STATEMENT OF FACTS NO. 8

A. ***<u>The Mansdorfs and their Property</u>***

1. Between 1967 and 2003, Lee Mansdorf[1] was the Trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967, ("MFT"), and the one who dealt with most of the business of the MFT and the real estate holdings.

2. Lee died on June 27, 2003, and was survived by his Sister Mildred and Brothers Norman, Harry.

3. At this time Mildred was almost 90 years old, Norman suffered from advanced Parkinson's Disease and was confined to his room, and Harry was over 80 years old, with blurred vision, heart problems and had severe trouble walking due to injuries received while fighting in World War II.

4. After Lee's death, Harry was required to care for his Mildred and Norman, <u>and</u> manage the MFT as the Successor Trustee.

B. ***<u>Elder Abuse by Michele Giacomazza</u>***

5. Days after Lee's death, Harry was approached by Giacomazza, a man he never before met, nor heard of Lee discuss.

6. Giacomazza claimed Lee had been a friend and owed him $7 million in connection with a loan Giacomazza had secured with some unspecified property.

7. Harry's attorney researched and called it a scam, but a week later Giacomazza was back, threatening to make Harry look like Lee if he did not pay.

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[1] There were five Mansdorf siblings, Lee, Fred, Norman, Harry and their sister Mildred. Fred died in ___ - 20 years before this litigation began. The remaining individual Mansdorfs and the surviving Mrs. Linda Mansdorf, are all referred to by their first names for the sake of clarity, not out of disrespect.

8. Giacomazza was 20 years younger than Harry, and is described in excerpts from his 2007 medical records as "well-built" and "'mildly psychotic.'"

9. Giacomazza's threats of physical harm made Harry fear for his own and his siblings' safety.

C. ***The Recorded Grant Deed From Janice McClanahan to Harold Mansdorf***

10. Late 2003, while Giacomazza was beginning his abuse of Harry, Norman and Mildred, Harry was directed by Rhoades to contact McClanahan and request that McClanahan deed property in Glendale over to Harry which his brother Lee took title to in her name for the purpose of Harry paying his brother's Lee's death taxes.

11. Rhoades also wrote a letter to McClanahan and told her Lee mentioned including her on property.

12. A declaration of Harry dated ___, filed March 24, 2005, in Case No. BC316011, describes this property as a parcel in the city of "Glendale," California – though the property on the later deeds was in La Tuna Canyon, California. [THE COPY I HAVE IS NOT SIGNED OR DATED]

13. In reality, McClanahan never really "owned" the property Harry was discussing in Glendale or in La Tuna Canyon. Rather, McClanahan's name was on a void deed obtained from Keith Card, (a/k/a Richard Raymond Keith), void as follows:

a. Lee obtained a Grant Deed of three parcels[2] in La Tuna Canyon from Mr. Card in 1992;

b. McClanahan obtained a Grant Deed of parcels[3] in La Tuna Canyon from Mr. Card in 1988;

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[2] Four Parcel Numbers were listed, (2562-006-009; 2572-026-040; 2572-026-041 and 2572-028-027), with three legal descriptions provided, (Parcel 5, Da Silva; Parcel 6, Robinson, and Parcel 23);

c. Mr. Card obtained his claimed interests in parcels[4] in La Tuna Canyon from a foreclosure sale by AFF Partnership #2816A & #2816B;

d. AFF Partnership #2816A & #2816B obtained their claimed interest in parcels[5] in La Tuna Canyon from Del Rio Development, Inc. – a non-existent corporation;

e. Del Rio Development, Inc. was transferred parcels[6] via Grant Deed from a woman named Susan Tompkins;

f. Susan Tompkins was transferred parcels[7] via Grant Deed from Lee as Trustee of the MFT;

g. These transfers are all void, with the facts of each as follows:

    i. The Lee as Trustee of the MFT to Susan Tompkins transfer was the result of Leon Brukman[8] using Susan Tompkins as a "straw buyer" for himself to then have Susan Tompkins transfer the property to Del Rio to artificially inflate the value of Del Rio, and Leon Brukman obtained the $50,000 from fraudulently encumbering other property of Lee as Trustee, which Lee later sued Brukman for[9];

    ii. At the time Susan Tompkins transferred her interests to Del Rio, and at the time Del Rio thereafter encumbered its alleged interests with a Promissory Note and Deed of Trust arrangement with AFF Partnership #2816A & #2816B, Del Rio did not "exist" as a California Corporation – no documents had been filed with the California Secretary of State –

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[3] Two Parcel Numbers were listed, (2572-026-040 and 2572-026-041), and two legal descriptions were provided, (Parcel 1 and Parcel 2).

