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10 Attorneys for Defendants, MISCHELYNN  
SCARLATELLI, an individual and beneficiary of  
11 the ISOM FAMILY TRUST dated December 28,  
2004; MISCHELYNN SCARLATELLI, as  
12 successor trustee and beneficiary of the ISOM  
FAMILY TRUST dated October 10, 2013

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

16 DARCI S. ISOM, an individual, co-trustee  
17 and beneficiary,

18 Plaintiff,

19 v.

20 MISCHELYNN SCARLATELLI, an  
individual and beneficiary of the ISOM  
21 FAMILY TRUST dated December 28,  
2004; MISCHELYNN SCARLATELLI, as  
22 successor trustee and beneficiary of the  
ISOM FAMILY TRUST dated October 10,  
23 2013, and successor trustee for SHIRLEY  
ISOM, settlor and trustee of the ISOM  
24 FAMILY TRUST dated October 10, 2013;  
SHIRLEY ISOM, settlor and trustee of the  
25 ISOM FAMILY TRUST dated December  
28, 2004 and settlor and trustee of the  
26 ISOM FAMILY TRUST dated October 10,  
2013 and DOES 1-25, inclusive,

27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

**DEFENDANT MISCHELYNN  
SCARLATELLI'S NOTICE OF MOTION  
AND MOTION FOR SANCTIONS  
AGAINST PLAINTIFF DARCI S. ISOM  
AND HER ATTORNEY RANDY C.  
WHALEY AND WHALEY LAW FIRM  
PURSUANT TO CODE OF CIVIL  
PROCEDURE SECTION 128.7**

[Filed concurrently with

1. Declaration of David Patterson, M.D.;
2. Declaration of Elmer Pineda, M.D.;
3. Declaration of Manjusha Gupta, M.D.;
4. Declaration of Suzanne Graves;
5. Declaration of Mary Ireland;
6. Declaration of Jerry R. Dagrella;
7. Declaration of Mischelynn Scarlatelli;
8. Declaration of Lynn Isom Cole;
9. Declaration of Seth Boldman;
10. Declaration of Melanie Boldman;
11. Declaration of Helen Dominguez;

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- 12. Declaration of Lea Hernandez;
- 13. Declaration of Jeanne Sterba;
- 14. Declaration of Mark Sterba;
- 15. Declaration of George Cole;
- 16. Declaration of Celia Chu;
- 17. Declaration of Perry Chu;
- 18. Declaration of Kelli Welsh;
- 19. Declaration of Bill Zehender; and
- 20. Declaration of Lauren M. Strickroth]

Date: September 24, 2015  
Time: 9:00 a.m.  
Dept: D74  
Judge: Teresa Sanchez-Gordon

Complaint filed: March 3, 2015

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TO ALL PARTIES AND ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 24, 2015, at 9:00 a.m., or as soon thereafter as the matter may be heard in Department D74 of the above-entitled Court, located at 111 North Hill Street, California, 90012, Defendants Mischelynn Scarlatelli, an individual and beneficiary of the Isom Family Trust dated December 28, 2004; Mischelynn Scarlatelli, as successor trustee and beneficiary of the Isom Family Trust dated October 10, 2013 (collectively "Mischelynn"), will move the Court to impose monetary and non-monetary sanctions, including striking the complaint and dismissing the action and assessing reasonable attorneys' fees and costs, jointly and severally, against Plaintiff Darci S. Isom ("Plaintiff") and her attorney Randy C. Whaley and Whaley Law Firm, in the amount of \$17,239 as well as such other sum and/or sanction as the court may find just and reasonable.

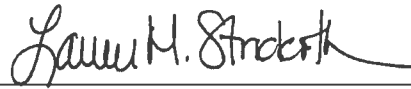
This Motion is made pursuant to *Code of Civil Procedure* section 128.7 on the ground that the Complaint is without factual or legal merit and was filed primarily for an improper purpose to harass Defendants.

This Motion is based on this Notice of Motion and Motion, the attached Memorandum of Points and Authorities, Declaration of David Patterson, M.D., Declaration of Elmer Pineda, M.D., Declaration of Manjusha Gupta, M.D., Declaration of Suzanne Graves, Declaration of Mary Ireland, Declaration of Jerry R. Dagrella, Declaration of Mischelynn Scarlatelli, Declaration of Lynn Isom Cole, Declaration of Seth Boldman, Declaration of Melanie Boldman, Declaration of Helen Dominguez, Declaration of Lea Hernandez, Declaration of Jeanne Sterba, Declaration of Mark Sterba, Declaration of George Cole, Declaration of Celia Chu, Declaration of Perry Chu, Declaration of Kelli Welsh, Declaration of Bill Zehender, and Declaration of Lauren M. Strickroth filed concurrently herewith, all pleadings, papers, and records on file in this action, any information of which the Court may take judicial notice at or before the

1 hearing, and upon such further documents and evidence as may be presented at the hearing of this  
2 motion.

3 Dated: March 23, 2015

BEST BEST & KRIEGER LLP

4 By: 

5 RICHARD T. EGGER  
6 LAUREN M. STRICKROTH  
7 Attorneys for Defendants MISCHELYNN  
8 SCARLATELLI, an individual and beneficiary of  
9 the ISOM FAMILY TRUST dated December 28,  
10 2004; MISCHELYNN SCARLATELLI, as  
11 successor trustee and beneficiary of the ISOM  
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ONTARIO, CALIFORNIA 91761

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 On December 26, 2014, Troy and Shirley Isom were brutally murdered in the daylight  
4 hours at their home in La Verne, California. Now, their daughter, Mischelynn Scarlatelli, with  
5 whom Troy and Shirley were very close, is being attacked by a disgruntled stepsister—Plaintiff  
6 Darci Isom—who feels she hasn’t been left a big enough inheritance.

7 Plaintiff filed this frivolous and inflammatory court action because she is unhappy with  
8 the inheritance Troy left her and she feels “entitled” to more. **There is no way to sugarcoat this**  
9 **– Plaintiff is not “entitled” to any inheritance, and for her to falsely accuse Mischelynn of**  
10 **forging estate plan documents and abusing her father, a respectable man whom Mischelynn**  
11 **loved and cherished dearly and then lost to a most horrific murder, is incredibly insulting**  
12 **and extremely offensive.**

13 Plaintiff is the estranged daughter of Troy from a prior marriage. It is clear from Troy’s  
14 estate plans dating back to 2009 that he intended to leave his estranged family members a limited  
15 inheritance. In fact, Troy informed his attorney—and many of his close family and friends—that  
16 he was distraught by Plaintiff’s sense of entitlement, that she showed no love or compassion for  
17 him and only called or visited when she wanted money. One month before Troy and Shirley were  
18 brutally murdered, Plaintiff actually suggested Troy was worth more dead to her than alive.

19 In the midst of everyone’s shock and grief over Troy and Shirley’s murders, Plaintiff was  
20 busy figuring out how much her inheritance would be. In fact, according to the complaint,  
21 Plaintiff was busy analyzing hundreds of pages of estate plan documents on January 1, the same  
22 day she thought Troy and Shirley were being buried. In actuality, Troy and Shirley were not  
23 released from the coroner’s office until much later, and the funeral occurred on January 21,  
24 2015—20 days after Plaintiff thought they were already buried. All close family and friends were  
25 at the heavily attended funeral—for Plaintiff to have been unaware of its very existence speaks  
26 volumes of her estrangement from the family.

27 This case presents the perfect example of the type of abuse of the judicial system that  
28 *Code of Civil Procedure* section 128.7 was designed to prevent. Filed concurrently with this

1 motion are over a dozen declarations from Troy’s doctors, lawyers, family and friends proving  
2 that Troy was not abused and his estate plan was not forged. To the contrary, Troy’s estate plan  
3 was prepared by his own lawyers, notarized and signed of his own free will, before multiple  
4 witnesses. Troy intentionally provided a limited inheritance for Plaintiff due to her estrangement  
5 from, and insensitive behavior toward, her father. Plaintiff’s complaint is a frivolous shakedown.  
6 It is indisputable that Plaintiff’s accusations are complete and utter fabrications.

7 **II. CODE OF CIVIL PROCEDURE SECTION 128.7 AUTHORIZES STRIKING A**  
8 **COMPLAINT AND AWARDED SANCTIONS FOR A FRIVOLOUS FILING**

9 *Code of Civil Procedure* section 128.7 authorizes this court to strike the complaint and  
10 award sanctions upon a finding that the complaint is frivolous or was filed for an improper  
11 purpose. (*See* CCP § 128.7(b)(2)-(4) and 128.7(d).) An attorney who presents a pleading or  
12 similar paper to the Court implicitly certifies that it has legal and factual merit. (CCP § 128.7; *see*  
13 *also* *Murphey v. Tale Materials Handling Corp.* (1997) 54 Cal.App.4th 619, 623.) More  
14 specifically, an attorney certifies that the pleading is not being presented for an improper purpose,  
15 such as harassment, and that the factual contentions have evidentiary support. (CCP §128.7(b)(1)  
16 and (3).) “A motion for terminating sanctions can be made under CCP § 128.7(c) based on  
17 declarations showing that a challenged pleading is frivolous and without any evidentiary  
18 support.” (*Weil & Brown*, Cal. Practice Guide: Civil Procedure Before Trial (The Rutter Group  
19 2014) at ¶ 10:4.)

20 The statute provides for a 21-day period during which Plaintiff and her attorney may  
21 avoid sanctions by dismissing the complaint outright. (CCP §128.7(c)(1).) When a party does not  
22 take advantage of the safe harbor period, the “statute enables courts to deter or punish frivolous  
23 filings which disrupt matters, waste time, and burden courts' and parties' resources.” (*In re Mark*  
24 *B.* (2007) 149 Cal.App.4th 61, 76; *see also* *Peake v. Underwood* (2014) 227 Cal.App.4th 428,  
25 441 [“A court has broad discretion to impose sanctions if the moving party satisfies the elements  
26 of the sanctions statute.”].)

