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Attorney For The Plaintiff,
JAIME DEJESUS GONZALEZ

**SUPERIOR COURT OF THE STATE CALIFORNIA
IN AND FOR THE COUNTY LOS ANGELES**

JAIME DEJESUS GONZALEZ,

Plaintiff,

v.

ALTA STANDARD ONE, LLC and DOES 1-
20,

Defendants.

Case No.: RIC 1200249

**DECLARATION OF JAIME DEJESUS
GONZALEZ IN SUPPORT OF
MOTION FOR RECONSIDERATION
OF ORDER SUSTAINING
DEFENDANTS DEMURRER
WITHOUT LEAVE TO AMEND**

Date: ____

Time: ____

Dept.: ____

Complaint Filed: April 23, 2013
Order Entered: November 22, 2013

I, Jaime DeJesus Gonzalez, do hereby declare that:

1. I am over the age of 18, of sound mind, all the statements in this Declaration are within my personal knowledge, and I am willing to testify to the same.

2. I submit this Declaration in Support of the Motion for Reconsideration of the Order sustaining Defendant's demurrer without leave to amend.

3. Res Judicata was the stated basis for the ruling, with three cases being cited to, LASC Case Nos. BC363659, BC425880 and SC119964.

1 4. BC36365 is *McClanahan v. Harry Mansdorf, Et al.*, wherein McClanahan
2 obtained a \$12,000,000.00 default judgment, thus becoming the “creditor” who forced the
3 Sheriff’s Sale Defendant was the alleged purchaser at.

4 5. This case and the judgment obtained did not and do not discuss, nor legally
5 constitute “res judicata” with regard to any claim of my joint tenancy and survivorship rights in
6 or to title to the Subject Property which my previous attorneys alleged was defamed by
7 Defendants.
8

9 6. BC425880 is *Torjesen v. Harry Mansdorf, Et al.*, wherein Torjesen obtained a
10 judgment against Harry Mansdorf and “The Mansdorf Family Trust,” a writ of execution
11 regarding real property in Ventura County, California, (not the Subject Property in the city of
12 Beverly Hills, county of Los Angeles), and an *execution lien* created *AFTER* Mr. Mansdorf
13 passed.
14

15 7. At and through and at the advice of counsel Elaine Etingoff, SBN 89113, I filed
16 a Third Party Claim, and based upon inconsistent documentation submitted by attorney Etingoff
17 and other extrinsic factors non-germane to this case, Mr. Torjesen obtained a ruling
18 "invalidating" the third party claim to that real property in *Ventura, California*. Again, the
19 Subject Property was not at issue in that case.
20

21 8. This case and the judgment obtained did not and do not discuss, nor legally
22 constitute “res judicata” with regard to any claim of my joint tenancy and survivorship rights in
23 or to title to the Subject Property which my previous attorneys alleged was defamed by
24 Defendants.
25

26 9. SC119964 is the *Jaime Gonzalez v. Janice McClanahan, Et al.*, wherein I,
27 through and on the advice of the same counsel who set forth the Third Party Claim, Ms.
28 Etingoff, set forth a complaint for Quiet Title regarding the Subject Property.

1 10. The Complaint was filed February 2, 2013, but based upon the filing and later
2 discussions with another attorney, Paul Orloff, SBN 216791, I believed Ms. Etingoff
3 intentionally or unintentionally filed fatally flawed pleadings and documentation.

4 11. Based upon that, I filed a request for dismissal under C.C.P. § 581, and I
5 expressly did so “without prejudice”.
6

7 12. Explaining the record reflected the dismissal was with prejudice, Paul Orloff
8 created and filed an ex parte application to vacate and/or set-aside the dismissal with prejudice
9 and enter an order for the dismissal to be without prejudice.

