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8 Attorneys for Defendants
9 Linda R. Kramer and Erik Von Presentin Hunsaker
10 as Co-Trustees of the Lynn and Erik’s Trust, and
11 Linda R. Kramer, as an individual

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 LAURA LYNN HAMMETT, an
15 individual,
16
17 Plaintiff,

18 v.

19 MARY E. SHERMAN, an individual;
20 MARY E. SHERMAN, as manager of
21 Silver Strand Plaza, LLC; SILVER
22 STRAND PLAZA, LLC, a California
23 limited liability company; MARY E.
24 SHERMAN as CO-TRUSTEE OF THE
25 J & M SHERMAN FAMILY TRUST, a
26 California revocable trust; JEFFREY M.
27 SHERMAN as CO-TRUSTEE OF THE
28 J & M SHERMAN FAMILY TRUST;
MARY E. SHERMAN as TRUSTEE OF
THE ALEXA SHERMAN
IRREVOCABLE TRUST, a California
irrevocable trust; MARY E. SHERMAN
as TRUSTEE OF THE DANA
SHERMAN IRREVOCABLE TRUST, a
California irrevocable trust; MARY E.
SHERMAN as TRUSTEE OF THE
JENNA SHERMAN IRREVOCABLE
TRUST, a California irrevocable trust;

Case No.: 3:19-cv-0605-JLS-LL

**Declaration of Robert M. Wilson in
Support of Defendant Linda R.
Kramer’s Opposition to Plaintiff’s
Motion for the Court to Compel the
Clerk of Court to Enter Clerk’s
Default**

Hearing Date: 10/24/19
Time: 1:30 p.m.
Courtroom: 4D

Hon. Janis L. Sammartino
Hon. Magistrate Allison H. Goddard

Case Filed: April 2, 2019

1 MARY E. SHERMAN as TRUSTEE OF
2 THE BROXTON DENNIS
3 IRREVOCABLE TRUST, a California
4 irrevocable trust; MARY E. SHERMAN
5 as TRUSTEE OF THE CURT DENNIS
6 IRREVOCABLE TRUST, a California
7 irrevocable trust; MARY E. SHERMAN
8 as TRUSTEE OF THE SEAN LYNN
9 IRREVOCABLE TRUST, a California
10 irrevocable trust; MARY E. SHERMAN
11 as TRUSTEE OF THE BRANDEN
12 LYNN IRREVOCABLE TRUST, a
13 California irrevocable trust; LINDA R.
14 KRAMER, an individual; LINDA R.
15 KRAMER as CO-TRUSTEE OF THE
16 LYNN AND ERIK'S TRUST; ERIK
17 VON PRESSINTIN HUNSAKER as
18 CO-TRUSTEE OF THE LYNN AND
19 ERIK'S TRUST; DIANE G. DENNIS,
an individual; ELLIS ROY STERN,
ESQ., an individual; ALAN N.
GOLDBERG, ESQ., an individual;
STERN & GOLDBERG, a California
Partnership; PATRICK C.
MCGARRIGLE, ESQ., an individual;
MCGARRIGLE, KENNEY &
ZAMPIELLO, A PROFESSIONAL
LAW CORPORATION, a California
corporation; DOES 1-99,

20 Defendants.

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1 I, Robert Wilson, declare as follows:

2 1. I am a paralegal at Fitzgerald Knaier LLP, counsel for defendants Linda
3 R. Kramer and Erik Von Pressentin Hunsaker as Co-Trustees of the Lynn and
4 Erik's Trust, and Linda R. Kramer, as an individual ("Defendants"). I have personal
5 knowledge of the facts set forth in this declaration, to which I could and would
6 testify competently if called upon to do so.

7 2. I am the primary paralegal assigned to this matter and am in charge of
8 filing any and all documents with the ECF system. As a result of my efforts and my
9 role on the case, I have personal knowledge of all electronic filing activities in this
10 matter.

11 3. On July 30, 2019, I electronically filed Defendants' Motion to Dismiss
12 Plaintiff's First Amended Complaint. My intention at the time was to file the
13 motion on behalf of defendant Erik Von Pressentin Hunsaker and defendant Linda
14 R. Kramer in both her capacity as an individual and as co-trustee.

15 4. When I selected the Parties to file on the ECF system, there was only
16 one available selection for "Linda R. Kramer." As a paralegal for over five years, I
17 had never encountered a party not being listed on the ECF system. I believed that
18 by selecting the single option for Linda R. Kramer on the system, it encompassed
19 both Linda R. Kramer as an individual *and* as co-trustee of the Lynn and Erik's
20 Trust.

21 5. On August 1, 2019, after the motion to dismiss had been filed, I was
22 notified that Linda R. Kramer had been added to the docket on the ECF system as
23 an individual. I immediately called the Clerk of the Court to ensure that an
24 appearance was entered for Linda R. Kramer as both an individual and as co-trustee.

25 6. When I spoke to the Clerk, he indicated that the selection for Linda R.
26 Kramer as an individual was inadvertently left off the ECF system when the file was
27 initially created and acknowledged that there was no selection available for Linda R.
28 Kramer as an individual when I filed the motion to dismiss. After noticing the

1 mistake, he added her to the docket on August 1, 2019. I then explained to him that
2 we represented Linda Kramer as both an individual and as co-trustee, and that our
3 Motion to Dismiss was filed on behalf of Linda Kramer in both capacities. I directed
4 him to the footnote on page 6 of the Motion to Dismiss (*See* Doc. No. 19-1 at 6, fn.
5 3), showing that we did, in fact, represent the individual. The clerk agreed and told
6 me that he would deny Plaintiff's request for entry of default and add my firm to the
7 ECF system as representing Linda R. Kramer, an individual.

8 I declare under penalty of perjury under the laws of the state of California that
9 the foregoing is true and correct. Executed this 26th day of September 2019 in San
10 Diego, California.

11 *s/ Robert M. Wilson*

12 Robert M. Wilson

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