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**ORIGINAL
FILED**
LOS ANGELES SUPERIOR COURT

MAR 02 2011

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BY DANIELA SMITH, DEPUTY

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES
12 CENTRAL DISTRICT

13 MARINA STRAND COLONY II,
14 HOMEOWNERS ASSOCIATION,
15
16 Petitioner,
17
18 v.
19 COUNTY OF LOS ANGELES,
20
21 Respondent.

) CASE NO. BS 109420
)
)
) **Reply in Support of Notice of Motion and**
) **Motion for Renewal of the Motion to Void**
) **and Annul All Orders and Judgments**
) **Including Those in the Contempt**
) **Proceedings in the Case Made by Judge**
) **Yaffe; Request for Judicial Notice and**
) **Declaration of Richard I. Fine**
)
) Date: March 10, 2011
) Time: 9:00 am
) New Place: Dept. 1
)
) OSC Filed: 11/3/2008
) Trial Date: 12/22/2008
)
) CCP Section 1008(b)(e)

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Reply in Support of Motion

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1 **Reply in Support of Notice of Motion and Motion for Renewal of Motion to Void and Annul**
2 **All Orders and Judgments Including Those in the Contempt Proceedings in the Case Made**
3 **by Judge Yaffe**

4 **I. Neither LA County Nor Del Rey Shores Has "Filed" an Opposition.**

5 As of 6:30 pm on Tuesday, March 1, 2011 the Case Summary did not show any
6 Opposition having been filed to the Motion for Renewal (Motion) by either LA County or Del
7 Rey Shores Joint Venture and Del Rey Shores Joint Venture North (Del Rey Shores) . A true and
8 correct copy of the relevant portion of the Case Summary marked as Exhibit 1 to the Declaration
9 of Richard I. Fine is incorporated herein as if set forth in full. Under CCP Section 1005, the last
10 day to file and serve an Opposition was February 25, 2011, nine court days before the March 10,
11 2011 hearing. If this were an appellate case, LA County and Del Rey Shores "failure to oppose a
12 motion may be deemed a consent to the granting of the motion" under Cal. Rules of Court, Rule
13 8.54 ©).

14 **II. LA County Did Not "Serve" Any Opposition.**

15 As of 6:30 pm on March 1, 2011, no Opposition was received from LA County. The last
16 day to receive an Opposition under CCP Section 1005, was February 28, 2011.

17 **III. The "Unfiled" Del Rey Shores Opposition Did Not Contest Any of the Grounds, New
18 Facts, Legal Significance of Such New Facts or Reasons for the Motion, Thereby
19 Effectively Conceding to the Granting of the Motion.**

20 An "unfiled Opposition" served by mail had been received from Del Rey Shores. Such Del
21 Rey Opposition only argued that the "Motion for Renewal" was a "Motion for Reconsideration".
22 It ignored the citation on the caption page to CCP Section 1008(b) and (e) and not did address any
23 of the "Grounds, New Facts, Legal Significance of Such New Facts or Reasons for the Motion for
24 Renewal" set forth in the Motion for Renewal, thereby effectively conceding to the granting of the
25 Motion.

26 The Motion stated various reasons, new facts and the legal significance of such facts
27 demonstrating that: (1) Retired Judge Robert H. Judge O'Brien (Judge O'Brien) was disqualified
28 from the outset due to his having received approximately \$277,925.64 in illegal payments from
LA County, not having disclosed such and not having disqualified himself; (2) from the time he
was assigned to this case on December 16, 2010, through the present Judge O'Brien violated
California Code of Civil Procedure, section 170.1(a)(6)(A)(iii) and California Code of Judicial

1 Ethics, Canons 2A, 3E(1) and (2), 4D(1) and 6A by not disclosing the LA County payments to
2 him, not disqualifying himself from the case and deciding the motion to void and annul; (3) LA
3 County (the Respondent in this case and a co applicant with Del Rey Shores) for the approval of
4 the Environmental Impact Report (EIR) for the Del Rey Shores Redevelopment Project), it's
5 attorneys, Del Rey Shores (including it's managing partner the Epstein Family Trust, it's trustees
6 Jerry B. Epstein and Pat Epstein) and it's attorneys committed fraud upon the court, misled the
7 court and deprived Fine of a fair and impartial hearing; (4) all of the aforementioned acted in
8 concert with each other and Judge O'Brien to obstruct justice and deprive Fine of a fair and
9 impartial hearing; and (5) the January 7, 2011 Order Denying Motion to Void Orders by Judge
10 O'Brien was erroneous in that it was void and null, amongst other things.

11 The Del Rey Opposition further did not contest the specific holdings and
12 language of the cases set forth for the granting of the Motion. The sole comment in the Del Rey
13 Opposition regarding the cases and statutes set forth in the Motion was that:

14 "He [Fine] continues to distort the opinions of the court Sturgeon v. County of Los
15 Angeles, 167 Cal.App.4th 630 (2008) ("Sturgeon I"), Sturgeon v. County of Los Angeles,
16 191 Cal.App.4th 434 (2010) ("Sturgeon II") and the effect of Government Code Sections
17 68220-68222." (Opposition page 3, ln. 24-27)

18 The Del Rey Opposition cited to the LA County/Del Rey Shores Joint Brief Opposing the
19 "motion decided by Judge O'Brien" for a an explanation "why these cases and Government Code
20 Sections 68220-68222 do not require recusal of a bench officer who received judicial benefits"
21 (page 3, ln. 27- page 4, ln. 2) and attached such earlier LA County/Del Rey Shores Joint Brief
22 Opposition, (Joint Opposition) without exhibits. A review of the attached earlier Joint Opposition
23 did not show any case or statute which contradicted, distinguished or overturned any case or
24 quotation made in the Motion.

25 The Joint Opposition, at page 12, ln.17 to page 15, ln. 5, in discussing Sturgeon I,
26 Sturgeon II and Government Code Sections 68220-68222 contained only one quote from
27 Sturgeon II at page 15, ln. 1-2 which was not cited to any page and was not a holding of the case.

28 **IV. New Documents Further Confirm LA County and Del Rey Shores Fraud Upon the Court From the Outset of This Case.**

A. LA County Supervisors, LA County and the Epsteins Have Engaged in a Fraud Regarding the Del Rey Shores Redevelopment Project from the Outset.

On February 15, 2011, the LA County Board of Supervisors approved a "New Lessee

1 Entity and Modifications to Amended and Restated Lease Agreement to Facilitate Financing of
2 the Del Rey Shores Redevelopment Project- Marina Del Rey (Parcels 100S/101S at 4201 to 4261
3 Via Marina” by four votes. See Exhibit 2 to Fine Declaration incorporated herein as if set forth in
4 full.

5 Paragraph 3 of the “Recommendation” for approval on pages 1-2 of the “Adopted”
6 approval letter (Adoption letter) showed that “modifications to the form of Amended and Restated
7 Lease Agreement for Parcels 100S and 101S” were needed “to support the continued economic
8 feasibility of the project”. This was an admission that the “project is dead”. The penultimate
9 paragraph of page 2 of the Adoption Letter confirms that the “project is dead” and further shows
10 that the reason for the a new entity was that the “lessee [Del Rey Shores Joint Venture and Del
11 Rey Shores Joint Venture North, each 50% owned by Kirk Douglas - Anne Douglas - related
12 entities and Jerry B. Epstein and Pat T. Epstein, as Trustees of the Epstein Family Trust] sought
13 but was unable to obtain financing from traditional sources for a commercial loan”.

14 Although the Adoption Letter lists “Due to the current state of financial markets” as the
15 reason for the inability to obtain commercial financing, newly found documents showing the
16 6/16/06 Voluntary Chapter 7 Bankruptcy filing by Westside Condominium Partners, LLC located
17 at the “Office of Jerry B. Epstein, 4201 Via Marina, Marina del Rey, 90292” may be the real
18 reason that commercial financing could not be obtained. See Exhibit 3 to the Fine Declaration
19 incorporated herein by reference for the “Docket” and related bankruptcy documents showing
20 “Bankruptcy Case Closed-NO DISCHARGE” on 4/11/07. The bankruptcy case was concealed
21 and never disclosed by LA County or Epstein in the EIR or in any other official document relating
22 to the Del Rey Shores Redevelopment.

23 The new lessee entity is “Shores, LLC, a newly formed Delaware limited liability” with
24 no disclosed assets. Shores LLC presently does not exist as a viable entity. Page 3, second full
25 paragraph of the “Adopted” approval letter (Adoption letter) shows that “one 50% member” of
26 Shores, LLC “**will be** Guardian Shores, LLC, a newly formed limited liability company that is
27 100% owned by Guardian.” (Emphasis added) No assets are shown for Guardian Shores, LLC,
28 nor is any guaranty of debt by Guardian shown or disclosed. Guardian Shores, LLC is shown to be
nothing but an “empty shell”.

The paragraph further revealed that “The other 50% member of the new lessee **will be** Del
Rey Shores, LLC, a newly formed limited liability company beneficially owned by the same

1 Douglas - and Epstein - related entities that beneficially own the existing lessees". (Emphasis
 2 added.) No assets were shown for Del Rey Shores, LLC, nor was any guaranty of debt by the
 3 Douglas -Epstein related entities shown or disclosed. Del Rey Shores, LLC was shown to be
 4 nothing but an "empty shell". The first full paragraph of page 3 of the Adoption Letter disclosed
 5 that "each of these existing lessee entities [Del Rey Shores Joint Venture and Del Rey Shores
 6 Joint Venture North] is a joint venture **50% beneficially owned and/or controlled by Kirk
 7 Douglas - Anne Douglas - related entities and 50% beneficially owned or controlled by Jerry
 8 B. Epstein and Pat T. Epstein, as Trustees of the Epstein Family Trust.**" (Emphasis added.)
 9 No assets were shown for Del Rey Shores Joint Venture and Del Rey Shores Joint Venture North,
 10 nor was any guaranty of debt by the Kirk Douglas - Anne Douglas - related entities or by Jerry B.
 11 Epstein and Pat T. Epstein, as Trustees of the Epstein Family Trust. Del Rey Shores Joint Venture
 12 and Del Rey Shores Joint Venture North were shown to be nothing but "empty shells".

13 The LA County Board of Supervisors approved the "Option to Amend Lease Agreements"
 14 on 12/12/06. This document gave Del Rey Shores Joint Venture and Del Rey Shores Joint
 15 Venture North an "option for the consolidation of the leaseholds for Parcels 100S and 101S and
 16 the extension of the term of the consolidated leasehold [from March 31,2022] for approximately
 17 41 years to July 31, 2063.." (Amended Letter, page 2, 4th full paragraph.) By 12/12/06, the
 18 Westside Condominium Partners, LLC Bankruptcy had been filed and it would have been known
 19 to the LA County Supervisors that an Epstein related entity had filed for voluntary Chapter 7,
 20 Bankruptcy.

21 When the LA County Board of Supervisors approved the EIR for the Del Rey Shores
 22 Redevelopment Project on May 15, 2007, it would have known that Westside Condominium
 23 Partners, LLC Bankruptcy case had been closed without a discharge on 4/17/07. At both of these
 24 times, and during the EIR proceedings, LA County, the LA County Board of Supervisors and the
 25 Epsteins concealed the Epstein related Bankruptcy from the EIR proceedings, the public to whom
 26 LA County and the LA County Board of Supervisors have a "fiduciary duty" and from the Court.

