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August 25, 2025

Via Email

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Re: Formal Notice of Intent to Seek Sanctions for Frivolous Appeal
Dagrella v. Samsung Electronics America, Inc. (Case No. CVCO2405948)

Dear Counsel:

This letter provides formal notice that we will ask the appellate division to impose sanctions pursuant to *Code of Civil Procedure* § 907 and California Rules of Court, Rule 8.891 for filing a frivolous appeal.

Samsung lost in the trial court due in part to its complete failure to present admissible evidence. Its opposition relied on evidence improperly submitted through an attorney declaration and its own discovery responses—a practice universally rejected by California courts. An appeal from a judgment grounded on well-settled law is frivolous by definition.

This frivolous appeal is the culmination of a pattern of bad-faith litigation tactics. We will advise the appellate division that this pattern included:

- Stonewalling discovery for four months under the guise of "PTO" and "wildfire disruptions," only to serve boilerplate objections.
- Rejecting every settlement overture to resolve a minor appliance dispute solely to send a message that consumers must walk away or face Samsung's wrath.
- Attempting to overwhelm the trial court with 369 pages of opposition briefing that strategically avoided any sworn statement from a Samsung witness, thereby refusing to commit your client to a set of facts.
- Filing 62 pages of impermissible sur-reply papers disguised as a "response to objections."

This history demonstrates the appeal's true purpose: to harass, to delay, and to punish a consumer for asserting his rights.

Robert J. Herrington, Esq.
Jennifer C. Cooper, Esq.
Evan Morehouse, Esq.
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Accordingly, we demand that you immediately dismiss the Notice of Appeal. If you fail to do so, we will file a formal motion asking the Court to impose sanctions payable to Plaintiff, as well as sanctions payable to the clerk of the court to compensate the government for the cost of processing a frivolous appeal, as authorized in cases like *Bucur v. Ahmad* (2016) 244 Cal.App.4th 175. We will also seek an order referring counsel to the State Bar of California for investigation of professional misconduct.

This letter will be submitted to the court as evidence that you were put on notice and given a clear opportunity to avoid these consequences.

Sincerely,



Jerry R. Dagrella
of DAGRELLA LAW FIRM, P.C.