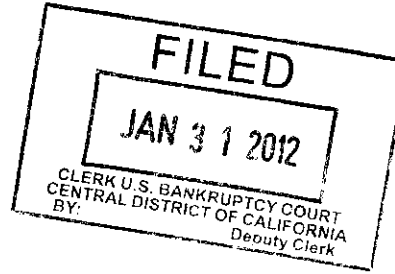


ORIGINAL

Diane B. Weissburg, Esq. (237136)  
1842 Washington Way Ste. B.  
Venice CA 90291  
Phone: (310) 577-0871  
Fax: (310) 577-0875  
E-mail: dbw\_law@msn.com



Attorney for Plaintiff/Creditor:  
Bree Walker-Lampley

UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION

Bree Walker-Lampley,	) Adversary Proceeding: 9:11-ap-01252-RR
	)
	) Related Bankruptcy: 9:11-bk-12680-RR
Plaintiff/Creditor,	) DECLARATION OF DIANE B.
	) WEISSBURG IN SUPPORT OF NON-
	) RECEIPT OF PROPOSED JOINT
v.	) PRETRIAL ORDER FROM
	) DEFENDANTS', LBR 7016.1 (e) ;
James Grover Mateson, et al	) AND IN SUPPORT OF MONETARY
	) SANCTIONS OF \$3,500.00, LBR
Defendant/Debtor	) 7016.1(f), F.R.Civ.P 16(f)
	)
	)

DECLARATION OF DIANE B. WEISSBURG

I, DIANE B. WEISSBURG, declare:

1. I am an attorney at law duly admitted to practice before all the courts of the State of California and the United States Supreme Court. I am the attorney of record herein for plaintiff/creditor, Bree Walker Lampley. I make this declaration based upon my personnel knowledge and, if called to do so, could and would competently testify to the matter set forth below.

2. This is an adversary action against Alan Lloyd Crutchfield and James Grover Mateson based on Fraud by Plaintiff Bree Walker Lampley.

DECLARATION OF DIANE B. WEISSBURG IN SUPPORT OF NON-RECEIPT, ETC.

1 3. A stipulated judgment based on Fraud and Breach of Written Contract was  
2 entered on January 14, 2011, in *Bree Walker Lampley v. Imverse Asia*, et al, in the Santa  
3 Barbara Superior Court Case No. 1340456, Hon. Thomas P. Anderle.

4 4. On June 6, 2011 judgment was entered against Imverse Asia in the Superior  
5 Court. Judgment was stayed as to Defendants Mateson and Crutchfield as they advised  
6 the Court that day that they had both filed for bankruptcy protection, Case No. 9:11-bk-  
7 12679; and 9:11-bk-126801, the day before. Both matters have been assigned to the Hon.  
8 Robin Riblet.

9 5. An adversary action was filed by Plaintiff Bree Walker Lampley, Case No.  
10 9:11-ap-01253-RR; and 9:11-ap-01254-RR against Mateson and Crutchfield.

11 6. Trial in this adversary matter is scheduled for February 14, 2012 in Room 201,  
12 Hon. Robin Riblet at 9:00 a.m.

13 7. Defendant Alan Lloyd Crutchfield is in Pro Per.

14 8. Defendant James Grover Mateson in in Pro Per.

15 9. In preparation for trial, and to comply with LBR 7016-1(b)(1)(c) which requires  
16 plaintiff's counsel to contact opposing counsel 28 days before trial, on December 14,  
17 2011, I contacted James Mateson by e-mail and by telephone to request a meet and confer  
18 date. Defendant did not respond. Exhibit 1 attached hereto and incorporated herein by  
19 reference.

20 10. In preparation for trial, and to comply with LBR 7016-1(b)(1)(c) which  
21 requires plaintiff's counsel to contact opposing counsel 28 days before trial, on  
22 December 14, 2011, I contacted Alan Crutchfield by e-mail and by telephone to request a  
23 meet and confer date. Defendant did not respond. Exhibit 1 attached hereto and  
24 incorporated herein by reference

25 11. On January 4, 2012, I left a telephone message for Alan Crutchfield on the  
26 number he provided for contact, requesting a return telephone call for a meet and confer.  
27 Defendant did not respond.

28 ///

1 12. On January 4, 2012, I left a telephone message for James Mateson on the  
2 number he provided for contact, requesting a return telephone call for a meet and confer.  
3 Defendant did not respond.

4 13. On January 7, 2012, Plaintiff's Counsel Diane B. Weissburg, again sent a e-  
5 mail request to each Defendant, Mateson and Crutchfield requesting to meet and confer  
6 in compliance with LBR 7016-1, et seq. and a request that each contact me by January  
7 10, 2012, Further, as a courtesy, Plaintiff's Counsel attached a copy of the trial rules,  
8 local rules, and samples of bankruptcy court documents were attached to the e-mail.  
9 Defendants' again did not respond. Exhibit 2 attached hereto and incorporated herein by  
10 reference.