27 This pattern of concealment continues to this day. The Board of Supervisors "approved"
 28 the 2011 lessee and modifications to the lease without any "formal Economic Consultant Report"
 showing the "County's economic consultant's analysis of the economic impact of the proposed
 modifications to the original form of the Amended and Restated Lease". Further, "The
 Department [LA County Department of Beaches and Harbors] does not currently have a final,

1 executed partnership agreement for the Lessee entity [Shores, LLC], nor does it currently have any
2 final documents from Guardian Life Insurance Company of America [Guardian]." See Response
3 to Public Records Act Request, page 2, first full paragraph, marked as Exhibit 3 to the Fine
4 Declaration and incorporated herein as if set forth in full.

5 **B. "Pay to Play"- All LA County Board of Supervisors Approvals of the Del Rey**
6 **Shores Redevelopment Were Illegal Due to the Illegal Votes of Supervisors**
7 **Voting for the Project Who Had Received Contributions of \$500.00 or More**
8 **Within One Year of Their Votes on the Project from Epstein and the Epstein**
9 **Interests.**

10 LA County Supervisor votes on the Del Rey Shores Redevelopment occurred on 12/12/06,
11 5/15/07, 12/16/08, 1/27/09 and 2/15/11. Within 12 months prior to each vote, the LA County
12 Supervisors voting had received "contributions" greater than \$500.00 from the Epstein Family
13 Trust, Jerry B. Epstein, Pat Epstein, David O. Levine [Jerry B. Epstein's "Chief of Staff"], Marina
14 Properties, LLC [an Epstein affiliate company], or Kirk Douglas. See County of Los Angeles
15 Registrar-Recorder/County Clerk Reports marked as Exhibit 5 to the Fine Declaration
16 incorporated herein by reference.

17 The LA Times Political Contribution List 1998-2006, for **the year 2006 prior to 12/12/06**
18 **vote** showed: Jerry Epstein-\$1,000.00 Antonovich, Pat Epstein- \$1,000.00 Antonovich; Jerry
19 Epstein-\$1,000.00 Burke, David Levine-\$1,000.00 Burke; David O. Levine-\$150.00 and \$600.00
20 Knabe, and Marina Properties, LLC-\$300.00 Knabe.

21 The LA County Registrar-Recorder showed: (1) **prior to 5/15/07 vote-** 4/24/07 Jerry
22 Epstein \$1,000.00 Antonovich, 4/24/07 Pat Epstein \$1,000.00 Antonovich, 4/04/07 Epstein
23 Family Trust \$1,000.00 Knabe; (2) **prior to both 12/16/08 and 1/7/09 votes:** 3/18/2008 Marina
24 Properties LLC \$500 Knabe, 8/14/2008 Jerry Epstein \$1000 Antonovich, 8/15/2008 David Levine
25 \$1000 Antonovich, 10/8/2008 David Levine \$1,250 Molina, 10/8/2008 Jerry Epstein \$1,250
26 Molina 1312230- yes on Measure U; and (3) **prior to 2/15/11:** 8/06/10 Jerry Epstein \$1,000.00
27 Antonovich, 8/06/10 David O. Levine \$1,000.00 Antonovich, 9/29/10 Epstein Family Trust
28 \$1,000.00 Knabe, 9/29/10 David O. Levine \$1,000.00 Knabe, 11/09/10 David O. Levine
\$1,000.00 Mark Ridley Thomas.

Under the Political Reform Act, a lawmaker, including a County Supervisor or City
Council person cannot vote on a matter if he has received a contribution of \$500.00 or more from
the beneficiary of the vote, within 12 months prior to the time of the vote. (See Govt. Code §

1 87105, §§ 87300-87302 and 87313 and the case of *BreakZone Billards v. City of Torrance*, (2000)
2 81 Cal. App.4th 1205). The court stated at page 1228:

3 The concept that campaign contributions perpetually disqualify the recipient from
4 participating in governmental decisions has been expressly and emphatically rejected by
5 our **Supreme Court. In *Woodland Hills Residents Assn., Inc. v. City Council***
6 **(1980), 26 Cal.3d 938, 164 Cal.Rptr. 255, 609 P.2d 1029** (Woodland Hills), the court
7 **rejected a contention** that the fair hearing mandate of Code of Civil Procedure section
8 **1094.5 means that city council members who receive campaign contributions from**
9 **parties having a financial interest in a matter before a city council are disqualified in**
10 **perpetuity from considering and voting on a matter affecting a campaign**
11 **contributor. (26 Cal.3d at pp. 944-946, 164 Cal.Rptr. 255, 609 P.2d 1029.) After noting**
12 **that the Political Reform Act limits the proscription on voting on such matters to a**
13 **12-month period after the receipt of a disqualifying amount of contributions, our**
14 **Supreme Court stated: "To disqualify a city council member from acting on a development**
15 **proposal because the developer had made a campaign contribution to that member would**
16 **threaten constitutionally protected political speech and association freedoms. (Emphasis**
17 **added.)**

18 Here, the consistent illegal voting by LA County Supervisors after having received
19 campaign contributions over the limit within 12 months of the vote, indicated and demonstrated a
20 "pay to play" intent on behalf of the Supervisors and the Epstein interests and the desired "effect"
21 by obtaining the approvals through illegal votes, which were concealed from the public.

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V. **California and Federal Statutory and Case Law Mandate That Judges Taking
Money from a Person Appearing Before Them Lose Their Judgeships and Be
Imprisoned for "Bribery" and the Violation of the "Intangible Right to Honest
Services".**

California and Federal statutes and case law set forth in the Motion showed that judges
who take money from persons appearing before them are guilty of accepting "bribes", will be
disqualified from the case, removed from office for "... conduct prejudicial to the administration
of justice that brings the judicial office into disrepute..") and imprisoned for "bribery" and
violation of the "intangible right to honest services" 18 U.S.C. Section 1346.

The Motion at pages 2-4 and 16-18 referred to: (1) California Code of Civil Procedure,
section 170.1(a)(6)(A)(iii) and California Code of Judicial Ethics, Canons 2A, 3E(1) and (2),
4D(1) and 6A, and 18 U.S.C. Section 1346 - "the intangible right to honest services"; (2) the

1 California Supreme Court case of Adams v. Commission on Judicial Performance (July 20, 1995)
2 10 Cal.4th 866, 904 Rehearing Denied Sept., 14, 1995, (judge accepted gifts, financial benefits
3 and favors from attorneys and a litigant appearing in the judge's court, this required
4 disqualification with respect to matters involving these attorneys or their firms, pages 879, 913-
5 914 citing Adams v. Commission on Judicial Performance (1994), 8 Cal.4th 630, 661-663
6 (Adams I) which represented "... conduct prejudicial to the administration of justice that brings
7 the judicial office into disrepute.."); and (3) relevant United States law, in particular 18 U.S.C.
8 Section 1346 - the intangible right to honest services, (which U.S. Constitution Article 6, Cl. 2
9 requires state judges to obey), mandates that payments by a party in a case to a judge are illegal,
10 particularly in California which has a "unique" bribery statute.

11 The cases are: (A) U.S. v. Frega, U.S. v. Malkus, U.S. v. Adams (1999) 179 F.3d 793 (the
12 payment by a party and an attorney appearing before a judge to such judge are bribery and violate
13 18 U.S.C. Section 1346-the intangible right to honest services) stating at 805-807:

14 Because no linkage of payment and specific official act is required under California law
15 and because the indictment incorporates the relevant state bribery statutes, which, in turn,
16 state the elements of the bribery offenses, the indictment is valid in this respect.;

17 and

18 (B) Skilling v. United States, (Decided June 24, 2010) _____ U.S. ____ (18 U.S.C.
19 Section 346 "criminalizes only the bribe and kick-back core of the pre-McNally case law, page 45
20 of opinion.)

21 Neither the Del Rey Opposition nor the Joint Opposition contested the California and
22 Federal statutes and case law which require Judge Yaffe, Judge O'Brien, Supervising Judge Berle
23 and all other Judges who take money from "persons likely to appear before" them to be banished
24 from the judiciary and be imprisoned for the violation of the "intangible right to honest services".

25 Neither the Del Rey Opposition nor the Joint Opposition addressed the issue established
26 by the past and current case law that Judge Yaffe and Judge O'Brien would be removed from
27 judicial office and imprisoned. The same result could be expected for any judge who took
28 payments from a person appearing before him/her including LA Supervising Judge Berle who
received payments from LA County while presiding over another LA County and "Epstein" case
Coalition to Save the Marina, et. al., v. County of Los Angeles, Marina Pacific Associates and
Bellport, LASC Case No. BS 092794, and decided in favor of LA County. Exhibit 5 to the Fine
Declaration incorporated herein as if set forth in full, shows LA County payments to Judge Yaffe

1 (approximately \$827,612.55), to Judge O'Brien (approximately \$277,925.64) and to Judge Berle
2 (approximately \$637,206.88).

3 But for the refusal of public officials to perform their sworn duties, these judges and all
4 other judges who received county payments would be removed from judicial office and
5 imprisoned for "bribery", obstruction of justice and violation of the "intangible right to honest
6 services".

7 **VI. Senate Bill SBX 211 Section 5, the Retroactive Immunity Section, Does Not Protect**
8 **the Judges, Government Entities, Government Officials and Employees from State**
9 **Criminal Prosecution and Removal From Office for Obstruction of Justice and**
10 **Federal Prosecution for Bribery.**

11 California Senate Bill SBX 2 11 which became effective May 21, 2009 gave
12 retroactive immunity from civil liability, criminal prosecution and disciplinary action to
13 government officials [including judges] on account of the giving or receiving of county payments.
14 Senate Bill SBX 2 11 stated in relevant part:

15 Section 5. Notwithstanding any other law, no governmental entity, or officer or employee
16 of a governmental entity, shall incur any liability or shall be subject to prosecution or
17 disciplinary action because of benefits provided to a judge under the official action of
18 a governmental entity prior to the effective date of this act on the ground that those
19 benefits were not authorized under law. (Emphasis added.)

20 The state retroactive immunity in Senate Bill SBX 2 11 was very narrow on its face. It did
21 not extend to the "obstruction of justice" by a judge presiding over a case in which he/she had
22 received or was receiving illegal payments from a county, nor did it extend to a judge violating
23 provisions of laws such as the California Code of Civil Procedure, the Penal Code, the Code of
24 Judicial Ethics or any federal laws such as the intangible right to honest services, 18 U.S.C. 1346,
25 or the U.S. or California Constitutions or to any liability, prosecution or disciplinary action
26 resulting from the county payments after May 21, 2009.

27 Neither the Del Rey Opposition nor the Joint Opposition contested the fact that the
28 "narrow" clear language of Section 5 of California Senate Bill SBX 211 did not grant "retroactive
immunity" from state criminal prosecution and removal from office for "obstruction of Justice".

VII. Section 5 of Senate Bill SBX 2 11 is Unconstitutional.

Sturgeon II did not discuss Section 5 of Senate Bill SBX 2 11. At page 5, the court stated:

Here, as we have noted, the Governor called a special session to, among other matters,

1 **address the economy and "streamline the operations of state and local governments."**
2 Thus, under *Martin v. Riley* the Governor's call opened up the subject of the operations of
3 state and local governments. (*Martin v. Riley, supra*, 20 Cal.2d at pp. 40-41.) (Emphasis
4 added.)

