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14 Attorneys for Plaintiff
15 Jerry Dagrella

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 COUNTY OF RIVERSIDE

18 JERRY DAGRELLA, an individual,

19 Plaintiff,

20 v.

21 SAMSUNG ELECTRONICS AMERICA,
22 INC., a New York Corporation doing
23 business in the State of California; and
24 DOES 1 through 100, inclusive,

25 Defendants.

26 Case No. CVCO2405948

27 Judge: Commissioner Tamara L. Wagner

28 **PLAINTIFF'S REPLY TO DEFENDANT'S
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT/ADJUDICATION**

*[Filed Concurrently with Objections to
Declaration of Jennifer Cooper.]*

Hearing:

Date: June 2, 2025

Time: 8:30 a.m.

Dept. C1

DAGRELLA LAW FIRM
1001 WILSHIRE BLVD., SUITE 22228
LOS ANGELES, CA 90017

REPLY MEMORANDUM

I. INTRODUCTION

Defendant Samsung has responded to Plaintiff's straightforward Motion with a textbook example of litigation by obfuscation. Rather than providing evidence to rebut Plaintiff's claims, Samsung attempts to overwhelm this Court with a 256-page attorney declaration, 47 pages of frivolous objections, and a 22-page memorandum raising extraneous issues designed to distract from the core facts. This tactic precisely illustrates the predatory strategy Plaintiff warned about in his Motion: Samsung's business model is to "bury consumers in litigation until they give up."

Yet Samsung has made a fatal error that unravels its entire opposition—not a single declaration from anyone with personal knowledge of the facts appears in its 300+ pages of filings. Instead, Samsung relies exclusively on its attorney's declaration, a fundamental violation of summary judgment procedure that dooms its opposition from the start.

II. LEGAL ANALYSIS

A. **Samsung's Attorney Declaration Cannot Create Triable Issues of Fact**

Samsung's Opposition rests entirely on the declaration of its counsel, Ms. Cooper. As the Rutter Guide explains: attorney declarations "are sufficient only if the facts state matters of which the attorney would be presumed to have knowledge; e.g., matters occurring during the course of the lawsuit. Otherwise, the declaration lacks the 'personal knowledge' required on a motion for summary judgment." (Weil & Brown, California Practice Guide: *Civil Procedure Before Trial* (The Rutter Group 2021), ¶ 10:115.) The court in *Di-Cola v. White Bros. Performance Products, Inc.* (2008) 158 Cal.App.4th 666, 679, granted summary judgment by rejecting an attorney declaration submitted under nearly identical circumstances. There, as here, a party attempted to oppose summary judgment with an attorney declaration. The court rejected this attempt, holding such declarations insufficient as a matter of law to create disputed issues of fact. Here, Ms. Cooper cannot testify about the condition of the dryer, the cause of any defect, or the employment status of the technician. Because Ms. Cooper's declaration is not evidence of disputed facts, Samsung's opposition collapses.

B. Plaintiff's Evidence Stands Uncontroverted

In stark contrast to Samsung's evidentiary void, Plaintiff has submitted:

1. His own sworn declaration based on personal knowledge of purchasing the dryer, experiencing the defect, interacting with Samsung's technician, and communicating with Samsung representatives who denied warranty coverage;

2. The expert declaration of Antonio Hernandez, who physically examined the dryer and methodically diagnosed the manufacturing defect—a 2-3mm drum misalignment that could only have occurred during assembly; and,

3. Evidence of the warranty terms and property damage estimates.

This evidence comprehensively establishes every element of each cause of action. Samsung, tellingly, offers no competing expert testimony, no declaration from the service technician, and no testimony from Samsung representatives who denied warranty coverage. The evidentiary record stands entirely in Plaintiff's favor.

C. Samsung's Objections to Plaintiff's Evidence Are Frivolous

Unable to present admissible evidence of its own, Samsung resorts to 47 pages of boilerplate objections to Plaintiff's declarations—objections that range from misguided to absurd.

Samsung's objection that Mr. Hernandez's testimony is improper due to non-disclosure in an expert designation misapplies basic civil procedure. No trial date has been set, no demand for expert exchange has occurred, and thus no designation deadline has been breached. This objection reveals either a fundamental misunderstanding of discovery procedures or a deliberate attempt to confuse the issues. Even more preposterous is Samsung's contention that Mr. Hernandez—an expert with fourteen years of direct experience in appliance repair and diagnosis, including with Samsung products—is somehow unqualified to opine on an appliance defect. This objection borders on frivolous and should be summarily overruled.