[4] Six Parcel Numbers were listed, (2462-006-009; 2572-026-032; 2572-026-036; 2572-026-037; 2572-026-040 and 2572-026-041), with three legal descriptions provided, (Parcel 5, Da Silva; Parcel 6, Robinson, and Parcel 20, De Bell).

[5] Six Parcel Numbers were listed, (2462-006-009; 2572-026-032; 2572-026-036; 2572-026-037; 2572-026-040 and 2572-026-041), with three legal descriptions provided, (Parcel 5, Da Silva; Parcel 6, Robinson, and Parcel 20, De Bell).

[6] Six Parcel Numbers were listed, (2572-006-009; 2572-026-032; 2572-026-36; 2572-026-037; 2572-026-040; 2572-026-041), with three legal descriptions provided, (Parcel 5, Da Silva; Parcel 6, Robinson, and Parcel 20 (De Bell)).

[7] Six Parcel Numbers were listed, (2462-006-009; 2572-026-032; 2572-026-036; 2572-026-037; 2572-026-040 and 2572-026-041), with three legal descriptions provided, (Parcel 5, Da Silva; Parcel 6, Robinson, and Parcel 20, De Bell).

[8] An individual sued by Lee in the early 1980s for running a scam on Lee regarding the La Tuna and Malibu Property, who worked hand-in-hand with Susan Tompkins.

[9] LASC Case No. C-380121

these were “void” transfers in and out of a corporation which did not “exist”;

iii. The automatic stay from the Del Rio Bankruptcy in Case No. 82-05672-JA makes “void” the foreclosure sale by AFF Partnership #2816A & #2816B to Mr. Card.

14. On or about December 19, 2003, McClanahan signed a Grant Deed which purported to transfer two parcels of real property in La Tuna Canyon, California, from McClanahan to Harry Mansdorf, Trustee of the “Lee Mansdorf Family Revocable Trust, dated July 13, 2001” – *not* the “Mansdorf Family Revocable Trust, dated August 31, 1967.”

15. There is not now, nor has there ever been a “Lee Mansdorf Family Revocable Trust” of any date – the accurate name is the “Mansdorf Family Revocable Trust, dated August 31, 1967.”

16. The claimed “grant” from McClanahan to Harry actually granted and transferred nothing, from numerous ways – a non-owner Grantor to a non-existent Grantee.

17. This Grant Deed was recorded on December 31, 2003, in the Los Angeles County Recorder’s Office under Instrument No. 03 3912318, (hereinafter, the “Recorded Fraudulent Deed”).

D. ***<u>The Parallel Marylin Mansdorf Case</u>***

18. In 2004, Lee’s ex-wife Marylin Mansdorf sued Harry, Rhoades and Giacomazza.

19. At this time, Giacomazza was purportedly able to enter the Mansdorf home at will between 2004 and 2007, and was alone was alone with Norman when he died in 2004. Also, between 2004 and 2007, Giacomazza had also fraudulently transferred the title to the Beverly Hills home and the Malibu Property, with Giacomazza’s daughter, Katherine Gatto, thereafter taking out a fraudulent $2,500,000 loan against the Beverly Hills home.

20. Harry was represented by Attorney Alfred R. Keep from 2004 through 2008 in the *Marylin Mansdorf* case.

21. The case was assigned to Department 51 with Judge Irving S. Feffer presiding.

E. ***McClanahan's Complaint, Allegations and Evidence***

22. While Giacomazza was still terrorizing Harry, Mildred and Linda, and while the *Marylin Mansdorf* case was pending before Judge Feffer, one of or all of McClanahan, Sottile and/or Cacciatore then forged the 03-3912318 deed by adding four (4) parcels of property rather than two (2) on the deed, changing the Assessor's Parcel Numbers listed, and copying and pasting the notarization page *four* pages away from the signature page, (hereinafter, the "Unrecorded Fake Deed")

23. No official county recorder stamp and number exist on the "deed" submitted with the complaint, this unrecorded deed describes property already owned by the MFT, and the name of the trust was mis-described as well[10].

24. One of or all of McClanahan, Sottile and/or Cacciatore then took this Unrecorded Fake Deed and used it as the documentary evidence in an *unverified* civil complaint they filed on December 18, 2006, under LA County Superior Court, Case No. BC363659.