5 Section 5 of Senate Bill SBX 2 11 is a "personal retroactive immunity law" for a
6 "governmental entity, or officer or employee of a governmental entity". It does
7 not "address the economy and "streamline the operations of state and local governments."",
8 nor "legislate in the area of state and local government operations." As such, Section 5 of Senate
9 Bill SBX 2 11 was outside of the purpose of the Special Session of the Legislature. Article IV,
10 section 3(b) of the California Constitution states in pertinent part:

11 On extraordinary occasions the Governor by proclamation may cause the Legislature to
12 assemble in special session. When so assembled it has the power to legislate **only on**
13 **subjects specified in the proclamation....**

14 Section 5 of Senate Bill SBX 2 11 also is unconstitutional because it amends Article VI,
15 section 18(d) which sets forth the duties of the Commission on Judicial Performance to discipline
16 judges. Such article VI, section 18(d) states in relevant part:

17 Except as provided in subdivision (f), the Commission on Judicial Performance may (1)
18 retire a judge for disability that seriously interferes with the performance of the judge's
19 duties and is or is likely to become permanent, or (2) censure a judge or former judge or
20 remove a judge for action occurring not more than 6 years prior to the commencement of
21 the judge's current term or of the former judge's last term that constitutes willful
22 misconduct in office, persistent failure or inability to perform the judge's duties, habitual
23 intemperance in the use of intoxicants or drugs, or conduct prejudicial to the
24 administration of justice that brings the judicial office into disrepute,...

25 Section 5 of Senate Bill SBX 2 11 also is unconstitutional because it (1) amends
26 California Constitution Article 4, Section 7 (c)(1)(A)- the right to dismiss or hear charges or
27 complaints against a public officer; (2) amends Section 8(d)- urgency bill cannot "grant any
28 franchise or special privilege, or create any vested right or interest; (3) violates Section 9- single
subject rule by legislating both "compensation" and "immunity"; (4) violates Section 17-
prohibition authorizing a county "to grant, extra compensation or extra allowance to a public
officer, public employee, or contractor after service has been rendered .."; and (5) violates Section
18(b)- impeachment of judges.

The California Constitution can only be amended or revised pursuant to Article 18. The

1 enactment of "emergency legislation" during a special session of the Legislature is not an
2 authorized manner to amend or revise the California Constitution under Article 18.

3 **VIII. The Del Rey Opposition's Argument that this Motion Is for Reconsideration, Is**
4 **Fraudulent, Frivolous and Totally Without Merit.**

5 This is a Motion for Renewal Pursuant CCP Section 1008(b) and (e), not a Motion for
6 Reconsideration which is authorized under the different CCP Section 1008(a). The Notice of
7 Motion and Motion shows in the caption and on it's face that: (1) the title states "Notice of
8 Motion and Motion for Renewal of Motion to Void and Annul All Orders and Judgments
9 Including Those in the Contempt Proceedings in the Case Made by Judge Yaffe"; and (2) the title
10 page and face sheet specifically set forth CCP Section 1008(b) and (e) as the statutory references.
11 The Notice of Motion and Motion does not ever refer to CCP Section 1008(a), the statutory
12 reference for a "motion for reconsideration" with different requirements than for "renewal".

13 The Del Rey Opposition's reference at page 2, ln. 10, which disclosed the deliberate mis
14 citing of CCP Section 1008(b) and (e) in the "caption of his motion" referring to the Notice of
15 Motion and Motion for Renewal, as "CCP Section 1008" was "deliberate" mis citing. Further, the
16 Del Rey Opposition only referred to CCP Section 1008(a) and (e) or just CCP Section 1008 and
17 showed only the requirements of CCP Section 1008(a) (See Del Rey Opposition, page 3, ln. 14-
18 21.) The Del Rey Opposition never argued against a "renewal" even though it cited to, and
19 quoted, CCP Section 1008(e) at page 3, ln. 7-13. CCP Section 1008(e), states in relevant part:

20 This section specifies the court's jurisdiction with regard to applications for
21 reconsideration of its orders and **renewals of previous motions....** (Emphasis added.)

22 CCP Section 1008(b) refers only to "renewals of previous motions". CCP Section 1008(a)
23 refers only to "applications for reconsideration".

24 **Conclusion**

25 Based upon "no opposition" in filing and substance, the motion should be granted.

26 Dated: 3/2/11

27 Respectfully submitted,

28 
Richard I. Fine

Former Attorney for Petitioner Marina Strand Colony II Homeowners Association
Respondent in Contempt Proceeding, also In Pro Per in the Contempt Proceeding

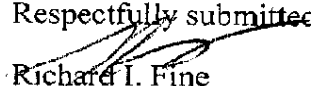
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REQUEST FOR JUDICIAL NOTICE

Fine respectfully requests that the Court take Judicial Notice of all exhibits to the Declaration of Richard I. Fine shown as having been obtained from Los Angeles County as official records of Los Angeles County.

Dated: 3/2/11

Respectfully submitted,


Richard I. Fine

Former Attorney for Petitioner Marina Strand Colony II Homeowners Association
Respondent in Contempt Proceeding, also In Pro Per in the Contempt Proceeding

DECLARATION OF RICHARD I. FINE

1
2 STATE OF CALIFORNIA
3 COUNTY OF LOS ANGELES

4 I, Richard I. Fine, declare:

5 The following facts are within my personal knowledge and if called to testify, I could and would
6 competently testify thereto as follows:

7 1. I am the former attorney for Petitioner Marina Strand Colony II Homeowners
8 Association, Respondent in Contempt Proceeding, also In Pro Per in the Contempt Proceeding.

9 2. Attached hereto marked as Exhibit 1 is a true and correct copy of the relevant
10 portion of the Case Summary taken from the lasuperiorcourt.org website.

11 3. Attached hereto marked as Exhibit 2 is a true and correct copy of a February 15,
12 2011 letter from the LA County Department of Beaches and Harbors to the LA County Board of
13 Supervisors containing an "Adopted" stamp on the first page.

14 4. Attached hereto marked as Exhibit 3 is a true and correct copy of the 6/16/06
15 Voluntary Chapter 7 Bankruptcy filing by Westside Condominium Partners, LLC located at the
16 "Office of Jerry B. Epstein, 4201 Via Marina, Marina del Rey, 90292"

17 5. Attached hereto marked as Exhibit 4 is a true and correct copy of the February 28,
18 2011 LA County Department of Beaches and Harbors Response to Public Records Act Request.

19 6. Attached hereto marked as Exhibit 5 is a true and correct copy of the County of
20 Los Angeles Registrar-Recorder/County Clerk Campaign Contribution Reports. At the Contempt
21 Proceeding, I produced The LA Times Political Contribution List 1998-2006 compiled from
22 official County of Los Angeles Registrar-Recorder/County Clerk Campaign Contribution
23 Reports, for **the year 2006 prior to 12/12/06 vote** which showed: Jerry Epstein-\$1,000.00
24 Antonovich, Pat Epstein- \$1,000.00 Antonovich; Jerry Epstein-\$1,000.00 Burke, David Levine-
25 \$1,000.00 Burke; David O. Levine-\$150.00 and \$600.00 Knabe, and Marina Properties, LLC-
26 \$300.00 Knabe.

27 7. Attached hereto marked as Exhibit 6 are true and correct copies of e mails sent to
28 and received from the Auditor/Controller showing LA County payments to Retired Judge
O'Brien, Judge Yaffe and Judge Berle.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct. Executed this 2nd day of March, 2011, at Los Angeles, California.

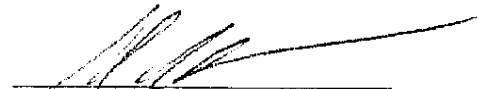

Richard I. Fine

EXHIBIT /

Case Summary

Please make a note of the Case Number.

[Click here to access document images for this case.](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

Case Number: BS109420

MARINA STRAND COLONY II VS COUNTY OF LOS ANGELES

Filing Date: 06/14/2007

Case Type: Writ - Administrative Mandamus (General Jurisdiction)

Status: Judgment by Court-Petition Granted 06/02/2008

Future Hearings

03/10/2011 at 09:00 am in department 1 at 111 North Hill Street, Los Angeles, CA 90012

Motion (for Renewal of the Motion toVoid and Annul All orders andJudgment)

[Documents Filed](#) | [Proceeding Information](#)

Parties

COLONY MARINA STRAND II - Plaintiff/Petitioner

COMER R.J. - Attorney for Real Pty in Interest

DEL REY SHORES INC. - Real Party in Interest

FINE RICHARD I. ESQ - Former Attorney for Pltf/Petn

LEMKE ELAINE M.PRINCIPAL COUNTY COUNSEL - Attorney for Respondent

LOS ANGELES COUNTY OF - Defendant/Respondent

ROSEN JOSHUA L. - Attorney for Real Pty in Interest

ZOIA ROSE M. LAW OFFICES OF - Attorney for Petitioner

[Case Information](#) | [Party Information](#) | [Proceeding Information](#)

Please make a note of the Case Number.

[Click here to access document images for this case.](#)

If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

Documents Filed (Filing dates listed in descending order)

Click on any of the below link(s) to see documents filed on or before the date indicated:

[03/09/2009](#) [12/22/2008](#) [09/11/2008](#) [07/08/2008](#) [03/13/2008](#) [10/05/2007](#)

02/08/2011 Notice (of change and date)

Filed by Attorney for Plaintiff/Petitioner

02/01/2011 Motion (FOR RENEWAL OF MOTION TO VOID)
Filed by Former Attorney for Petitioner

01/07/2011 Order (DENYING MOTION TO VOID ORDERS)
Filed by Court

01/03/2011 Opposition Document
Filed by Attorney for Real Pty in Interest

12/30/2010 Notice-Change of Address
Filed by Attorney for Real Pty in Interest

12/28/2010 Notice (of recusal and assignment of new judge)
Filed by Former Attorney for Pltf/Petn

12/06/2010 Notice of Change of Address
Filed by Former Attorney for Pltf/Petn

12/06/2010 Notice of Motion
Filed by Former Attorney for Pltf/Petn

09/09/2010 Writ of Execution filed
Filed by Attorney for Plaintiff/Petitioner

08/27/2010 Notice of Motion (TO VOID AND ANNUL ALL ORDERS AND
JUDGMENTS, INCLUDING THOSE IN THE CONTEMPT PROCEEDING;)
Filed by Former Attorney for Pltf/Petn

08/20/2010 Declaration (OF RICHARD I. FINE IN RESPONSE TO JUDGE YAFFE'S
AUGUST 11, 2010 MINUTE ORDER AND ROSEN DECLARATION)
Filed by Former Attorney for Pltf/Petn

08/09/2010 Notice (THAT ALL ORDERS AND JUDGMENTS IN THE MARINA
STRAND CASE ARE VOID BASED UPON JUDGE YAFFE'S ADMIS- SIONS OF "FRAUD
ON THE COURT" AND "OBSTRUCTION OF JUSTICE" IN THE JULY 13, 2010 MINUTE
ORDER OF THIS)
Filed by Former Attorney for Pltf/Petn

08/09/2010 Declaration (OF RICHARD I. FINE SHOWING NO SERVICE OF
DECLARATIONS ORDERED IN JUNE 18, 2010 MINUTE ORDER)
Filed by Former Attorney for Pltf/Petn

07/30/2010 Declaration
Filed by Attorney for Real Pty in Interest

07/30/2010 Declaration (OF JOSHUA L. ROSEN IN RESPONSE TO 6/18/10 ORDER
RE: BRIEFING)
Filed by Attorney for Real Pty in Interest

