

S243294

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SUPREME COURT
FILED

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Jorge Navarrete Clerk

January 8, 2019

VIA FEDEX

Deputy

Jorge E. Navarrete
Clerk and Executive Officer of the Supreme Court
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

Re: *Black Sky Capital, LLC v. Michael A. Cobb et al.*
Supreme Court Case No. S243294

Dear Clerk of the Court:

This letter is submitted in response to the Court's letter dated December 20, 2018, asking for clarification regarding the relationship between counsel of record for plaintiff/appellant Black Sky Capital, LLC ("Black Sky") and amicus curiae D-Day Capital, LLC ("D-Day").

Ronald Richards, of the Law Offices of Ronald Richards and Associates, A.P.C., is counsel of record for Black Sky.¹

In response to this Court's letter, my client, D-Day, has reconfirmed to me the following:

(1) D-Day has no ownership interest in Black Sky, and Black Sky has no ownership interest in D-Day. They are separate limited liability companies with distinct interests.

¹ Geoffrey Long of the Law Offices of Geoffrey Long, A.P.C. and Robert Cooper of Wilson, Elser, Moskowitz, Edelman & Dicker LLP are also counsel of record for Black Sky. I have confirmed with my client that Mr. Long and Mr. Cooper have never had any ownership interest in D-Day, did not make any monetary contribution towards the preparation of the amicus brief, and they did not prepare or participate in the preparation of the amicus brief or any part thereof.

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(2) Mr. Richards is the manager of D-Day, a California manager-managed limited liability company, and has represented D-Day as a lawyer in other matters, but has no ownership interest in D-Day and is not a member of D-Day presently or at any time in the past. Mr. Richards manages D-Day subject to the direction of the members of D-Day.

Prior to submitting the amicus brief on behalf of D-Day, I asked my client whether Black Sky, Mr. Richards, or any other counsel of record for Black Sky made any monetary contribution intended to fund the preparation or submission of the amicus brief. I was informed that the brief was funded entirely by D-Day, and that neither Mr. Richards, Black Sky, nor any other counsel of record for Black Sky made any monetary contribution towards the preparation of the amicus brief, and that Mr. Richards had no ownership interest in D-Day. (See Cal. Rules of Court, Rule 8.520(f)(4).)

In response to D-Day's amicus brief, defendants asserted that Mr. Richards was "the managing member of D-Day." (Michael A. Cobb and Kathleen Cobb's Answer to Amicus Brief by D-Day Capital, LLC, 1, fn. 1.) Upon receiving that brief, I again asked my client about the source of funding for D-Day's brief, and I received the same response. In Black Sky's answer to the Housing & Economic Rights Advocates' amicus brief, Black Sky represented, contrary to defendants' assertion, that Mr. Richards was not a managing *member* of D-Day, but rather a *manager*, who does not have an ownership interest in D-Day. (See Answer to Amicus Curiae Brief of Housing & Economic Rights Advocates, 13, fn. 7.) After receiving this Court's letter requesting further clarification, I again asked my client about the relationship between Mr. Richards and D-Day, which is set forth above.

Jeremy Rosen and I are the sole authors of D-Day's amicus brief. Because D-Day informed us that it is a debt acquisition and servicing company whose business may be affected by the outcome of this appeal, we prepared an amicus brief to advance D-Day's interest in protecting its ability to efficiently collect the notes it owns or may acquire. (See Application for Leave to File Amicus Curiae Brief in Support Black Sky Capital, 7.) D-Day's interest in the development of the law is therefore distinct from Black Sky's sole interest in obtaining relief on the particular note at issue in this appeal.

In sum, based on the information that my client has provided me and to the best of my knowledge, as we represented in our amicus brief, no party or counsel for a party in the pending appeal authored D-Day's brief in whole or in part or made a monetary contribution intended to fund the preparation or submission of the brief,

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and no person or entity other than D-Day, its members, or its counsel made a monetary contribution intended to fund the preparation or submission of the brief. (See Cal. Rules of Court, rule 8.520(f).)

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JEREMY B. ROSEN

ERIC S. BOORSTIN

By:



Eric S. Boorstin

Attorneys for Amicus Curiae
D-DAY CAPITAL, LLC

PROOF OF SERVICE

**Black Sky Capital, LLC v. Michael A. Cobb et al.
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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3601 West Olive Avenue, 8th Floor, Burbank, CA 91505-4681.

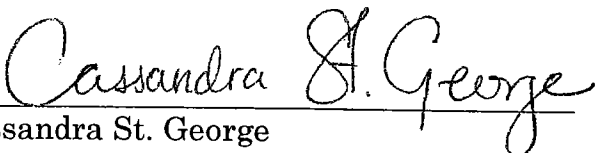
On January 8, 2019, I served true copies of the following document(s) described as **LETTER BRIEF** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

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

Executed on January 8, 2019, at Burbank, California.


Cassandra St. George

SERVICE LIST
Black Sky Capital, LLC v. Michael A. Cobb et al.
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