25. The complaint alleged Harold Mansdorf convinced McClanahan to deed unimproved real property she owned over to "Harry Mansdorf, Trustee of the Lee Mansdorf Family Trust dated July 13, 2001, by stating the property was "worthless" and would be sold simply to pay for death taxes stemming from Lee's passing. Further, that McClanahan transferred the property to Harry for no value and Harry thereafter sold such for $600,000.

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[10] "Lee Mansdorf Family Revocable Trust dated July 2001" rather than the "Mansdorf Family Revocable Trust, dated August 31, 1967". In an amazing coincidence or further evidence of collusion, this is the same false and non-existent "Lee" family trust which Giacomazza used to commit his fraud.

26. Further, statements from outside sources, (Rhoades and Richard Percell) were heavily relied upon by McClanahan in the allegations of her complaint:

a. Rhoades wrote McClanahan a letter informing her Lee left McClanahan's name on some property;

b. Percell told McClanahan Harry sold the property McClanahan transferred for $600,000 and that Lee left McClanahan $500,000 and money for a car in his will.

27. Based upon Rhoades' statements, McClanahan claimed Harry tricked her into deeding property to him for no money.

28. Based upon Percell's statements, McClanahan claimed that after her transfer to Harry for no money, Harry sold the property for $600,000, but no specific amount of damages was set forth in the Complaint.

29. In fact, none of this was not true for several reasons:

a. Two parcels of property are described in the Recorded Fraudulent Deed;

b. Four parcels of property are described in the Unrecorded Fake Deed.

c. Four parcels of property were involved in the transaction where $600,000 was paid.

d. McClanahan never rightfully owned either the two nor the four parcels;

e. Lee did not leave McClanahan $500,000 nor money for a car in his will – a will probated in the Estate of Lee Mansdorf, LASC Case No. BP 084500, *back in 2004*.

30. There were no allegations pertaining to Norman or Mildred whatsoever, yet the suit named Harold, Mildred and Norman Mansdorf, along with their family trust – a trust which rightfully holds over 1,000 acres in Ventura County/Malibu, California, over 1,000 acres in La Tuna Canyon, around 1,000 acres in Glendale and a large home in Beverly Hills as some of the Trust assets.

31. Harry was *still* in litigation on the Marylin Mansdorf case and *still* being abused by Giacomazza at this time, Harry and Linda were married, and both Harry and Linda were over the age of 65.

F. ***Service of the Summons and Complaint, and Interference With Such by Giacomazza***

32. Greggory J. Garrett's, ("Garrett") was the individual who attested to serving the summons and complaint. At this time, Mr. Garrett was a licensed private investigator and not a registered process server.

33. Mr. Garrett's proof of service claims that on March 26, 2007, Mr. Garrett served an 5-06, 160, 80+ y/o, grey hair, brn eyes" man, and that Garrett sub-served Mildred and the MFT.

34. At the time, Giacomazza was close to 165 lbs, with grey hair and brown eyes, whereas Harry weighed around 140 pounds, had white hair and green eyes.

35. As stated in Mr. Garrett's later declaration:

> Upon my entry onto the property on this date, I heard some activity in a carport/garage area next to the front of house, I called out and a man answered. I asked the man if he was Harold Mansdorf and he said yes. Since he identified himself as Harold Mansdorf, I presented him with the Summons and Complaint and also told him I bad a set for his sister, Mildred. Mr. Mansdorf reached out for the documents and I placed them in his hand. I gave him one set for him self, and another for Mildred Mansdorf. Mr. Mansdorf never at any time indicated to me that Mildred Mansdorf was deceased.
>
> . . .
>
> Although my perception of Mr. Mansdorf's eye color, hair color and weight may be debatable, all I know is that I served this elderly gentleman who identified himself as Harold Mansdorf with the Summons and Complaint at that time. . . . Also, Mr. Mansdorf never moved and walked towards me or made any motion towards me that would have allowed me to see he has a "limp" or walked with a cane, so I could not state whether or not he walked or had a limp and used a cane at that time.

G. ***Extrinsic Fraud and Judicial Impropriety in the Publication of the Twelve Million Dollar Statement of Damages***

36. One or all of McClanahan and/or Cacciatore and/or Sottile then decided to and created a Statement of Damages.

37. Unlike the complaint, (which did not specify any amount of damage), the statement of damages claimed $500,000 pain, suffering and inconvenience, $500,000 for emotional distress, a one million dollar claim in special damages, and a ten million dollars under the punitive damages label, (not where it should be).