03/25/2010 Miscellaneous-Other (demand for an immediate "farr hearing")
Filed by Former Attorney for Pltf/Petn

01/27/2010 Miscellaneous-Other (demand for immediate release)
Filed by Former Attorney for Pltf/Petn

EXHIBIT 2



"To enrich lives through effective and caring service"



Santos H. Kreimann
Director

Kerry Silverstrom
Chief Deputy

February 15, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

25 February 15, 2011

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

APPROVAL OF NEW LESSEE ENTITY AND OF MODIFICATIONS TO AMENDED AND RESTATED LEASE AGREEMENT TO FACILITATE FINANCING OF THE DEL REY SHORES REDEVELOPMENT PROJECT – MARINA DEL REY (PARCELS 100S/101S at 4201 to 4261 Via Marina) (4th DISTRICT - 4 VOTES)

SUBJECT

Request for approval of a new lessee and modifications to the Amended and Restated Lease Agreement for Marina del Rey Parcels 100S and 101S to allow for the financing for the redevelopment of the parcels and to support the continued economic feasibility of the project.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find that your Board has previously considered and recertified the Environmental Impact Report and adopted the Environmental Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring Program for the proposed redevelopment project in compliance with the California Environmental Quality Act and the writ of mandate by the Los Angeles Superior Court.
2. Approve Shores, LLC, a newly formed Delaware limited liability company, as the new lessee entity that has been designated by Del Rey Shores, a joint venture, and Del Rey Shores North, a joint venture, the respective existing lessees of Parcels 100S and 101S, to enter into the Amended and Restated Lease Agreement.
3. Approve the modifications to the form of Amended and Restated Lease Agreement for Parcels 100S and 101S (the final form of which is attached hereto as Exhibit A), to be executed and delivered concurrent with the consummation of the Federal Housing Administration loan and upon

The Honorable Board of Supervisors
2/15/2011
Page 2

the exercise by Shores, LLC of the option to enter into such lease, in order to incorporate changes required by the United States Department of Housing and Urban Development as a condition to its approval of the financing for the redevelopment of Parcels 100S and 101S and to support the continued economic feasibility of the project.

4. Authorize the Mayor to execute the Amended and Restated Lease Agreement and associated documents upon: a) satisfaction by the lessee of all the conditions of the Option Agreement; b) presentation by the Director of the Department of Beaches and Harbors; and c) approval as to form by County Counsel.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Background

The County of Los Angeles is the lessor of two separate ground leases, one for Parcel 100S and the other for Parcel 101S, both of which were entered into for initial terms of approximately 60 years expiring on March 31, 2022.

On December 12, 2006, your Board approved the Option to Amend Lease Agreements for Parcels 100S and 101S (Option Agreement), pursuant to which the existing lessees were granted an option for the consolidation of the leaseholds for Parcels 100S and 101S and the extension of the term for the consolidated leasehold for approximately 41 years to July 31, 2063 in exchange for their demolition of the existing 201 apartment units and construction of 544 new apartment units (including 37 moderate income and 17 very low income affordable units). The Option Agreement included an approved form of Amended and Restated Lease Agreement for the consolidated and extended leasehold, which was to be executed after satisfaction of various requirements, including evidence that the lessee had sufficient project financing.

As discussed below, the modified form of Amended and Restated Lease Agreement now being presented for Board consideration includes modifications requested in connection with financing by the United States Department of Housing and Urban Development (HUD) and to support the economic feasibility of the project in the context of the HUD financing and the new equity capital requirements.

FHA Loan and Equity Financing

Due to the current state of the financial markets, the lessee sought but was unable to obtain financing from traditional sources for a commercial loan. However, the lessee has been able to negotiate financing with HUD through a Federal Housing Administration (FHA) program loan and anticipates that a firm commitment for such financing will be approved by HUD's National Loan Committee on or about February 10, 2011. The FHA loan will be a 40-year fully amortizing \$125 million loan financed with Government National Mortgage Association Mortgage Backed Securities and insured by the FHA. The loan will serve as both construction and permanent financing.

FHA's strict underwriting criteria reduced the loan amount for which the project was previously expected to qualify. Additionally, federal regulatory requirements (mainly the Davis Bacon Act) associated with the loan increase total project costs to approximately \$164 million. As a result, the lessee proposes to add an affiliate, Guardian Life Insurance Company of America ("Guardian"), as a new equity partner to satisfy most of the increased capital requirement. To the extent that Guardian does not provide the entire capital requirement, the lessee has provided evidence that it is capable

The Honorable Board of Supervisors
2/15/2011
Page 3

of funding the gap.

Requested Approval of New Lessee

The current lessees of Parcels 100S and 101S are Del Rey Shores and Del Rey Shores North, respectively. Each of these existing lessee entities is a joint venture 50% beneficially owned and/or controlled by Kirk Douglas- and Anne Douglas-related entities and 50% beneficially owned and/or controlled by Jerry B. Epstein and Pat T. Epstein, as Trustees of the Epstein Family Trust.

A proposed new lessee entity has been formed, Shores LLC, to hold the consolidated leasehold. One 50% member of this limited liability company will be Guardian Shores, LLC, a newly formed limited liability company that is 100% owned by Guardian. Guardian is the fourth largest mutual life insurance company in the United States, with assets in excess of \$30 billion and ratings of A++ (Superior) by A.M. Best, AA+ (Very Strong) by Standard & Poor's, and Aa2 (Excellent) by Moody's. The other 50% member of the new lessee will be Del Rey Shores, LLC, a newly formed limited liability company beneficially owned by the same Douglas- and Epstein-related entities that beneficially own the existing lessees.

Your Board's approval of Shores, LLC as the new lessee is hereby requested.

Modifications to the Form of Amended and Restated Lease Agreement

The Option Agreement provided for the payment by the lessee of a \$100,000 option fee and a \$900,000 extension fee, along with a supplemental extension fee in an amount up to \$1.5 million based on the performance of the redeveloped project. In addition to normal minimum and percentage rents, the original form of Amended and Restated Lease Agreement provided that if, during years 16 through 27 after the completion of the first construction phase, gross receipts exceeded a certain threshold amount, the lessee would be required to pay 20% of the excess gross receipts (Supplemental Participation Rent). Additionally, it provided for an \$11.05 million rent credit in recognition of construction cost increases and the cost of providing affordable housing. Under the original form of Amended and Restated Lease Agreement, the lessee would be required to spend at least \$132.6 million in total development costs.

As a condition to its approval of the financing for the project, HUD requires certain modifications to the original form of the Amended and Restated Lease Agreement. The proposed lessee has also requested certain additional modifications to address equity partner requirements. In its analysis of the requested modifications, staff has considered the impact to the County of the project failing to proceed versus the impact (or risk of impact) to the County of the requested modifications. In connection with that analysis, staff has negotiated the requested modifications with a view towards: (a) satisfaction of the HUD requirements necessary for approval of the FHA loan; (b) qualification of the FHA loan at an amount sufficient to maintain the economic feasibility of the project; and (c) preservation of the County's long-term economic benefit under the previously negotiated lease agreement to the maximum extent feasible.

The principal economic structural change to the modified form of the Amended and Restated Lease Agreement is in response to the FHA's loan requirement that certain future lease payments to the County in excess of the minimum rent and initial percentage rent rates be subordinated to debt service payments under the loan and ongoing project costs (as defined in the FHA loan documents). The future payments that are subordinated consist of (a) any increase in percentage rent rates that may occur in connection with the fair market rental adjustments in the 30th and 40th years after

The Honorable Board of Supervisors
2/15/2011
Page 4

project completion; (b) any additional lease extension fee; (c) any Supplemental Participation Rent; and (d) any amount by which the County-required capital improvement and renovation reserves exceed the reserves required to be maintained under the FHA loan. The subordinated amounts are payable only from surplus cash (generally, project revenues in excess of FHA loan debt service and current project expenses). If there is not sufficient surplus cash to pay subordinated amounts on a current basis, then any unpaid amounts are deferred with interest at the prime rate until paid, whether (1) out of future surplus cash from project operations, (2) out of net revenues from an interim leasehold transfer or refinancing that does not result in full repayment of the FHA loan, or (3) on full repayment of the FHA loan. The subordination arrangement continues while the FHA loan remains in effect (the FHA loan matures 40 years from the commencement of amortization, expected to begin 24 months after the start of construction). During the FHA loan term, no distributions are permitted to the proposed lessee if any amounts owed to the County are unpaid.

In addition, the proposed lessee and County staff have negotiated additional economic modifications, including waiver by County of the \$900,000 extension fee and delay in the payment of the supplemental extension fee (if any) from the first four years after stabilized occupancy until years 10-20 after stabilized occupancy, with interest accruing on the unpaid amount at the prime rate during the interim. In exchange for the above modifications, the proposed lessee has agreed that (a) the minimum rent (adjustable every three years based on project performance) will never be reduced regardless of project performance; and (b) at the time of the fair market rental adjustment in year 30, the percentage rental rate for apartment rents will be adjusted from 10.5% to not less than 11.5% and, at the time of the fair market rent adjustment in year 40, will not be less than (but may exceed) 11.5%.

The County's economic consultant has analyzed the economic impact of the proposed changes and has concluded that the recommended modifications to the original form of the Amended and Restated Lease Agreement are revenue-neutral for the County.

Staff and legal counsel have negotiated other HUD-required legal modifications, which are contained in the modified form of the Amended and Restated Lease Agreement, including the new FHA Lease Addendum (attached to the Amended and Restated Lease Agreement).

Additional Process after Board Approval

Upon your Board's approval of the recommended actions, staff will work with the new lessee to finalize all documents, including the lessee's loan documents from HUD, a Memorandum of Lease, and other associated documents necessary to implement the Amended and Restated Lease Agreement. Upon completion and the lessee's execution of all required documents, and the Director's determination that all conditions to the exercise of the option have been satisfied, the Director of the Department of Beaches and Harbors will present the Amended and Restated Lease and other related documents, to the Mayor for execution by the County. Following such execution, it is anticipated that the lessee will commence demolition of the existing apartments and other improvements by March 2011.

Implementation of Strategic Plan Goals

The recommended actions will allow the proposed lessee to continue its effort towards the proactive redevelopment of the parcel, which will help the County achieve fiscal sustainability (Strategic Plan Goal No. 1, Strategy No. 1).

0

The Honorable Board of Supervisors
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Page 5

FISCAL IMPACT/FINANCING

In the recommended modification to the Amended and Restated Lease Agreement, no changes have been made to the initial market rate percentage rent for all categories. The extension of the lease and redevelopment of the leasehold are expected to produce the fiscal benefit to the County of rent increases due to the replacement of 201 apartments that were constructed in the 1960s with 544 new apartments. The total rent derived from Parcels 100S and 101S during 2009-10 was approximately \$399,000. After construction and stabilization in 2014-15, our economic consultant has estimated that the total County rent will rise to approximately \$1.9 million annually, an increase of \$1.5 million, but will be offset by the \$11.05 million rent credit. Under the modified form of the Amended and Restated Lease Agreement, in which the outstanding \$900,000 extension fee will be waived and thus not offset against the rent credit, amortization of the rent credit will be extended by about six months to the first half of 2018-19.

