

MOTION FOR DISCOVERY CASE NO.: 30-2024-01410991-CL-UD-CJC filed 2/06/2025

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Date: Thursday, February 6, 2025 at 07:29 PM PST

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[COURT HEADER: ORANGE COUNTY SUPERIOR COURT]

**CASE NO.: 30-2024-01410991-CL-UD-CJC**

**PLAINTIFF:** Phat Tran

**DEFENDANT:** Michael Gasio

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# MOTION FOR DISCOVERY AND REQUEST FOR MISSING INFORMATION

**TO:** Silverstein Law Firm, Berkshire Hathaway HomeServices, and all associated parties

**FROM:** Michael Gasio, Defendant

**DATE:** February 3, 2025

## I. INTRODUCTION

This motion seeks the court's intervention to compel the disclosure of missing and withheld evidence relevant to this case. The plaintiff and associated agents have failed to provide critical documentation and have engaged in deceptive and fraudulent practices that warrant legal and judicial scrutiny.

## II. PARTIES INVOLVED

1. **Phat Tran** (1P7a) – Property owner and plaintiff.
2. **Hanson Lee** (1P7b) – Alleged Berkshire Hathaway Agent.
3. **Silverstein Law Firm** (1P7c) – Unlawfully pursued eviction without standing.
4. **Berkshire Hathaway HomeServices** (1P7d) – Complicit in fraudulent lease agreements.
5. **Richard J. Rosiak, Esq.** (1P7e) – Defendant's previous attorney who failed to provide court-ready documents "as labor" in contract.
6. **Ly Construction (License # 1068334, Bond # GCL 5928963)** (1P7f) – Associated contractor involved in fraudulent activities.
7. **David Ly** (1P7g) – 9142 Russell Ave, Garden Grove, CA 92844.
8. **Berkshire Hathaway Corporate** (1P7h) – 3555 Farnam St, Omaha, NE 68131.

9. **Consensys Property Management (1P7i)** – 1234 Main St, Irvine, CA 92614. Failed to provide legal notice of rent increase, violating tenant protection statutes. [DRE# 01788395](#)

### III. CHARGES AND VIOLATIONS

#### A. Civil & Contract Violations

- **Fraudulent Lease Agreements (1P8a)** – Hanson Lee issued an unauthorized and deceptive lease.
- **Breach of Contract (1P8b)** – Plaintiff originally extended lease under Anna Ly but later denied it.
- **Illegal Eviction Attempt (1P8c)** – Silverstein Law Firm pursued eviction without verifying legal standing.
- **Failure to Return Security Deposit (1P8d)** – Unlawful retention of deposit funds.
- **Failure to Provide Legal Rent Increase Notice (1P8e)** – Consensys Property Management failed to give lawful notice of rent increase, violating tenant protections.

#### B. Criminal Violations

- **Forgery (CA Penal Code § 470) (1P9a)** – Counterfeit lease created by Hanson Lee.
- **Wire Fraud (18 U.S. Code § 1343) (1P9b)** – Falsification of contracts via electronic communication.
- **Mail Fraud (18 U.S. Code § 1341) (1P9c)** – Illicit use of USPS for fraudulent notices.
- **Grand Theft (CA Penal Code § 487) (1P9d)** – Unlawful financial gain through fraudulent rent collection.

### IV. MISSING DOCUMENTS REQUESTED

1. **Berkshire Hathaway Authorization (1P10a)** – Legal document authorizing Silverstein Law Firm to pursue eviction.
2. **Certified Eviction Order (1P10b)** – Proof that eviction proceedings were lawful and backed by a contract.
3. **Fraudulent Lease Document (1P10c)** – Any version of the lease created by Hanson Lee for verification.
4. **Bank Statements from Hanson Lee (1P10d)** – To confirm whether funds were illegally transferred.
5. **Plaintiff's Communication Logs (1P10e)** – Proof of correspondence discussing rental payments and contract changes.
6. **Property Damage Evidence (1P10f)** – Plaintiff claims damages; evidence must be provided.
7. **Proof of 90 day notice** as required by Assembly Bill (AB) 1110 - Consensys Property management.
8. **Full documentation and logs** by \$8,500 Attorney who "lost contact" with wife before court.

### V. DEMAND FOR DISCOVERY COMPLIANCE

The defendants hereby demand that the plaintiff and all associated parties produce the above-requested documents within **ten (10) days** of receipt of this motion. Failure to comply will result

in:

- **Motion for Dismissal (1P11a)** – Based on lack of legal standing and fraudulent filings.
- **Motion for Sanctions (1P11b)** – Due to unethical legal practices by Silverstein Law Firm.
- **Criminal Complaint Filing (1P11c)** – Against Phat Tran and Hanson Lee for fraudulent activities.

## VI. CONCLUSION & REQUEST FOR COURT ACTION

The court must intervene to:

1. **Compel the production of the missing documents.**
2. **Determine the legality of the eviction process.**
3. **Investigate fraud allegations against the plaintiff and Berkshire Hathaway associates.**
4. **Consider the immediate dismissal of the case due to lack of legal standing.**

**Respectfully submitted,**

Michael Gasio

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[Prepared for Filing in Orange County Superior Court]