

SAMBA THEATRE

FIRE NOTICE: The exit indicated by a red light and sign, nearest to the seat you occupy is the shortest route to the street.

In the event of fire or other emergency please do not run—WALK TO THAT EXIT.

PATRICK WALSH (No. 1), Fire Commissioner and Chief of Department

THE • PLAYBILL • PUBLISHED • BY • THE • NEW • YORK • THEATRE • PROGRAM • CORPORATION

Beginning Monday, November 10, 1941

Matinees Wednesday and Saturday

Group Six

presents

EGGSTRODRINARY EVENTS

CAST

Dennis d'Menaci Rod Burkley
Peter "The Shark" Alien..... Barry Gore
Justin Justice..... Evan Koch
Paula Paine..... Cynthia Pollock
Donald Able..... Mark Miller
Marshall Meetinmiddle..... David Simon





~ Act I ~

The “Incident”

BREAKING NEWS

A television monitor is shown from a slightly elevated front perspective. The screen displays the words "BREAKING NEWS" in large, bold, 3D metallic letters. The letters are silver with a reflective surface and are set against a vibrant, abstract background of blue and red light streaks and patterns. The monitor has a dark grey bezel and a matching stand with a circular base. The overall scene is set against a dark background with some faint light effects.



d'MENACI

NBCNEWS

#NBCNIGHTLYNEWS



PAINE



NBCNEWS

#NBCNIGHTLYNEWS

ent re
ry hos
W 344
HIGHLIGHT



"HOUSE OF PAIN"

NBCNEWS

#NBCNIGHTLYNEWS



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BREAKING NEWS



**Paine Speaks Out:
“d’Menaci is just
plain eggnorant. I
want \$\$\$\$\$\$\$ and
an apology!”**



~ Act II ~

Lawyered Up



PAINE HIRES SUPER LAWYER *"THE SHARK"* TO SUE d'MENACI

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PETER ALLEN



d'MENACI'S LAWYER: "SHE'S A 'PAINE' ... HER LAWYER'S A 'HAS BEEN'."

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DONALD ABLE



~ Act III ~

The Courtroom

Superior Court of California County of Los Angeles

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Hon. Justin Justice

Department D30

Favorite Quote:

“Because I said so ... that’s why.”

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: May 21, 2014

DEPT. D30

HONORABLE Justin Justice

JUDGE

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

Deputy Sheriff

NONE

Reporter NONE

8:31 am YC738936

Plaintiff

Counsel

Peter Allen (X)

PAULA PAINE

Defendant

Counsel

Donald Able (X)

VS

DENNIS d'MENACI

NATURE OF PROCEEDINGS:

CASE MANAGEMENT CONFERENCE

The matter is called for hearing.

The parties are ordered to proceed with mediation, with the cost to be split 50/50.

Mediation completion date shall be 09/01/2014.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: May 21, 2014

DEPT. D30

HONORABLE Justin Justice

JUDGE

DEPUTY CLERK

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JUDGE PRO TEM

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~ Act IV ~

Mediation



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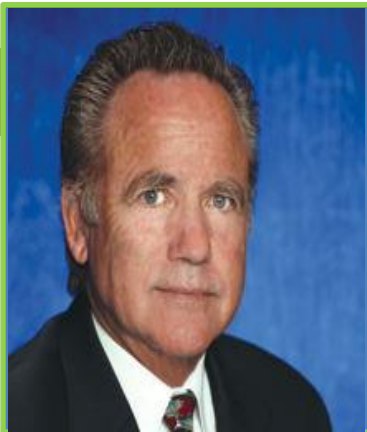
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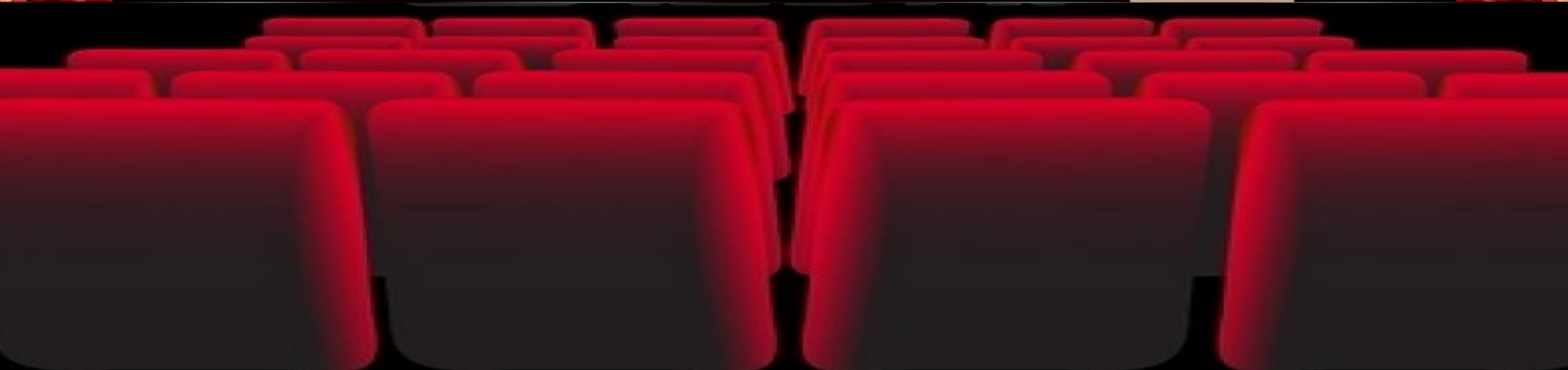
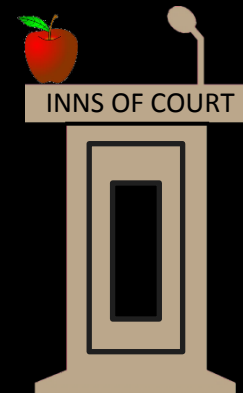