10 13. At the hearing, the court expressly denied Mr. Orloff’s request, ruling that it
11 could not enter any order regarding the “manner” of dismissal, be it with or without prejudice,
12 because C.C.P. § 581 left such control to the party filing the dismissal who originally brought
13 the action.
14

15 14. The exception is where a judgment on the merits of the case, at least tentatively,
16 is issued, or a counter-suit is filed. As neither happened here, my voluntary dismissal,
17 (expressly marked to be without prejudice), prior to an order or judgment on the merits of the
18 case precludes the application of the Res Judicata doctrine here.
19

20 15. On January 23, 2008 Janice McClanahan obtained a judgment against Harry
21 Mansdorf, individually and on April 18, 2008, Janice McClanahan recorded an abstract of that
22 judgment. At this time, title to the Subject Property was not held by Harry Mansdorf
23 individually or as Trustee of the Mansdorf Family Trust, (hereinafter, the “TRUST”).
24

25 16. Any claim of my joint tenancy and survivorship rights in or to title to the Subject
26 Property which my previous attorneys alleged was defamed by Defendants o are evidenced by a
27 Grant Deed dated July 3, 2008, recorded November 20, 2012.
28

1 17. January 6, 2010, Judgment was entered in the civil case of *Harry Mansdorf v.*
2 *Michelle Giacomazza, et al.* The result:

3 IT IS FURTHER ADJUDGED, ORDERED AND DECREED that title to . . . the
4 ALTA PROPERTY . . . [is] quieted in FAVOR of Plaintiff Harry Mansdorf, as
5 trustee of the Mansdorf Family Trust (a/k/a/ The Mansdorf Trust) and AGAINST
6 Defendants . . .

7 18. Thus, at the time of McClanahan's recordation of the abstract against Harry
8 Mansdorf individually, **and** at the time of the execution and delivery of the Grant Deed from
9 Harry Mansdorf to me, title to the Subject Property was not held by Mr. Mansdorf, or Mr.
10 Mansdorf as Trustee of the TRUST. This fact is crucial in determining the appropriate legal
11 effects of all actions and occurrences with respect to all parties.

12 19. Four competing rights attach to the title to the Subject Property at issue at the
13 exact moment of the Judgment signed by Judge Palmer: 1) Harry as Trustee of the TRUST
14 which immediately transfers back out of the name Harry Mansdorf as Trustee of the TRUST
15 and into to Harry Mansdorf individually and myself, in joint tenancy; 2) Harry Mansdorf
16 individually, in joint tenancy with me, with rights of survivorship; 3) me in my individual
17 capacity, in joint tenancy with Mr. Mansdorf, with rights of survivorship; and 4) the attachment
18 of the Abstract of Judgment to Harry Mansdorf's rights, title and interest in the Subject
19 Property.
20

21 20. Statute holds a judgment lien only attaches to property a judgment debtor
22 actually has rights to or in; that an abstract judgment attaches to real property acquired after
23 recordation of the abstract by the debtor at the same moment the debtor's rights attach; and joint
24 tenancy law requires both joint tenants' rights to attach at the exact same moment.
25

26 21. I believe that per statute and the law, the rights of Mr. Mansdorf, myself and the
27 abstract judgment creditor all attached at "the exact same moment".
28

1 22. All arguments of my taking of the joint tenancy rights “subject to” the abstract
2 are necessarily based upon the false claim the abstract judgment attached the moment it was
3 recorded, and this premise is fatally flawed.

4 23. Res judicata does not appear an appropriate basis to dismiss the complaint
5 without leave to amend.

6 24. Attached to this Declaration as “Exhibit 1” is a true and correct copy of the
7 request for voluntary dismissal I filed under LASC Case No. SC119694, filed April 11, 2013.
8

9 I do hereby declare under penalty of perjury pursuant to the laws of the State of
10 California that all the statements in this Declaration are true, correct and complete to the best of
11 my firsthand knowledge, understanding and belief.

12 DATED: March 15, 2015
13

14 _____
15 Jaime DeJesus Gonzalez
16 Declarant
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