38. Mr. Garrett swore he attempted service of the Statement of Damages fourteen (14) separate times, but the timeframe he was attempting service was during the same time Giacomazza was proven to have been abusing Harry[11]

39. The Statement of Damages was never sent through the mail to Harry's known home address where Mr. Garrett previously served the Summons and Complaint upon the man answering to "Harold Mansdorf," Defendant Giacomazza.

40. Defendants Cacciatore and Sottile then drafted moved for, service of the statement of damages to be via publication in the Metropolitan Newspaper, ("Met News") - a legal news-letter with circulation of about 2000, not sold in any newsstand in the city of Beverly Hills at the time.

41. Cacciatore and/or Sottile or as yet identified individual(s) acting at the direction of Cacciatore and/or Sottile, wrote in the Met News in the Proposed Order submitted for Judge Feffer to sign.

42. Judge Feffer in fact crossed the word "Proposed" out, making the Order for Publication with the Met News language the "final" order.

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[11] As shown by the Statement of Decision by the Honorable Charles F. Palmer in LASC Case No. BC385946; and by the Honorable Justice J. Johnson, Division One of the Second Appellate District, Case No. B222759

43. Cacciatore and/or Sottile or as yet identified individual(s) acting at the direction of Cacciatore and/or Sottile then caused the Statement of Damages to be published in the Met News August 6, 13, 20 and 27, all in 2007.

44. Cacciatore and/or Sottile or as yet identified individual(s) acting at the direction of Cacciatore and/or Sottile then caused the “Declaration of Publication” by the principal clerk of Met News to be filed in court under LASC Case No. BC363659.

45. Cacciatore and/or Sottile never actually filed the Statement of Damages itself in the court file.

H. Judicial Impropriety in the Publication, Default Judgment and Damage Award

46. Judge Feffer was presiding over the *Marylin Mansdorf v. Harry Mansdorf, et al*., case, LASC Case No. BC316011 where Harry was represented by Alfred Keep between 2004 and 2008.

47. This is important because Judge Feffer visually observed Harry in court on the *Marylin* case represented by Attorney Keep for a period of *years* yet granted the order of publication July 24, 2007.

48. Two separate times Cacciatore and Sottile attempted to obtain default and Judge Feffer continued the default hearing twice, expressly “waiving notice" to Harry both times of each continuance.

49. Judge Feffer was absent from the bench at the time of the actual default hearing.

50. Judge Argento stepped in for Judge Feffer, and rather than enter the default judgment, recused himself for being “best friends” with McClanahan’s counsel.

51. After Judge Argento's recusal from the case in Department 51, former LASC Local Rule 7.3[12] required the case to be transferred to the Presiding Judge or the Default Department for "reassignment".

52. Instead, subsequent to Judge Argento's recusal, "by agreement of the Court the matter is transferred to Dept. 53 for further proceedings this day" – Defendant Shook presided in Department 53 at that time.

53. "[T]he Court" was comprised of then-disqualified Judge Argento, and the theretofore disqualified Defendant Shook out of Department 53).

54. Judge Argento was disqualified from entering this agreement due to his recusal and both Judge Argento and Defendant Shook were disqualified from entering this agreement by (former) LASC Local Rule 7.3, (now 3.3(i)).

55. Defendant Shook presided in Department 53 then presided over the default hearing, with some of the brief colloquy between himself and Defendant Sottile:

> THE COURT: I GOT ALL OF YOUR PAPERS.
> I HAVE REVIEWED THEM. EVERYTHING APPEARS TO BE IN ORDER.
>
> **YOU WANT ME TO SIGN THIS JUDGMENT AWARDING YOUR CLIENT A JUDGMENT IN THE SUM OF $12 MILLION?**
>
> **MR. SOTTILE: YES, YOUR HONOR.**
>
> THE COURT: AND YOU WANT A -- IN ADDITION TO THAT, YOU WANT A MILLION DOLLARS IN SPECIAL ECONOMIC DAMAGES AND A MILLION DOLLARS IN GENERAL DAMAGES -- WELL, THAT'S THE WHOLE THING AND THEN $10 MILLION IN PUNITIVE DAMAGES.
>
> MR. SOTTILE: YES. IT'S A TOTAL OF 12 MILLION.

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[12] requiring a transfer to the Presiding Judge, Stephen Czuleger, or the Default Department – neither being Department 51 with Judge Shook, (now LASC Local Rule 3.3(i)).

THE COURT: SO FOR A TOTAL OF 12 MILLION, TOGETHER WITH 922 PURSUANT TO A MEMORANDUM OF COSTS INCURRED.

MR. SOTTILE: YES, YOUR HONOR.