27 As discussed below, Plaintiff and her attorney, Randy C. Whaley, have filed a complaint  
28 that is utterly inflammatory, highly offensive and completely devoid of legal or evidentiary merit.

1           **A. Plaintiff's Complaint is Intended to Harass Mischelynn and is Wholly Devoid**  
2           **of Evidentiary Support for the Eight Causes of Action**

3           The Complaint alleges eight causes of action all predicated on unsupported allegations  
4 that Mischelynn (a) misappropriated funds from Troy's bank accounts; (b) used dominance,  
5 undue influence, oppression and threat of harm to take control of Troy's separate property; (c)  
6 forged Troy's signature and/or forced him to sign Powers of Attorney and the October 10, 2013  
7 Restatement of Trust (the "2013 Restatement") at a time that Troy purportedly lacked mental  
8 capacity; and, (d) fabricated Powers of Attorney and the 2013 Restatement.

9           The declarations filed concurrently with this motion demonstrate that all of the foregoing  
10 statements are false and fabricated. Troy's doctors, lawyers, and longtime friends have all  
11 confirmed that:

- 12           • Mischelynn was not involved with Troy's estate planning whatsoever. Troy  
13 retained his own attorney and expressed his own wishes about his estate planning.  
14 Troy discussed his estate plan with three separate attorneys. All of those attorneys  
15 confirm that Troy was mentally capable to execute a trust, and was acting on his  
16 own free will. (Graves Decl., ¶¶5-7; Ireland Decl., ¶¶3-5; Dagrella Decl., ¶¶3-4.)
- 17           • Troy was evaluated by three doctors near the time he executed the 2013  
18 Restatement. These doctors confirm that Troy had full mental capacity, was able  
19 to understand and retain information, weigh information, and communicate a  
20 reasoned and rational decision. Based on those evaluations, Troy's physicians had  
21 no concern about Troy's ability to contract or make decisions. (Patterson Decl.  
22 ¶¶2-3; Pineda Decl, ¶2; Gupta Decl., ¶2.)
- 23           • Troy's family and close friends all state that Troy was sharp, coherent, articulate,  
24 logical, and very mentally capable until the day he died. (Lynn Isom Cole Decl.,  
25 ¶¶3, 6; Seth Boldman Decl., ¶¶3, 7; Melanie Boldman Decl., ¶¶2, 5; Helen  
26 Dominguez Decl., ¶¶3, 6, 7; Lea Hernandez Decl., ¶4; Jeanne Sterba Decl., ¶¶2, 3;  
27 Mark Sterba Decl., ¶¶2-4; George Cole Decl., ¶3; Celia Chu Decl., ¶3; Perry Chu  
28 Decl., ¶3; Kelli Welsh Decl., ¶7; Bill Zehender Decl., ¶¶5-6.)

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- Mischelynn and Troy had a close and loving relationship. There are twelve (12) declarations from family and friends included with this motion that attest to Troy’s love for Mischelynn and their loving and supportive relationship. Mischelynn could have included many more declarations that demonstrate the same thing. (Lynn Isom Cole Decl., ¶4; Seth Boldman Decl., ¶¶4, 5; Melanie Boldman Decl., ¶3; Helen Dominguez Decl., ¶5; Lea Hernandez Decl., ¶¶2, 3; Jeanne Sterba Decl., ¶¶1, 3; Mark Sterba Decl., ¶¶1, 4; George Cole Decl., ¶4; Celia Chu Decl., ¶4; Perry Chu Decl., ¶4; Kelli Welsh Decl., ¶6, 8; Bill Zehender Decl., ¶¶3, 6.)
- The doctors, lawyers, and many friends that saw Troy on a regular basis all confirm that Troy was not abused and that there were no signs of physical abuse, neglect or distress at any point. Troy’s friends state that he was independent, headstrong, and not unduly influenced. (Patterson Decl., ¶¶2-3; Pineda Decl, ¶2; Gupta Decl., ¶2; Lynn Isom Cole Decl., ¶5; Seth Boldman Decl., ¶7; Melanie Boldman Decl., ¶5; Helen Dominguez Decl., ¶7; George Cole Decl., ¶4; Celia Chu Decl., ¶4; Perry Chu Decl., ¶4; Kelli Welsh Decl., ¶10; Bill Zehender Decl., ¶6.)
- Plaintiff was largely absent from Troy’s life. She frequently asked Troy for money, and rarely visited. (Mischelynn Decl., ¶¶6, 7; Seth Boldman Decl., ¶6; Melanie Boldman Decl., ¶4; Helen Dominguez Decl., ¶4; Lea Hernandez Decl., ¶¶5, 6; Kelli Welsh Decl., ¶9; Bill Zehender Decl., ¶4; Jeanne Sterba Decl., ¶2.)
- Mischelynn never had access to Troy’s funds, never misappropriated funds from Troy’s bank accounts, and never had any control over Troy’s separate property. (Mischelynn Decl., ¶7.)
- Mischelynn never forged or fabricated any legal documents; rather, Troy’s own attorney prepared the Powers of Attorney and the 2013 Restatement. Troy signed them of his own free will before an attorney, notary and witnesses. (Graves Decl., ¶¶5-7; Ireland Decl., ¶¶3-5; Dagrella Decl., ¶¶3-4; Patterson Decl. ¶¶2-3; Pineda Decl, ¶2; Gupta Decl., ¶2.)



1 There is no disputing that Plaintiff filed this complaint out of animosity and greed, and without  
2 evidentiary support. Yet, in the face of this motion and the overwhelming proof that Plaintiff's  
3 claims are frivolous, Plaintiff and her attorney have elected to pursue the complaint anyway, in  
4 bad faith and with intent to harm Mischelynn. As such, sanctions are justified.

5 **B. The Second, Third, Fourth and Eighth Causes of Action For Rescission of**  
6 **Trust, Conspiracy, Injunctive Relief and Breach of Fiduciary Duty are Not**  
7 **Warranted by Law**

8 Beyond the fact that Plaintiff's allegations are frivolous and devoid of any evidentiary  
9 support, Plaintiff also attempts to fabricate causes of action. Rescission of trust, conspiracy, and  
10 injunctive relief are not legally recognized causes of action. (*Nakash v. Superior Court* (1987)  
11 196 Cal.App.3d 59, 70 ["Rescission is not a cause of action..."]; *Applied Equipment Corp. v.*  
12 *Litton Saudi Arabia Ltd.* (1994) 7 Cal.4th 503, 510-511 ["Conspiracy is not a cause of action..."];  
13 *Allen v. City of Sacramento* (2015) 234 Cal.App.4th 41, 65 ["Injunctive relief is a remedy, not a  
14 cause of action."].) Moreover, Plaintiff's eighth cause of action for breach of fiduciary duty  
15 relates to alleged conduct when Mischelynn was not a trustee and had no fiduciary relationship.  
16 Therefore, Mischelynn did not owe a fiduciary duty to Plaintiff or Troy at the time that Troy  
17 executed the Powers of Attorney and 2013 Restatement. (*Committee on Children's Television,*  
18 *Inc. v. General Foods Corp.* (1983) 35 Cal.3d 197, 221 "Before a person can be charged with a  
19 fiduciary obligation, he must either knowingly undertake to act on behalf and for the benefit of  
20 another, or must enter into a relationship which imposes that undertaking as a matter of  
21 law.") Not only are Plaintiff's second, third, fourth and eighth causes of action predicated on the  
22 same fabricated allegations discussed above, but they also are legal contentions that are not  
23 warranted by the law in violation of CCP §128.7(b)(2).

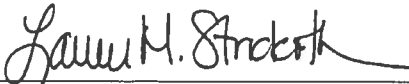
24 **III. CONCLUSION**

25 As set forth *above*, Plaintiff and her attorney have pursued a frivolous lawsuit against  
26 Mischelynn, which has caused her to incur unnecessary fees and costs. It is respectfully  
27 requested that the court award monetary sanctions in the amount of \$17,239 and nonmonetary  
28

1 sanctions in the form of striking the complaint and dismissing this unmeritorious action. (See  
2 Dagrella Decl, ¶8; Strickroth Decl., ¶3.)

3 Dated: March 23, 2015

BEST BEST & KRIEGER LLP

4  
5 By: 

6 RICHARD T. EGGER  
7 LAUREN M. STRICKROTH  
8 Attorneys for Defendants  
9 MISCHELYNN SCARLATELLI, an individual  
10 and beneficiary of the ISOM FAMILY TRUST  
11 dated December 28, 2004; MISCHELYNN  
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13 beneficiary of the ISOM FAMILY TRUST dated  
14 October 10, 2013

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
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16 DARCI S. ISOM, an individual, co-trustee  
17 and beneficiary,  
18 Plaintiff,  
19 v.

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF DAVID PATTERSON,  
M.D. FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

20 MISCHELYNN SCARLATELLI, an  
individual and beneficiary of the ISOM  
21 FAMILY TRUST dated December 28,  
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22 successor trustee and beneficiary of the  
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DECLARATION OF DAVID PATTERSON, M.D.

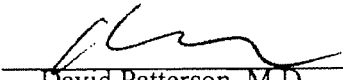
I, David Patterson, M.D., declare as follows:

1. I am a board certified physician licensed to practice in California. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

2. Troy Isom was a patient of mine since October 2012. In mid-2013, Mr. Isom requested that I perform a mental competency evaluation of him for the purpose of obtaining clearance to operate heavy machinery at his advanced age. I performed a mental and cognitive evaluation on Mr. Isom. Mr. Isom was able to understand information, retain information, weigh that information, and communicate a reasoned and rational decision. Mr. Isom was able to rationalize risks, benefits, and reasonable alternatives involved in decision making; he functioned independently without assistance of others. I also examined Mr. Isom physically. He had no signs of any physical abuse, neglect, or distress. He appeared well cared for and independent. I determined that Mr. Isom was mentally and physically capable of operating heavy machinery.