Although there is no guarantee as to the future performance of the project, based on pro forma estimates, it is not currently expected that the subordination to HUD of future rent increases, the supplemental extension fee, Supplemental Participation Rent or excess County-required reserves will likely result in the proposed lessee's non-payment of these amounts. The delay in the payment schedule for the Supplemental Participation Rent is also not expected to have any significant economic impact on a net present value basis. In the event of a significant downturn in performance during the lease term, the restriction against any decrease in the minimum rent is anticipated to provide protection to the County. The proposed 11.5% floor on percentage rent for apartments after year 30 could result in significant value to County if the actual fair market percentage rental rate is lower than that. Based on pro forma estimates, the projected increase in rent from the 30th year that will result from an increase in the percentage rent for apartments is at least \$11.7 million over the remainder of the lease term.

Costs of the consultants involved in the negotiation and development of the Amended and Restated Lease Agreement are being reimbursed by the lessee on an ongoing basis.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The terms of the existing leases for Parcels 100S and 101S are currently scheduled to expire concurrently on March 31, 2022. In exchange for a lease term extension for the consolidated leasehold to July 31, 2063, the proposed lessee has agreed to raze the existing 201 apartments and other existing improvements and to construct 12 new five-story apartment buildings containing a total of 544 units (including 37 moderate income and 17 very low income affordable units). The Amended and Restated Lease Agreement will also require the renovation to then-current standards of the exterior and common areas of the project on or about 2038.

Extension of the existing leases is authorized by Government Code Sections 25907 and 25536. The extended lease term is in conformance with the maximum 99-year period authorized by California law.

ENVIRONMENTAL DOCUMENTATION

On December 16, 2008, your Board considered and recertified the Environmental Impact Report and adopted the Environmental Findings of Fact, Statement of Overriding Considerations, and Mitigation

The Honorable Board of Supervisors
2/15/2011
Page 6

Monitoring Program for the proposed redevelopment project in compliance with the California Environmental Quality Act and the writ of mandate by the Los Angeles Superior Court. The recommended actions do not raise any new or different substantive environmental impacts.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There is no impact on other current services or projects.

CONCLUSION

Please return to the Department of Beaches and Harbors an approved copy of this letter.

Respectfully submitted,



SANTOS H. KREIMANN
Director

SHK:KS:GJ:CM:DG:ks

Enclosures
c: County Counsel

EXHIBIT 3

2:06-bk-12640-ER Westside Condominium Partners LLC
Case type: bk **Chapter:** 7 **Asset:** No **Vol:** v **Judge:** Ernest M. Robles
Date filed: 06/16/2006 **Date of last filing:** 04/11/2007
Date terminated: 04/11/2007

History

| Doc. No. | Dates | Description |
|----------|--|--|
| <u>1</u> | <i>Filed:</i> 06/16/2006 <i>Entered:</i> 06/18/2006 | Voluntary Petition (Chapter 7) <i>Docket Text:</i> Chapter 7 Voluntary Petition . Receipt Number 87548, Fee Amount \$299 Filed by Westside Condominium Partners LLC (Ventura, Olivia) |
| -- | <i>Filed:</i> 06/18/2006 <i>Entered:</i> 06/19/2006 | Receipt Number and Filing Fee <i>Docket Text:</i> Receipt of Chapter 7 Filing Fee - \$274.00 by 25. Receipt Number 20019306. (admin) |
| -- | <i>Filed:</i> 06/18/2006 <i>Entered:</i> 06/19/2006 | Receipt Number and Filing Fee <i>Docket Text:</i> Receipt of Chapter 7 Filing Fee - \$25.00 by 25. Receipt Number 20019306. (admin) |
| <u>2</u> | <i>Filed & Entered:</i> 06/18/2006 | Meeting (AutoAssign Chapter 7b) <i>Docket Text:</i> First Meeting of Creditors with 341(a) meeting to be held on 07/14/2006 at 10:00 AM at RM 101, 725 S Figueroa St., Los Angeles, CA 90017. (Ventura, Olivia) |
| <u>3</u> | <i>Filed & Entered:</i> 06/21/2006 | BNC Certificate of Notice <i>Docket Text:</i> BNC Certificate of Mailing. (RE: related document(s)[2] Meeting (AutoAssign Chapter 7b)) No. of Notices: 22. Service Date 06/21/2006. (Admin.) |
| <u>4</u> | <i>Filed:</i> 06/23/2006 <i>Entered:</i> 06/27/2006 | Trustee withdrawal/resignation <i>Docket Text:</i> Trustee withdrawal/resignation, due to conflict of interest filed by Trustee David A Gill, the new trustee is Heide Kurtz. (Garcia, Rolando) |
| <u>5</u> | <i>Filed:</i> 07/03/2006 <i>Entered:</i> 07/06/2006 | Notice of appointment and acceptance of trustee <i>Docket Text:</i> Notice of appointment and acceptance of trustee--HEIDE KURTZ, filed by Steven Jay Katzman, U.S. Trustee. (Garcia, Rolando) |
| <u>6</u> | <i>Filed:</i> 07/06/2006 <i>Entered:</i> 07/07/2006 | Notice of continued meeting of creditors and appearance of debtor (11 USC 341(a)) |

Docket Text: Notice of continued meeting of creditors and appearance of debtor (11 USC 341(a)) (Garcia, Rolando)

7 *Filed:* 08/02/2006 Notice of continued meeting of creditors and
Entered: 08/08/2006 appearance of debtor (11 USC 341(a))

Docket Text: Notice of continued meeting of creditors and appearance of debtor (11 USC 341(a)) (Garcia, Rolando)

8 *Filed:* 03/16/2007 Final report of trustee in no asset case
Entered: 03/19/2007

Docket Text: Final report of trustee in no asset case Filed by Trustee Heide Kurtz . (Lazo, Achilles)

9 *Filed &* 04/11/2007 Close Bankruptcy Case
Entered:

Docket Text: Bankruptcy Case Closed - NO DISCHARGE (Lomeli, Lydia R.)

**PACER Service Center
Transaction Receipt**

03/01/2011 13:35:50

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|------------------------|-------------------|-------------------------|--|
| PACER Login: | ft2151 | Client Code: | Epstein |
| Description: | History/Documents | Search Criteria: | 2:06-bk-12640-ER Type: History Docket Text: DisplayDktText |
| Billable Pages: | 1 | Cost: | 0.08 |

Entrepreneur[®]

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Bankruptcies.

June 26, 2006

[Los Angeles Business Journal](#)

Bleeker Bros. Inc.

(Bus type N/A)

10868 Drury Lane Lynwood 90262

Chapter: 11

Assets: N/A

Debts: N/A

Doc # LA06-12555-BB

File-Date: 06/13/06

David Seror

310-551-3100

California Home Health Care Inc.

(Medical home care agency)

5123 Sunset Blvd, Ste. 206 L.A. 90027

Chapter: 7

Assets: \$200,000

Debts: \$2,500,000

Doc # LA06-12514-VZ

File-Date: 06/09/06

David Lozano

626-332-8600

Crescent H #234 Land Trust

(Trust)

1607 S. Crescent Heights Blvd. L.A. 90019

Chapter: 7

Assets: \$1,820,000

Debts: \$787,000

Doc # LA06-12544-VK

Bankruptcies. - printable

<http://www.entrepreneur.com/tradejournals/article/print/148424183.ht>

File-Date: 06/13/06

Pro-per.

New World Marble Inc.

(Bus type N/A)

14605 Keswick St.

Van Nuys 91405

Chapter: 7

Assets: \$143,896

Debts: \$507,437

Dec # SV06-10907-MT

File-Date: 06/14/06

Steven Fox

818-774-3545

Gold Crown Plastic Inc.

(Bus type N/A)

355 Calle Vecerra Walnut 91789

Chapter: 7

Assets: 0.

Debts: \$79,149

Doc # LA06-12564-VK

File-Date: 06/13/06

Young Chang

213-480-1050

Westside Condominium Partners LLC

(Bus type N/A)

c/o Office of Jerry B. Epstein

4201 Via Marina

Marina Del Rey 90292

Chapter: 7

Assets: \$905

Debts: \$27,500

Dec # LA06-12640-ER

File-Date: 06/16/06

Bankruptcies. - printable

<http://www.entrepreneur.com/tradejournals/article/print/148424183.htm>

David Kupetz

213-626-2311

Bankruptcy information is supplied by Timely Info of Los Angeles, Jack Vaughn (323) 664-4423. Chapter 7: a "straight" liquidation bankruptcy involving an appointed trustee to sell all assets by auction or other means to pay creditors and trustee fees.

Chapter 11: a process which allows a business to gain temporary relief from paying debt in order to attempt a successful reorganization. The debtor remains in control of the business during the bankruptcy and the business continues to function.

Chapter 13: a bankruptcy plan available to individuals whose "income is sufficiently stable and regular to enable such individual to make payments under a plan." The debtor makes payments to a trustee who disburses the funds to creditors.

Involuntary bankruptcy: the debtor is forced into bankruptcy by secured creditors whose claims total at least \$220,000. Involuntary bankruptcy may be filed under Chapter 7 or 11.

AKA: also known as

DBA: doing business as

FDBA: formerly doing business as

FKA: formerly known as

FAW: formerly associated with

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3/1/2011 6:22 PM

EXHIBIT 4



To enrich lives through effective and caring service

February 28, 2011

Mr. Daniel Gottlieb
daniel.gottlieb@gmail.com



Santos H. Kreimann
Director
Kerry Silverstrom
Chief Deputy

Dear Mr. Gottlieb:

RESPONSE TO PUBLIC RECORDS ACT REQUEST

We are in receipt of your request, made pursuant to the California Public Records Act ("CPRA"), originally sent February 14, 2011, which is attached. In response to your request, on February 17, 2011, the Department of Beaches and Harbors (the "Department") requested clarification of your request, which you provided. Your clarification is also attached. The Department has made a good faith effort to review and make available for your inspection and copying all non-exempt records responsive to your request. The Department, however, will not make available for inspection or copying records that are exempt from disclosure under the CPRA. The specific categories of documents exempted are itemized below:

1. Preliminary drafts, notes, or interagency or intra-agency memoranda which are not or will not be retained by the public agency in the ordinary course of business (Government Code section 6254(a));
2. Disclosures made to a governmental agency which agrees to treat the disclosed material as confidential (Government Code section 6254.5(e));
3. Records protected by federal and state law, including but not limited to, provisions of the Evidence Code relating to privilege and common law privileges (Government Code section 6254(k));¹ and
4. Records where the facts of the particular case dictate that the public interest served by not disclosing the record clearly outweigh the public interest served by disclosure of the record (Government Code section 6255(a)).

In response to your request, the following non-exempt records will be made available:

¹These include, but are not limited to, the privileges for official information and to protect trade secrets, the attorney-client and work product privileges, and the deliberative process privilege.

1. Letter dated February 15, 2011, from the Department to the Board of Supervisors recommending: "Approval of New Lease Entity and Modifications to Amended and Restated Lease Agreement to Facilitate Financing of the Del Rey Shores Redevelopment Project;" and
2. Amended and Restated Lease Agreement—Parcels 100S and 101S—Marina del Rey.

Please be advised that no formal "Economic Consultant Report" was prepared to memorialize the County's economic consultant's analysis of the economic impact of the proposed modifications to the original form of the Amended and Restated Lease. Further, the Department will not produce any financial information provided in confidence to the Department's consultant by the Lessee. The Department does not currently have a final, executed partnership agreement for the Lessee entity, nor does it currently have any final documents from Guardian Life Insurance Company of America. The above-referenced Board letter and Amended and Restated Lease are the only non-exempt records in the Department's possession which comprehensively set forth the respective parties' rights and obligations under the modified lease.