THE COURT: YOU WANT ME TO SIGN THIS JUDGMENT.

MR. SOTTILE: YES.

THE COURT: ALL RIGHT. THE MOTION IS GRANTED.

YOU CAN GET A CONFORMED COPY OF THIS JUDGMENT FROM THE CLERK OF THE COURT.

MR. SOTTILE: VERY WELL.

56. Defendant Shook entered default Judgment in favor of McClanahan, giving her the full one million claimed in the Statement of Damages for the value of the property, (rather than the $600,000 in the language of the body of the complaint), without consideration of the fact the "value of the property" was not a "personal injury" damage to be claimed in a Statement of Damages.

57. Defendant Shook awarded the one million in special economic damages, and the full amount of the ten million in punitive damages claimed in the published statement of damages with no evidence whatsoever of the net worth of Harry or Mildred.

58. Defendant Shook awarded the one million in special economic damages, and the full amount of the ten million in punitive damages claimed in the published statement of damages with no evidence whatsoever, (*See Cummings Med. Corp. v. Occupational Med. Corp. of America, Inc*. (2nd Dist. 1992) 10 CA4th 1291, 1297–1298, (reducing a $2 million punitive request to $598,300 based on the evidence)).

59. Defendant Shook ignored the fact the Unrecorded Fake Deed was visually, inherently suspect due to it being unrecorded, and dated one day yet notarized days later.

60. Defendant Shook entered judgment on McClanahan's breach of fiduciary duty claim, with no evidence presented of any fiduciary duty of Harry to McClanahan.

I. *Absolute Abdication of Duty By Several of Harry's Attorneys*

61. On April 18, 2008, Defendant Sottile then created, signed and filed an abstract of the $12,000,000 default judgment in the Los Angeles County Recorder's Office as Instrument No. 2008068346.

62. The Los Angeles County Recorder's Office forwarded a copy of the abstract to the Beverly Hills home in April of 2008, and Harry received this notice, finally becoming apprised of McClanahan's default judgment.

63. Harry hired and Jaime Gonzalez paid Attorney Ari Lorin Markow, ("Markow") specifically to set the default judgment aside.

64. Instead, attorney Markow abandoned Harry and engaged in settlement discussions.

65. Harry was unaware of Markow's actions, as he was now a crucial point in his case against Giacomazza and still dealing with the appeal on the Marylin Mansdorf case.

66. When Harry learned Markow was engaging in settlement negotiations rather than moving to set the judgment aside, Markow was fired for his actions.

67. At this time, (July of 2008 to ___ of 2008), Harry was fully engaged in the *Giacomazza* case with attorneys ___ and ___.

68. Harry's attorney on the *Marylin* case, Alfred R. Keep, *never knew* of this case because Harry received the abstract from the LA County Recorder's Office after the *Marylin* case was complete.

69. Harry's attorneys Paul Orloff, John C. Torjesn and later, Robert Mullen, (dealing with the Giacomazza case) did not move to set McClanahan's judgment aside subsequent to Markow's actions, being entrenched in the Giacomazza case as follows:

a. Paul Orloff – hiring date:

b. John Torjesen – hiring date:

c. Robert Mullen – hiring Date

70. August 28, 2009, Cacciatore filed a second abstract of the $12,000,000 default judgment in the Los Angeles County Recorder's Office as Instrument No. 20091325735 with Harry (not "Harold") Mansdorf, Trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967 added as another person served with the Abstract.

J. *__The First Collateral Attack & Appeal__*

71. A motion under CCP § 473(d) was finally filed January 21, 2010, by attorney Robert Mullen.

72. Attorney Mullen challenged the default judgment amount, order for publication, service upon Harry, the lack of evidence presented at the default prove-up, issues with the deed attached to the complaint, fatal defects in the statement of damages itself, and the "reassignment" issue involving Judge Argento and Judge Shook.

73. March 2, 2010, McClanahan opposed the motion, asserting the judgment was not void, Harry was personally served with the summons and complaint, and properly served the statement of damages by publication.

74. Finally, that full compliance with CCP 415.050 was had, based upon the diligence by Garrett. Judge Kahn ultimately denied the motion, concluding the judgment was not void due

to the damage amount, and the proper remedy was to reduce the judgment to that claimed in the complaint – *yet no reduction was made*.

75. Judge Kahn also refused to rule upon the judicial disqualification issue by stating the motion should have been brought before the claimed disqualified judge, Judge Shook as he was available and sitting in an adjacent courtroom.

