

1 HARRY MILLER, PRO PER  
Address With held for web publishing

2 MICHAEL EUGENE LaPORTE, PRO PER  
3 Address With held for web publishing

4 DON AMES, PRO PER  
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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA

9 ALLSTATE INSURANCE COMPANY, an )  
10 Illinois corporation, )  
11 Plaintiff, )

11 vs. )

12 HARRY MILLER, fka HARRY BOOTH, )  
13 an individual; MICHAEL EUGENE )  
14 LaPORTE, an individual; DUNN- )  
15 RITE CONSTRUCTION COMPANY, a )  
16 California corporation; THOMAS )  
17 C. CONRAD, an individual; DON )  
18 AMES, aka MAURICE ETHAN, an )  
individual and dba WESTERN )  
STATES GEOTECHNICAL; WESTERN )  
STATES COMPANIES, a California )  
corporation; MORETTI AND )  
ASSOCIATES, a California )  
corporation; and WILLIAM )  
MORETTI, an individual, )

19 Defendants )

Case No.: Case No. SA CV 98-503  
DOC (ANx)

) OPPOSITION TO TAKE DEPOSITION  
) OF RICHARD CHAMBRONE AND ANY  
) OTHER WITNESSES AFTER DISCOVERY  
) CUT-OFF DATE; AND EXCLUDE ALL  
) DEPOSITION TESTIMONEY AFTER  
) DECEMBER 5, 1999, AND EXCLUDE  
) ALL WRITTEN DOCUMENTS SECURED  
) AFTER OCTOBER 29<sup>TH</sup>, 1999,  
) MEMORANDUM OF POINTS AND  
) AUTHORITIES, DECLARATION OF  
) HARRY MILLER IN SUPPORT  
) THEREOF,

) Date: January 6, 2000  
) Time: 10:00 a.m.  
) Place: Ctrm. 6-B  
)

21 Defendant's (Harry Miller, Don Ames and Eugene Laporte)  
22 submit this opposition to Allstate motion to take the deposition  
23 of Richard Chambrone and any other witnesses after the discovery  
24 cut-off date. And exclude all deposition testimony after  
25

1 December 5, 1999. And exclude all written documents secured  
2 after October 29, 1999.

3  
4 This opposition is made pursuant to the plaintiff's motion,  
5 the attached Memorandum of Points and Authorities, the attached  
6 Court Order, the attached Declaration of Harry Miller, the  
7 pleadings on file in this action and such other oral and  
8 documentary evidence as may be presented at the hearing of the  
9 motion

10  
11  
12 Respectfully submitted,

13  
14 By \_\_\_\_\_

15 Harry Miller

16 In PRO PER

17  
18 By \_\_\_\_\_

19 Michael Eugene LaPorte

20 In PRO PER

21  
22 By \_\_\_\_\_

23 Don Ames

24 In PRO PER

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1  
2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 **I.**

4 **INTRODUCTION**

5  
6 This opposition respectfully requests that the Court issue an  
7 order prohibiting Plaintiff, Allstate Insurance Company  
8 ("Allstate"), to take the depositions of third party witnesses  
9 after the discovery cut-off date, rule that depositions taken  
10 after December 5, 1999 be excluded from evidence in this trial,  
11 and all requests for production of documents after October 29,  
12 1999 be excluded from production at trial. On April 12, 1999,  
13 this Court so ordered the Discovery cut-off date to be December  
14 13, 1999. Specifically the Court ordered the following:

15 "1. Depositions: All depositions shall be scheduled to  
16 commence at least five (5) working days prior to the  
17 discovery cut-off date." The plaintiff scheduled and held  
18 six (6) depositions to commence during the five (5) working  
19 days prior to the discovery cut-off date. "A deposition  
20 which commences five days prior to the discovery cut-off  
21 date may continue beyond the cut-off date, as necessary."

22 "2. Written Discovery: All interrogatories, requests for  
23 production of documents, and requests for admissions shall  
24 be served at least forty-five (45) days before the  
25 discovery cut-off date." The Court so ordered the

1 discovery cut-off date to be December 13,1999. Thus forty-  
2 five (45) calendar days calculates to October 29, 1999.  
3 The plaintiff has repeatedly made requests for the  
4 production of documents after October 29, 1999.