The above-referenced, non-exempt records are available on-line at <http://file.lacounty.gov/bos/supdocs/59072.pdf>. Should you like a hard copy of these records, which consists of approximately 144 pages, the County's standard charge for copying is \$.03 per page. Accordingly you should forward the amount of \$4.32 for copying charges. Upon receipt and verification of funds in the amount of \$4.32, we will commence reproduction and notify you of completion. You may then pick up the documents at any time during normal business hours. Our office hours are from 7:00 a.m. to 6:00 p.m. Monday through Thursday of each week, excluding holidays.

Alternatively, we will make the records available for your inspection during regular business hours and you may request a copy after your inspection and we will compute copying charges at that time.

If you have any questions please call me at (310) 577-7960.

Very truly yours,

SANTOS H. KREIMANN, DIRECTOR



Stephen Nguyen
Real Property Agent

EXHIBIT 5

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TRACCER - Search Contributions

2/24/11 4:48 PM



COUNTY OF LOS ANGELES
Registrar-Recorder/County Clerk

Dean C. Logan
Registrar-Recorder/County Clerk
Department Headquarters
12400 Imperial Highway
Norwalk, California 90850

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[Page: >>]

| Date | Contributor | Payee | Account | Amount |
|----------|--|---|---|------------|
| 09/18/07 | Jerry Epstein (Executive, Del Rey Shores) | Yvonne B Burke 971277 - Yvonne Balthazart Burke Office Holder Account | A - Monetary (IND - Individual) [Period: 07/01/07-12/31/07] | \$1,000.00 |
| 10/08/08 | Jerry Epstein (Real Estate, Jerry B. Epstein Mgmt Co) | Gloria Molina 1312239 - Yes On Measure U: To Save Our Sheriffs, Parks And Libraries | A - Monetary (IND - Individual) [Period: 01/01/08-10/18/08] | \$1,250.00 |
| 05/22/09 | Jerry Epstein (Real Estate, Jerry B. Epstein Mgmt Co) | Gloria Molina 1318211 - Molina For Supervisor 2010 | A - Monetary (IND - Individual) [Period: 01/01/09-05/30/09] | \$1,000.00 |
| 12/24/10 | Jerry Epstein (Developer, Self employed) | Steve Cooley District Attorney 1235308 - D.A. Steve Cooley Officeholder Account | A - Monetary (IND - Individual) [Period: 10/17/10-12/31/10] | \$1,000.00 |
| 08/07/07 | Jerry Epstein (Real Estate, Jerry B. Epstein Mgmt Co) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/03/07-12/31/07] | \$1,000.00 |
| 04/24/07 | Jerry Epstein (Real Estate, Jerry B. Epstein Mgmt Co) | Michael Antonovich Board of County Supervisor 1294240 - Antonovich 08 | A - Monetary (IND - Individual) [Period: 01/01/07-06/30/07] | \$1,000.00 |
| 08/14/08 | Jerry Epstein (Real Estate, Jerry B. Epstein Mgmt Co) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/08-10/18/08] | \$1,000.00 |
| 08/17/09 | Jerry Epstein (Real Estate, Jerry B. Epstein Mgmt Co) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/09-12/31/09] | \$1,000.00 |
| 08/06/10 | Jerry Epstein (Real Estate, Jerry B. Epstein Mgmt Co) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/10-12/31/10] | \$1,000.00 |
| 03/23/09 | Jerry Epstein (Real Estate Investor, Self - Jerry B. Epstein) | Mark Ridley-Thomas Board of County Supervisor 1301987 - Ridley-Thomas for Supervisor | A - Monetary (IND - Individual) [Period: 01/01/09-06/30/09] | \$1,000.00 |
| 07/05/07 | Jerry B. Epstein (Real Estate Developer, Del Rey Shores) | Rick Auerbach Assessor 1222010 - Assessor Rick Auerbach's Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/07-12/31/07] | \$1,000.00 |
| 07/07/08 | Jerry B. Epstein (Real Estate Management, Office of Jerry B. Epstein) | Rick Auerbach Assessor 1222010 - Assessor Rick Auerbach's Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/08-12/31/08] | \$1,000.00 |
| 06/19/09 | Jerry B. Epstein (Real Estate Management, Office of Jerry B. Epstein) | Rick Auerbach Assessor 1222010 - Assessor Rick Auerbach's Officeholder Account | A - Monetary (IND - Individual) [Period: 01/01/09-06/30/09] | \$1,000.00 |
| 12/27/07 | Jerry B. Epstein (Real Estate, Jerry B. Epstein) | Bernard Parks 1300289 - Bernard Parks for Supervisor | A - Monetary (IND - Individual) [Period: 01/01/07-12/31/07] | \$1,000.00 |
| 05/18/10 | Jerry B. Epstein (Real Estate Management, Jerry B. Epstein) | John R. Noguez Assessor 1316104 - NOGUEZ ASSESSOR 2010 | A - Monetary (IND - Individual) [Period: 03/18/10-05/23/10] | \$1,000.00 |
| 08/27/10 | Jerry B. Epstein (Real Estate Management, Jerry B. Epstein) | John R. Noguez Assessor 1329922 - NOGUEZ ASSESSOR 2010 GENERAL | A - Monetary (IND - Individual) [Period: 07/01/10-09/30/10] | \$1,000.00 |
| 11/03/09 | JERRY B. EPSTEIN (REAL ESTATE DEVELOPER, JERRY B. EPSTEIN MANAGEMENT CO., L.L.C.) | LEE BACA 990305 - LEE BACA ATTORNEY'S FEES FUND | A - Monetary (IND - Individual) [Period: 07/31/09-12/31/09] | \$1,000.00 |
| 11/03/09 | JERRY B. EPSTEIN | LEROY BACA | A - Monetary | \$1,000.00 |

TRACCCER - Search Contributions

2/24/11 4:48 PM

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|--|--|--|---|---|
| | (REAL ESTATE DEVELOPER, JERRY B. EPSTEIN MANAGEMENT CO., LLC) | 1J1543B - FRIENDS OF SHERIFF LEE BACA 2010 | (IND - Individual) [Period: 07/01/09-12/31/09] | |
| 11/03/09 | JERRY B. EPSTEIN (REAL ESTATE DEVELOPER, JERRY B. EPSTEIN MANAGEMENT CO., LLC) | LEE BACA 990009 - LEE BACA OFFICEHOLDER ACCOUNT | A - Monetary (IND - Individual) [Period: 07/01/09-12/31/09] | \$1,000.00 |
| 11/28/07 | Jerry B. Epstein (Real Estate, Jerry B. Epstein Mgmt. Co.) | Zev Yaroslavsky Board of County Supervisor 983499 - Supervisor Yaroslavsky Officeholder | A - Monetary (IND - Individual) [Period: 07/01/07-12/31/07] | \$1,000.00 |
| 12/08/09 | Jerry B. Epstein (Real Estate, Jerry B. Epstein Mgmt. Co.) | Zev Yaroslavsky 1320380 - Yaroslavsky for Supervisor 2010 | A - Monetary (IND - Individual) [Period: 01/01/09-12/31/09] | \$1,000.00 |
| Total Monetary Contributions (A): | | | | \$21,250.00 (does not include unitemized) |
| Total Amount Received: | | | | \$21,250.00 |

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2/24/11 5:01 PM



COUNTY OF LOS ANGELES
Registrar-Recorder/County Clerk

Dean C. Logan
 Registrar-Recorder/County Clerk

Department Headquarters
 12400 Imperial Highway
 Norwalk, California 90650

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| Contributor | Contributor | Contributor | Contributor |
|--|--|---|--|
| 06/19/09 Pat Epstein (Real Estate, Office of Tony B. Epstein) | Rick Auerbach Assessor 1222010 - Assessor Rick Auerbach's Officeholder Account | A - Monetary (IND - Individual) [Period: 01/01/09 - 06/30/09] | \$1,000.00 |
| 04/24/07 Pat Epstein (Artist, Pat T Epstein) | Michael Antonovich Board of County Supervisor 1294240 - Antonovich 08 | A - Monetary (IND - Individual) [Period: 01/01/07 - 06/30/07] | \$1,000.00 |
| 09/25/07 Pat Epstein (Sculptor, Pat T. Epstein) | Yvonne Burke Board of County Supervisor - 02 1300820 - Supervisor Yvonne B. Burke Attorney Fees Fund | A - Monetary (IND - Individual) [Period: 01/01/07 - 12/31/07] | \$500.00 |
| 06/11/07 Pat T Epstein (Homemaker, Homemaker) | Donald Knabe 1295373 - Re-Elect Supervisor Don Knabe 2008 | A - Monetary (IND - Individual) [Period: 01/01/07 - 06/30/07] | \$1,000.00 |
| 11/07/07 Pat T Epstein (Homemaker, Homemaker) | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/07 - 12/31/07] | \$500.00 |
| 12/27/07 Pat T. Epstein (Sculptor, Pat T. Epstein) | Bernard Parks 1200269 - Bernard Parks for Supervisor | A - Monetary (IND - Individual) [Period: 01/01/07 - 12/31/07] | \$1,000.00 |
| 11/03/09 PAT T. EPSTEIN (HOMEMAKER) | LEE BACA 990305 - LEE BACA ATTORNEY'S FEES FUND | A - Monetary (IND - Individual) [Period: 07/01/09 - 12/31/09] | \$1,000.00 |
| 11/03/09 PAT T. EPSTEIN (HOMEMAKER) | LEROY BACA 1315428 - FRIENDS OF SHERIFF LEE BACA 2010 | A - Monetary (IND - Individual) [Period: 07/01/09 - 12/31/09] | \$1,000.00 |
| 11/03/09 PAT T. EPSTEIN (HOMEMAKER) | LEE BACA 990089 - LEE BACA OFFICEHOLDER ACCOUNT | A - Monetary (IND - Individual) [Period: 07/01/09 - 12/31/09] | \$1,000.00 |
| 12/08/09 Pat T. Epstein (Homemaker, n/a) | Zev Yaroslavsky 1320380 - Yaroslavsky for Supervisor 2010 | A - Monetary (IND - Individual) [Period: 01/01/09 - 12/31/09] | \$1,000.00 |
| Total Monetary Contributions (A): | | | \$9,000.00 (does not include unitemized) |
| Total Amount Received: | | | \$9,000.00 |

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TRACCCER - Search Contributions

2/24/11 5:04 PM



**COUNTY OF LOS ANGELES
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Dean C. Logan
Registrar-Recorder/County Clerk

Department Headquarters
12400 Imperial Highway
Norwalk, California 90660

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| ▲▼ | Contributor▲▼ | ▲▼ | ▲▼ | ▲▼ |
|--|---|--|--|---|
| 04/04/07 | Epstein Family Trust, Jerry B. Epstein, Trustee | Donald Knabe 1295373 - Re-Elect Supervisor Don Knabe 2008 | A - Monetary (OTH - Other) [Period: 01/01/07-06/30/07] | \$1,000.00 |
| 11/07/07 | Epstein Family Trust, Jerry B. Epstein, Trustee | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (OTH - Other) [Period: 07/01/07-12/31/07] | \$1,000.00 |
| 09/29/10 | Epstein Family Trust, Jerry B. Epstein, Trustee | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (OTH - Other) [Period: 07-01/10-12/31/10] | \$1,000.00 |
| Total Monetary Contributions (A): | | | | \$3,000.00 <small>(does not include unitemized)</small> |
| Total Amount Received: | | | | \$3,000.00 |