76. After denial, Harry counsel appealed only a few of the issues, and at oral argument, counsel Howard Bromberg, of Quinn, Emmanuel, Urquhart & Sullivan, LLP, ***waived*** the issue of the publication of the statement of damages not being in a paper most likely to provide actual notice as CCP § 415.050(b) requires during oral argument.

77. Division Five of the Court of Appeals ultimately held service by publication of the Statement of Damages proper, (without addressing compliance or non-compliance with CCP § 415.050(b), and deemed the motion untimely under CCP §473.5(a).

78. The court recognized the lower court identified a remedy for excessive default damages was to amend the judgment and reduce the amount to what the Defendant had notice of.

79. However, the court ruled the damages awarded in the judgment did not exceed the amount requested in the complaint because they were specified in the statement of damages, which was properly served, and CCP § 425.10(b) prohibited specifically pleading the personal injury and punitive damages.

80. No objection was raised to this classification of the "value of the property" (claimed as $600,000 in the complaint and increased to one million in the Statement of Damages) as "personal injury" claims. No rehearing was requested, no petition for review was filed.

K. *The Second Collateral Attack*

81. Harry's next counsel, Kevin MacNamara, Esq., then engaged McClanahan's counsel. MacNamara's interactions resulted in McClanahan's counsel issuing MacNamara materially false statements, along with explanations of McClanahan's actions which were actual admissions of potential criminal activity by McClanahan herself.

82. Attorney MacNamara's actions were based upon the discovery of facts proving McClanahan never owned any property in the unrecorded deed submitted or the un-submitted deed recorded were discovered - meaning the recorded deed was also false.

83. Attorney MacNamara then moved for an order declaring the judgment and damage award "void" via a motion brought in an ex parte manner on May 8, 2012.

84. The motion was based upon the claims of fraud of outside parties, McClanahan herself, and McClanahan's counsel upon the court.

85. May 8, 2012, Judge Kahn denied the ex parte application.

86. Judge Kahn relied upon the previous denial on March 15, 2010, by Judge Kahn, and the court of appeals decision.

87. May 22, 2012, MacNamara and other current counsel of Harry, Paul Orloff, then filed a full noticed motion to set aside all void orders and judgments based upon lack of jurisdiction and Plaintiff's extrinsic fraud upon the Court.

88. June 8, 2012, McClanahan opposed the motion through her same two counsels, Cacciatorie and Sottile.

89. Notably, the response makes a stunning admission in the form of a defensive claim: "Had Mansdorf actively litigated this case any instances of alleged fraud would have been discovered". McClanahan, through her counsels Cacciatore and Sottile, did not even maintain any of her claims were true, simply that Harry was out of time to argue anything.

90. June 14, 2012, Orloff and MacNamara replied, countering Cacciatorie and Sottile's reliance upon several cases, pointing out Cacciatore and Sottile admitted fraud upon the court in opposing the motion.

91. June 21, 2012, the Honorable Karen B. Kuhl heard the motion to vacate, denying the same.

92. The court recognized the new grounds the service of the summons and complaint were being raised upon, and proceeded to reject the jurisdiction claim, distinguishing *Brown v. Desert Christian Center*, (2011) 193 Cal.App.4th 733, 740.

93. Ultimately, the court determined Harry had not established that extrinsic fraud occurred, rather, the fraud being complained of was "intrinsic" rather than extrinsic.

L. *The Forced Sale of the Mansdorfs Beverly Hills Home*

94. In 2012, Cacciatore and Sottile hired attorney David Marcus, SBN 90460, for the purposes of collecting the judgment.

95. When questioned about his participation, Mr. Marcus admitted to Attorney Kevin MacNamara that he had never spoken with Defendant McClanahan and he was actually hired by Sottile and Cacciatore.

96. Judge Kahn ultimately granted the application for order to sell, issuing an order that the Beverly Hills home be sold to satisfy the debt to Defendant McClanahan.

97. Based upon that Order for Sale, on October 31, 2012, a Sheriff's Sale of the Beverly Hills home occurred with an outside party the successful bidder at $4,581,500.00.

98. Since that time, the Sheriff's Sale purchaser filed an Unlawful Detainer action against Mrs. Mansdorf, and her family has been forced to pay $10,000 per month while the ruling in the Unlawful Detainer case is on appeal.

M. ***The Appeal of the Denial of the Second Collateral Attack***

99. An appeal was timely filed, and on November 8, 2014, an opening brief was filed arguing the issues of lack of jurisdiction, fraud upon the court, violation of due process, extrinsic fraud, abuse of discretion, lack of jurisdiction, actions of Rhoades, Percell and Giacomazza constituting extrinsic fraud.

