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Attorneys for Defendants and Respondents
MARC HABERMAN, C-CUBED SOLUTIONS, Inc.
a Delaware Corporation, C-CUBED PRIVATE SOLUTIONS
LIMITED, a business entity formed in India

FILED
LOS ANGELES SUPERIOR COURT
FEB 27 2002
JOHN A. CLARKE, CLERK
BY T. SCOTT, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES CENTRAL DISTRICT

C-CUBED SOLUTIONS, INC. a Delaware Corporation, C-CUBED PRIVATE SOLUTIONS LIMITED, a business entity formed in India, ROCKY STEFANSKY, an individual

Plaintiff,

v.

MARC HABERMAN, aka MOSHE HABERMAN, an individual

Defendants.

ROCKY STEFANSKY,

Petitioner,

v.

MARC HABERMAN aka MOSHE HABERMAN C-CUBED SOLUTIONS, Inc. a Delaware Corporation, C-CUBED PRIVATE SOLUTIONS LIMITED, a business entity formed in India.

Respondents

CASE NO.: BC 255351
[Assigned to the Hon. Helen Bendix, Dept. 18]

EVIDENTIARY OBJECTION AND REQUEST TO STRIKE RABBI GERSHON BESS

Date : Feb. 28, 2002
Time : 9:00 a.m.
Place : 18

RESPONDENTS MARC HABERMAN aka MOSHE HABERMAN, C-CUBED

1 SOLUTIONS, Inc., a Delaware Corporation, C-CUBED PRIVATE SOLUTIONS LIMITED, a
 2 Business entity formed in India (hereby "Respondents") hereby submits the following Evidentiary
 3 Objection and Request To Strike Declaration of Rabbi Avrohom Union. EVIDENTIARY
 4 OBJECTION AND REQUEST TO STRIKE DECLARATION OF RABBI GERSHON BESS.

5 Objection is made to the entire declaration and request to strike is made on the grounds that
 6 the declaration fails to set facts specific to prove the matter asserted; ie. Marc Haberman knew of the
 7 familial relationship between Rabbi Gershon Bess and Mark Bess during the arbitration hearing. It is
 8 also based solely on conjecture and speculation. Cal. Evid. Code section 350, 352 and 702.

9 More over the declaration fails to set forth what happened to the alleged \$30,000.00 of
 10 Sylmark Funds.

MATTER SUBJECT TO OBJECTION and REQUEST TO STRIKE	BASIS FOR OBJECTION
Page 12 ¶3 "Additionally I am a Rabbi of a prominent orthodox synagogue in the Fairfax area where Mr. Haberman resides and we are the only orthodox Bess family in Los Angeles.	Calls for speculation as to only orthodox Bess family in town. Unknown definition of "orthodox" Irrelevant as to whether Mr. Haberman knew this to be true. Cal. Evid. §702, 350 and 352.
Page 12 ¶3 Mr. Haberman has frequented the synagogue when both my son, who prays at the same synagogue, and I were in attendance. To say he was unaware of our relationship is ludicrous and beyond belief.	Calls for speculation. Improper foundation and fails to present sufficient facts to render any relevant conclusion. Statement does not state how Mr. Haberman would learn of relationship. Misstates the testimony and prejudicial as to how many times Mr. Haberman came to the temple. Cal. Evid. §702, 350, 352, 765.

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DATED: FEBRUARY 26, 2002

TUCHMAN & ASSOCIATES



AVIV L. TUCHMAN
LOREN N. COHEN
Attorneys for Respondents and Defendants
MARC HABERMAN, C-CUBED
SOLUTIONS, Inc. a Delaware Corporation, C-
CUBED PRIVATE SOLUTIONS LIMITED, a
business entity formed in India

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am over the age of 18 years and am not a party to the within action; I reside in the County of
4 Los Angeles.

5 On February 27, 2002 I served the foregoing **EVIDENTIARY OBJECTION AND REQUEST TO**
6 **STRIKE DECLARATION OF RABBI GERSHON BESS** on interested parties in this action by placing a true
7 copy thereof, enclosed in a sealed envelopes, on the date hereinabove set forth in this Certificate, in
8 sealed envelopes with the postage thereon fully prepaid for certified mail, return receipt requested,
9 addressed as follows:

10 Benjamin Kiss, Esq.
11 Fisher, Bang & Kiss
12 1800 Avenue of the Stars, Suite 320
13 Los Angeles, CA 90067

14 **BY MAIL:**

15 I placed such envelope for deposit in the U.S. Mail for service by the United States Postal
16 Service, with postage thereon fully prepaid. **FEDERAL EXPRESS NEXT DAY OVER**
17 **NIGHT**

18 I am readily familiar with the firm's practice of collection and processing correspondence for
19 mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
20 day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of
21 business. I am aware that on motion of the party served, service is presumed invalid if the
22 postal cancellation date or postage meter date is more than one day after date of deposit for
23 mailing in affidavit.

24 **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the offices of
25 the addressee. **PROOF OF SERVICE IS TO BE FILED.**

26 (State) I declare under penalty of perjury under the laws of the State of California that the
27 foregoing is true and correct.

28 (Federal) I declare under penalty of perjury that the foregoing is true and correct, and that I
am employed in the office of a member of the bar of this Court at whose direction the service
was made.

Executed on February 27, 2002, at Los Angeles, California.

LOREN N. COHEN
Type or Print


Name signature