11 14. On January 13, 2012 when I had still not received a response from defendants,  
12 I again contacted James Mateson and Alan Crutchfield by telephone at 9:50 a.m. Alan  
13 Crutchfield did not answer his telephone, and I left a message again requesting that he  
14 contact me.

15 15. On January 13, 2012, James Mateson answered his telephone. I advised Mr.  
16 Mateson that I was calling to meet and confers and to comply with the Bankruptcy Rules  
17 because I had not received a response to my many telephone messages or e-mails.  
18 Further, that the deadline to meet and confer was January 13, 2012, because Monday,  
19 January 16, 2012 was a holiday.

20 16. Mr. Mateson stated, "Alan and I received your e-mails and telephone  
21 messages. We are doing the best we can and we will try to call you back." On Friday,  
22 January 13, 2012, I closed my office at 4:30 p.m. As of 4:30 p.m. on January 13, 2012, I  
23 had not received a return telephone call or e-mail from either defendant..

24 17. On January 19, 2012, I sent by Fedex Plaintiff's proposed pre-trial order;  
25 plaintiff's proposed joint witness list, plaintiff's proposed joint exhibit list to defendant  
26 Mateson and defendant Crutchfield. Defendants' did not respond. Exhibit 3 attached  
27 hereto and incorporated herein by reference.

28 ///

*DECLARATION OF DIANE B. WEISSBURG IN SUPPORT OF NON-RECEIPT, ETC.*

1 18. On January 20, 2012 I sent a follow-up e-mail was sent to defendants'  
2 Mateson and Crutchfield advising them of the Fedex package. Defendants did not  
3 respond. Exhibit 4 attached hereto and incorporated herein by reference.

4 19. On January 23, 2012, I sent an e-mail to defendants Crutchfield and Mateson.  
5 That e-mail contained minor revisions to Plaintiff's proposed pre-trial order; plaintiff's  
6 proposed joint witness list, plaintiff's proposed joint exhibit list for both defendant  
7 Mateson and defendant Crutchfield. Defendants did not respond. Exhibit 5 attached  
8 hereto and incorporated herein by reference.

9 20. On January 25, 2012 for the first time I received a e-mail from Defendant  
10 Mateson objecting to elements of Plaintiff's proposed order. I responded to his e-mail  
11 advising that the time to meet and confer had long since expired, Plaintiff's papers were  
12 complete, and that both defendants had both continually failed to respond. Exhibit 6  
13 attached hereto and incorporated herein by reference.

14 21. This declaration is made in Support of Plaintiff's Motion for terminating  
15 sanctions, to strike defendants' answer and/or attorney fees and costs for Defendants'  
16 Mateson and Crutchfield willful and repeated failure to meet and confer.

17 22. Based on my billing rate of \$350.00 per hour, Plaintiff 's counsel has incurred  
18 in excess of 10 hours of attempting to meet and confer with Defendants' in telephone  
19 calls, telephone charges to Santa Barbara, e-mails, and letters, in excess of \$3,500.00. as  
20 well as costs of \$100.00 for Fedex and mail charges. Plaintiff's counsel anticipates an  
21 additional 3.5 hours to write a reply memorandum and oral arguments.

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

24 Dated: January 28, 2012

DIANE B. WEISSBURG

*DIANE B. WEISSBURG*

Attorney For Plaintiff, Bree Walker Lampley

27 ///

28 ///

Exhibit 1

## Post Judgment Demand for Production

From: **Diane Weissburg** (dbw\_law@msn.com)  
Sent: Wed 12/14/11 6:27 PM  
To: Alan Crutchfield (alc@imverse.com); James Mateson (jm@imverse.com)  
1 attachment  
PostjudgmentdemandInverse.pdf (43.5 KB)

Gentlemen,

Attached are post-judgment demands for production of documents in your possession. Responses are due in 30 days.

In addition, we need to meet and confer to write a joint trial statement, joint witness list, joint exhibit list, and joint summary of the case which are all due to the court prior to the trial date of February 14, 2012.

Please advise date and time availability for the mandatory meet and confer.

Diane B. Weissburg, Esq.

Exhibit 2

## **Fw: Inverse adversary action trial rules and dates**

From: **Diane Weissburg** (dbw\_law@msn.com)  
Sent: Fri 1/13/12 7:43 PM  
To: Jon Westwood (jonwestwood@gmail.com)  
I attachment  
Adversary Action Trial Rules.pdf (697.8 KB)

Put this in book so we can show they never responded. We will file our own documents.