Similarly, Samsung's scattershot objections to Mr. Dagrella's declaration attack his personal observations, his recounting of communications with Samsung, and his testimony on damages—all matters within his personal knowledge. Mr. Dagrella is indisputably competent to testify to his firsthand experiences with his own defective dryer and Samsung's representatives.

1 **D. Samsung's Defenses Also Fail on Legal Grounds**

2 Even if Samsung had presented competent evidence (which it has not), its asserted legal
3 defenses crumble under scrutiny.

4 On the express warranty claim, Samsung makes the remarkable argument that it was
5 denied a "reasonable opportunity to repair" the dryer. Yet, in the same opposition, Samsung
6 admits it twice denied warranty coverage outright. (Opp., p. 8, ll. 6-12.) A manufacturer that
7 explicitly refuses warranty coverage cannot then claim it lacked an opportunity to repair. Such an
8 argument defies logic—a desperate attempt to throw anything at the wall to see what sticks.

9 On negligence, Samsung attempts to hide behind the theory that its technician was an
10 "independent contractor." First, it falsely claims that *Civil Code* section 1793.2(a) mandates the
11 use of independent contractors for warranty service. This is not true. The statute merely provides
12 that independent facilities are an *option*. Next, Samsung argues that *Bacoka v. Best Buy Stores*,
13 L.P. (2021) 71 Cal.App.5th 126 stands for the proposition that it cannot be held liable for
14 negligence of independent contractors. Again, not true. Samsung is conflating optional
15 installation services (as in *Bacoka*) with mandatory warranty service (as in this case). In *Bacoka*,
16 Best Buy had no obligation to install the washing machine—installation was an optional service
17 separate from the product sale. Here, Samsung has a statutory obligation to provide warranty
18 service under the Song-Beverly Act. When a duty arises from statute or contract, as warranty
19 service does, it cannot be delegated away to an independent contractor. (*Harold A. Newman Co.*
20 *v. Nero* (1973) 31 Cal.App.3d 490, 496, "a person who has assumed the contractual duty to
21 perform a service for another cannot escape his contractual obligation to perform the service in a
22 competent manner by delegating performance to another."].)

23 Needless to say, this Court need not even delve deeply into these legal arguments, as
24 Samsung has failed to establish the prerequisite *factual* basis for any of them. There is no
25 evidence that Samsung was denied an opportunity to repair or establishing the technician's
26 employment status as an independent contractor.

27 //

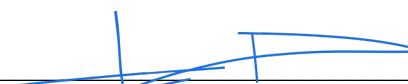
28 //

1 **III. CONCLUSION**

2 Plaintiff's dryer was sold with a manufacturing defect covered by warranty. Samsung
3 expressly denied that warranty coverage and, in the course of its purported service, its agent
4 negligently damaged Plaintiff's property. Samsung has offered no competent evidence to rebut
5 these dispositive facts. Its opposition is a hollow shell of attorney argument and irrelevant paper.
6 Accordingly, Plaintiff respectfully requests that this Court grant his Motion and award judgment
7 in the amount of \$24,479.83, representing the cost of the defective dryer and the necessary repair
8 to Plaintiff's flooring. (Dagrella Decl. ¶¶2, 7, Ex. B.)

9 Dated: May 14, 2025

DAGRELLA LAW FIRM, P.C.

10
11 By: 
12 JERRY R. DAGRELLA
13 Attorney for Plaintiff

PROOF OF SERVICE

At the time of service I was over 18 years of age and not a party to this action. My business address is 1001 Wilshire Blvd., #2228, Los Angeles, CA 90017. On May 14, 2025, I served a copy of the following document(s):

**PLAINTIFF'S REPLY TO DEFENDANT'S OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT/ADJUDICATION**

☒ By e-mail or electronic transmission. Pursuant to California Rules of Court, Rule 2.251 and Code of Civil Procedure section 1010.6, I served the foregoing documents via email. I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

GREENBERG TRAURIG, LLP
Robert J. Herrington (SBN 234417)
Jennifer C. Cooper (SBN 324804)
1840 Century Park East, Suite 1900
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Robert.Herrington@gtlaw.com
Jennifer.Cooper@gtlaw.com

Attorneys for Defendant
SAMSUNG ELECTRONICS
AMERICA, INC.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 14, 2025, at Riverside, California.

Tongjai Dagrella
Tongjai Dagrella

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24 DOES 1 through 100, inclusive,

25 Defendants.

26 Case No. CVCO2405948

27 Judge: Commissioner Tamara L. Wagner

28 **PLAINTIFF'S OBJECTIONS TO THE
DECLARATION OF JENNIFER C.
COOPER**

*[Filed Concurrently with Reply to Opposition to
Motion for Summary Judgment/Adjudication.]*

Hearing:

Date: June 2, 2025

Time: 8:30 a.m.