3. I had seen Mr. Isom on many occasions throughout the year 2013, including on multiple occasions in October and November 2013. At all times, Mr. Isom appeared alert, of sound mind and mentally competent. In my professional opinion, Mr. Isom was mentally competent throughout the year 2013. Mr. Isom did not suffer from a mental or physical impairment that would lead me to question his ability to contract or make decisions.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 18, 2015, in Pomona, California.

  
\_\_\_\_\_  
David Patterson, M.D.

1 RICHARD T. EGGER, Bar No. 162581  
richard.egger@bbklaw.com  
2 LAUREN M. STRICKROTH, Bar No. 252700  
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27 Defendants.  
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Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF ELMER PINEDA, M.D.  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

DECLARATION OF ELMER PINEDA, M.D.

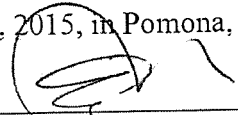
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I, Elmer Pineda, M.D., declare as follows:

1. I am a board certified physician licensed to practice in California. I have personal knowledge of the facts stated in this declaration.

2. Troy Isom was a patient of mine at the Inland Urology Medical Group, Inc. He was referred to me by his primary physician for a prostate evaluation. On October 16, 2013, I performed a complete physical evaluation of Mr. Isom. Attached to this declaration is a true and correct copy of my report on the examination.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 23, 2015, in Pomona, California.



\_\_\_\_\_  
Elmer Pineda, M.D.

## History and Physical

<b>Patient Name:</b>	Army Isom	<b>Visit Date:</b>	October 16, 2013
<b>Patient ID:</b>	77589	<b>Provider:</b>	Elmer Pineda, MD
<b>Sex:</b>	Male	<b>Location:</b>	Inland Urology Medical Group Inc
<b>Birthdate:</b>	March 29, 1925	<b>Location Address:</b>	160 E Artesia Ste 220 Pomona, CA 917672921
<b>Primary Care Provider:</b>	Manjusha Gupta	<b>Location Phone:</b>	(909) 623-3428
<b>Referring Provider:</b>	Manjusha Gupta		

### Chief Complaint

- Referred for prostate problem

### History Of Present Illness

The patient is a 88 year old male , who is a consultation from Manjusha Gupta , for the evaluation of chief complaint above. He states that his symptoms have been present for approximately for a couple of months. This symptoms are located in the abdomen , is described as mild , and has been present intermittent/ resolved. He has no modifying factors , and has no associated symptoms. Pt was seen in the ER for lower abd discomfort. This resolved spontaneously after a few hours. He has not had recurrence of his abd pain. Pt has an adequate urinary stream with nocturia 2x. He denies gross hematuria or dysuria. Overall, his voiding is not bothersome.

### Past Medical History

Disease Name	Date Onset	Notes
Cardiovascular Disease	--	--
Cerebrovascular Accident	--	--
Diabetes Mellitus, Type II	--	--
Gastroesophageal Reflux	--	--
Hypercholesterolemia	--	--
memory lost	--	--

### Past Surgical History

Procedure Name	Date	Notes
CABG	--	--
cardiac stent	--	--
Mandibular surgery	--	ORIF
Orbit- surgery	--	ORIF

### Medication List

Name	Date Started	Instructions
Benadryl Oral capsule 25 mg		--
metformin Oral		--
omeprazole Oral		--
Plavix Oral		--
simvastatin Oral		--

### Allergy List

Allergen Name	Date	Reaction	Notes
NO KNOWN DRUG ALLERGIES	--	--	--

### Family Medical History

Disease Name	Relative/Age	Notes
Cardiovascular Disease	/	--

Diabetes Mellitus, Type II  
Lung Neoplasm, Malignant

/ --  
/ --

**Social History**

Finding	Status	Start/Stop	Quantity	Notes
Alcohol, no use	--	--/--	--	--
Tobacco	Former	--/--	--	--

**Review of Systems**

**Constitutional**

- o Denies : fever

**Eyes**

- o Denies : changes in vision

**HENT**

- o Denies : recent head injury

**Cardiovascular**

- o Denies : chest pain

**Respiratory**

- o Denies : shortness of breath

**Gastrointestinal**

- o Denies : nausea/vomiting

**Genitourinary**

- o \* See HPI

**Neurologic**

- o Denies : muscular weakness

**Musculoskeletal**

- o Denies : muscular weakness

**Heme-Lymph**

- o Denies : easy bleeding

**Allergic-Immunologic**

- o Denies : change in drug allergies

**Vitals**

Date	Time	BP	Position	Site	L\R	Cuff Size	HR	RR	TEMP(°F)	WT	HT	BMI kg/m <sup>2</sup>	BSA m <sup>2</sup>	O2 Sat	HC
10/16/2013	01:33 PM									159lbs 0oz	5' 9"	23.48	1.87		

**Physical Examination**

**Constitutional**

- o Appearance : well nourished, well developed, in no acute distress
- o Ability to Communicate : Normal communication ability

**Eyes**

- o Conjunctiva and Eyelids : conjunctiva normal, eyelid appearance normal, no exudates present
- o Sclera : sclera white without injection

**HENT**

- o Head :
  - Inspection : Normocephalic and atraumatic
  - Palpation : No tenderness present
- o Face :
  - Inspection : Face within normal limits
- o Ears :
  - External Ears : External ears within normal limits
  - Hearing : Hearing intact bilaterally
- o Nose/Nasopharynx :



- **External Nose** : external nose normal appearance
- **Mouth and Throat** :
  - **General** : oral cavity appearance normal
  - **Lips** : Appearance normal

**Cardiovascular**

- **Heart** :
  - **Auscultation** : regular rate, normal rhythm
- **Peripheral Vascular System** :
  - **Peripheral Circulation** : no edema, no cyanosis

**Gastrointestinal**

- **Abdominal Exam** : scaphoid abdomen, tone normal without rigidity or guarding, no CVA or abdominal tenderness
- **Hernias** : No abdominal wall hernias are present.

**Genitourinary****Lymphatic**

- **Neck** : No lymphadenopathy present

**Musculoskeletal**

- **Neck** : Supple with full range of motion.
- **Pelvis** : No tenderness of deformities present.

**Skin**

- **General Inspection** : no areas of discoloration present, skin turgor normal
- **General Palpation** : No abnormalities, masses or tenderness on palpation.

**Neurologic and Psychiatric**

- **Orientation** : oriented to person, place and time
- **Mood and Affect** : Normal mood with an appropriate affect

**In Office Procedure Results**

psa 2.7 (9/27/13)

**Assessment**

- Benign Prostatic Hypertrophy 600.00
- Nodule, Prostate 600.10

**Plan****Instructions**

- Pt has a subtle nodularity at the left apex which is not indurated. His psa is 2.7. Because of his age, multiple other medical comorbidities and slow growing nature of prostate cancer; I have recommended conservative management especially since his psa is low. In addition, I do not recommend further prostate cancer screening. Notably, pt is voiding well.
- No further GU eval/ tx is recommended at this time.

**Disposition**

- Call or Return if symptoms worsen or persist.
- THANK YOU FOR THIS KIND REFERRAL!

Electronically Signed by: Elmer Pineda, MD -Author on October 16, 2013 01:57:47 PM

[Digital Signature Validated]

1 RICHARD T. EGGER, Bar No. 162581  
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10 Attorneys for Defendants MISCHELYNN  
SCARLATELLI, an individual and beneficiary of  
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2004; MISCHELYNN SCARLATELLI, as  
12 successor trustee and beneficiary of the ISOM  
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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES

16 DARCI S. ISOM, an individual, co-trustee  
17 and beneficiary,

18 Plaintiff,

19 v.

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2013 and DOES 1-25, inclusive,

27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF MANJUSHA GUPTA,  
M.D. FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

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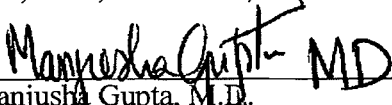
DECLARATION OF MANJUSHA GUPTA, M.D.

I, Manjusha Gupta, M.D., declare as follows:

1. I am a board certified primary care physician specializing in internal medicine and am licensed to practice in California. I have personal knowledge of the facts stated in this declaration.

2. I have been the primary care physician for Troy Isom since at least November 15, 2012. I evaluated Mr. Isom on many occasions, including, but not limited to on September 18, 2013 and December 13, 2013. During the aforementioned office visits, I evaluated Mr. Isom both physically and mentally. Mr. Isom appeared at all times to be alert and mentally competent. He was able to rationalize risks, benefits, and reasonable alternatives involved in decision making. He functioned independently without assistance of others. Mr. Isom did not suffer from a mental or physical impairment that would lead me to question his ability to contract or make medical decisions. For example, during these office visits, Mr. Isom provided informed consent to various diagnostic tests and procedures. He understood the probable consequences of his decisions, was articulate, and was fully capable of understanding and making sound decisions. Mr. Isom had no signs of any physical abuse, neglect, or distress. He appeared well cared for and independent.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 23, 2015, in Pomona, California.

  
\_\_\_\_\_  
Manjusha Gupta, M.D.

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Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF SUZANNE GRAVES  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

**DECLARATION OF SUZANNE GRAVES**

I, Suzanne Graves, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below

2. I am an attorney licensed to practice law in the State of California. I specialize in estate planning and asset protection. I am a certified specialist in Trust, Estate Planning & Probate by the State Bar of California. I have extensive experience and training in evaluating a client's mental competency to create a trust, and determining any signs of undue influence.

