MOTION ON THE  
PLEADINGS BEFORE APRIL 7,  
2014 CURRENTLY SCHEDULED  
ORAL ARGUMENT AS ALL AND  
ANY OBJECTIONS HAVE BEEN  
WAIVED**

Hearing Date: April 7, 2014  
Time: 10:00 am  
Judge: Hon. Audrey B. Collins  
Courtroom: 680

1 Plaintiff Larry Klayman hereby files his Reply in Support of his Expedited  
2 Motion to Compel Compliance with Subpoena to Orly Taitz.  
3

4 **INTRODUCTION**

5  
6 Plaintiff filed this Motion to Compel Compliance With Subpeona to Orly  
7 Taitz ("Taitz" or "the Deponent") after Taitz refused to sit for a deposition on  
8 January 30, 2014 or any other day. Under these circumstances, where the  
9 Defendant has failed to move to quash or modify the subpoena, and thus waived all  
10 objections, the Court may respectfully sign the proposed order without a hearing.  
11 This is particularly true since Plaintiff is simply requesting that this motion be  
12 transferred to the Southern District of Florida to be heard by Magistrate Judge  
13 Andrea Simonton.  
14  
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16

17 Further, the hearing for this motion is currently set for April 7, 2014, the  
18 same day as certain pre-trial deadlines for the lawsuit in Miami, Florida.  
19 Accordingly, it is for this reason that Plaintiff requested expedited handling of this  
20 motion when he initially filed it on March 4, 2014, nearly three weeks ago. As a  
21 result, and for the reasons set forth below, Plaintiff respectfully that this Court  
22 summarily grant this motion on the pleadings as soon as practicable before April 7,  
23 2014; particularly since the Deponent and Defendant have long since waived any  
24 objections to Ms. Taitz being deposed.  
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**ARGUMENT**

1                    **Defendant Failed to Move to Quash or Modify the Subpoena, Or Even**  
2                    **Object to The Subpoena and Has Thus Waived All Objections.**

3                    In order to object to a subpoena, a deponent must make a formal motion to  
4 quash or modify the subpoena. (see *Aetna Cas. and Sur. Co. v. Rodco Autobody*,  
5 130 F.R.D. 2, 3 (D. Mass. 1990)( [T]he fact that objections were served is *no*  
6 *excuse whatsoever* not to attend the deposition. If the witnesses considered that  
7 they had grounds not to appear, they were required to file a motion for a protective  
8 order." )(Emphasis in original).

9                    **Taitz was served on January 20, 2014, and to this day, sixty-three (63)**  
10                    **days later, has not filed a motion to quash or modify. Defendant Judicial**  
11                    **Watch, similarly has not filed a motion to quash or modify.** The failure by both  
12 the Deponent and the Defendant to file motions to quash or modify the subpoena  
13 means that they have both waived all objections to the issuance of the subpoena.  
14

15                    Nevertheless, Defendant also waived all of its objections when it failed to  
16 object within 14 days of the service of the subpoena.

17                    Specifically, FRCP 45 (a)(2)(B) states:

18                    "(B) *Objections.* A person commanded to produce documents or tangible  
19 things or to permit inspection may serve on the party or attorney  
20 designated in the subpoena a written objection to inspecting, copying,  
21 testing or sampling any or all of the materials or to inspecting the  
22 premises—or to producing electronically stored information in the form  
23 or forms requested. **The objection must be served before the earlier of**  
24 **the time specified for compliance or 14 days after the subpoena is**  
25 **served."**

1 FRCP 45 (a)(2)(B)(Emphasis added). Deponent Taitz failed to object to the  
2 subpoena in any way, and has thus waived any objections to the subpoena. Taitz  
3 was served on January 20, 2014, and to this day, sixty-three (63) days later, has not  
4 filed an objection to this subpoena. Defendant Judicial Watch, similarly has not  
5 filed an objection. The failure by both the Deponent and the Defendant to object  
6 means that they have both waived all objections to the issuance of the subpoena.  
7

8  
9 Instead of objecting, Deponent, an attorney and officer of this Court, chose  
10 to simply ignore the subpoena.  
11

12 **Proper Service of Process Was Made**

13  
14 Defendant claims that the certificate of service "indicates it was not served  
15 by mail or any other means by Plaintiff." Memo. Opp. Motion at pp. 5.  
16

17 The certificate of service clearly states:

18 "I also certify that the foregoing document is being served this date on all  
19 counsel of record or pro se parties on the attached Service List in the  
20 manner specified, either via transmission of Notices of Electronic Filing  
21 generated by the CM/ECF system **or in some other authorized manner**  
22 **for those counsel or parties who are not authorized to receive**  
23 **electronically Notices of Electronic Filing."**

24 See Motion to Compel; Certificate of service (Emphasis added). As indicated  
25 below the certificate, both Mr. Kress, Defendant's Florida counsel, and Orly Taitz,  
26 the deponent, were served "VIA EMAIL AND U.S. MAIL" as indicated on the  
27 face of the certificate. *Id.* (Emphasis in original).  
28

**Plaintiff Conferred With Both Defendant's Florida Counsel And The**

1                   **Deponent Before Filing This Motion.**

2                   Plaintiff conferred with Mr. Kress, Defendant's Florida counsel, prior to the  
3  
4 filing of this motion within this Court. Mr. Kress informed Plaintiff that he did not  
5 consent to a motion to compel.

6                   Similarly, Plaintiff conferred with the Deponent, Taitz, when he was  
7  
8 informed by Taitz that she would not be appearing for the deposition scheduled for  
9  
10 January 30, 2014, or at any time.

11                   **This Motion Should Respectfully Be Transferred To The Southern**  
12                   **District Of Florida.**

13                   This motion arises out of a lawsuit pending before the U.S. District Court for  
14  
15 the Southern District of Florida. Plaintiff is a citizen of Florida, and the Defendant  
16  
17 has an office located in Florida and has already hired Florida counsel who is  
18  
19 representing it in these proceedings. All discovery proceedings in the originating  
20  
21 lawsuit have been assigned to Magistrate Andrea M. Simonton. Magistrate Judge  
22  
23 Simonton has the power to enforce the subpoena and is familiar with the facts of  
24  
25 the case and able to resolve this issue. Thus, in order to save judicial resources,  
26  
27 and for the convenience of the parties, this matter should respectfully be  
28  
transferred back to the Southern District of Florida.

26                   **CONCLUSION**

27                   Plaintiff respectfully requests that this Court expeditiously transfer this  
28  
motion to the Southern District of Florida. Alternatively, Plaintiff respectfully

1 requests that this Court issue an order compelling Taitz to sit for a deposition and  
2 to produce all documents requested in the subpoena within five days.  
3  
4

5 Dated: March 24, 2014  
6

7 Respectfully submitted,  
8

9 */s/ Larry Klayman*  
10

11 Larry Klayman  
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13 Defendant in Pro Se  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 24, 2014, filed the foregoing document with the Clerk of the Court using CMECF. I also certify that the foregoing document is being served this date on all counsel of record or pro se parties on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by the CM/ECF system or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Larry Klayman  
LARRY KLAYMAN

Plaintiff Pro Se

**SERVICE LIST**

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VIA EMAIL AND U.S. MAIL

**Orly Taitz**  
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Rancho Santa Margarita, CA 92688

VIA EMAIL AND U.S. MAIL