Dept. C1

1001 WILSHIRE BLVD., SUITE 2228
DAGRELLA LAW FIRM
LOS ANGELES, CA 90017

1 Pursuant to California Code of Civil Procedure, section 437c, and California Rules of Court,
2 rules 3.1352 and 3.1354, Plaintiff asserts the following evidentiary objections to Defendant's evidence
3 offered in Opposition to the Motion for Summary Judgement/Adjudication.

4

5 **OBJECTIONS TO EXHIBITS**

6 1. Exhibit 1 (Limited Warranty)

7 **Grounds for Objection 1:** Not properly authenticated, hearsay. Attorney lacks
8 foundation or personal knowledge to properly authenticate documents from Samsung or Service
9 Quick, Inc. (Evid. Code §§ 400-403, 702, 1200 & 1401). (Weil & Brown, California Practice
10 Guide: *Civil Procedure Before Trial* (The Rutter Group 2021), ¶ 10:115; *Di-Cola v. White Bros.*
11 *Performance Products, Inc.* (2008) 158 Cal.App.4th 666, 679 [rejecting attorney declaration
12 submitted with opposite to summary judgment]; *Sanchez v. Hillerich & Bradsby Co.* (2002) 104
13 Cal.App.4th 703, 720.) [rejecting attempt to authenticate client records via attorney declaration].)

14

15 2. Exhibit 2 (Photographs taken by Service Quick, Inc.)

16 **Grounds for Objection 2:** Not properly authenticated, hearsay. Attorney lacks
17 foundation or personal knowledge to properly authenticate documents from Samsung or Service
18 Quick, Inc. (Evid. Code §§ 400-403, 702, 1200 & 1401). Same authorities as cited in Objection 1.

19

20 3. Exhibit 3 (Call and text message logs.)

21 **Grounds for Objection 3:** Not properly authenticated, hearsay. Attorney lacks
22 foundation or personal knowledge to properly authenticate documents from Samsung or Service
23 Quick, Inc. (Evid. Code §§ 400-403, 702, 1200 & 1401). Same authorities as cited in Objection 1.

24

25 4. Exhibit 4 (Service Quick, Inc.'s Service Ticket form.)

26 **Grounds for Objection 4:** Not properly authenticated, hearsay. Attorney lacks
27 foundation or personal knowledge to properly authenticate documents from Samsung or Service
28 Quick, Inc. (Evid. Code §§ 400-403, 702, 1200 & 1401). Same authorities as cited in Objection 1.

1 5. Exhibit 5 (Samsung Service Center Agreement.)

2 **Grounds for Objection 5:** Not properly authenticated, hearsay. Attorney lacks
3 foundation or personal knowledge to properly authenticate documents from Samsung or Service
4 Quick, Inc. (Evid. Code §§ 400-403, 702, 1200 & 1401). Same authorities as cited in Objection 1.

5

6 6. Exhibit 6 (Service Order.)

7 **Grounds for Objection 6:** Not properly authenticated, hearsay. Attorney lacks
8 foundation or personal knowledge to properly authenticate documents from Samsung or Service
9 Quick, Inc. (Evid. Code §§ 400-403, 702, 1200 & 1401). Same authorities as cited in Objection 1.

10

11 7. Exhibit 8 (Screenshots taken by Service Quick, Inc.'s technician.)

12 **Grounds for Objection 7:** Not properly authenticated, hearsay. Attorney lacks
13 foundation or personal knowledge to properly authenticate documents from Samsung or Service
14 Quick, Inc. (Evid. Code §§ 400-403, 702, 1200 & 1401). Same authorities as cited in Objection 1.

15

16 Dated: May 14, 2025

DAGRELLA LAW FIRM, P.C.

17

18

By:


JERRY R. DAGRELLA
Attorney for Plaintiff

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PLAINTIFF'S OBJECTIONS TO THE DECLARATION OF JENNIFER C. COOPER

By e-mail or electronic transmission. Pursuant to California Rules of Court, Rule 2.251 and Code of Civil Procedure section 1010.6, I served the foregoing documents via email. I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

GREENBERG TRAURIG, LLP
Robert J. Herrington (SBN 234417)
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Attorneys for Defendant
SAMSUNG ELECTRONICS
AMERICA, INC.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on May 14, 2025, at Riverside, California.

Tongjai Dagrella
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