

SEP 14 2009

ALAN CARLSON, Clerk of the Court

BY: J. CORDERO , DEPUTY

JAFARI LAW GROUP, INC.
David V. Jafari, SBN: 207881
801 N. Parkcenter Drive, Suite 220
Santa Ana, California, 92705
Telephone: (714) 542-2265
Facsimile: (714) 542-2286

Attorney for Plaintiff
SHAWN SHIRVAN

COPY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER**

SHAWN SHIRVAN, an individual,	)	Case No.: 30-2009-00296058
)	
Plaintiff,)	
	)	FIRST AMENDED COMPLAINT
vs.	)	AGAINST WITNESS TO RECOVER
	)	PENALTY AND DAMAGES FOR
EMONE RAHMATI, and DOE 1 through	)	DISOBEYING SUBPOENA TO APPEAR
DOE 10 inclusive,	)	AND TESTIFY AT DEPOSITION
	)	PURSUANT TO CCP § 1992
Defendants.)	
)	
	)	[Action is reclassified from limited to unlimited
	)	civil action]
)	
	)	Complaint filed: August 24, 2009
)	
)	
)	
)	

Plaintiff alleges:

1. Defendant is, and at all times herein mentioned was, a resident of Riverside County, California.
2. Plaintiff is ignorant of the true names and capacities of defendants sued hereunder as DOES 1 through 10, inclusive, and therefore sues these defendants by such fictitious names.
3. On June 20, 2009, at 748 June Drive, Corona, Ca 92879, State of California, SHAWN SHIRVAN, plaintiff herein, caused Richard Martin, a California registered process server, PSC- 4703 – Los Angeles (JPL Process Service, P.O. Box 918, Midway City, CA

1 92655 (866) 754-0520), to serve EMONE RAHMATI, defendant herein, with a
2 subpoena commanding him to attend as a witness and produce business records on July
3 15, 2009, at 11:00 o'clock a.m., at 801 Parkcenter Drive, then and there to give testimony
4 on behalf of plaintiff in an action pending in the above entitled court, entitled SHAWN
5 SHIRVAN v. ASTECH ENGINEERED PRODUCTS, INC. and numbered 30-2008-
6 00110303 wherein plaintiff herein was plaintiff and ASTECH ENGINEERED
7 PRODUCTS, INC. was defendant. (Attached hereto as Exhibit A is a copy of the
subpoena and proof of service.)

- 8 4. When said Richard Martin served defendant with said subpoena at said time and place,
9 defendant did not demand witness fees nor were witness fees paid to defendant.
- 10 5. Defendant failed to attend as commanded by said subpoena.
- 11 6. Said action was for wrongful termination of Plaintiff by ASTECH ENGINEERED
12 PRODUCTS, INC. Defendant is a former employee of ASTECH ENGINEERED
13 PRODUCTS, INC. who previously filed a suit against ASTECH ENGINEERED
14 PRODUCTS, INC. for wrongful termination on similar grounds as plaintiff. Because of
15 said failure of defendant to attend as a witness pursuant to said subpoena, this plaintiff
16 was not able to obtain testimony of defendant to prove its case against ASTECH
17 ENGINEERED PRODUCTS, INC. Although, plaintiff and ASTECH ENGINEERED
18 PRODUCTS, INC. have since reached a settlement, defendant's testimony would have
19 substantially bolstered plaintiff bargaining position during settlement and possibly trial,
20 and as a proximate result of defendant's failure to attend, produce the subpoenaed
business records, and give testimony, plaintiff was damaged by settling said action for
\$500,000 less than the amount the case would have settled for if said testimony were
provided and said business records were produced.

21 Wherefore, plaintiff prays judgment for:

- 22 1. Five hundred Dollars forfeited by defendant to plaintiff pursuant to California Code of
23 Civil Procedure Section 1992;
24 2. Damages in the sum of \$500,000 Dollars together with interest from August 18, 2009;
25 3. Costs of Suit; and
4. Such other and further relief as the court deems proper.

DATED: September 14, 2009

JAFARI LAW GROUP, INC.

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/DVI/

By: DAVID JAFARI
Attorneys for Plaintiff

EX.

" A "

<p>ATTORNEY (OR PARTY WITHOUT ATTORNEY) (Name, State Bar number, street address) DAVID V. JAFARI, ESQ. 801 N. PARKCENTER DRIVE SUITE 220 SANTA ANA, CA 92705</p> <p>TELEPHONE NO. 714-542-2265</p> <p>E-MAIL ADDRESS (Optional): _____ FAX NO. (Optional): 714-542-2286</p> <p>ATTORNEY FOR (Name): _____</p>	<p>FOR COURT USE ONLY</p>
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE COUNTY</p> <p>STREET ADDRESS 700 CIVIC CENTER DRIVE WEST</p> <p>MAILING ADDRESS _____</p> <p>CITY AND ZIP CODE SANTA ANA, CA 92701</p> <p>BRANCH NAME CENTRAL JUSTICE CENTER</p>	
<p>PETITIONER/PLAINTIFF: SHAWN SHIRVAN</p> <p>RESPONDENT/DEFENDANT: ASTECH ENGINEERED PRODUCTS, INC.</p>	
<p>PROOF OF PERSONAL SERVICE—CIVIL</p>	<p>CASE NUMBER</p> <p style="text-align: center;">30-2008-00110303</p>

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action.
2. I served the following documents (specify):
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS(SUBP-020)

The documents are listed in the Attachment to Proof of Personal Service—Civil (Documents Served) (form POS-020(D)).