5 (Attachment A)

6  
7 **II.**

8 **FACTUAL BACKGROUND**

9 Allstate maintains "This case involves Allstate's attempt to  
10 recover hundreds of thousands, if not millions, of dollars  
11 stolen from Allstate in an elaborate fraudulent scheme involving  
12 claims arising out of the 1994 Northridge Earthquake." Allstate  
13 further is fully aware that the elaborate fraudulent scheme to  
14 defraud Allstate was conducted by their own members of their  
15 Board of Directors, directing their earthquake staff in  
16 California. Allstate's trickery was exposed in 1994 by  
17 Defendant Tom Conrad. Allstate staff at that time knew that Tom  
18 Conrad was involved in a conspiracy with Shadowbrook, to defraud  
19 Allstate policyholders on a grand scale from recovering funds  
20 due them as a result of earthquake claims they had presented.  
21 Allstate is also fully aware they enticed defendant Tom Conrad  
22 to present further fraudulent reports to keep quiet about his  
23 knowledge rewarding him with hundreds of thousands, and possibly  
24 millions of dollars. LeAndre Davis, a principle of Shadowbrook,  
25 both unnamed defendants to this lawsuit, and who was a co-

1 conspirator in the fraud scheme has been indicted by the United  
2 States Attorneys General. LeAndre Davis prior had confessed to  
3 his participation in the Allstate fraud scheme on National  
4 Television's 20/20 program. An Allstate employee has been  
5 convicted and sentenced regarding Allstate fraud scheme.  
6 Furthermore, defendant Conrad has also admitted his  
7 participation in the fraud scheme, however with a different  
8 twist, and with a reward from Allstate of \$192,000.00 to further  
9 convolute and cover-up Allstate's scheme. Evidence and  
10 testimony directly reveal Tom Conrad was to keep his mouth shut  
11 or he would not receive work from Allstate. Tom Conrad a  
12 defendant to this lawsuit has been working fiercely with  
13 Allstate to establish a new version of the scheme to help cover-  
14 up Allstate's direct hatching and carrying out a scheme to  
15 defraud it's policyholders in California. Allstate likewise has  
16 confessed to the scheme whereby they are attempting to settle a  
17 class action suit of their intentional wrongdoing. Defendant  
18 Tom Conrad has already been caught providing false testimony to  
19 California courts. Testimony enticed by Allstate Attorneys.

20 Allstate is using this lawsuit to attempt to discover  
21 testimony that the United States Attorney may be gathering  
22 during their ongoing investigation into Allstate's fraudulent  
23 activities during the 1994 Northridge Earthquake. Also, using  
24 the discovery for ongoing lawsuits filed by policyholder's who  
25 have opted out of the class action. And, finally to send a

1 message to any Allstate employees or others if they turn  
2 Allstate in or cooperate with the Federal Government they will  
3 be faced with the wrath of the lawsuit at issue. To this end  
4 they are continuing to use the same tactics to scare Richard  
5 Chambrone, and others into providing deposition testimony.

6 It is suspected that Defendants Harry Booth, Don Ames and  
7 Michael LaPorte attorney conspired with Allstate in the cover-up  
8 because of his declaration filed with this very court. These  
9 three defendants were offered free representation by Attorney  
10 Steven Ball's as Class Action representatives attorney, Michael  
11 Bidart and attorney Tom Girardi agreed to pay all Steve Balls  
12 costs and services related to this case. In fact attorney  
13 Steven Ball used documentation the three defendants had to  
14 secure clients against Allstate who also opted out of the class  
15 action.

16 In Allstate's motion to the court on this very matter they  
17 maintain Mr. Chambrone has given sworn testimony that he  
18 witnessed defendant Don Ames changing logs detailing work that  
19 was done by Western States so as to support inflated scopes of  
20 damage and estimates later prepared by defendant Dunn-Rite.  
21 This is absolute trickery on the part of the Plaintiff as Mr.  
22 Chambrone's testimony is he was told this by Defendant Tom  
23 Conrad, and did not in fact witness such activities himself. It  
24 is a fact that Attorney James (JIM) Eugene Fitzgerald of Luce,  
25

1 Forward, Hamilton, & Scripps <sup>LLP</sup> has stated he controls Defendant  
2 Tom Conrad, and Tom Conrad will do and say whatever he wants.

3 Plaintiff Allstate's desire is to also manipulate Richard  
4 Chambrone, and others under the threat of being joined in this  
5 lawsuit, and coerce his testimony to be direct rather than  
6 indirect.

7 Plaintiff Allstate is also attempting to lay the blame on  
8 not taking Richard Chambrone's deposition and others, claiming  
9 the delay for their attempting to take his deposition was they  
10 wanted to conclude Defendant Booth's deposition first. This is  
11 a excuse as is evidenced that they have taken 7 days of  
12 depositions from Defendant Conrad ending March 22, 1999 prior to  
13 the Booth deposition which commenced on October 11, 1999. It is  
14 a last ditch effort to conjure the only witness who they believe  
15 may support their paid witness Defendant Tom Conrad's scripted  
16 testimony.