100. A response brief was filed on February 21, 2014, claiming the appeal was untimely, the law of the case, res judicata, estoppel and collateral estoppel all bar relief to Appellants, and if not, then the lower court did not abuse its discretion in denying the CCP § 473(d) motion.

101. McClanahan specifically claimed, "Appellant's only remaining recourse was to file a Petition for Review in the Supreme Court".

102. McClanahan did not specifically address the issue of the publication in the Met News constituting extrinsic fraud; rather, McClanahan claimed res judicata bars consideration of any claims regarding the Statement of Damages being published.

103. Appellant replied, arguing the appeal was timely, the statement of damages, Giacomazza's actions, McClanahan's attorneys actions and the actions of Rhoades and Percell constituted extrinsic fraud, lack of jurisdiction, distinguished the arguments now from those before, and set forth Harry's actions showing an intent to defend.

104. Further, the issues Harry faced with repeated abandonments by counsel and the extrinsic fraud by Giacomazza which prevented Harry from timely responding prior to default.

105. On August 12, 2014, division five of the court of appeals classified the appeal as Harry's attempts to avoid the statute of limitations in one manner or another, but each of his contentions lacks merit.

106. On August 12, 2014, the Second District Court of Appeals issued an unpublished opinion holding the proof of service claim waived because it was not included in prior appeal - Res judicata.

107. Further, the jurisdictional issues based on defects in service were ruled time barred because the underlying defects in service issues were time barred, and no authority was submitted showing the lower court was required to decide jurisdiction on the record. Also, that the CCP § 473(d) motion was untimely; that all claims of extrinsic fraud were actually intrinsic fraud.

108. Finally, based upon the denial of all other argument, due process violation could have occurred from the issues claimed either.

109. The opinion did not discuss the publication being in a paper not most likely to provide actual notice and therefore constituting extrinsic fraud.

110. A Petition for Review was timely filed September 22, 2014.

N. ***Continued Attempts to Enforce the Default Judgment***

111. After causing the sale of the Mansdorf Family home in Beverly Hills, June, 2013, Defendants McClanahan, Sottile and Cacciatore persisted in their actions, this time focusing on around 1,300 acres of Mansdorf property in Ventura County, California.

112. Defendants McClanahan, Sottile and Cacciatore sought and received the issuance of an additional writ of sale regarding around 1,300 acres of real property there.

113. Defendants McClanahan, Sottile and Cacciatore have also made a claim in the probate case of the Estate of Harry Mansdorf, (LASC Case No. BP 146138), in the amount of ___.

114. Thus, the actions of the Defendants and the effects from the initial are continuing in nature.

Written Statement Of Facts supporting officially filed Elder Abuse Complaint forms 76R94 SOC341 (Against JANICE MCCLANAHAN; AGAINST THOMAS CACCIATORE; AND AGAINST TIMOTHY SOTTILE:

1. **PENAL CODE §115(A)**
   PROCURING/OFFERING FALSE/FORGED DOCUMENT FOR RECORDING
2. **PENAL CODE §368(D)**
   FINANCIAL ABUSE OF THE ELDERLY OR DEPENDANT ADULT BY A PERSON, NOT A CARETAKER.

Perpetrator: **Janice McClanahan**
Victims: **Harry Mansdorf and Linda Florence-Mansdorf**

In 2003, Janice M. McClanahan procured a false document for recording in the Los Angeles County Recorder's Office – Document No. 03-3912318. **Exhibit 1,** ***False 2003 Grant Deed.*** The deed claims to transfer two (2) parcels of property McClanahan never owned so the deed is false. **Exhibit 2,** ***Expert Title Report.*** McClanahan is listed as the "Grantor" on this deed. The Grantee is listed as Harry Mansdorf as Trustee of a non-existent trust rather than Harry Mansdorf's actual family trust so the deed is false. **Exhibit 3,** ***Certification of Trust, naming Harry Mansdorf, Trustee of the "Mansdorf Family Revocable Trust, dated August 31, 1967," (rather than the non-existent "Lee Mansdorf Family Revocable Trust dated July 13, 2001.")***

1. **PENAL CODE §368(D)**
   FINANCIAL ABUSE OF THE ELDERLY OR DEPENDANT ADULT BY A PERSON, NOT A CARETAKER.
2. **PENAL CODE §470**
   FORGERY: DOCUMENTS
3. **PENAL CODE §487(A)**
   GRAND THEFT BY FALSE PRETENSES
4. **PENAL CODE §532(A)**
   THEFT BY FALSE PRETENSES