Marshall Meetinmiddle

*"I WILL settle your case. Period.
Or nobody is going home."*

Marshall

*Questions
and Answers*



1. DID THE JUDGE
HAVE THE AUTHORITY TO
ORDER THE PARTIES TO
ATTEND AND PAY FOR
MEDIATION?

Filed 1/4/07

CERTIFIED FOR PUBLICATION

COURT OF APPEAL - FOURTH APPELLATE DISTRICT
DIVISION ONE

STATE OF CALIFORNIA

JELD-WEN, Inc.,

Petitioner,

v.

THE SUPERIOR COURT OF SAN
DIEGO COUNTY,

Respondent;

MARLBOROUGH DEVELOPMENT
CORP., et al.,

Real Parties in Interest.

D048782

(San Diego County
Super. Ct. No. GIC834640)

PETITION for a writ of mandate challenging an order of the Superior Court of San

Filed 1/4/07

CERTIFIED FOR PUBLICATION

COURT OF APPEAL - FOURTH APPELLATE DISTRICT
DIVISION ONE

“The essence of mediation is its voluntariness.... While trial courts may try to cajole the parties ... into ... mediation..., parties cannot be forced or coerced over the threat of sanctions into attending and paying for private mediation as this is antithetical to the entire concept of mediation.” Jeld-Wen, 146 CA4 536

Real Parties in Interest.

PETITION for a writ of mandate challenging an order of the Superior Court of San

2. WAS IT PROPER TO
THREATEN WEEKLY
SETTLEMENT CONFERENCES
TO PERSUADE THE
PARTIES TO MEDIATE?

3. DOES PAINE HAVE A
MALPRACTICE CLAIM
AGAINST THE SHARK FOR
HIS THREAT TO WITHDRAW
AS COUNSEL?

MICHAEL CASSEL, Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; WASSERMAN, COMDEN, CASSELMAN & PEARSON, L.L.P., et al., Real Parties in Interest.

S178914

SUPREME COURT OF CALIFORNIA

51 Cal. 4th 113; 244 P.3d 1080; 119 Cal. Rptr. 3d 437; 2011 Cal. LEXIS 2

January 13, 2011, Filed

SUBSEQUENT HISTORY: Reported at *Michael v. S.C. Wasserman*, 2011 Cal. LEXIS 501 (Cal., Jan. 14, 2011)

PRIOR-HISTORY:

Superior Court of Los Angeles County, No. LC070478, William A. MacLaughlin, Judge. Court of Appeal, Second Appellate District, Division Seven, No. B215215. *Cassel v. Superior Court*, 179 Cal. App. 4th 152, 101 Cal. Rptr. 3d 501, 2009 Cal. App. LEXIS 1811 (Cal. App. 2d Dist., 2009)

statutes on the mere ground that they were private attorney-client communications that occurred outside the presence or hearing of the mediator or any other mediation participant. Instead, such attorney-client communications, like any other communications, were confidential, and therefore were neither discoverable nor admissible--even for purposes of proving a claim of legal malpractice--insofar as they were for the purpose of, in the course of, or pursuant to, a mediation (*Evid. Code, § 1119, subd. (a)*). By holding otherwise, and thus overturning the trial court's exclusionary order, the Court

MICHAEL CASSEL, Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; WASSERMAN, COMDEN, CASSELMAN & PEARSON, L.L.P., et al., Real Parties in Interest.