3. I personally served the following persons at the address, date, and time stated:

- a. Name: **EMONE RAHMATI**
- b. Address: **748 JUNE DRIVE , CORONA, CA 92879**
- c. Date: **06/20/2009**
- d. Time: **02:15 PM**

The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).

4. I am

- a. not a registered California process server.
- b. a registered California process server.
- c. an employee or independent contractor of a registered California process server.
- d. exempt from registration under Business & Professions Code section 22350(b).

5. My name, address, telephone number, and, if applicable, county of registration and number are (specify):

Richard Martin
PSC-4703 - LOS ANGELES
JPL Process Service
P.O. Box 918, Midway City, CA 92655
866.754.0520

6. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: **6-22-09**

Richard Martin

TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS:



SIGNATURE OF PERSON WHO SERVED THE PAPERS:

SUBP-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): David Jafari, SBN 207881 801 Parkcenter Drive, Suite 220 Santa Ana, CA 92705 TELEPHONE NO: 714-542-2265 FAX NO. (Optional): 714-542-2286 E-MAIL ADDRESS (Optional): djafari@jafarilawgroup.com ATTORNEY FOR (Name): Plaintiff Shawn Shirvan		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange STREET ADDRESS: 700 Civic Center Drive West MAILING ADDRESS: 700 Civic Center Drive West CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Central Justice Center		
PLAINTIFF/PETITIONER: SHAWN SHIRVAN DEFENDANT/RESPONDENT: ASTECH ENGINEERED PRODUCTS, INC.		
DEPOSITION SUBPOENA FOR PERSONAL APPEARANCE AND PRODUCTION OF DOCUMENTS AND THINGS		CASE NUMBER: 30-2008-00110303

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
EMONE RAHMATI, 748 JUNE DR, CORONA, CA 92879-1143 951-808-0625

1. YOU ARE ORDERED TO APPEAR IN PERSON TO TESTIFY AS A WITNESS in this action at the following date, time, and place:

Date: July 15, 2009 Time: 11:00 A.M. Address: 801 Parkcenter Drive, Suite 220, Santa Ana, CA 92705

- a. As a deponent who is not a natural person, you are ordered to designate one or more persons to testify on your behalf as to the matters described in item 4. (Code Civ. Proc., § 2025.230.)
 - b. You are ordered to produce the documents and things described in item 3.
 - c. This deposition will be recorded stenographically through the instant visual display of testimony and by audiotape videotape.
 - d. This videotape deposition is intended for possible use at trial under Code of Civil Procedure section 2025.620(d).
2. The personal attendance of the custodian or other qualified witness and the production of the original records are required by this subpoena. The procedure authorized by Evidence Code sections 1560(b), 1561, and 1562 will not be deemed sufficient compliance with this subpoena.
3. The documents and things to be produced and any testing or sampling being sought are described as follows:
- Continued on Attachment 3.
4. If the witness is a representative of a business or other entity, the matters upon which the witness is to be examined are described as follows:

Continued on Attachment 4.

5. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.
6. At the deposition, you will be asked questions under oath. Questions and answers are recorded stenographically at the deposition; later they are transcribed for possible use at trial. You may read the written record and change any incorrect answers before you sign the deposition. You are entitled to receive witness fees and mileage actually traveled both ways. The money must be paid, at the option of the party giving notice of the deposition, either with service of this subpoena or at the time of the deposition. Unless the court orders or you agree otherwise, if you are being deposed as an individual, the deposition must take place within 75 miles of your residence or within 150 miles of your residence if the deposition will be taken within the county of the court where the action is pending. The location of the deposition for all deponents is governed by Code of Civil Procedure section 2025.250.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF \$500 AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: June 9, 2009

DAVID JAFARI

(SIGNATURE OF PERSON ISSUING SUBPOENA)
ATTORNEY AT LAW

SHORT TITLE: <i>Shawn Shirvan v. Astech Engineered Products, Inc.</i>	CASE NUMBER: 30-2008-00110303
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ATTACHMENT 3

All DOCUMENTS* concerning the following lawsuit:

EMONE RAHMATI v. ASTECH ENGINEERED PRODUCTS, INC., filed April 28 2008, Case Number 30-2008-00103693, Orange County Superior Court, Central Justice Center.