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TRACCCER - Search Contributions

2/24/11 5:07 PM



**COUNTY OF LOS ANGELES
Registrar-Recorder/County Clerk**

Dean C. Logan
Registrar-Recorder/County Clerk
Department Headquarters
12400 Imperial Highway
Norwalk, California 90660

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(Page: 1 of 1)

| Contributor | Contributor | Amount | Category | Amount |
|--|-----------------------|---|--|---|
| 12/27/07 | Marina Properties LLC | Bernard Parks 1300289 - Bernard Parks for Supervisor | A - Monetary (OTH - Other) [Period: 01/01/07-12/31/07] | \$500.00 |
| 03/18/08 | Marina Properties LLC | Donald Knabe 1295373 - Re-Elect Supervisor Don Knabe 2008 | A - Monetary (OTH - Other) [Period: 03/18/08-05/17/08] | \$500.00 |
| 10/20/09 | Marina Properties LLC | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (OTH - Other) [Period: 07/01/09-12/31/09] | \$300.00 |
| 10/05/10 | Marina Properties LLC | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (OTH - Other) [Period: 07/01/10-12/31/10] | \$300.00 |
| 05/18/10 | Marina Properties LLC | John R. Noguez Assessor 1318104 - NOGUEZ ASSESSOR 2010 | A - Monetary (OTH - Other) [Period: 03/18/10-05/22/10] | \$500.00 |
| 10/20/08 | Marina Properties LLC | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (OTH - Other) [Period: 07/01/08-12/31/08] | \$300.00 |
| Total Monetary Contributions (A): | | | | \$2,400.00 <small>(does not include unitemized)</small> |
| Total Amount Received: | | | | \$2,400.00 |

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TRACER - Search Contributions

2/24/11 5:11 PM



COUNTY OF LOS ANGELES
Registrar-Recorder/County Clerk

Dean C. Logan
Registrar-Recorder/County Clerk
Department Headquarters
12400 Imperial Highway
Norwalk California 90650

[Print] [Excel] [Close]

[Page: 1 >>]

| DATE | Contributor | CONTRIBUTOR | CONTRIBUTION | AMOUNT |
|--|---------------------------------------|---|---|---|
| 11/03/09 | KIRK DOUGLAS (ACTOR, KIRK DOUGLAS) | LEE BACA 990103 - LEE BACA ATTORNEY'S FEES FUND | A - Monetary (IND - Individual) [Period: 07/01/09-12/31/09] | \$1,000.00 |
| 11/03/09 | KIRK DOUGLAS (ACTOR, KIRK DOUGLAS) | LEROY BACA 1315438 - FRIENDS OF SHERIFF LEE BACA 2010 | A - Monetary (IND - Individual) [Period: 07/01/09-12/31/09] | \$1,000.00 |
| 11/03/09 | KIRK DOUGLAS (ACTOR, KIRK DOUGLAS) | LEE BACA 990009 - LEE BACA OFFICENDLDR ACCOUNT | A - Monetary (IND - Individual) [Period: 07/01/09-12/31/09] | \$1,000.00 |
| 03/13/08 | Kirk Douglas (Actor, Kirk Douglas) | Michael Antonovich Board of County Supervisor 1294240 - Antonovich 08 | A - Monetary (IND - Individual) [Period: 01/01/08-03/17/08] | \$500.00 |
| Total Monetary Contributions (A): | | | | \$3,500.00 <small>(does not include unitemized)</small> |
| Total Amount Received: | | | | \$3,500.00 |

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TRACER - Search Contributions

2/24/11 5:13 PM



**COUNTY OF LOS ANGELES
Registrar-Recorder/County Clerk**

Dean C. Logan
Registrar-Recorder/County Clerk
Department Headquarters
12400 Imperial Highway
Norwalk, California 90650

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| Date ▲▼ | Contributor ▲▼ | Committee ▲▼ 12/31/2009 | Contribution 12/31/2009 | Amount ▲▼ |
|--|----------------------------------|---|---|---|
| 11/03/09 | ANNE DOUGLAS (RETIRED) | LEE BACA 990305 - LEE BACA ATTORNEY'S FEES FUND | A - Monetary (IND - Individual) [Period: 07/01/09- 12/31/09] | \$1,000.00 |
| 11/03/09 | ANNE DOUGLAS (RETIRED) | LEROY BACA 1315438 - FRIENDS OF SHERIFF LEE BACA 2010 | A - Monetary (IND - Individual) [Period: 07/01/09- 12/31/09] | \$1,000.00 |
| 11/03/09 | ANNE DOUGLAS (RETIRED) | LEE BACA 990009 - LEE BACA OFFICEHOLDER ACCOUNT | A - Monetary (IND - Individual) [Period: 07/01/09- 12/31/09] | \$1,000.00 |
| Total Monetary Contributions (A): | | | | \$3,000.00 (does not include unitemized) |
| Total Amount Received: | | | | \$3,000.00 |

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TRACER - Search Contributions

2/24/11 4:58 PM



**COUNTY OF LOS ANGELES
Registrar-Recorder/County Clerk**

Dean C. Logan
Registrar-Recorder/County Clerk

Department Headquarters
12400 Imperial Highway
Norwalk California 90850

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[Print] [Excel] [Close]

| Date | Contributor | Classified as Office Holder | Category (7-9) | Amount |
|----------|---|--|---|------------|
| 07/05/07 | David Levine (Developer, Del Rey Shores) | Rick Auerbach Assessor 1222010 - Assessor Rick Auerbach's Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/07- 12/31/07] | \$1,000.00 |
| 07/07/08 | David Levine (Real Estate Management, Office of Jerry B Epstein) | Rick Auerbach Assessor 1222010 - Assessor Rick Auerbach's Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/08- 12/31/08] | \$1,000.00 |
| 06/22/09 | David Levine (Real Estate Management, Office of Jerry B. Epstein) | Rick Auerbach Assessor 1222010 - Assessor Rick Auerbach's Officeholder Account | A - Monetary (IND - Individual) [Period: 01/01/09- 06/30/09] | \$1,000.00 |
| 09/18/07 | David Levine (Executive, Del Rey Shores) | Yvonne B. Burke 971277 - Yvonne Brethwalte Burke Office Holder Account | A - Monetary (IND - Individual) [Period: 07/01/07- 12/31/07] | \$1,000.00 |
| 10/08/08 | David Levine (Real Estate, Jerry B Epstein Management) | Gloria Molina 332239 - Yes On Measure U: To Save Our Sheriffs, Parks And Libraries | A - Monetary (IND - Individual) [Period: 01/01/08- 10/18/08] | \$1,250.00 |
| 05/22/09 | David Levine (Real Estate, Jerry B Epstein Management) | Gloria Molina 3318211 - Molina For Supervisor 2010 | A - Monetary (IND - Individual) [Period: 01/01/09- 06/30/09] | \$1,000.00 |
| 08/07/07 | David Levine (Real Estate Management, Del Rey Shores) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/07- 12/31/07] | \$1,000.00 |
| 04/24/07 | David Levine (Real Estate Management, Del Rey Shores) | Michael Antonovich Board of County Supervisor 1294240 - Antonovich 08 | A - Monetary (IND - Individual) [Period: 01/01/07- 06/30/07] | \$1,000.00 |
| 08/15/08 | David Levine (Real Estate, Jerry B Epstein Management) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/08- 10/18/08] | \$1,000.00 |
| 08/17/09 | David Levine (Real Estate, Jerry B Epstein Management) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/09- 12/31/09] | \$1,000.00 |
| 08/06/10 | David Levine (Real Estate, Jerry B Epstein Management) | Michael Antonovich Board of County Supervisor 971139 - Michael D. Antonovich Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/10- 12/31/10] | \$1,000.00 |
| 03/23/09 | David Levine (Real Estate Management, Jerry B. Epstein Management Co) | Mark Ridley-Thomas Board of County Supervisor 1301982 - Ridley-Thomas for Supervisor | A - Monetary (IND - Individual) [Period: 01/01/09- 06/30/09] | \$1,000.00 |
| 11/09/10 | David Levine (Real Estate Management, Jerry B. Epstein Management Co) | Mark Ridley-Thomas 1314252 - Ridley-Thomas Officeholder | A - Monetary (IND - Individual) [Period: 07/01/10- 12/31/10] | \$1,000.00 |
| 11/24/10 | David Levine (Real Estate Manager, Office of Jerry B. Epstein) | John Noguez Assessor 1324295 - John Noguez for Assessor 2010 Attorney's Fees Fund | A - Monetary (IND - Individual) [Period: 10/17/10- 12/31/10] | \$1,000.00 |
| 12/27/07 | David O. Levine (Real Estate, Jenny B. Epstein Management Co.) | Bernard Parks 1300289 - Bernard Parks for Supervisor | A - Monetary (IND - Individual) [Period: 01/01/07- 12/31/07] | \$1,000.00 |
| 04/04/07 | David O. Levine (Real Estate Consultant, Office of Jerry B. Epstein) | Donald Knabe 1295373 - Re-Elect Supervisor Don Knabe 2008 | A - Monetary (IND - Individual) [Period: 01/01/07- 06/30/07] | \$1,000.00 |
| 11/07/07 | David O. Levine (Real Estate Consultant, Office of Jerry B. Epstein) | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/07- 12/31/07] | \$1,000.00 |
| 10/20/09 | David O. Levine | Donald Knabe | A - Monetary | \$1,000.00 |

TRACER - Search Contributions

2/24/11 4:56 PM

| | | | | |
|--|--|--|---|--|
| | (Real Estate Consultant, Office of Jerry B. Epstein) | 970512 - Supervisor Don Knabe Officeholder Account | (IND - Individual) [Period: 07/01/09-12/31/09] | |
| 09/29/10 | David O. Levine (Real Estate Consultant, Office of Jerry B. Epstein) | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/10-12/31/10] | \$1,000.00 |
| 05/18/10 | David O. Levine (Real Estate Agent, Jerry B. Epstein Management Co.) | John R. Noguez Assessor 1316104 - NOGUEZ ASSESSOR 2010 | A - Monetary (IND - Individual) [Period: 03/18/10-05/22/10] | \$1,000.00 |
| 08/27/10 | David O. Levine (Real Estate Agent, Jerry B. Epstein Management Co.) | John R. Noguez Assessor 1327972 - NOGUEZ ASSESSOR 2010 GENERAL | A - Monetary (IND - Individual) [Period: 07/01/10-09/30/10] | \$1,000.00 |
| 10/04/08 | David O. Levine (Real Estate Consultant, Office of Jerry B. Epstein) | Donald Knabe 970512 - Supervisor Don Knabe Officeholder Account | A - Monetary (IND - Individual) [Period: 07/01/08-12/31/08] | \$1,000.00 |
| 11/28/07 | David O. Levine (Real Estate, Jerry B. Epstein Mgmt. Co.) | Zev Yaroslavsky Board of County Supervisor 983499 - Supervisor Yaroslavsky Officeholder | A - Monetary (IND - Individual) [Period: 07/01/07-12/31/07] | \$1,000.00 |
| 12/08/09 | David O. Levine (Real Estate, Jerry B. Epstein Mgmt. Co.) | Zev Yaroslavsky 1320360 - Yaroslavsky for Supervisor 2010 | A - Monetary (IND - Individual) [Period: 01/01/09-12/31/09] | \$1,000.00 |
| Total Monetary Contributions (A): | | | | \$24,250.00 <small>(does not include unitemized)</small> |
| Total Amount Received: | | | | \$24,250.00 |

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Disclaimer: TRACER data is input by candidate committees. The RRCC does not amend information to edit variations in spelling, punctuation, use of abbreviations or inaccuracies. Therefore, search results may not be 100% accurate or inclusive.

