

1 Plaintiff Julius Caesar submits the following memorandum in support of his motion to
2 compel production of financial records.

3 **I. MEMORANDUM OF POINTS AND AUTHORITIES**

4 **A. Background Facts And Procedural History**

5 Previously, the Court denied the Defendants' motion for summary adjudication of
6 Caesar's claims for punitive damages. (Brutus Decl. ¶ 1.) Caesar served the Defendants
7 with timely notices to produce financial records at trial. (Brutus Decl. ¶ 2.) The Defendants
8 responded with boilerplate objections to Caesar's requests. None of the Defendants
9 produced any financial records. (Brutus Decl. ¶ 3.)

10 This motion seeks to compel the Defendants to produce these records, and pay
11 sanctions to Caesar of \$1000.

12 **B. Caesar Wants The Financial Records**

13 Because this is a punitive damages case, Caesar is entitled to subpoena documents
14 "to be available at the trial for the purpose of establishing the profits or financial condition" of
15 the Defendants. Cal. Civ. Code § 3295(c).

16 Caesar has a right to these records even without showing that there is a "substantial
17 probability that [he] will prevail." *Id.* That's the rule for pretrial discovery of financial records,
18 but not for records to be brought to trial. *Id.*

19 **C. The Financial Records Are Important**

20 If the jury finds any of the Defendants liable for punitive damages, the jury may then
21 consider "[e]vidence of profit and financial condition" of those defendants to determine the
22 amount of punitive damages. Cal. Civ. Code §§ 3294(a), 3295(d).

23 Furthermore, the Defendants were ordered to stand trial on punitive damages.
24 (Brutus Decl. ¶ 4.) If the jury returns an initial verdict for punitive damages, Caesar will need
25 these financial records to prove the amount of punitive damages.

26 The Defendants cannot circumvent the trial by withholding evidence that the jury must
27 consider. Cal. Civ. Code § 3295(d).

28 **D. Caesar Will Be Prejudiced Without The Financial Records, So There Is**