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Hon. Elizabeth A. White, Judge

Case No: BC425880

CERTIFIED COPY

WEDNESDAY, JANUARY 11, 2012

For Defendants: No Appearance

Reported by:
Louis R. Machuca, CSR No. 12274
Official Court Reporter

1 Case Number: BC425880
2 Case Name: John C. Torjesen vs. Harry
3 Mansdorf, et al.
4 Los Angeles, California Wednesday, January 11, 2012
5 Department 48 Judge Elizabeth A. White
6 Appearances: (As heretofore noted.)
7 Reporter: Louis Machuca, CSR No. 12274
8 Time: Morning Calendar
9
10

11 (The following proceedings were held
12 in open court:)
13

14 THE COURT: Torjesen versus Mansdorf, Case Number
15 BC425880.

16 COURTROOM ASSISTANT: Your Honor, defense counsel
17 is running about 10 to 15 minutes late, Your Honor.

18 THE COURT Second call.

19 MR. BARNES: Your Honor, there is no defense
20 counsel. This is a case that's in pro per. It's the
21 exact same thing that we had before.

22 THE COURT: That's correct.

23 THE CLERK: Mr. Orloff, who called, indicates that
24 he's representing Mr. Mansdorf.

25 THE COURT: He did indicate at the last hearing
26 that he was going to be representing Mr. Mansdorf.
27 There's a default that's been taken against Mansdorf,
28 and there was no substitute filed.

1 MR. BARNES: Your Honor, and I have a real problem
2 with this issue involving Mr. Mansdorf. There was a
3 prior case where Mr. Mansdorf was adjudged to have been
4 taken advantaged of as an elder in an elder abuse claim.
5 I've been asking Mr. Orloff for nine months to provide
6 me with a substitution of attorney.

7 Not only does he not return my phone calls,
8 but when I call Mr. Mansdorf, who is in pro per, the
9 phone -- he used to answer the phone --

10 THE COURT: I'm not going to wait. Default of
11 Mr. Mansdorf was taken individually and as trustee for
12 Mansdorf Family Trust on December 10. Although counsel
13 attempted to appear at the last hearing, default has not
14 been set aside, nor has counsel filed any kind of
15 substitution for attorney or a notice of representation,
16 so we won't wait.

17 You have the court's tentative with regard to
18 the petition. 1285.4 requires it -- actually, 1285.4
19 requires that you include a copy of the agreement to
20 arbitrate or set forth the substance of the agreement.

21 MR. BARNES: And, Your Honor, I will just point out
22 to the court that maybe the court couldn't see the
23 substance of the agreement just simply because the
24 substance of the agreement to arbitrate was such a very
25 small issue. The small issue that was raised that I put
26 in -- that I highlighted on page 10, and it reads," The
27 sole issue raised by Mr. Mansdorf of arbitration was
28 whether or not Mr. Torjesen was entitled to the

1 performance bonus."

2 THE COURT: Where are you?

3 MR. BARNES: Page 10.

4 THE COURT: I have it.

5 MR. BARNES: That's the only issue that was raised
6 in the arbitration. It's the only issue that was
7 addressed.

8 THE COURT: I understand that, but the statute
9 required that I have either the substance of the
10 agreement or the agreement itself.

11 MR. BARNES: And the only substance of the
12 agreement was specifically that. It didn't have
13 anything to do with anything other than the performance
14 bonus that Mr. Torjesen was promised.

15 THE COURT: All right. Maybe I'm not being clear.
16 I understand that that was the issue, what was the
17 agreement to arbitrate, or was it, simply, Los Angeles
18 County bar? How did the --

19 MR. BARNES: That's it. It's only to the
20 Los Angeles County Bar, and the only reason it wasn't
21 attached to my notice was simply because it's already in
22 the court's file, because there had to be a notice of --
23 there was notice for --

24 THE COURT: Direct me to it, please.

25 MR. BARNES: If you look -- I attached a copy of
26 the entire --

27 THE COURT: I have the award.

28 MR. BARNES: And, Your Honor, I attached a copy of

1 the entire pleadings record. And I didn't highlight, so
2 I've got to go back and look at it. But within the
3 pleadings record, there was a notice and request for fee
4 arbitration.

5 THE COURT: Where is that?

6 MR. BARNES: I'm looking for it, Your Honor. It's
7 going to be attached -- the entire court record is
8 attached as Exhibit F to my motion. If you give me just
9 a second.

10 THE COURT: That's in the Mansdorf versus Jakamaza
11 (phonetic spelling) matter.

12 MR. BARNES: No, Your Honor, it's not. It's in
13 the -- it's in this matter, I believe.

14 THE COURT: Well, Exhibit F, I'm looking at Exhibit
15 F, it's captioned as --

16 MR. BARNES: You're correct, Your Honor. You're
17 correct, that is.

18 THE COURT: Do you want a minute to review the
19 file?

20 MR. BARNES: No, I'm not going to need a minute to
21 review, because if it's not in there, I didn't attach
22 it. And I didn't attach it simply because I assumed
23 that it was already in the court's docket. Because when
24 there's -- any time there's a request for a fee
25 arbitration, it's a document that has to be filed with
26 the court, so it's a document that's already in the
27 court's record.

28 The only way that there's a stay and a notice

1 of fee arbitration under the Los Angeles County Bar
2 rules is if the document is filed with the court. Once
3 it's filed with the court, there's a stay. I want to
4 say that that stay was put in place in November of last
5 year. And that stayed everything in this action.

6 And then, as the court can recall, I came in
7 three or four times after that letting the court know
8 that the arbitration had taken forever and that we
9 couldn't do anything because there was a stay still in
10 place pursuant to the Los Angeles County Bar rules.

11 THE COURT: I've located, it. The notice of
12 petition for binding fee arbitration.

13 All right. I have the notice of petition for
14 fee arbitration, which was filed with the court on
15 December 6, 2010, attaching a November 22, 2010 letter
16 from the L.A. County Bar with regard to the fee
17 arbitration and references the client's petition for fee
18 arbitration.

19 All right. I'm satisfied.

20 MR. BARNES: And so, Your Honor, if you look at the
21 actual award for the arbitrator, the only issue that was
22 raised in that and the only issue that's raised in the
23 notice for arbitration is whether or not Mr. Torjesen
24 was entitled to the performance bonus.

25 THE COURT: Yes.

26 MR. BARNES: That's the only issue that was raised.
27 We've mentioned that on page 10 and highlighted is
28 saying that's the only issue regarding the arbitration.

1 THE COURT: All right. Did you have a proposed
2 order?

3 MR. BARNES: I did, Your Honor. It's attached to
4 the document. It's usually attached immediately after
5 my last page, but I'll locate it for the court.

6 THE COURT: I have the proposed judgment, which is
7 attached.

8 MR. BARNES: There's a proposed order and a
9 proposed judgment. The proposed judgment.

10 THE COURT: All right. If you'll separate those
11 out and submit them, I'll sign them.

12 MR. BARNES: Thank you, Your Honor.

13 THE COURT: Yeah, these are part of the existing
14 file, so you'll have to submit separate documents.

15 MR. BARNES: I will. I think I have some now that
16 I can submit to the court.

17 THE COURT: All right. Thank you.

18

19 (The proceedings were concluded.)

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Hon. Elizabeth A. White, Judge

Defendants.

Case No: BC425880

Dated this 12th day of January, 2012.

LOUIS R. MACHUCA
CSR NO. 12274