EXHIBIT 6



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From: Iverson, Gregg M. <GIVERSON@auditor.lacounty.gov>

[[add to contacts](#)]

To: richardfine@richardfinelaw.com
Cc:

Date: Thursday, January 13, 2011 05:13 pm

Subject: RE: Public Records Request for Documents

Mr. Fine,

The County's records show that Judge O'Brien terminated 8/16/1999, based on this he would not have receive County payments from 2000 to present.

As for years prior to the years prior 1989, Judge O'Brien first started receiving Cafeteria Plan and 401k plan benefits in 1985. the professional development allowance did not start until 1991.

The cost to create and run a program to extract the information for years prior to 1989 (1985 through 1988) would be about \$400.

I hope this helps.

From: richardfine@richardfinelaw.com [mailto:richardfine@richardfinelaw.com]
Sent: Thursday, January 13, 2011 10:58 AM
To: Iverson, Gregg M.
Cc: richardfine@richardfinelaw.com
Subject: Re: Public Records Request for Documents

Dear Mr. Iverson:

Thank you for your speedy reply. It is most appreciated. Would you please be so kind as to inform me of the other years in which Judge Obrien received the "local judicial benefits" or LA County payments, if such can be done without engaging in extensive research. Additionally, would you please be so kind as to inform me of the cost of the research to receive the full report of the remaining years. I am particularly interested to know if Judge Obrien received LA County payments from 2000 through the present.

Thank you for your cooperation and attention to this most important matter.

Sincerely,

Richard I. Fine

-----Original Message-----

From: Iverson, Gregg M. [mailto:GIVERSON@auditor.lacounty.gov]
Sent: Thursday, January 13, 2011 12:45 PM
To: richardfine@richardfinelaw.com
Cc: 'Victor, Michele'
Subject: RE: Public Records Request for Documents

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<http://mail.richardfinelaw.com/cgi-bin/inbox.exe?id=01f8e79cd90e135a...>

Mr. Fine,

I'm responding to your request for a summary of local judicial benefits for Superior Court Judge Robert H. O'Brien from 1980's to the present. The County's payroll records show the Judge O'Brien assumed his position on 12/30/1981 and terminated the position on 8/16/1999. For that period, I'm able to provide you with the requested information for the years of 1989 through 1999. I have provided that information below.

As for the other years, the County does not have an identifiable summary record of Judge O'Brien's local judicial benefits. Electronic detailed records do exist for these periods, but accessing the records would require custom programming which you would be required to reimburse the County for its cost. If you have questions, please contact by e-mail at:

giverson@auditor.lacounty.gov

| Year | Cafeteria Plan Benefits | 401K and 457 Employer Contributions | Professional Development Allowance |
|------|-------------------------|-------------------------------------|------------------------------------|
| 1989 | \$ 6,111.54 | \$ 3,492.30 | \$ - |
| 1990 | \$ 7,206.83 | \$ 3,758.78 | \$ - |
| 1991 | \$ 15,192.52 | \$ 4,535.44 | \$ 1,960.00 |
| 1992 | \$ 18,866.40 | \$ 6,536.64 | \$ 4,704.00 |
| 1993 | \$ 18,866.40 | \$ 549.03 | \$ 4,954.00 |
| 1994 | \$ 19,731.22 | \$ 2,067.85 | \$ 5,004.00 |
| 1995 | \$ 20,354.56 | \$ 7,442.24 | \$ 5,154.00 |
| 1996 | \$ 20,404.08 | \$ 7,667.64 | \$ 5,184.00 |
| 1997 | \$ 20,404.08 | \$ 7,420.97 | \$ 5,324.00 |
| 1998 | \$ 20,659.16 | \$ 5,175.66 | \$ 5,352.00 |
| 1999 | \$ 15,992.92 | \$ 3,970.78 | \$ 3,882.00 |

From: CONSTITUENT

Sent: Monday, January 10, 2011 12:10 PM

To: richardfine@richardfinelaw.com

Subject: RE: Public Records Request for Documents

Thank you for contacting Los Angeles County Department of Auditor-Controller.

Your e-mail inquiry has been reviewed and has been forwarded to the appropriate Auditor-

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Controller staff to be researched. You will receive a direct response from them. If you have any further questions, please contact Michele Victor at (213) 974-8505.

Reference No.: CE11 - 6

From: richardfine@richardfinelaw.com [mailto:richardfine@richardfinelaw.com]
Sent: Mon 1/10/2011 11:38 AM
To: CONSTITUENT
Cc: richardfine@richardfinelaw.com
Subject: Public Records Request for Documents

Dear Auditor: Pursuant to the provisions of the California Public Records Act, request is hereby made for documents showing all payments made from LA County commonly known as "local judicial benefits" to LA Superior Court Judge Robert H. O'Brien from the commencement of such payments believed to be in the 1980's through the present. A yearly summary of "cafeteria plan benefits", 401(k) or other retirement contributions, and "professional development allowances" and any other LA County compensation for each year that the "local judicial benefits" were paid will be sufficient. Time is of the essence. An e mail response to richardfine@richardfinelaw.com containing all available records or a summary thereof will be sufficient. Thank you for your immediate attention to this most urgent matter. Sincerely, Richard I. Fine

Attachments: Text version of this message. (SKB)

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[REDACTED]

From: Iverson, Gregg M. <GIVERSON@auditor.lacounty.gov>

To: richardfine@richardfinelaw.com

[[add to contacts](#)]

Cc: CONSTITUENT <CONSTITUENT@auditor.lacounty.gov>, Victor, Michele <MVICTOR@auditor.lacounty.gov>

Date: Friday, February 18, 2011 07:58 pm

Subject: RE: Public Records Request

Mr. Fine,

I'm responding to your request for a document showing all payments for LA County "local judicial benefits" for Superior Courts Judges David P. Yaffe and Elihu Berle from the 1980's through the present. I have provided that information below for the period of January 1, 1989 through February 15, 2011.

As for the other years, the County does not have an identifiable summary of local judicial benefits. If you have questions, please contact me by e-mail at:

giverson@auditor.lacounty.gov

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| Year | Cafeteria Plan Benefits | 401K and 457 Employer Contributions | Professional Development Allowance |
|-------------------|----------------------------|---|--|
| David P. Yaffe | | | |
| 1989 | \$ 6,111.54 | \$ 3,450.24 | |
| 1990 | \$ 7,206.83 | \$ 3,699.51 | |
| 1991 | \$ 15,192.52 | \$ 4,432.01 | \$ 1,960.00 |
| 1992 | \$ 18,866.40 | \$ 5,995.22 | \$ 4,704.00 |
| 1993 | \$ 18,866.40 | \$ 4,475.74 | \$ 5,162.50 |
| 1994 | \$ 19,731.22 | \$ 2,875.30 | \$ 5,004.00 |
| 1995 | \$ 20,354.56 | \$ 7,442.24 | \$ 5,161.50 |
| 1996 | \$ 20,404.08 | \$ 7,667.64 | \$ 5,184.00 |
| 1997 | \$ 20,404.08 | \$ 7,420.97 | \$ 5,331.00 |
| 1998 | \$ 20,659.16 | \$ 5,175.66 | \$ 5,352.00 |
| 1999 | \$ 21,594.24 | \$ 5,409.92 | \$ 5,499.00 |
| 2000 | \$ 22,627.29 | \$ 8,357.13 | \$ 5,520.00 |
| 2001 | \$ 25,114.87 | \$ 11,307.39 | \$ 5,814.00 |
| 2002 | \$ 26,290.67 | \$ 9,908.39 | \$ 5,856.00 |
| 2003 | \$ 26,845.62 | \$ 12,377.21 | \$ 6,150.00 |
| 2004 | \$ 27,329.28 | \$ 12,600.24 | \$ 6,192.00 |
| 2005 | \$ 28,256.14 | \$ 13,027.59 | \$ 6,528.00 |
| 2006 | \$ 29,177.76 | \$ 13,452.48 | \$ 6,838.50 |
| 2007 | \$ 32,965.52 | \$ 15,198.83 | \$ 7,075.50 |
| 2008 | \$ 33,969.96 | \$ 15,661.92 | \$ 7,366.50 |
| 2009 | \$ 33,969.96 | \$ 15,661.92 | \$ 7,404.00 |
| 2010 | \$ 31,139.13 | \$ 14,356.76 | \$ 6,478.50 |
| 2011 | | | |

| | | | |
|----------------|--------------|--------------|-------------|
| Elihu M. Berle | | | |
| 1989 | | | |
| 1990 | | | |
| 1991 | | | |
| 1992 | | | |
| 1993 | | | |
| 1994 | | | |
| 1995 | | | |
| 1996 | | | |
| 1997 | \$ 17,982.24 | \$ 1,703.92 | \$ 5,108.00 |
| 1998 | \$ 20,659.16 | \$ 7,214.42 | \$ 5,352.00 |
| 1999 | \$ 21,594.24 | \$ 6,490.10 | \$ 5,499.00 |
| 2000 | \$ 22,627.29 | \$ 9,135.94 | \$ 5,520.00 |
| 2001 | \$ 25,114.87 | \$ 11,445.29 | \$ 5,814.00 |
| 2002 | \$ 25,690.67 | \$ 12,121.39 | \$ 5,856.00 |
| 2003 | \$ 26,845.62 | 12377.21 | \$ 6,150.00 |
| 2004 | \$ 27,329.28 | \$ 12,600.24 | \$ 6,192.00 |

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and a party to the contempt proceedings to the within action. My business address is 18102 Jaguar Ct., Tarzana, California 91335.

On March 2, 2011, I served the foregoing document described as **Reply in Support of Notice of Motion and Motion for Renewal of the Motion to Void and Annul All Orders and Judgments Including Those in the Contempt Proceedings in the Case Made by Judge Yaffe; Request for Judicial Notice and Declaration of Richard I. Fine** on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Andrea Ordin
Elaine M. Lemke
648 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012-2713
FACSIMILE: (213) 687 7337

Armbruster, Goldsmith & Delvac, LLP
R.J. Comer
10940 Wilshire Blvd., Suite 2100
Los Angeles, CA 90024
FACSIMILE: (310) 209-8801

Rose M. Zoia
50 Old Courthouse Square, Suite 401
Santa Rosa, CA 95404
FACSIMILE: (707) 526-5895

Joshua L. Rosen
5905 Sherbourne Drive
Los Angeles, CA 90056
FACSIMILE: (310) 410-7227

BY MAIL. BY EXPRESS MAIL /FED EX As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or meter date is more than one day after the date of deposit for mailing in affidavit.

BY FACSIMILE: By transmitting the documents by facsimile to the stated parties at their respective facsimile numbers as shown above pursuant to CCP § 1013(e).

BY PERSONAL SERVICE: By delivering a copy to the above mentioned persons at:

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed March 2, 2011 at Los Angeles, California.


RICHARD I. FINE