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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

STEPHEN K. LEE,

Petitioner,

v.

THE SUPERIOR COURT OF SAN  
FRANCISCO COUNTY,

Respondent;

MARTHE SCHREIBER,

Real Party in Interest.

A147866

(San Francisco City & County  
Super. Ct. No. CGC-13-534301)

**OPINION AND ORDER FOR  
PEREMPTORY WRIT OF MANDATE**

BY THE COURT:<sup>1</sup>

On March 29, 2016, Petitioner Stephen K. Lee filed a petition for writ of mandate challenging respondent court’s “Order Regarding Defendants’ Motion to Quash Deposition Subpoenas for Business Records” (Order), issued on March 1, 2016. Petitioner also requested an immediate stay of the Order.

On March 29, 2016, we issued an order granting petitioner’s stay request pending resolution of this writ proceeding and placed the parties on notice, in accordance with *Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 177–180, that we might conclude issuance of a peremptory writ in the first instance would be appropriate. (Code Civ. Proc., § 1088; *Ng v. Superior Court* (1992) 4 Cal.4th 29, 35; *Lewis v. Superior Court* (1999) 19 Cal.4th 1232, 1239–1241.)

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<sup>1</sup> Before Margulies, Acting P.J., and Banke, J.

The underlying suit is a premises liability case in which Real Party in Interest and plaintiff Marthe Schreiber sued petitioner and certain corporate entities for injuries sustained when she fell through a skylight on the surface of a rooftop patio on a building in the North Beach area of San Francisco that Schreiber alleged was built and owned by petitioner. Schreiber issued subpoenas to several banks seeking personal and corporate bank records in support of her alter ego allegations in the case. Defendants moved to quash the deposition subpoenas.

Respondent court held a hearing on the motion to quash on November 4, 2015, and on March 1, 2016, issued its Order, ruling as follows: “1. The Motion to Quash ‘Deposition Subpoenas for Production of Business Records issued by Plaintiff Marthe Schreiber on July 29, 2015, to First Republic Bank for certain business records pertaining to Stephen K. Lee and Golden Prosperities Management Company, LLC’, filed by Defendants Stephen K. Lee and Golden Prosperities Management Company LLC, is DENIED. [¶] 2. The Motion to Quash the deposition subpoenas for production of records issued to Wells Fargo Bank, East West Bank, Bank of America Corporation, and First Republic Bank filed by defendants Peter Lee, Stephen K. Lee Enterprises, a General Partnership, Patricia Lum, Shacuan Sharon Lee Seto, Anne Lee, Gordon Lee, and Eva Wong is DENIED.” The Order also included a protective order agreed to by the parties in regard to documents produced in response to the subpoenas.

On May 5, 2015, Real Party in Interest and plaintiff Marthe Schreiber filed in this court a “Statement of Non-Opposition to Stephen K. Lee’s Petition for Writ of Mandate” (Statement). In her Statement, Schreiber states she does not oppose the petition for writ of mandate with respect to the subpoenas seeking petitioner’s personal banking records. The scope of relief to which Real Party in Interest concedes, accords with petitioner’s Prayer in the petition, which asks this court to direct respondent court to vacate “the portion of the March 1, 20[1]6 Order that allows Plaintiff to discover all of Stephen K.

Lee's personal account information at Wells Fargo Bank, East West Bank, Bank of America Corporation, and First Republic Bank from October 1, 2005, to present."<sup>2</sup>

Accordingly, let a peremptory writ of mandate issue commanding respondent Superior Court of the City and County of San Francisco, in its case No. CGC-13-534301, to vacate that part of its "Order Regarding Defendants' Motion to Quash Deposition Subpoenas for Business Records," filed on March 1, 2016, allowing discovery of Stephen K. Lee's personal account information at Wells Fargo Bank, East West Bank, Bank of America Corporation, and First Republic Bank from October 1, 2005, to present, and to thereafter issue a new and different order granting the motion to quash in part with respect to petitioner's personal financial records.

In the interests of justice, each party shall bear its own costs incurred in these writ proceedings. (See Cal. Rules of Court, rule 8.493(a)(1)(B).) Our decision is final in this court immediately upon filing. (Cal. Rules of Court, rule 8.490(b)(2)(A).) The stay imposed by this court shall dissolve automatically when respondent court issues its new and different order on the motion to quash.

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<sup>2</sup> Petitioner did not file a reply within the time specified by this court or otherwise challenge the scope of relief that Real Party in Interest concedes is appropriate here.