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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

APR 18 2012
[Signature]

8 Attorneys for Plaintiff
9 LIFE BLISS FOUNDATION, a California non-profit corporation

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA,
11 FOR THE COUNTY OF RIVERSIDE

12 LIFE BLISS FOUNDATION, A) CASE NO.: RIC1105004
13 CALIFORNIA NON-PROFIT)
14 CORPORATION) Assigned to:
15) Hon. Judge John W. Vineyard, Dept. 12
16 Plaintiff)
17) **AMENDED [~~PROPOSED~~] ORDER**
18 v.) **GRANTING MOTION FOR**
19) **TERMINATING SANCTIONS AND**
20) **MONETARY SANCTIONS AGAINST**
21) **DEFENDANT AARTHI RAO**
22)
23 AARTHI RAO, INDIVIDUALLY AND AS) Date: April 18, 2012
24 A MEMBER OF LIFE BLISS) Time: 8:30 a.m.
25 FOUNDATION, A CALIFORNIA NON) Department: 12
26 PROFIT FOUNDATION, MANIKAM)
27 NARAYAN, INDIVIDUALLY, SUN MOON)
28 YOGA, AN ENTITY UNKNOWN AND)
BODY MIND SPIRIT WELLNESS)
CENTER, AN ENTITY UNKNOWN AND)
DOES 1-40, INCLUSIVE) Action filed: March 22, 2011
Defendants.)
_____)

23 Plaintiff LIFE BLISS FOUNDATION's Motion for Terminating Sanctions and Monetary
24 Sanctions Against Defendant AARTHI RAO came for hearing in Department 12 of this Court on
25 April 18, 2012. Appearances were as noted in the record.

26 Having read the motion, points and authorities and declarations filed by the parties, and
27 having heard argument of counsel, the Court finds that:
28

1 1. On May 6, 2011, Plaintiff served Ms. Rao with the first notice of deposition to take
2 place on June 3, 2011.

3 2. On June 1, 2011, Ms. Rao, through counsel, unilaterally cancelled the deposition and
4 failed to appear.

5 3. On June 2, 2011, Ms. Rao's deposition was re-noticed for June 23, 2011 in Michigan.

6 4. On June 16, 2011, Ms. Rao, through counsel, advised that she would not be appearing
7 for deposition as she intended to file a motion for protective order to stay the action pending
8 resolution of an unrelated criminal matter in India.

9 5. On June 21, 2011, Plaintiff filed a motion to compel Aarthi Rao to attend deposition.

10 6. On June 22, 2011, Ms. Rao, through counsel, filed a motion for protective order
11 seeking to stay discovery and her deposition for three months pending resolution of an unrelated
12 criminal matter in India.

13 7. On August 1, 2011, the Court heard the motions and ordered the "taking of the
14 deposition of Ms. Aarthi Rao stayed until the conclusion of the Indian criminal proceedings or
15 further order of the Court."

16 8. On August 10, 2011, Plaintiff filed a motion for reconsideration of the Court's ruling
17 of August 1, 2011, or in the alternative, for an order lifting the stay of the deposition of Aarthi Rao.
18 The motion was heard on September 21, 2011, and the Court ordered the deposition of Ms. Rao to
19 be taken within 90 days at a date, time, and location agreed upon by the parties. The deposition was
20 limited as follows: 1) there would be no inquiries with respect to the allegations of rape or the
21 criminal proceedings in India; and 2) the deposition would be supervised by a referee at Plaintiff's
22 expense, chosen by mutual agreement between the parties.

23 9. The parties mutually agreed that the deposition would take place at the office of
24 Plaintiff's counsel on November 18, 2011 and that Judge Michael A. Latin was to serve as the
25 discovery referee. Consistent therewith, Plaintiff served a deposition notice on October 17, 2011 to
26 take Ms. Rao's deposition on November 18, 2011.

1 10. In addition, Plaintiff served a Request for Production of Documents (Set One) to
2 Defendant Aarthi Rao, which responses were due November 21, 2011. To date, she has not
3 responded to the discovery requests.

4 11. Before her deposition and document production dates, Ms. Rao filed for bankruptcy
5 in Michigan on November 1, 2011.