3. I first met Armie Troy Isom ("Troy") and Shirley Isom ("Shirley") in May of 2009. At that time they wanted to discuss restating their trust to leave nothing to Cheryl Severin, to divide a piece of property on Mission Blvd. between Troy's children, and leave 100% of the rest of the estate to Mischelynn Scarlatelli. When I saw them at that time, they hired me independently. They came to see me by themselves. Both Troy and Shirley were very articulate, coherent, and clear. Both parties were able to articulate their requests for distribution of their trust after death, and were able to rationalize that choice of distribution. There was absolutely no indication that either party lacked mental capacity to execute a trust, or that either party was being influenced in any way by another party.

4. In February 2011, Troy and Shirley met with me in my office to discuss a further change to the distribution of their trust. At that time, they wanted to add Mischelynn Scarlatelli to the distribution of the property on Mission Blvd. I drafted an amendment that divided the Mission Blvd. property between Mischelynn and Troy's other children in equal shares, with the rest of the estate to Mischelynn. I met with Troy and Shirley alone. I discussed the nature and consequences of the amendment with Troy and Shirley. Both parties were able to articulate their requests for distribution of their trust after death, and were able to rationalize that choice of distribution. There was absolutely no indication that either party lacked mental capacity to execute a trust, or that either party was being influenced in any way by another party.

5. On September 19, 2013, Troy and Shirley again came to my office to meet with me to discuss changes to their trust. Troy informed me that he was estranged from three of his

1 children and wanted to remove the distribution to those children of the Mission Blvd. property.  
2 He clearly, articulately, and rationally informed me that he wanted to make this change because  
3 he did not like the way his estranged children were acting. He informed me that his estranged  
4 children rarely called or visited except to request money. In particular, Troy informed me that  
5 Darci had called asking to be disbursed her inheritance now, as if she were “entitled” to his  
6 money. This upset Troy, and he felt that he did not want his estranged children to have a large  
7 distribution from his trust. He asked to leave each of his estranged children \$25,000, with the  
8 remainder of the estate going to Mischelynn. Troy himself articulated this choice and the  
9 rationale for it. He was sharp, articulate, and coherent. As an estate planning attorney, I am  
10 trained to look for cues of mental incompetence or undue influence. There was no indication of  
11 either here. I discussed the nature and consequences of this change with both of them. Troy was  
12 alert, attentive, and processed and retained information. He was able to articulate his thought  
13 process in a clear and understandable way. He knew the nature of his family and his finances.  
14 He reasoned through abstract concepts, and spoke in an organized and rational way. He was  
15 logical and reasoned through his choices and decisions. There was no indication that Troy or  
16 Shirley lacked mental capacity to change their estate plan.

17 6. There were also no signs that Shirley and Troy were changing their trust due to  
18 undue influence of another. Troy and Shirley hired me independently. On each occasion, they  
19 came to my office by themselves. They both appeared happy and healthy. There were no signs  
20 of a physical abuse or distress. It was clear that they were independent people and thinking  
21 independently. Troy was very strong willed when he spoke about his choice to give his children  
22 \$25,000 each, and the remainder to Mischelynn. There was not even a hint that he was being  
23 influenced into making that decision. He clearly articulated a rational desire to provide less for  
24 his children and more for Mischelynn.


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7. On November 22, 2013, Troy and Shirley again came to my office to meet with me. On that day they signed a pour over will. As with the last two visits, Troy and Shirley came to my office independently. They were both articulate and capable. There was nothing to suggest that Troy or Shirley lacked mental capacity or were being influenced by another person.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 19th day of March, 2015, at Upland, California.

  
\_\_\_\_\_  
SUZANNE GRAVES

1 RICHARD T. EGGER, Bar No. 162581  
richard.egger@bbklaw.com  
2 LAUREN M. STRICKROTH, Bar No. 252700  
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10 Attorneys for Defendants MISCHELYNN  
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14 COUNTY OF LOS ANGELES

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2013 and DOES 1-25, inclusive,

27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF MARY E. IRELAND  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)



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DECLARATION OF MARY E. IRELAND

I, Mary E. Ireland, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below

2. I am an attorney licensed to practice law in the State of California. I practice in the area of estate planning. I have experience in evaluating a client's mental competency to create a trust, and determining any signs of undue influence.

3. I first met Armie Troy Isom ("Troy") and Shirley Isom ("Shirley") on October 10, 2013 to sign and notarize a restatement of their trust. My colleague, Suzanne Graves, previously met with Troy and Shirley to discuss the changes that Troy and Shirley wanted to make. Based on that meeting, Ms. Graves completed a restatement of the trust in accordance with Troy and Shirley's wishes. Ms. Graves was not available to meet with Troy and Shirley to sign the restatement on October 10, 2013. Therefore, I met with them instead.

4. When I met with them on October 10, 2013, Troy and Shirley came to the office independently. I reviewed the trust and changes to the distribution in detail with them. I discussed the nature and consequences of the changes. Both Troy and Shirley were sharp, articulate, and coherent. As an estate planning attorney, I am trained to look for cues of mental incompetence or undue influence. There were no signs of either. Troy was alert, attentive, and processed and retained information. He articulated his thought process in a clear and understandable way. He knew the nature of his family and his finances. He reasoned through abstract concepts, and spoke in an organized and rational way. He was logical and clear on his decision making. There was no indication that Troy or Shirley lacked mental capacity to execute the trust.

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BEST, BEST & KRIEGER LLP  
2855 E. GUASTI ROAD, SUITE 400  
ONTARIO, CALIFORNIA 91761

1           5.       There were also no signs that Troy and Shirley were changing their trust due to  
2 undue influence of another. Troy and Shirley came to the office independently. On October 10,  
3 2013, I had never met Mischelynn Scarlatelli. Troy and Shirley both appeared happy and healthy.  
4 There were no signs of a physical abuse or distress. They appeared to be independent people, and  
5 thinking independently. There was not even a hint that Troy was being influenced into making  
6 that decision.

7           I declare under penalty of perjury under the laws of the State of California, that the  
8 foregoing is true and correct. Executed this 19<sup>th</sup> day of March, 2015, at Diamond Bar, California.

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12 MARY E. IRELAND  
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DECLARATION OF MARY IRELAND IN SUPPORT OF MOTION FOR SANCTIONS (CCP §128.7)

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2 LAUREN M. STRICKROTH, Bar No. 252700  
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27 Defendants.  
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Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF JERRY R. DAGRELLA  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

DECLARATION OF JERRY R. DAGRELLA

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I, Jerry R. Dagrella, declare as follows:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

2. I am an attorney licensed to practice law in the State of California. I was the family attorney for Armie Troy Isom (aka Army Troy Isom) and Shirley Isom since at least May 29, 2012 until their untimely demise. I represented Troy and Shirley in defending numerous civil lawsuits filed against them by their formerson-in-law, and also assisted them with various legal matters.

3. On November 26, 2013, I met with Troy to discuss his estate plan. Mischelynn was not present at this meeting and, to my knowledge, she was not aware of the meeting. During the meeting, Troy asked me to review the estate plan documents prepared by his estate planning attorney, including a living trust, will and powers of attorney. He informed me that he had a few children from a prior marriage with whom he had distant relationships, and that those children only called asking for money, never to inquire how he was doing. He said he was concerned that one or more of his estranged children would challenge his estate plan and "make life a living hell for Mischelynn." He wanted me to give the estate plan a second look because he said he trusted my judgment even though I am not an estate planning specialist.

4. I asked Troy to explain to me exactly how he wanted his assets distributed upon his death. As he explained to me what his wishes were, I reviewed the living trust dated October 10, 2013 and the rest of the estate plan documents to confirm that his wishes were properly documented. Troy was very articulate, coherent, and clear. He explained to me the rationale for providing only a small distribution to certain of his children while leaving the bulk of the estate to Mischelynn. He explained to me that his daughter Darci had recently requested to be sent her "inheritance" immediately, as if she were "entitled" to it simply by virtue of being his daughter. Troy appeared very upset by this. He explained to me how he was very close to Mischelynn and his grandchildren, Megan and Max (Mischelynn's daughter and son). He wanted to provide for Mischelynn, Megan and Max, but not for his other children whom he described as estranged and

1 behaved with a sense of entitlement. Throughout, Troy was alert, attentive, and processed and  
2 retained information. He was able to articulate his thought process in a clear and understandable  
3 way. He knew the nature of his family and his finances. He reasoned through abstract concepts,  
4 and spoke in an organized and rational way. He was logical and reasoned through his choices and  
5 decisions. There was no indication that Troy lacked mental capacity to execute a living trust, will  
6 or powers of attorney. After my discussions with Troy, I reviewed the estate planning documents  
7 and informed Troy that his estate plan properly documented his wishes.

8         5. On various occasions throughout the year 2014, I had meetings and telephone  
9 conversations with Troy, sometimes with Shirley present. Troy continued to tell me that on many  
10 occasions his daughter Darci, and another daughter Victoria, would ask him for money but that  
11 neither of them showed any real concern about his health or well-being. It seemed to bother him  
12 that Darci and Victoria were so distant and showed so little love or compassion for him. Troy  
13 often repeated to me that when he died, he wanted Mischelynn to have the bulk of his estate.

