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9 JANICE M. McCLANAHAN

FILED
LOS ANGELES SUPERIOR COURT

MAY 09 2012

JOHN A. CLARKE, CLERK
By Debra Carter
BY DEBRA CARTER, DEPUTY

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

13 JANICE M. McCLANAHAN, an individual,
14
15 Plaintiff,

16 v.

17 HARRY MANSDORF, individually, et al.,
18
19 Defendants.

CASE NO. BC 363659

DATE: May 9, 2012
TIME: 8:30 a.m.
DEPT.: 1-A

[Action filed December 18, 2006]

[Department 1A]

**OPPOSITION TO EX PARTE
APPLICATION TO INTERVENE**

Trial Date: None

20
21 On Monday, May 7, 2012, Plaintiff and Judgment Creditor Janice M. McClanahan's counsel
22 received a fax from the law firm of ArcherNorris, representing Capital One, successor-in-interest to
23 Chevy Chase Bank, giving notice of its intention to bring an Ex Parte Application for a Motion for
24 Leave to Intervene in the McClanahan vs. Mansdorf action.

25 No papers in support of this Ex Parte Application or the Motion have been provided to
26 counsel before the hearing.

27 The reason for the intervention stated in the notice was the claim of Capital One that the
28 Judgment entered by Judge Palmer in Case No. BC 3859476 awarding it its equitable lien against

1 the property at 811 North Alta Drive, Beverly Hills, California 90210 ("the Property"), meant that
2 that equitable lien had priority over the Abstract of Judgment and Judgment that Janice M.
3 McClanahan holds against Harry Mansdorf.

4 The Motion for Leave to Intervene should be denied for the following reasons:

5 1. This Judgment that is sought to be enforced by Janice M. McClanahan has been a
6 judgment since 2008, and was upheld on appeal, so it is a final judgment. There is nothing available
7 for the proposed intervenors to intervene in.

8 2. Procedurally, this Application is in the wrong court. The Judgment was entered by
9 Judge John Shook in Department 53. Judge Shook has since retired and been replaced by Judge
10 Steven Kleifield. Any motion for leave to intervene, if such a motion is appropriate, must be filed
11 before Judge Kleifield.

12 3. There is no purpose that will be served by such an intervention.

13 This Court will, on May 22, 2012, at the Order to Show Cause hearing, determine whether
14 the Property can be sold to satisfy the Judgment of Janice M. McClanahan.

15 The Judgment Creditor notified all potential claimants in the Property, including Chevy
16 Chase Bank, and Chevy Chase Bank may provide evidence to this Court to determine its rights to
17 be paid from the proceeds of any execution sale and any claims to priority.

18 Furthermore, not only would Capital One as the successor-in-interest to Chevy Chase Bank
19 have the right to challenge any decision made on May 22, 2012, which it believes is adverse either
20 by way of a writ or an appeal, it can also file a separate action for declaratory relief to determine
21 priorities.

22 But there is no need at this time for the Motion for Leave to Intervene.

23 Respectfully submitted,

24 Date: May 8, 2012

MARCUS, WATANABE & DAVE, LLP

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26 By:

27 DAVID M. MARCUS
Attorneys for Plaintiff and Judgment Creditor,
28 JANICE M. McCLANAHAN

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