----- Original Message -----

**From:** Diane Weissburg  
**To:** Alan Crutchfield ; James Mateson  
**Cc:** Jon Westwood  
**Sent:** Saturday, January 07, 2012 2:18 PM  
**Subject:** Fw: Inverse adversary action trial rules and dates

Mr. Crutchfield and Mr. Mateson:

**Subject: Matson and Crutchfield Adversary Action:** trial rules and dates.

As you know, the trial in this matter is scheduled for February 14, 2012. We are required to meet and confer regarding several areas. I have attached the trial rules as a courtesy. Please contact me by telephone at 310/822-6638 on Wednesday January 11, 2012 or Thursday January 12, 2012 at 10:00 am, to have the meet and confers. I will be in trial the week of January 16, 2012 and will not be available to meet and confer that week. In the event that you are not willing to meet and confer, please advise by return e-mail no later than January 10, 2012, and I will do Ms. Walker's responses without input.

Attached are a few pages of the local rules regarding adversary actions with my notations. The trial is set for 2/14/12, the final "joint pretrial order" is due 1/31/12, it must be served on opposing counsel on 1/24/12, and we must meet and confer as to its contents no later than 1/17/12. This document includes the witness list and exhibit list. The witness list must include a summary of expected testimony for *all* witnesses, not just experts. I include the rules on summary judgment to show that the deadline has passed, although there may be provisions for a similar dispositive motion.

Further, demands for production of documents was served on both of you December 14, 2011. Those responses are due 30 days from the dates served.

Please advise

Diane B. Weissburg, Esq.

PLEASE NOTE: This message, including any attachments, may include privileged, confidential and/or inside information. Any distribution or use of this communication by anyone other than the intended recipient(s) is strictly prohibited and may be unlawful. If you are not the intended recipient, please notify the sender by replying to this message and then delete it from your system. Thank you.



Exhibit 3



COPY

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in said County and State. I am over 18 years of age and not a party to the within action. My business address is 1842 Washington Way Ste B Venice CA 90291.

On the date set forth below I served the foregoing document(s) entitled

**In re Walker-Lampley v. Crutchfield**

**[PLAINTIFF'S PROPOSED] JOINT PRE-TRIAL ORDER; [PLAINTIFF'S PROPOSED] JOINT WITNESS LIST; [PLAINTIFF'S PROPOSED] JOINT EXHIBIT LIST (with attachments)**

**In re Walker-Lampley v. Mateson**

**[PLAINTIFF'S PROPOSED] JOINT PRE-TRIAL ORDER; [PLAINTIFF'S PROPOSED] JOINT WITNESS LIST; [PLAINTIFF'S PROPOSED] JOINT EXHIBIT LIST (with attachments)**

on interested parties in the action by placing  duplicate original(s)  true copy(ies) thereof enclosed in a sealed envelope, addressed  as follows  as shown on the attached list:

Alan Crutchfield  
James Mateson  
3463 State St. Ste. 207  
Santa Barbara CA 93105

BY OVERNIGHT FEDERAL EXPRESS. I delivered such envelope to the FedEx/Kinko's location in ~~Carson~~ CA for delivery via overnight service.

*Marina del Rey*

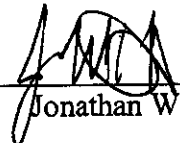
BY PERSONAL SERVICE. I delivered such envelope by hand to the offices of the addressee.

BY FACSIMILE. I transmitted the foregoing document(s) to the following facsimile number supplied by the addressee:

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

FEDERAL: I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 19, 2012 at Marina del Rey, California.



Jonathan Westwood

Exhibit 4

## RE: Walker-Lampley adversary action pre-trial docs

From: **Diane Weissburg** (dbw\_law@msn.com)

Sent: Mon 1/23/12 8:48 PM

To: James Mateson (jm@imverse.com); Alan Crutchfield (alc@imverse.com)

4 attachments

Exhibit List Crutchfield.pdf (42.2 KB) , Exhibit List Mateson.pdf (42.5 KB) , Witness List Crutchfield.pdf (38.2 KB) , Witness List Mateson.pdf (38.5 KB)

Jim and Alan,

Please see attached slight revisions to witness lists and exhibit lists. The revision is to add the statement that "the parties reserve their respective rights to amend this list through trial." I will also send hard copies via U.S. mail.

Jonathan

---

From: dbw\_law@msn.com

To: jm@imverse.com; alc@imverse.com

Subject: Walker-Lampley adversary action pre-trial docs

Date: Fri, 20 Jan 2012 01:29:34 +0000

Jim and Alan,

Tomorrow you should receive via FedEx at your 3463 State St address our proposed joint pre-trial statement, witness list, and exhibit list, as well as copies of the exhibits. Per my conversation with Jim on Monday the 17th, we can meet and confer further as to its content before it is filed on the 31st.

Copies of the documents are attached hereto for your convenience.

