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6 Attorneys for Plaintiff(s) JOHANNA GARCIA, an individual, KATHERINE VANESSA GARCIA, an
7 individual, and THE ESTATE OF ENRIQUE GARCIA SANCHEZ

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

10
11 JOHANNA GARCIA, an individual,
KATHERINE VANESSA GARCIA, an
12 individual, and THE ESTATE OF ENRIQUE
GARCIA SANCHEZ,

13 Plaintiffs,

14 vs.

15
16 ESSAM R. QURAIISHI, M.D., and DOES 1
through 50, inclusive.

17 Defendants.

Case No: 30-2019-01060953
Assigned for all purposes to:
HON JAMES CRANDALL
Dept:C33

**NOTICE OF RULING GRANTING
PLAINTIFF’S MOTION FOR NEW
TRIAL**

Hearing Date: August 4, 2022
Time: 10:00 a.m.
Dept.: C33

Complaint Filed: March 29, 2019

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23 TO THE COURT AND TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

24 **PLEASE TAKE NOTICE** that on August 4, 2022, at 10:00 a.m., in Department C-33 of the
25 above-entitled court, Plaintiffs, JOHANNA GARCIA, KATHERINE VANESSA GARCIA, and THE
26 ESTATE OF ENRIQUE GARCIA SANCHEZ’s motion a new trial came before the Court. After hearing
27 argument from counsel, the Court granted Plaintiff’s motion for new trial on the following grounds:
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1 This motion is made under the provisions of C.C.P. §§629 and 657, and 659 and is based upon
2 the grounds that a new trial is necessary. The motion is made on the following grounds, any or all of
3 which individually or acting in concert materially affected the substantial rights of the moving party and
4 prevented a fair trial:

5 1. Pursuant to Code of Civil Procedure section 657(1), an irregularity in the proceedings
6 of the Court materially affected the substantial rights of the Plaintiff and prevented a
7 fair trial, to wit:

- 8 a. Defense Counsel's inflammatory closing argument where he told
9 the jury that Plaintiffs and Plaintiff's counsel had extorted the
10 defendant violated Plaintiff's right to a fair and impartial trial.
- 11 b. Defense Counsel's closing argument was improper in that he
12 inserted his personal opinion by saying: "Welcome to America.
13 Welcome to the personal injury industrial complex." This
14 statement could be interpreted as being anti-immigrant.
- 15 c. The 19 Calendar Days Break Mid Trial Allowed by the Trial Court
16 is an Irregularity in the Proceedings which violated the Plaintiffs'
17 right to a fair and impartial trial.
- 18 d. Defense Counsel's Empty Chair Arguments during closing
19 arguments made after he promised the Court that he would not do
20 so violated Plaintiff's right to a fair and impartial trial.
- 21 e. The jury foreperson's failure to disclose during voir dire his
22 previous employment as an agent for Farmers Insurance Company
23 violated Plaintiff's right to a fair and impartial trial.

24 2. Newly discovered evidence, material for the party making the application, which he
25 could not, with reasonable diligence, have discovered and produced at the trial (CCP
26 §657(4)), to wit: Videos posted by defense counsel on social media in which he
27 commented that Enrique Garcia Sanchez was "probably negligently killed" by
28 Defendant and he "made it seem like others people" had done it amounts to an

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admission that an justice had not prevailed and that an irregularity in the proceedings occurred during the trial that materially affected the substantial rights of the Plaintiffs and prevented a fair trial.

The Court ordered Plaintiff’s counsel to prepare the notice of ruling. The court further set a Case Management Conference for October 26, 2022 at 9:00 a.m. in Department C-33 of the above-entitled court.

DATED: August 4, 2022

LEDEZMA ROBLES & BABAEE LLP

Jorge Ledezma

By: _____
Jorge Ledezma
Attorneys for Plaintiffs
JOHANNA GARCIA, KATHERINE GARCIA,
and THE ESTATE OF ENRIQUE GARCA

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 1851 E. First Street, Suite 850, Santa Ana, CA 92705.

On August 5, 2022, I served the foregoing document described as **NOTICE OF RULING GRANTING PLAINTIFF’S MOTION FOR NEW TRIAL**, by delivering a true copy on all interested parties in this action, as seen in the **ATTACHED SERVICE LIST**, as follows:

BY MAIL: I am “readily familiar” with Ledezma Robles & Babae LLP’s practice of collection and processing correspondence for mailing. Under said practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Santa Ana, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY ELECTRONIC SERVICE: I caused a copy of such document(s) to be delivered via electronic service pursuant to C.C.P. § 1010.6 and Cal. Rules of Court, rule 2.256; and by agreement of the recipient pursuant to Cal. Rules of Court, rule 2.251 and/or by Court Order pursuant to Cal. Rules of Court, rule 2.253.

BY EXPRESS MAIL: I caused such envelope to be deposited in the U.S. Mail at Santa Ana, California. The envelope was mailed with Express Mail postage thereon fully prepaid pursuant to C.C.P. § 1013(c).

BY OVERNIGHT DELIVERY: I caused such envelope to be deposited in the U.S. Mail at Santa Ana, California. The envelope was mailed with Express Mail postage thereon fully prepaid pursuant to C.C.P. § 1013(c).

BY PERSONAL SERVICE pursuant to C.C.P. § 1011, as follows: I caused a copy of such document(s) to be delivered by hand to the offices of the addressee between the hours of 9:00 A.M. and 5:00 P.M.

BY FACSIMILE: I caused such documents to be transmitted to the telephone number of the addressee listed on the attached service list, by use of facsimile machine telephone number. The facsimile machine used complied with California Rules of Court, rule 2.306 and no error was reported by the machine.

STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

FEDERAL I declare that I am employed in the office of a member of the bar of this court at whose direction this service was made.

Executed on August 5, 2022, at Santa Ana, California.

Trisha Crow

Trisha Crow

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3 **SERVICE LIST**
4 **GARCIA v. QURAIISHI**
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