14         6. In November 2014, I had numerous phone conversations with Troy and Shirley  
15 about various legal matters, including pending litigation. On one such occasion, Shirley called  
16 me very distraught. She put me on speaker so that Troy could be on the call. Shirley and Troy  
17 then proceeded to tell me about a phone call they just had with Darci. They told me that Troy's  
18 daughter Victoria came to the house and fought with Troy about wanting \$30,000 for a business  
19 venture, but Troy refused to give her the money. Darci then followed-up and called Troy to tell  
20 him he was a bad father for not giving Victoria what she wanted. When Troy told Darci he didn't  
21 have any money to give because he had very little liquid funds, Darci told Troy to sell some  
22 properties. Darci further told Troy that he should distribute her and Victoria's "inheritance"  
23 immediately so that they do not have to wait until he dies. When Troy responded that he was not  
24 going to sell his properties, Darci replied that he was worth more dead to her than alive because at  
25 least when he dies she'll get the money she's entitled to. Troy replied that she is not "entitled" to  
26 anything. After hearing Troy's recount of the conversation with Darci, I asked Troy and Shirley  
27 if Darci knew that she would ultimately receive very little from their current estate plan. Shirley  
28 responded that she did not think Darci knew and asked if they should tell her. I informed Troy

1 and Shirley that it was their decision whether to tell Darci or not. During the call, I recall Shirley  
2 asked me if they should be concerned about something happening to them. My initial reaction  
3 was that Shirley was taking things out of proportion; while I felt Darci's remarks were cruel and  
4 ill-hearted, I didn't imagine something very heinous to come of it. Nonetheless, I informed Troy  
5 and Shirley that if they are truly concerned about safety, they should get video surveillance  
6 cameras in and around their home. Before I could continue my remarks, I recall Troy interjected  
7 stating he has a shotgun and that will do the trick. I remember we all had a chuckle at Troy's  
8 comment.

9 7. On December 26, 2014, I learned that Troy and Shirley had been brutally  
10 murdered in their home. I was incredibly shocked and immediately recalled the phone  
11 conversation I had with them only a month prior about Darci. I informed L.A. County Sheriff  
12 Detectives about the call and the comments made by Darci. The timing of Darci's comments to  
13 the murders may be simply a coincidence and entirely unrelated, however, under the  
14 circumstances, I felt duty bound to disclose this information to authorities.

15 8. As of this date, I have spent 18.4 hours analyzing the complaint, researching and  
16 preparing the Notice of Motion and Motion for Sanctions, including the accompanying  
17 declarations. My billing rate is \$440.00/hr, which equates to \$8,096.00 for my time. My billing  
18 rate is reasonable as compared with rates prevailing in the community for similar services by  
19 lawyers of reasonably comparable skill, experience and reputation. I have over ten years of  
20 experience as a civil litigation attorney in complex and sophisticated real estate disputes, and was  
21 a partner at Best Best & Krieger, LLP prior to starting my own practice.

22 I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct. Executed on March 20, 2015, in Riverside, California.

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10 Attorneys for Defendants, MISCHELYNN  
SCARLATELLI, an individual and beneficiary of  
11 the ISOM FAMILY TRUST dated December 28,  
2004; MISCHELYNN SCARLATELLI, as  
12 successor trustee and beneficiary of the ISOM  
FAMILY TRUST dated October 10, 2013

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES

15  
16 DARCI S. ISOM, an individual, co-trustee  
and beneficiary,

17 Plaintiff,

18 v.

19 MISCHELYNN SCARLATELLI, an  
20 individual and beneficiary of the ISOM  
FAMILY TRUST dated December 28, 2004;  
21 MISCHELYNN SCARLATELLI, as  
successor trustee and beneficiary of the  
22 ISOM FAMILY TRUST dated October 10,  
2013, and successor trustee for SHIRLEY  
23 ISOM, settlor and trustee of the ISOM  
FAMILY TRUST dated October 10, 2013;  
24 SHIRLEY ISOM, settlor and trustee of the  
ISOM FAMILY TRUST dated December 28,  
25 2004 and settlor and trustee of the ISOM  
FAMILY TRUST dated October 10, 2013  
26 and DOES 1-25, inclusive,

27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF MISCHELYNN  
SCARLATELLI'S FILED IN SUPPORT OF  
MOTION FOR SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

1 DECLARATION OF MISCHELYNN SCARLATELLI

2 I, Mischelynn Scarlatelli, declare as follows:

3 1. I have personal knowledge of the facts stated in this declaration and, if called upon  
4 to testify, I could and would competently and truthfully testify to the facts stated below.

5 2. Shirley Isom is my birth mother and Troy Isom is my stepfather. Prior to marrying  
6 Troy, my mom owned and operated her own salon for close to 20 years. She also helped build a  
7 small tract of homes with my biological father. Troy was a very hardworking man and had  
8 experience building freeways and other large scale construction projects. Troy and my mom were  
9 a perfect match. After my mom divorced my biological father, she invested her divorce  
10 settlement in real estate projects with Troy.

11 3. Although he was my stepfather, Troy raised me from a young age and always  
12 treated me like I was his own daughter. I moved in with Troy and my mother when I was only 9  
13 years old and lived with them continually until I was 28. Troy's daughters, Darci and Victoria  
14 (aka "Tori"), were living with their mother. I was given Darci and Tori's old room when I moved  
15 into Troy's home in Claremont and I spent a lot of time with my mom and Troy because of my  
16 young age. This made Darci and Tori upset and jealous when they came to visit. They always  
17 felt Troy favored me over them and they resented that.

18 4. When I was 29, I got married. The wedding took place at Troy and my mom's  
19 house and Troy gave me away at the wedding. Even though I got married, I always lived no more  
20 than 7 miles from my mom and Troy. I saw them almost every day. Even on vacations, we  
21 almost always traveled together. When I had children, my mom and Troy helped out immensely  
22 with taking care of them. They were both incredible grandparents and my children, Megan and  
23 Max, grew very attached to them. My mom and Troy paid for Megan and Max to go to private  
24 school and often spoke of how they wanted Megan and Max to have the best education and  
25 wanted to provide for them.

26 5. I was always by Troy's side whenever he needed it. For instance, I was by his side  
27 after his motorcycle accident in 2007 helping my mom care for him as his face was reconstructed.  
28 None of Troy's children were ever around much and they rarely called to ask how he was doing.

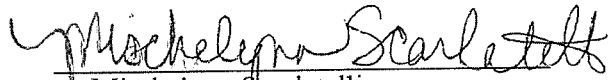


1           6.     In 2007, I moved into a home within walking distance of my mom and Troy's  
2 home. My mom and Troy visited several times a day; it was almost as though we lived together  
3 as we saw each other all the time. However, Troy's daughters rarely came to visit. I can recall  
4 only three times that Darci came to visit Troy in the last three years, and each time she asked for  
5 money. One month before my parents were murdered, Darci called and sent harassing text  
6 messages to my mom and Troy regarding the fact that she thought they should sell all of their  
7 assets now and disburse their inheritance early. Her reasoning was that at their age my mom and  
8 Troy simply didn't need everything they had anymore and so it was time to sell. This angered my  
9 mom and Troy very much and they were very upset.

10           7.     The accusations made against me by Darci are very insulting and hurtful. I have  
11 never abused Troy. I never had access to Troy's funds, never misappropriated funds from Troy's  
12 bank accounts, and never had any control over Troy's separate property. I never forged his  
13 signature on anything nor did I fabricate any legal documents. Troy had his own lawyers who  
14 prepared his estate plan for him. Troy was mentally stable and fully competent when he made the  
15 decision to leave Darci only a small inheritance. This should come as no surprise to Darci, as she  
16 was never close to Troy and never showed any interest or compassion toward him. She always  
17 felt "entitled" to Troy's money and her lawsuit shows it.

18           8.     There's not a moment that goes by that I don't miss Troy and my mom. And,  
19 seeing my children grieve every day breaks my heart. It is bad enough to lose a loved one, but  
20 worse when that loved one is taken from you in such a horrific manner. My life has been so  
21 consumed by this; it all feels like a nightmare from which I can't wake up.

22           I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct. Executed on March 22, 2015, in La Verne, California.

24     
25   Mischelynn Scarletelli

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

16 DARCI S. ISOM, an individual, co-trustee  
17 and beneficiary,  
18 Plaintiff,  
19 v.

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2013 and DOES 1-25, inclusive,  
27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF LYNN ISOM COLE  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

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**DECLARATION OF LYNN ISOM COLE**

I, Lynn Isom Cole, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts states below.

2. I am Troy Isom’s niece. In August of 2013, my husband and I moved to Corona, California. Troy and his wife Shirley lived nearby in La Verne, California. Starting in August of 2013, we would visit Troy and his wife once or twice per month. Usually we would meet at their home, and then drive somewhere for lunch. These visits would typically last for several hours. We saw them the Sunday before Christmas in 2014, less than a week before their tragic death.

3. When we visited with Troy, there was no sign that there was any decline in his mental abilities. He maintained his intelligence, quick wit, and determination. There is no question in my mind that Troy was mentally competent. He continued to be as strong-willed as he had always been, and the idea that anyone could force him to do something against his will is infeasible.


4. I observed that Troy maintained an excellent relationship with his step-daughter, Mischelynn Scarlatelli. He informed me that he would typically visit her and his grandchildren every day.

5. I never heard or saw anything that led me to believe that Troy was under any emotional distress, or that he had been subject to physical abuse. Neither Troy, Darci Isom or any of Troy’s children ever mentioned abuse to me, nor did they indicate that they suspected abuse.

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6. While Troy never discussed the details of his trust with me, he did tell me that most of his and Shirley's assets were in a trust, and that he had named Mischelynn as his Trustee. There was never a question in my mind that Troy was aware of the nature of his family and his assets, and had his full mental faculties.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 19 day of March, 2015, at Corona, California.