Thank you,

Jonathan Westwood

Paralegal for Diane B. Weissburg, Esq.

Exhibit 5

## Re: Walker-Lampley adversary action pre-trial docs

From: **James Mateson** (jm@imverse.com)  
Sent: Thu 1/26/12 10:21 PM  
To: Diane Weissburg (dbw\_law@msn.com)  
Cc: Jon Westwood (jonwestwood@gmail.com); Alan Crutchfield (alc@imverse.com)

Dear Ms. Weissburg,

Your contact to us by email let us know dates you were available on your schedule that we were not. We worked to be available to you on Friday, Jan. 13th, after your call of that day but did not reach you. I had left messages that day and hoped to hear back before Jan. 17th, the last day by which we were to have had our Meet and Confer regarding the proposed Joint Pre-Trial Order. I phoned again on Jan. 17th and received a call back from your assistant Jonathan. Since you were not available for the Meet and Confer, we discussed service and delivery of Discovery documents and the Pre-Trial Brief to your office.

I understood from your email of 1/7 you would be unavailable the week of the 16th, yet we had not received your proposed order until Jan. 20th in order to review it and confer about its contents. We received a revised version of your submission on Jan. 23 by email followed up by hard copy the following day in the mail.

We have still not received your version of the Pre-Trial Brief that was due to be served to us and upon the Court by Jan. 17th.

We are working to be timely in our responses to you, and to meet and confer about the contents of your proposed Pre-Trial Order, so I contacted you by email yesterday, 2 days after I received your final version of the materials, to arrange to Meet and Confer about the contents of the Proposed Order, so we might get it filed by the due date of 1/31.

Your reply of today indicates that you are not looking to receive input and I also doubt that we could arrive at an agreement as to the contents of a Joint Order at this juncture.

I made one additional attempt today in good faith to confer with you by calling your office and cell phone since we do most definitely disagree with the form of the Proposed Order and find it unsatisfactory in many regards.

Therefore we shall also timely file & serve our own Proposed Pre-Trial Order as per Court rules.

This email helps us all to memorialize the course of events and object to your characterizations asserted in your email of today.

Sincerely,

Jim Mateson

On 1/26/12 7:06 AM, "Diane Weissburg" <[dbw\\_law@msn.com](mailto:dbw_law@msn.com)> wrote:

Mr. Crutchfield and Mr. Mateson,

I went to great lengths to assist you both with the requirements of the court. I contacted you both several times by e-mail and telephone well in advance of the due date. Further, I provided you both with the Court rules, FRCP rules and samples.

You refused to respond until long after the date requirements. At this very late date, you are not in compliance with the FRCP.

My documents will be filed and served by the Court due date. Due to your refusal to timely respond and comply with the Court orders, I will file all appropriate motions to exclude your witnesses and evidence.

Diane B. Weissburg, Esq.

----- Original Message -----

**From:** James Mateson <<mailto:jm@imverse.com>>

**To:** Diane Weissburg <[mailto:dbw\\_law@msn.com](mailto:dbw_law@msn.com)>

**Cc:** Alan Crutchfield <<mailto:alc@imverse.com>>

**Sent:** Wednesday, January 25, 2012 4:41 PM

**Subject:** Re: Walker-Lampley adversary action pre-trial docs

Ms. Weissburg,

We will be objecting to elements of the Proposed Joint Order, and seek to do a "meet and confer" by phone sometime Thursday morning, if that can work for your schedule.

If that time is not convenient, please suggest another thereafter, and we will endeavor to meet by phone to review our objections and see if we can agree to a Joint Order.

Thanks to Jonathan for his assistance.

Thank you,

Jim Mateson

On 1/23/12 12:48 PM, "Diane Weissburg" <[dbw\\_law@msn.com](mailto:dbw_law@msn.com)> wrote:



Jim and Alan,

Please see attached slight revisions to witness lists and exhibit lists. The revision is to add the statement that "the parties reserve their respective rights to amend this list through trial." I will also send hard copies via U.S. mail.

Jonathan

---

From: [dbw\\_law@msn.com](mailto:dbw_law@msn.com)  
To: [jm@imverse.com](mailto:jm@imverse.com); [alc@imverse.com](mailto:alc@imverse.com)  
Subject: Walker-Lampley adversary action pre-trial docs  
Date: Fri, 20 Jan 2012 01:29:34 +0000

Jim and Alan,

Tomorrow you should receive via FedEx at your 3463 State St address our proposed joint pre-trial statement, witness list, and exhibit list, as well as copies of the exhibits. Per my conversation with Jim on Monday the 17th, we can meet and confer further as to its content before it is filed on the 31st.

Copies of the documents are attached hereto for your convenience.

Thank you,

Jonathan Westwood  
Paralegal for Diane B. Weissburg, Esq.