17 This opposition requests that the Court issue an order **not**  
18 permitting Plaintiff Allstate Insurance Company ("Allstate") to  
19 take the deposition of third party witness Richard Chambrone,  
20 third party witness Bob Martinez, and all other third party  
21 witnesses after the deposition cut-off date. Mr. Chambrone  
22 submitted to an Examination Under Oath for Allstate on August 3,  
23 1999. Said Examination Under Oath was not revealed to the  
24 Defendants until Mr. Miller on December 3<sup>rd</sup> inquired of  
25 Allstate's attorneys if one was taken. Whereupon a copy of said

1 Examination Under Oath was loaned to Harry Miller that weekend  
2 to read and copy. Mr. Chambrone does not agree to appear, and  
3 is only complying with Plaintiff Allstate's attorneys demands  
4 under threat of being named as an additional defendant.  
5 Plaintiff Allstate has been in contact with Richard Chambrone  
6 prior to August 3, 1999, and continually until this very date.  
7 Plaintiff Allstate procrastinated in scheduling Richard  
8 Chambrone until after the Deposition cut-off date because their  
9 own exhaustive schedule of Depositions did not permit time to  
10 include Richard Chambrone before the deposition cut-off date.  
11 Plaintiff Allstate was delighted to procrastinate claiming  
12 Richard Chambrone's work schedule prohibited his attendance  
13 prior to the discovery cut-off date. Allstate's attorney  
14 Richard Bane filed a declaration with the Court stating Richard  
15 Chambrone called him on December 13, 1999. Mr. Chambrone states  
16 he did not call Mr. Bane, but Mr. Bane's employee called Mr.  
17 Chambrone and scheduled his deposition for December 21, 1999.  
18 (See Declaration of Harry Miller, attachment B) Allstate  
19 attorney Richard Bane did not contact Mr. Chambrone from  
20 December 5<sup>th</sup> to 13<sup>th</sup> as their deposition schedule was filled, and  
21 they could not squeeze him in before the dead line. Harry  
22 Miller daily asked when Richard Chambrone was coming in for his  
23 deposition, and was repeatedly told he may not be able to be  
24 scheduled before the 13<sup>th</sup>. Now Allstate's attorneys purport to  
25 say they were out of touch with Mr. Chambrone until the

1 discovery cut-off date. Allstate has never before in this  
2 matter hesitated to file motions to compel witnesses to appear  
3 at depositions, and always asks for sanctions.

4 Further the Plaintiff who is represented by a vast team of  
5 many law firms employing many experienced lawyers on this case  
6 were aware or should have been aware of the Courts order on  
7 April 12, 1999, and all the cut-off dates. The plaintiffs  
8 should not have filed numerous requests for production of  
9 documents after October 29, 1999. The defendants ask that the  
10 plaintiffs identify all such requests, and all those requests,  
11 and responses thereto be stricken from admission in the pending  
12 trial.

13 The Plaintiffs used the discovery process time in this  
14 trial to develop information for other cases against they the  
15 plaintiff as is evidenced by the discovery they have undertaken  
16 to secure. Their procrastination in the discovery for this  
17 trial has been tactical for the purposes of the thousands of  
18 cases pending against them. It has been their intent to keep  
19 defendants Gene LaPorte, Don Ames, and Harry Booth under  
20 suspicion to keep them from providing needed testimony for  
21 thousands of cheated Californians. During their discovery they  
22 have not been able to produce any evidence to show these three  
23 defendants were involved in a elaborate fraudulent scheme  
24 involving hundreds of thousands if not millions. However, the  
25 evidence is overwhelmingly pointing to the Plaintiff, and the

1 one defendant Tom Conrad indeed were in an elaborate fraudulent  
2 scheme involving claims arising out of the 1994 Northridge  
3 Earthquake. Furthermore they have enticed this volunteer  
4 defendant to provide false testimony in over 20 depositions to  
5 establish their cover-up of their own scheme.

6  
7 **III.**

8 **ARGUMENT**

9  
10 The Court has the discretion to stand by it's order of April 12,  
11 1999 "All depositions shall be scheduled to commence at least  
12 five (5) working days prior to the discovery cut-off date. A  
13 deposition which commences five (5) days prior to the discovery  
14 cut-off date may continue beyond the cut-off date, as necessary"  
15 which was set as December 13, 1999. The Booth defendants  
16 depositions completion has nothing to do with the opportunities  
17 the plaintiff's assert as an excuse for not taking Richard  
18 Chambrone, and others, depositions prior to the Deposition dead  
19 line of which they were very aware. The defendants believe that  
20 Mr. Chambrone's and others examination should be held before the  
21 jury for the jury to determine and interpret his and their  
22 testimony. It should not be for Allstate to again bring him and  
23 others in under the threats of being joined in the lawsuit  
24 unless they provide the testimony Allstate wants. Plaintiff  
25

1 Allstate's practice has been to scare testimony, and flex their  
2 dollar muscles, and avoid the truth.

3 Plaintiff Allstate also contends the defendants will have  
4 the full opportunity to cross-examine Richard Chambrone and  
5 others and confront the claims against them. The defendants  
6 don't believe Richard Chambrone and others have made claims  
7 against them, and would rather not fall into Allstate's  
8 practices to wear down witnesses until they will do and say  
9 anything.

