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Attorneys for Defendant,

6 DANIELLE STAUB

7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

11 KEVIN MAHER; MARIBEL MAHER,

12 Plaintiffs,

13 v.

14 DANIELLE STAUB; and DOES 1
through 20, inclusive,

15 Defendants.

) Case No. CV-09-8646-CAS (JCx)
) Hon. Christina A. Snyder

) **DECLARATION OF PETER COOK,**
) **ESQ. SUPPORTING MOTIONS IN**
) **LIMINE ONE (1) THROUGH FIVE**
) **(5)**

) Final Pre-Trial Status Conference
) Date: October 18, 2010
) Time: 11:00 AM
) Dept.: 5

) Date Action Filed: October 8, 2009
) Trial Date: February 15, 2011

21 I, PETER COOK, ESQ., declare as follows:

22 1. I am an attorney at law duly licensed to practice before all courts of the
23 State of California, licensed to practice in the United States District Court, Central
24 District of California, and an associate attorney with the law firm, Schumann, Rallo
25 & Rosenberg, LLP, attorneys for Defendant, DANIELLE STAUB. I make this
26 declaration based on my personal knowledge of the facts stated herein. I gained
27 such personal knowledge based on my participation in the events described herein,
28 my preparation or review of the documents identified herein, or some combination

1 of the foregoing as identified herein. If called to testify as a witness to such facts, I
2 could and would do so competently and truthfully under oath.

3 2. Counsel met and conferred on subject of each of the Motions in
4 Limine, One (1) through Five (5), pursuant to L.R. 7-3. Attached herein as Exhibit
5 A is a copy of a confirmation letter regarding this conference of counsel dated
6 September 16, 2010.

7 3. During the conference of counsel, we directly discussed the following
8 issues: (1) exclusion evidence regarding or related the Defendant's criminal history;
9 (2) exclusion of the deposition testimony of Caroline Manzo; (3) exclusion of
10 evidence regarding or related to any polygraph examinations performed on
11 Plaintiff; (4) exclusion of any and all references to the Defendant's extra-marital
12 sexual history; and (5) exclusion of any testimony from Daniel Aguilar.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Executed on: September 21, 2010 at Costa Mesa, California.

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17 /s/ - Peter Cook, Esq.
Peter Cook, Esq.
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EXHIBIT A

Schumann, Rallo & Rosenberg, LLP

ATTORNEYS AT LAW

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September 16, 2010

Via U.S. Mail and Facsimile: (909) 861-4441

Thomas E. Rockett, III, Esq.
Roger Paredes, Esq.
LAW OFFICES OF THOMAS E. ROCKETT, III
10 Pointe Drive, Suite 150
Brea, CA 92821

Re: Maier v. Staub - Meet and Confer Regarding Motions in Limine

Dear Mr. Rockett:

Our office met and conferred with your office regarding our intended Motions in Limine on September 14, 2010. The following is a reiteration of the listing of Motions in Limine our office plans on filing:

- (1) Any and all references to any polygraph testing of Kevin Maier;
- (2) Any depictions of Danielle Staub as either a stripper, prostitute, or cocaine addict by Kevin Maier, including such depictions in the book "Cop Without a Badge.";
- (3) Generally, any use of video footage from the television series "The Real Housewives of New Jersey." This intended Motion in Limine may be altered once your office notifies us of the precise portions of the television program you intend on presenting at trial;
- (4) Generally, any use of the book "The Naked Truth" by Danielle Staub. This intended Motion in Limine may be altered once your office notifies us of the precise portions of the book you intend on presenting at trial;
- (5) Any and all references to the Defendant's criminal history, including references to her felony conviction or her probation;
- (6) Any and all references to Defendant being either a stripper or a prostitute;
- (7) Any reference to Defendant's sexual history prior to her relationship with Plaintiff;
- (8) Any reference to Defendant's sexual history after her divorce from Plaintiff, including any and all references to Defendant's sexual history within the last three years;
- (9) Any and all references to Defendant's past and/or present use of illegal drugs;
- (10) Any and all references to any and all "sex tapes" featuring Defendant, including testimony from Steve Zalewski;
- (11) The entirety of the deposition testimony of Daniel Aguilar. This intended Motion

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- in Limine may be altered once your office notifies us of the precise portions of the deposition testimony you intend on presenting at trial;
- (12) Any and all reference to Daniel Aguilar's relationship with Defendant;
 - (13) Any and all reference by Daniel Aguilar regarding Defendant's alleged prostitution;
 - (14) Any and all reference by Daniel Aguilar regarding Defendant's alleged use of illegal drugs;
 - (15) Any and all reference by Daniel Aguilar related to the facts surrounding the criminal charges against Defendant, including any facts regarding the criminal proceedings or sentencing;
 - (16) Any an all reference to any money allegedly owed to Daniel Aguilar by Defendant;
 - (17) Any and all references by Daniel Aguilar with regard to Defendant's reputation;
 - (18) The entirety of the deposition testimony of Caroline Manzo. This intended Motion in Limine may be altered once your office notifies us of the precise portions of the deposition testimony you intend on presenting at trial;
 - (19) Any and all references by Caroline Manzo in reference to any depiction of Defendant on the program "The Real Housewives of New Jersey." This intended Motion in Limine may be altered once your office notifies us of the precise portions of the television program you intend on presenting at trial;
 - (20) Any and all references with regard to the Defendant's relationship with Dina Manzo;
 - (21) Any and all references with regard to the Defendant's relationship with Teresa Guidice;
 - (22) Any and all references with regard to the Defendant's relationship with Jacqueline Laurita;
 - (23) Any and all references to Defendant's interactions at the Brownstone facility owned by Caroline Manzo;
 - (24) Any and all references by Caroline Manzo with regard to Defendant's reputation;
 - (25) Any and all references by Caroline Manzo regarding Defendant's alleged outstanding debts;
 - (26) Any and all references by Caroline Manzo with regard to any alleged deceitful acts by Defendant as related to other people;
 - (27) Any and all references to Plaintiff's employment relationship with Americo Mercado, including testimony regarding any damages resulting from Plaintiff's dealings with Americo Mercado. This may change if Americo Mercado becomes available for deposition;
 - (28) Any and all references to any other litigation that the Defendant is currently involved in, including any litigation regarding to defamation claims by Steven Zalewski; and
 - (29) Any and all references to any other criminal proceedings that the Defendant has

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been involved in, including any criminal proceedings regarding Ashley Holmes.

This is not an exclusive listing of all evidence that the Defendant seeks to exclude at trial, but is a reasonable listing of evidence that we seek to exclude based on the Plaintiff's representations of what evidence Plaintiff seeks to include at trial. Additionally, as Plaintiff has not provided information of specific deposition testimony sought to be used at trial as required under Local Rule 16-2.7, as well as information on specific portions of books that Plaintiff seeks to include at trial, this list may be altered to request exclusion of any such evidence brought to light. Finally, as new facts and information may arise due to actions taken by the Defendant or Plaintiff that have not yet come to light, the Defendant may seek to exclude additional evidence at trial. As such, the Defendant reserves the right to amend this list and file additional Motions in Limine.

Pursuant to my conversation with Roger Paredes, my understanding is that you will not stipulate to the exclusion of any of the above-referenced evidence. If you do choose to stipulate to any of the above referenced evidence, then please notify me as soon as possible, and by the latest on Monday, September 20, 2010. If you have any questions or comments regarding any of these Motions in Limine, you may contact me at [REDACTED]

Very truly yours,

SCHUMANN, RALLO & ROSENBERG, LLP



KIM SCHUMANN
PETER COOK

PC/ml