  
LYNN ISOM COLE

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

16 DARCI S. ISOM, an individual, co-trustee  
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26 ISOM FAMILY TRUST dated October 10,  
2013 and DOES 1-25, inclusive,

27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF SETH BOLDMAN  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

LAW OFFICES OF  
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ONTARIO, CALIFORNIA 91761

**DECLARATION OF SETH BOLDMAN**

I, Seth Boldman, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below

2. I have known Troy and Shirley Isom and Mischelynn Scarletelli for over thirty-five years. I lived next door to Troy and Shirley on Rough Rider Road in La Verne, CA for fifteen years. In the past three to four years, I became particularly close friends with Troy Isom.

3. Troy was a very accomplished business man, and had an astute business mind until the end. He was sharp, alert, and capable of making conscious and complicated decisions. It was apparent from interacting with him that he was not physically or mentally impaired. For example, Troy was operating a gold mine. I witnessed Troy's ability to drive ATV's, dump trucks, and tractors. He had no trouble operating the heavy equipment or navigating without GPS. He also invited me to help him work and strategize related to the mine. He would drive to my shop in the City of Industry to discuss plans and ideas related to mining, equipment, and general business strategy. There was no question that he understood the nature of his finances and his business.

4. I witnessed Troy interact with his family. I had numerous dinners, conversation, and holidays with Troy, his wife Shirley, Mischelynn and Myschelynn's children. There was no question that he understood the nature of his family relationships, which were very important to him. Troy and Shirley shared a very close family relationship with Mischelynn, more so than with their other children. Mischelynn cared for Troy and often refers to him as her parent. Troy and Shirley have always looked out for and cared for Mischelynn and her children Max and Megan, and visa verse. They went to every recital, every function, of their grandchildren. They looked forward to every event they had, and were involved in everything, right down to buying the prom dress. Every picture of them shows how happy they were to be with their daughter and grandchildren. They were the exact same way in person as well.

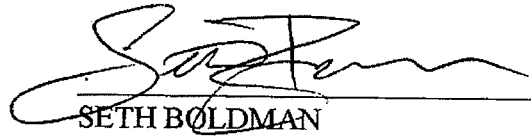
5. I witnessed Troy and Shirley's emotional support for Mischelynn, and the strides they took to help her in any conceivable way. For example, Mischelynn's ex-husband, Mark, filed many lawsuits against Troy and Shirley. I saw how disappointed Troy was in the extremes

1 Mark took to make his life difficult by the constant attacks on his assets. Troy understood the  
 2 nature and extent of these complicated legal issues, and wanted to aggressively defend his assets.  
 3 He supported and loved Mischelynn throughout these legal battles.

4 6. In contrast, I have known Darci for a long time, but only saw her on one occasion  
 5 at Troy's house in these past few years. Darci has always been aloof and never seemed very  
 6 involved or interested in the life and plans of Troy and Shirley.

7 7. Troy was well cared for and did not exhibit any signs of emotional distress or  
 8 physical abuse. He was very social, and was never isolated or dependent on Mischelynn, or  
 9 anybody else. He was a very strong, competent, and capable business man.

10 I declare under penalty of perjury under the laws of the State of California, that the  
 11 foregoing is true and correct. Executed this 19 day of March, 2015, at La Verne, California.

12   
 13 SETH BOLDMAN

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28, 2004 and settlor and trustee of the  
26 ISOM FAMILY TRUST dated October 10,  
2013 and DOES 1-25, inclusive,  
27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF MELANIE BOLDMAN  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)



LAW OFFICES OF  
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**DECLARATION OF MELANIE BOLDMAN**

I, Melanie Boldman, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below

2. I have been close friends with Troy and Shirley Isom for many years. My husband and I spent numerous holidays with the Isom's. We had cocktails, ate dinner, joined in conversation, and even played numerous silly games after dinner. They were kind, loving and gracious people. Troy's body was weak, but his mind was always strong and sharp to the end. His conversations were never repetitive or off track. He always remembered previous visits and stories, and was always engaged in pertinent conversation.

3. Mischelynn's relationship with Troy and Shirley was a loving one. Troy had helped raise Mischelynn from the age of eight. They were very close and were happy to live nearby. Numerous times Mischelynn would join us for dinner with them. They were always very involved in her and her children's life, and loved every second of it. Troy would always leave cash on the beds for his grandchildren as a surprise. Mischelynn would go around daily and collect the money to put back in their safe, not wanting her children to be too spoiled. Troy knew everything about Mischelynn's children, Megan and Max. Troy and Shirley would do anything to help and defend Mischelynn and her children.

4. In contrast, Darci rarely visited Troy, and only called on his birthdays and holidays. Darci was good friends with Mark, Mischelynn's ex-husband, who filed multiple lawsuits against Troy and Shirley. Troy and Shirley were extraordinarily upset by these lawsuits, and vehemently defended against them. Darci's friendship with Mark was obvious when Darci held a memorial service for Troy and invited Mark, and sat him in the front row. I personally knew of Troy and Shirley's disdain of Mark, because I assisted Troy and Shirley in preparing and sorting paperwork to defend against Mark's claims.

5. I last saw Troy on November 11, 2014 at Lucille's BBQ restaurant. He expressed great joy and hugged me when he saw me. During the dinner conversation, Troy was very articulate and involved in the conversation. He talked about his family, and how he missed his

1 grandchild who was away at college. Troy always wanted to know about our business dealings,  
 2 and was an astute business man. There were no signs of physical abuse, isolation, or distress.  
 3 Troy was mentally strong, competent, and articulate.

4 I declare under penalty of perjury under the laws of the State of California, that the  
 5 foregoing is true and correct. Executed this 19 day of March, 2015, at LaVerne, California.

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 7 MELANIE BOLDMAN

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and settlor and trustee of the ISOM FAMILY  
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25, inclusive,  
27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF HELEN  
DOMINGUEZ FILED IN SUPPORT OF  
MOTION FOR SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

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**DECLARATION OF HELEN DOMINGUEZ**

I, Helen Dominguez, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

2. I have known Troy Isom for over 63 years, and have known Shirley Isom for over 30 years. They were dear friends.

3. In all the years that I knew Troy, he was always mentally competent and in his right mind. He was clear, articulate, and sharp. He was operating a business, and there was no question that he understood the nature of his family and finances.

4. A few months before he died in 2014, he called me to tell me that his daughter, Darci, called him and wanted her inheritance immediately. Troy was very upset and said, "I'm not even dead yet." He said that Darci might be in for a surprise.

5. Mischelynn was very close with both Troy and Shirley. She was always extremely loving and kind towards both of them. She would do anything for them. I have known Mischelynn long before she was married and had children. She has never changed, and has always been a good, honest, sweet and loving person. It was clear that she loved and admired Troy and Shirley very much. I never heard Troy say an unkind word about Mischelynn. He loved her and her children unconditionally.

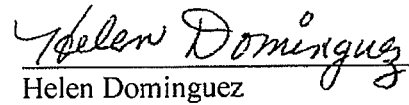
6. I last spoke with Troy and Shirley on December 25, 2014, when they called to wish me a happy birthday and Merry Christmas. Troy was very clear and sharp during our conversation. We planned to go to lunch the week they died. He talked about Mischelynn and their Christmas Eve dinner, and told me that they had a great time. Both of them sounded so happy. There was nothing to suggest that he failing mentally.

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7. Whenever I saw Troy, he was well cared for and did not exhibit any signs of emotional distress or physical abuse. He was very social, and was never isolated or dependent on Mischelynn, or anybody else. It did not appear that Troy was persuaded or influenced in any way. He was a very strong personality, and an independent person. He was not the type of person that could be manipulated.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 20 day of March, 2015, at La Verne, California.

  
\_\_\_\_\_  
Helen Dominguez

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10 Attorneys for Defendants MISCHELYNN  
SCARLATELLI, an individual and beneficiary of  
11 the ISOM FAMILY TRUST dated December 28,  
2004; MISCHELYNN SCARLATELLI, as  
12 successor trustee and beneficiary of the ISOM  
FAMILY TRUST dated October 10, 2013

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES  
15

16 DARCI S. ISOM, an individual, co-trustee  
and beneficiary,  
17  
18 Plaintiff,  
19 v.

20 MISCHELYNN SCARLATELLI, an  
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25 ISOM FAMILY TRUST dated December  
28, 2004 and settlor and trustee of the  
26 ISOM FAMILY TRUST dated October 10,  
2013 and DOES 1-25, inclusive,  
27  
28 Defendants.

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF LEA HERNANDEZ  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

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**DECLARATION OF LEA HERNANDEZ**

I, Lea Hernandez, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

2. I have been friends with Shirley Isom, Troy Isom’s wife, for forty-five years. Shirley was married to Troy for forty of those years. Shirley was a wonderful friend, wife and mother, and was especially close to her youngest daughter Mischelynn. She and I grew closer over the years as we watched our children grow. My husband and I were always invited to Mischelynn’s parties, because Troy and Shirley were always invited. Mischelynn even invited me to attend a USC v. Notre Dame football game along with Shirley as her guest. Mischelynn always included Shirley and Troy in everything, and treated both them, and me, with love and respect.

3. During the past five years, Mischelynn grew even closer to Troy and Shirley. Mischelynn went through a divorce, so she needed her mother’s advice and wisdom more than ever. Both Shirley and Troy were there to support Mischelynn. They helped to guide her through a very tough time. Mischelynn was also there for Troy and Shirley, and helped them with anything they needed. However, Troy and Shirley were both independent and had active lives. The three of them, and Mischelynn’s children brought each other such happiness and delight.

4. Troy was always very sharp. He knew numbers, the market, risk, and would certainly be aware if he was every being used. He was doing well, and he was certainly mentally competent. In fact, if I needed business advice, I would frequently run it by Troy.