10 Allstate has consistently through out the deposition  
11 process scheduled each deposition with out the defendants  
12 opportunity to have any input in the scheduling. Furthermore,  
13 Allstate has taken the entire day with the witnesses, and when  
14 it came time for the witnesses to be cross examined, the  
15 witnesses were to exhausted to continue, thus the Defendants  
16 have not had the fair opportunity to cross examine.

17 It was Allstate who came before the Court in April of 1999,  
18 and requested numerous additional depositions. It should be they  
19 who should have worked the schedule to comply with the Court  
20 discovery cut-off date of December 13, 1999.

21 The fundamental fairness to all parties including the  
22 witness who has undergone a lengthy Examination Under Oath as  
23 early as August 3<sup>rd</sup>, 1999, and others, will be met by **not**  
24 allowing the depositions to take place after the Deposition cut-  
25 off date.

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IV.

CONCLUSION

For the reasons set forth above the Defendants request that the Court issue an Order NOT allowing Allstate to take any more Depositions, **exclude** all testimony secured in depositions after December 5, 1999, and **exclude** all written discovery from trial secured after October 29, 1999.

Defendants also request that the Court sanction Allstate.

Respectfully submitted,

By \_\_\_\_\_

Harry Miller

In PRO PER

By \_\_\_\_\_

Michael Eugene LaPorte

In PRO PER

By \_\_\_\_\_

Don Ames

In PRO PER

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DECLARATION OF HARRY MILLER

I Harry Miller, declare:

1. I am acting in PRO PER in the Allstate V. Booth et al case in the UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA. The facts set forth herein are of my own personal knowledge and if sworn I would testify competently thereto.
2. On December 15, 1999 I received via fax a notice of videotaped deposition from Luce, Forward, Hamilton & Scripps LLP for RICHARD CHAMBRONE starting December 21, 1999 at 4:15 PM.
3. On December 15, 1999 I telephoned Attorney James Eugene Fitzgerald of the law firm of Luce, Forward, Hamilton & Scripps LLP and asked why the deposition of RICHARD CHAMBRONE was being scheduled December 21, 1999, after the discovery cut off date. I explained to Mr. Fitzgerald I was under the understanding the Court had ordered that the only depositions that could go forward were those already started by December 13, 1999. I advised I believe RICHARD CHAMBRONE's deposition had not started prior to the discovery date and therefore can not go forward per the Courts order.
4. In said telephone conversation with Mr. Fitzgerald he advised my interpretation of the court order was accurate. However, he explained RICHARD CHAMBRONE called Attorney Richard Bane's law firm and asked that his deposition be scheduled December 21, 1999. Mr. Fitzgerald also in the said telephone conversation advised the date of December 21, 1999 for RICHARD CHAMBRONE's deposition date again had changed to December 22, 1999 pursuant to another call from RICHARD CHAMBRONE. I stated I was in opposition to the deposition because it had not been started prior to December 13, 1999 which is the court order. I asked Mr. Fitzgerald to stipulate to my objection and he advised he

1 would think about it. I explained if he did not stipulate I would have to file a  
2 motion to the court.

3 5. On December 15, 1999, shortly after my telephone call to Mr. Fitzgerald I telephoned  
4 RICHARD CHAMBRONE and asked why he had called Mr. Bane's law firm to schedule his  
5 deposition for December 21, 1999. RICHARD CHAMBRONE advised me he did not call Mr.  
6 Bane's office to schedule his deposition. He advised Susan of Richard Bane's law  
7 office called him and arbitrarily scheduled his deposition for December 21, 1999. He  
8 later communicated with Mr. Bane's law firm, and the deposition was rescheduled for  
9 December 22, 1999. He stated he was afraid not to cooperate with Mr. Bane as he has  
0 been told if he does not cooperate he could become one of the 1-101 unknown defendants  
1 in the ongoing lawsuit. I explained to RICHARD CHAMBRONE the details of my previous  
2 telephone conversation with Mr. Fitzgerald. RICHARD CHAMBRONE again adamantly advised  
3 he did not call to schedule his deposition, and the call was initiated as explained.  
4

5 I declare under penalty of perjury under the laws of the State of California that the  
6 foregoing is true and correct and that this Declaration was executed on December 17,  
7 1999, at Fort Lauderdale, Florida.  
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Harry Miller