* "DOCUMENT" means a writing as defined by Evidence Code Section 250, and shall include, without limitation, the original (and absent the original then a copy thereof), all file copies and copies not identical to the original of any writing or record of every type, form, and description that is in the possession, custody, or control of the responding party, or which no longer is in the responding party's possession but of which the responding party still has knowledge, whether or not said writings or records are claimed to be privileged or otherwise immune from discovery including by way of illustration and not limitation, the following items: notes, correspondence, communications of any nature (including intra-company communications and correspondence), electronic mail messages, telegrams, cables, memoranda (including internal memoranda), notebooks of any nature, including laboratory and engineering reports; summaries, minutes and records of telephone conversations, personal conversations or interviews; diaries, routing slips or memoranda, reports (including tests and analysis reports), books, manuals, publications, invoices, specifications, shipping papers, purchase orders, shop instrument output, plans, patterns, drawings, flow charts, schematics, diagrams, photographs of any nature, artists' drawings, sketches, blueprints, minutes or recordings of meetings and conferences, including lists of persons attending meetings or conferences; transcripts of oral testimony or statements; reports and/or summaries of interviews; reports and/or summaries of investigations; opinions or reports of consultants; opinions of counsel; forecasts; reports of patent searches; patent opinions, analyses or appraisals; agreements and contracts (including all modifications or revisions thereof); reports and/or summaries of negotiations; court papers, labels, tags, placards, fliers, counter cards, brochures, pamphlets, advertisements, advertising layouts, circulars, trade letters, press releases, and translations; presentations, including boards, transparencies, storybooks and/or scripts; drafts of original or preliminary notes on, and marginal comments appearing on, any DOCUMENTS; whether said writings or records are on paper, magnetic disk, tape or other computer or digital storage medium, microfilm, microfiche, floppy, or any other storage or recording medium.

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, not the numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

Page One

1 JAFARI LAW GROUP, INC.
David V. Jafari, SBN: 207881
2 801 N. Parkcenter Drive, Suite 220
Santa Ana, California, 92705
3 Telephone: (714) 542-2265
Facsimile: (714) 542-2286
4

5 Attorney for Plaintiff
SHAWN SHIRVAN

6 **SUPERIOR COURT OF CALIFORNIA**
7 **COUNTY OF ORANGE**
8 **CENTRAL JUSTICE CENTER**
9

10 SHAWN SHIRVAN, an individual,) Case No.: 30-2009-00296058
11)
Plaintiff,)
12) **PROOF OF SERVICE**
vs.)
13) [Action is reclassified from limited to unlimited
EMONE RAHMATI, and DOE 1 through) civil action]
DOE 10 inclusive,)
14) Complaint filed: August 24, 2009
Defendants.)
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21 I am employed in the County of Orange, State of California. I am over the age of 18 and
22 not a party to the within action; my business address is 801 N. Parkcenter Drive, Suite 220, Santa
23 Ana, CA 92705.

24
25 On the date below, I served the following document:

1 **FIRST AMENDED COMPLAINT AGAINST WITNESS TO RECOVER PENALTY**
2 **AND DAMAGES FOR DISOBEYING SUBPOENA TO APPEAR AND TESTIFY AT**
3 **DEPOSITION PURSUANT TO CCP § 1992**

4 on the interested parties in this action, as follows:

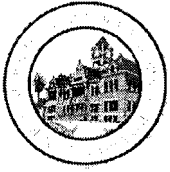
5 Jim Husen
6 Law Offices of Jim Husen
7 3068 Brockton Ave.
8 Riverside , California 92501
9 Phone: (951) 781-8985
10 Fax: (951) 781-2088
11 E-Mail: jim@jimhusen.com

12 X BY MAIL, I am readily familiar with the law firm's practice for collection and
13 processing of correspondence for mailing with the U.S. Postal Service. The within
14 correspondence will be deposited with the U.S. Postal Service on the same day shown on this
15 affidavit, with postage fully prepaid, in the ordinary course of business. I am the person who
16 sealed and placed for collection and mailing the within correspondence on this date at Santa Ana,
17 California, following ordinary business practices.

18 I declare under penalty of perjury, pursuant to the laws of the State of California that the
19 foregoing is true and correct, and that this proof of service was executed on September 14, 2009,
20 at Santa Ana, California.

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SUPERIOR COURT OF CALIFORNIA

COUNTY OF ORANGE

Superior Court of California, County of Orange

700 W. Civic Center Drive
Santa Ana, CA 92702

PAYMENT RECEIPT

Receipt #: 10291736

Clerk ID: jcordero

Transaction No: 10467862

Transaction Date: 09/14/2009

Transaction Time: 03:40:45 PM

Case Number	Fee Type	Qty	Fee Amount\$	Balance Due	Amount Paid	Remaining Balance
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30-2009-00296058-CL-MC-CJC	17 - Reclassification limited to unlimited	1	\$140.00	\$140.00	\$140.00	\$0.00
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Sales Tax: \$0.00

Total: \$140.00 **Total Rem. Bal: \$0.00**

Check Number(s): 2885

Check: \$140.00

Total Amount Tendered: \$140.00

Change Due: \$0.00

Balance: **\$0.00**

\$25 will be charged for each returned check. www.occourts.org

ORIGINAL

2/14/09
1410

Clerk of Ct.

Shirvan v. Rahmati - reclassification of 1st papers
filing fee