“All oral or written communications are covered, if they are made ‘for the purpose of’ or ‘pursuant to’ a mediation.” Cassel, 51 C.4th 113

January 13, 2011, Filed

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MICHAEL CASSEL, Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; WASSERMAN, COMDEN, CASSELMAN & PEARSON, L.L.P., et al., Real Parties in Interest.

“It follows that, absent an express statutory exception, all discussions conducted in preparation for a mediation, as well as all mediation-related communications that take place during the mediation itself, are protected from disclosure.”

William A. MacLaughlin, Judge. Court of Appeal, Second Appellate District, Division Seven, No. B215215. *Cassel v. Superior Court*, 179 Cal. App. 4th 152, 101 Cal. Rptr. 3d 501, 2009 Cal. App. LEXIS 1811 (Cal. App. 2d Dist., 2009)

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4. COULD THE STATE
BAR MAINTAIN DISCI-
PLINARY PROCEEDINGS
AGAINST THE SHARK?



THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL
AUDIT & REVIEW

1149 SOUTH HILL STREET, LOS ANGELES, CALIFORNIA 90015-2299

TELEPHONE: (213) 765-1612

FAX: (213) 765-1442

<http://www.calbar.ca.gov>

DIRECT DIAL: [REDACTED]

September [REDACTED], 2012

Personal and Confidential

[REDACTED]
[REDACTED]
[REDACTED]

RE: Respondent: [REDACTED]
Case No.: [REDACTED]

Dear [REDACTED]:

.....

With respect to your allegations concerning [REDACTED] conduct at the mediation, pursuant to Evidence Code section 1119(a), [REDACTED] statements at the mediation are inadmissible in a disciplinary hearing before the State Bar Court. As we discussed, the State Bar Court interprets Evidence Code section 1119(a) to apply to disciplinary proceedings.



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“[S]tatements at the mediation are inadmissible in a disciplinary hearing before the State Bar Court.... The State Bar Court interprets Evidence Code section 1119(a) to apply to disciplinary proceedings.”

.....

With respect to your allegations concerning [REDACTED] conduct at the mediation, pursuant to Evidence Code section 1119(a), [REDACTED] [REDACTED] statements at the mediation are inadmissible in a disciplinary hearing before the State Bar Court. As we discussed, the State Bar Court interprets Evidence Code section 1119(a) to apply to disciplinary proceedings.

5. IS THE SHARK'S
CONDUCT IN THREATEN-
ING PAIN PROTECTED
BY CASSEL?

MICHAEL CASSEL, Petitioner, v. THE SUPERIOR COURT OF LOS ANGELES COUNTY, Respondent; WASSERMAN, COMDEN, CASSELMAN & PEARSON, L.L.P., et al., Real Parties in Interest.

“Judicial construction, and judicially crafted exceptions, are permitted only where due process is implicated or where literal construction would produce absurd results.”

Cassel, 51 Cal.4th 113

PRIOR-HISTORY:

Superior Court of Los Angeles County, No. LC070478, William A. MacLaughlin, Judge. Court of Appeal, Second Appellate District, Division Seven, No. B215215. *Cassel v. Superior Court*, 179 Cal. App. 4th 152, 101 Cal. Rptr. 3d 501, 2009 Cal. App. LEXIS 1811 (Cal. App. 2d Dist., 2009)

presence or hearing of the mediator or any other mediation participant. Instead, such attorney-client communications, like any other communications, were confidential, and therefore were neither discoverable nor admissible--even for purposes of proving a claim of legal malpractice--insofar as they were for the purpose of, in the course of, or pursuant to, a mediation (*Evid. Code*, § 1119, *subd. (a)*). By holding otherwise, and thus overturning the trial court's exclusionary order, the Court

6. DOES CASSEL

PROTECT THE SHARK'S
DISCLOSURE OF PAINE'S
CONFIDENTIAL COMMUNI-
CATIONS?

7. WHAT SHOULD
MEET IN MIDDLE HAVE
DONE IN LIGHT OF THE
SHARK'S CONDUCT?

A theater stage with red curtains on the left and right sides. In the center, there is a large graphic of concentric circles, resembling a target or a spotlight effect, with a dark center and lighter outer rings. The text "That's all Folks!" is written in a white, cursive font across the center of the target graphic. The foreground shows the backs of several rows of red theater seats.

That's all Folks!

MEDIATION:
AN ETHICAL “NO MAN’S LAND”

Presented by

PUPILAGE GROUP SIX

Cameron Astiazaran, Jeff Bolender, Rod Burkley, Gary Effron, Tom Fay, Barry Gore, Evan Koch, Robert Lauson, Pete Pettler, Cynthia Pollock, Mark Miller, David Simon, Mark Sarni, Rebecca Schroff, Hon. Ramona See, and Liz Turner