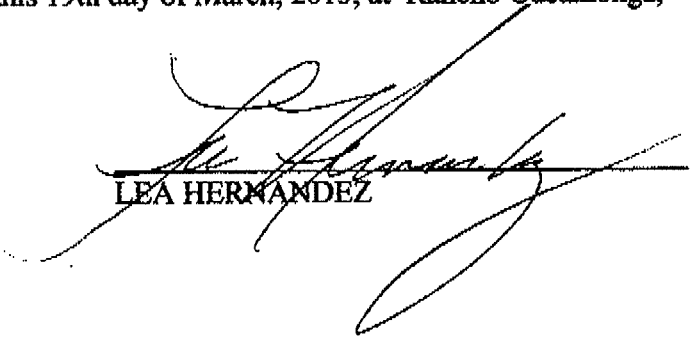
5. During the past year Shirley mentioned one particular concern to me every time that I saw her. She told me that she and Troy had concerns about needing to tell Troy’s children, Darci, Tory, and Cameron that they would each be receiving \$25,000.00 from Troy and Shirley from the Isom’s trust. Shirley told me about her concerns about being badgered by Darci, Tory and Cameron, stating that “they [were] going to make [her] life a living hell”. Troy always said that “they [would] make it living hell no matter when they find out.” Despite being in their fifties

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and sixties, Darci, Tory and Cameron had a huge sense of entitlement, and were always asking Troy for money.

6. In particular, I remember a text message that Troy received from Darci, which shamed Troy for not helping Tory with a new business opportunity. The text went on to suggest that Troy liquidate all of his assets and split his assets among his children so that they could all own homes and have everything they needed. The text escalated from disgraceful to threatening, telling Troy that he was worth more dead than alive, and threatening litigation involving a property on Morningside. Troy wouldn't even give Tory, his daughter the gate code to his house. Instead, he would park his truck along the side of the road and wait to see her outside, so he could avoid giving her the code.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 19th day of March, 2015, at Rancho Cucamonga, California.



LEA HERNANDEZ



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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF LOS ANGELES

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2013 and DOES 1-25, inclusive,

27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF JEANNE STERBA  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

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DECLARATION OF JEANNE STERBA

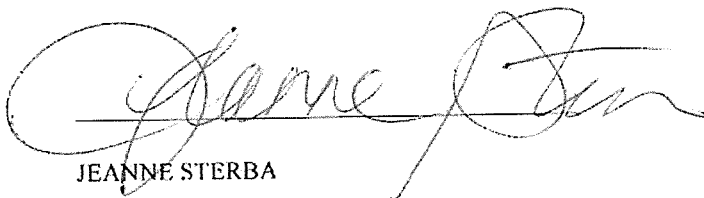
I am an adult over the age of 18 years old, and if called to testify, would be able to fully, accurately and truthfully provide testimony of the foregoing matters that are of my personal knowledge. I am a member of the State Bar of the State of California, and have been a member in good standing since I passed the Bar Exam in 1990.

1. I knew Troy and Shirley Isom from 2002 through the time of their deaths in 2014. We prayed together, as a family, during church service, celebrated many birthdays with them, shared some holidays at my home, visited Troy in the hospital, cheered on their grandchildren (Megan and Max Scarlatelli) at soccer games and reveled in their grandchildren's accomplishments at school events. Troy and Shirley were very devoted to their grandchildren and their daughter, Mischelynn Scarlatelli.

2. During 2011 through 2014, I had a number of conversations with Troy and Shirley about their business, prepared corporate minutes and resolutions for their business, and had discussions with them, individually and together, about their steadfast desire to make sure Mischelynn, Megan and Max were taken care of, especially pertaining to education funds for Megan and Max. Troy never spoke of Darci Isom to me. Shirley only commented that Darci didn't show much interest in Troy and wasn't around when Troy was hospitalized.

3. I last spoke with Troy on the evening of October 25, 2014. He was perfectly lucid and his jovial self. We did not discuss business. Instead, he shared with my husband and me how proud he was of his grandson. Max, for his work on Military Beach Day, a nonprofit organization providing the perfect day at the beach for our enlisted men and women. Troy had seen Max on television in July and knew Max had given time of himself to help our servicemen. Troy had been in the armed services, and was thus immensely proud of his sixteen year old grandson. He was equally proud of his granddaughter, Megan, for her dedication during her first year of college at USC.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 18<sup>th</sup> day of March, 2015 in Claremont, California.

  
JEANNE STERBA

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13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

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27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF MARK STERBA FILED  
IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

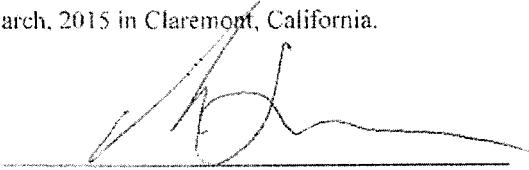
Complaint filed: March 3, 2015



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himself to help our servicemen. Troy had been in the armed services, and was thus immensely proud of his sixteen year old grandson.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 18<sup>th</sup> day of March, 2015 in Claremont, California.



Mark Sterba

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Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF GEORGE COLE FILED  
IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

**DECLARATION OF GEORGE COLE**

I, George Cole, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts states below.


2. My wife, Lynn Isom Cole is Troy Isom’s niece. In August of 2013, my wife and I moved to Corona, California. Troy and his wife Shirley lived nearby in La Verne, California. Starting in August of 2013, we would visit Troy and his wife once or twice per month. Usually we would meet at their home, and then drive somewhere for lunch. These visits would typically last for several hours. We saw them the Sunday before Christmas in 2014, less than a week before their tragic death.

3. When we visited with Troy, there was no sign that there was any decline in his mental abilities. He maintained his intelligence, quick wit and determination. There is no question in my mind that Troy was mentally competent. He continued to be as strong-willed as he had always been, and the idea that anyone could force him to do something against his will is infeasible.

4. I observed that Troy maintained an excellent relationship with his step-daughter, Mischelynn Scarlatelli. He would typically visit her and his grandchildren every day. I never heard or saw anything that led me to believe that Troy was under any emotional distress or that he had been subject to physical abuse. Neither Troy, Darci Isom or any of Troy’s children ever mentioned abuse to me, nor did they indicate that they suspected abuse.

5. While Troy never discussed the details of his trust with me, he did tell me that most of his and Shirley’s assets were in a trust, and that he had named Mischelynn as his Trustee.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 19 day of March, 2015, at CORONA, California.

  
\_\_\_\_\_  
GEORGE COLE

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27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF CELIA CHU FILED IN  
SUPPORT OF MOTION FOR SANCTIONS  
(CCP §128.7)

Complaint filed: March 3, 2015



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**DECLARATION OF CELIA CHU**

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I, Celia Chu, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

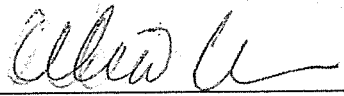
2. My husband and I have known Mischelynn Scarletelli, Megan Scarletelli and Max Scarletelli for seven years. Our children have been very close friends since grade school, and we still frequently get together with them. During the entire time that I have known Mischelynn, her best friends were her mother and step father, Shirley and Troy Isom. I saw Troy frequently for that very reason. They would regularly attend their grandchildren's school functions, like plays and fundraisers. We knew Troy and Shirley well enough that at one point in time we had even planned to take a cruise together.

3. My experience with Troy was always pleasant. My husband and I had the pleasure of sitting with him and Shirley recently at a school festival called "LA Times." They were very excited to be there watching their granddaughter Megan serve as the MC of the event. We had dinner with them that night and talked for some time. It was apparent from this conversation, and from all the prior interactions that I had with him, that Troy was very close with Mischelynn and her children. At all times Troy seemed articulate, intelligent, and coherent. He was independent and happy. The last time I saw Troy was at Mischelynn's Halloween Party in 2014. My husband and I spent about three or four hours talking to Troy and Shirley. On all of the occasions that I spoke to Troy, he was certainly lucid. I never once questioned that he was mentally competent. He always had his wits about him, and was clearly of sound mind.

4. My husband and I interacted with Mischelynn and Troy very regularly, and it was clear from those close observations that they got along very well and loved each other very much. I only ever heard positive comments from Troy about Mischelynn and her children. He spoke very lovingly about them. I never saw any signs that Troy had been emotionally or physically abused. Based on my observations, there was nothing but a loving relationship between him and Mischelynn. There was nothing to suggest that she influenced him in any improper way. In fact,

1 on numerous occasions I would see both Mischelynn and her children take advice and direction  
2 from Troy. Troy had a very commanding presence.

3 I declare under penalty of perjury under the laws of the State of California, that the  
4 foregoing is true and correct. Executed this 18 day of March, 2015, at Claremont California.

5  
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7 \_\_\_\_\_  
8 CELIA CHU

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2004; MISCHELYNN SCARLATELLI, as  
12 successor trustee and beneficiary of the ISOM  
FAMILY TRUST dated October 10, 2013

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF LOS ANGELES

16 DARCI S. ISOM, an individual, co-trustee  
and beneficiary,

18 Plaintiff,

19 v.

20 MISCHELYNN SCARLATELLI, an  
individual and beneficiary of the ISOM  
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22 successor trustee and beneficiary of the  
ISOM FAMILY TRUST dated October 10,  
23 2013, and successor trustee for SHIRLEY  
ISOM, settlor and trustee of the ISOM  
24 FAMILY TRUST dated October 10, 2013;  
SHIRLEY ISOM, settlor and trustee of the  
25 ISOM FAMILY TRUST dated December  
28, 2004 and settlor and trustee of the  
26 ISOM FAMILY TRUST dated October 10,  
2013 and DOES 1-25, inclusive,

27 Defendants.  
28

Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF PERRY CHU FILED IN  
SUPPORT OF MOTION FOR SANCTIONS  
(CCP §128.7)

Complaint filed: March 3, 2015

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
2855 E. GUASTI ROAD, SUITE 400  
ONTARIO, CALIFORNIA 91761

**DECLARATION OF PERRY CHU**

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I, Perry Chu, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

2. My wife and I have known Mischelynn Scarlatelli, Megan Scarlatelli and Max Scarlatelli for seven years. Our children have been very close friends since grade school, and we still frequently get together with them. During the entire time that I have known Mischelynn, her best friends were her mother and step father, Shirley and Troy Isom. I saw Troy frequently for that very reason. They would regularly attend school functions, like plays and fundraisers with Mischelynn to support their grandchildren. We knew Troy and Shirley well enough that at one point in time we had even planned to take a cruise together.