6 12. During the bankruptcy, Ms. Rao moved for an order excusing her appearance at the
7 mandatory Section 341 meeting of creditors, citing concerns for her physical safety. On January 3,
8 2012, the bankruptcy court denied her motion finding no evidence of any threats made to her
9 physical safety and ordered her to appear at the Section 341 meeting on January 11, 2012. The order
10 provided that a Court security officer shall chaperone and assist Ms. Rao in walking to and from her
11 parked vehicle or any other transportation service she may use and shall remain with Ms. Rao during
12 the meeting. Notwithstanding the foregoing, Ms. Rao intentionally failed and refused to appear at
13 the meeting. As a result, the bankruptcy trustee filed a motion for dismissal, which Ms. Rao did not
14 oppose. The court granted the motion and Ms. Rao's bankruptcy petition was ordered dismissed as
15 of February 7, 2012.

16 13. Thereafter, Plaintiff served a notice to take the deposition of Ms. Rao on March 6,
17 2012. That notice also contained a request for documents to be produced at the deposition.
18 Consistent with the Court's order of September 21, 2011, Plaintiff secured Judge Michael A. Latin
19 as the discovery referee for the deposition at its own expense. No objections to the notice were ever
20 received by Ms. Rao, nor did she contact Plaintiff's counsel at any time prior to her deposition
21 regarding the notice.

22 14. Notwithstanding, Ms. Rao failed to appear for deposition on March 6, 2012, and a
23 Certificate of Non-Appearance was issued.

24 15. On March 7, 2012, Plaintiff's counsel sent a letter to Ms. Rao regarding her failure to
25 appear at the deposition. That letter requested she contact their office by March 15, 2012 to
26 reschedule her deposition. That letter also gave notice to Ms. Rao that, if she failed to respond,
27 Plaintiff would file a motion for terminating sanctions requesting the court strike her answer and
28 render a default judgment against her.

1 16. When no response was received, Plaintiff filed a Motion for Terminating Sanctions
2 and Monetary Sanctions Against Defendant Aarthi Rao on March 19, 2012.

3 17. Defendant failed to file and serve any opposition to the Motion.

4 18. Based thereon, Defendant has violated the Court's Order of September 21, 2011
5 requiring her to appear for deposition.

6 19. Defendant's violation of the Court's Order was willful.

7 20. Defendant has engaged in the misuse of the discovery process.

8 21. Plaintiff has been prejudiced as a result.

9 22. Accordingly, it is in the interests of justice that the Answer of Defendant Aarthi Rao
10 to Unverified First Amended Complaint be stricken, a default judgment be entered against her, and
11 the Court set a hearing for prove-up of damages.

12 THEREFORE, IT IS SO ORDERED THAT Plaintiff's Motion for Terminating Sanctions
13 and Monetary Sanctions Against Defendant Aarthi Rao is GRANTED. It is further ordered that the
14 Answer of Defendant Aarthi Rao to Unverified First Amended Complaint be stricken from the
15 record, default judgment ^{to be filed} be entered against Defendant Aarthi Rao, and the Court sets a hearing for
16 prove-up of damages for _____.

17 IT IS FURTHER ORDERED THAT Defendant Aarthi Rao shall pay monetary sanctions to
18 Plaintiff Life Bliss Foundation in the amount of \$~~5,590.00~~^{4,300.00} within the next ~~ten~~³⁰ (10) days.

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21 Date: 4/18/12


Hon. Judge ~~John W. Vineyard~~

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed at Tuchman & Associates in the aforesaid County, State of California; I am over the age of 18 years and am not a party to the within action; my business address is 6080 West Pico Boulevard, Los Angeles, California 90035.

On April 9, 2012, I served the foregoing: **AMENDED [PROPOSED] ORDER GRANTING MOTION FOR TERMINATING SANCTIONS AND MONETARY SANCTIONS AGAINST DEFENDANT AARTHI RAO** on interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

Defendant In Pro Per

Aarthi Rao
3118 Village Drive
Ann Arbor, MI 48108

BY MAIL: I placed such envelope for deposit in the U.S. Mail for service by the United States Postal Service, with postage thereon fully prepaid.

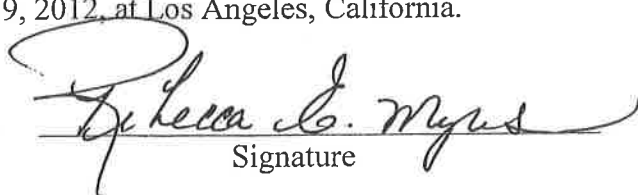
BY MAIL: I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I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

BY OVERNIGHT DELIVERY: I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) served hereunder. CCP §1013(c)(d).

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

Executed on April 9, 2012, at Los Angeles, California.

Rebecca E. Myers
Type or Print Name


Signature