3. My experience with Troy was always pleasant. My wife and I had the pleasure of sitting with him and Shirley recently at a school festival called "LA Times." They were very excited to be there watching their granddaughter Megan serve as the MC of the event. We had dinner with them that night and talked for some time. It was apparent from this conversation, and from all the prior interactions that I had with him, that Troy was very close with Mischelynn and her children. At all times Troy seemed articulate, intelligent, and coherent. He was independent and happy. The last time I saw Troy was at Mischelynn's Halloween Party in 2014. My wife and I spent about three or four hours talking to Troy and Shirley. On all of the occasions that I spoke to Troy, he was certainly lucid. I never once questioned that he was mentally competent. He always had his wits about him, and was clearly of sound mind.

4. My wife and I interacted with Mischelynn and Troy very regularly, and it was clear from those close observations that they got along very well and loved each other very much. I only ever heard positive comments from Troy about Mischelynn and her children. He spoke very lovingly about them. I never saw any signs that Troy had been emotionally or physically abused. Based on my observations, there was nothing but a loving relationship between him and Mischelynn. There was nothing to suggest that she influenced him in any improper way. In fact,

1 on numerous occasions I would see both Mischelynn and her children take advice and direction  
2 from Troy. Troy had a very commanding presence.

3 I declare under penalty of perjury under the laws of the State of California, that the  
4 foregoing is true and correct. Executed this 18<sup>th</sup> day of March, 2015, at Claremont, California.

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8 PERRY CHU  
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10 Attorneys for Defendants MISCHELYNN  
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2013 and DOES 1-25, inclusive,

27 Defendants.  
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Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF KELLI WELSH FILED  
IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

Complaint filed: March 3, 2015

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
2855 E. GUASTI ROAD, SUITE 400  
ONTARIO, CALIFORNIA 91761

**DECLARATION OF KELLI WELSH**

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I, Kelli Welsh, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

2. I am the daughter of Don and Carole Ford, who were very close friends with Troy and Shirley Isom. They had been close friends since I was in elementary school because Troy and my father started their careers together. For that reason, I knew Troy for approximately forty years. At the time of Troy's death, he was my father's closest living friend.

3. When I was young, I spent far more time with Troy and Shirley than with their daughter Mischelynn. However, any time we got together, I heard a lot about Mischelynn from Troy, Shirley, and my parents. My parents knew her quite well because of their frequent trips to visit Troy and Shirley. It was clear to me, from my observations from a very early age, that Troy and Shirley were very close to Mischelynn. My parents attended Mischelynn's wedding, and Troy and Shirley attended my wedding.

4. After we had children, I got to know Mischelynn much better. Mischelynn and her children came with Shirley and Troy to my father's company's 25th anniversary celebration. After that, my children and Mischelynn's children became good friends.

5. After my mother was diagnosed with ALS, Troy and Shirley visited more regularly, and we spent major holidays together, including Christmas. They were there for us during a very difficult time. When my father was paralyzed from a ski injury a few years ago, Troy, Shirley and Mischelynn strongly encouraged me to admit him to Casa Colina, a state of the art rehab facility for brain and spinal injuries, which was close to their home. I lived with Mischelynn for a month while my father was at Casa Colina. Troy and Shirley visited my father every night, chatting about old times, and their hobbies. I will never forget the day when my father took his first step after the accident and Troy started clapping.

6. It only became more clear to me over the years, as I came to know Mischelynn better, that she had a close and loving relationship with Troy and Shirley. She adored Troy, and

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Troy, and always wanted him to be happy, comfortable and loved. Troy and Shirley were also very close to their grandchildren, Megan and Max.

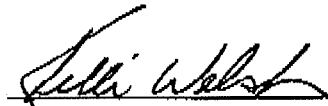
7. It was patently obvious that Troy was mentally competent throughout his entire life. Troy had an amazing mind, and could always engage in great conversations. The night before Troy's tragic death, I overheard a conversation between Troy and my father. Troy gave a full update on Mischelynn, Megan, and Max, and talked to him about what a wonderful Christmas they had. It was clear that Troy was articulate, of sound mind, and eager to chat.

8. Mischelynn would never do anything to harm either of her parents. She frequently told me that she loved Troy's spirit. She always supported Troy in all of his decisions. She never pressured Troy to do anything that he didn't want to do, not even something as minor as going out to dinner. In the aftermath of Mischelynn's divorce, she continually told me how sorry she was for bringing her ex-husband into their lives, because she knew it brought heartache and anxiety to Troy and Shirley. It destroyed her that she couldn't protect them from the heartache and anxiety. Even after a traumatic divorce, Mischelynn was always thinking of Troy and Shirley's wellbeing.

9. In all the years I knew Troy, Shirley, and Mischelynn, I never met Troy's children. However, it was clear to me that Troy and Shirley rarely got see them and wished the children would visit more often.

10. There were no signs that Troy was physically abused in any way, or under any distress. He was happy, independent, and strong willed. There was no indication that he was mentally incompetent or being influenced by another person.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this \_\_\_\_\_ day of March, 2015, at \_\_\_\_\_, California.

  
KELLI WELSH



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2 LAUREN M. STRICKROTH, Bar No. 252700  
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27 Defendants.  
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Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF BILL ZEHENDER  
FILED IN SUPPORT OF MOTION FOR  
SANCTIONS (CCP §128.7)

LAW OFFICES OF  
BEST BEST & KRIEGER LLP  
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ONTARIO, CALIFORNIA 91761

**DECLARATION OF BILL ZEHENDER**

I, Bill Zehender, declare:

1. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below.

2. I met Troy Isom in the mid-1960's. We became good friends in the 1970's. As time went on, we had quite a few business dealings together. I considered Troy and Shirley very good friends. I have met Troy's children, Tori and Darci, and have met Shirley's daughter Mischelynn. I visited Troy and Shirley at their home on many occasions, and have stayed as a guest in their home.

3. It was apparent that Troy loved Mischelynn and her children very much. Troy did everything he could to protect Mischelynn and support her throughout her divorce from her ex-husband, Mark. Troy and Shirley often discussed their troubles with Mark. We strategized regarding various ways to help Mischelynn through those tough times.

4. It was very apparently that Troy was much closer to Mischelynn than his own children. His children were distant, and rarely visited. It seemed that Troy was not as proud of Darci, Tori, and Cameron's lifestyles. Troy expressed to me that he valued Mischelynn's advice and opinions. He never said that about his other children.

5. I was with Troy Isom on December 17th through 19th, 2014. I had dinner with Troy and Shirley on December 19, 2014. We spent time discussing a spec house Troy had for sale, Troy's gold mine, Mischelynn and her children, and other subjects. Troy spoke clearly and articulately. He was operating a business, and there was no question that he understood the nature of his family and finances. His mind was very sharp. He was working in his well a few days before I saw him, and had hurt himself. The injury did not affect his mind whatsoever. He was sharp, coherent, articulate, and logical. I did not observe anything that would lead me to question his mental capacity whatsoever.

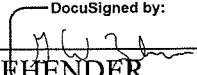
6. Troy was well cared for and did not exhibit any signs of emotional distress or physical abuse. He was very social, and was never isolated or dependent on Mischelynn, or anybody else. It did not appear that Troy was persuaded or influenced in any way. He was a very

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strong personality, and an independent person. He was both intelligent and street smart. There was nothing to suggest that he could be manipulated or fooled in any way.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed this 20 day of March, 2015, at stockton, California.

DocuSigned by:

  
BILL ZEHENDER  
80B51D29A6B548A...

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Case No. BC574246  
Judge: Hon. Teresa Sanchez-Gordon

DECLARATION OF LAUREN M.  
STRICKROTH FILED IN SUPPORT OF  
MOTION FOR SANCTIONS (CCP §128.7)

DECLARATION OF LAUREN M. STRICKROTH

I, Lauren M. Strickroth, declare as follows:

1. I am a Sr. Associate with Best Best & Krieger LLP, and am an attorney licensed to practice law in the State of California. I have personal knowledge of the facts stated in this declaration and, if called upon to testify, I could and would competently and truthfully testify to the facts stated below

2. In accordance with Code of Civil Procedure section 128.7's safe harbor provision, I caused the accompanying motion for sanctions under Code of Civil Procedure section 128.7 to be personally served on Plaintiff's counsel on March 23, 2015.

3. As of the date of this declaration, I have spent 16.8 hours analyzing the complaint, researching and preparing the Notice of Motion and Motion for Sanctions, and drafting the accompanying declarations. My billing rate is \$375.00/hr., which equates to \$6,300 for my time. My associate has billed 2.9 hours communicating with witnesses and assisting with drafting declarations. Her rate is \$290.00/hr., which equates to \$841.00 for her time. My paralegal has spent 7.7 hours assisting with finalizing the motion and the accompanying nineteen declarations. Her rate is 260.00/hr., which equates to \$2,002.00 for her time. Therefore, the total amount of fees incurred on this motion are \$9,143.00. I have eight years of experience as a civil litigation attorney doing both complex litigation and trust litigation. These associate and paralegal billing rates are reasonable as compared with rates prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on March 23, 2015, in Riverside, California.

  
\_\_\_\_\_  
Lauren M. Strickroth