Perpetrators: **Janice McClanahan, Thomas Cacciatore and Timothy Sottile**
Victims: **Harry Mansdorf and Linda Florence-Mansdorf**

Three years later, one of or all of McClanahan, Sottile and/or Cacciatore then forged the 03-3912318 deed by adding four (4) parcels of property rather than two (2) on the deed, changing the Assessor's Parcel Numbers listed, and the notarization was copied and pasted pages away from the signature page. **Exhibit 4,** ***Forgery of False 2003 Grant Deed.*** One of or all of McClanahan, Sottile and/or Cacciatore then took this forged deed and used it as the documentary evidence in a civil complaint they filed in LA County Superior Court in 2006. **Exhibit 5,** ***Civil Complaint.*** The suit claimed Harry Mansdorf tricked McClanahan into transferring the property referenced on the false deed, and the forgery of the false deed was the exhibit for the complaint.

At this time, both Harry Mansdorf and Linda Florence-Mansdorf were over the age of 65. **See Exhibits 6 and 7, *Driver's License of Harry Mansdorf* and *Linda Florence-Mansdorf.***

No specific amount of money was demanded in the complaint.

The complaint was served at Harry Mansdorf's home, but Michele Giacomazza, (another man abusing Harry Mansdorf at the time) falsely accepted service so Harry Mansdorf never knew about the suit. **Exhibit 8, *Palmer Ruling.*** McClanahan, Sottile and Cacciatore then sought and obtained an order to "publish" the statement of damages. **Exhibit 9, *Order for Publication of Statement of Damages.*** McClanahan, Sottile and Cacciatore then published a statement of damages in an obscure newspaper, (rather than one "most likely to provide actual notice" as California Law requires) demanding $2,000,000 in damages for the claims, and $10,000,000 in punitive damages. **Exhibit 10, *Published Statement of Damages.*** McClanahan, Sottile and Cacciatore then obtained a DEFAULT judgment for this $12,000,000 total. **Exhibit 11, *Default Judgment.***

1. **<u>PENAL CODE §115(A)</u>**
   PROCURING/OFFERING FALSE/FORGED DOCUMENT FOR RECORDING
2. **<u>PENAL CODE §368(D)</u>**
   FINANCIAL ABUSE OF THE ELDERLY OR DEPENDANT ADULT BY A PERSON, NOT A CARETAKER
3. **<u>PENAL CODE §487(A)</u>**
   GRAND THEFT BY FALSE PRETENSES
4. **<u>PENAL CODE §115(A)</u>**

PROCURING/OFFERING FALSE/FORGED DOCUMENT FOR RECORDING

Perpetrators: **Janice McClanahan, Thomas Cacciatore and Timothy Sottile**
Victims: **Harry Mansdorf and Linda Florence-Mansdorf**

Timothy B. Sottile then created, signed and filed an abstract of the $12,000,000 default judgment in the Los Angeles County Recorder's Office as Instrument No. 20080686346 on April 18, 2008:

- all while fraudulently utilizing official court processes and procedures to do so;
- all with full knowledge the Grant Deed supporting the complaint was forged;
- all with full knowledge of the age and dependency of Harry Mansdorf and Linda Florence-Mansdorf.

See Exhibit 11, *First Recorded Abstract in Los Angeles County.*

Thomas Cacciatore then filed a second abstract of the $12,000,000 default judgment in the Los Angeles County Recorder's Office as Instrument No. 20091325735, on August 28, 2009, with Harry (not "Harold") Mansdorf, Trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967 added as another person served with the Abstract. This falsely made it appear that Harry Mansdorf, in his capacity as "trustee" of his family trust was also a defendant.

- all while fraudulently utilizing official court processes and procedures to do so;
- all with full knowledge the Grant Deed supporting the complaint was forged;

- all with full knowledge of the age and dependency of Harry Mansdorf and Linda Florence-Mansdorf.

See Exhibit 12, *Second Recorded Abstract in Los Angeles County.*

1. **__PENAL CODE §368(D)__**
   FINANCIAL ABUSE OF THE ELDERLY OR DEPENDANT ADULT BY A PERSON, NOT A CARETAKER.
2. **__PENAL CODE §487(A)__**
   GRAND THEFT BY FALSE PRETENSES
3. **__PENAL CODE §532(A)__**
   THEFT BY FALSE PRETENSES

Perpetrators: **Janice McClanahan, Thomas Cacciatore, Timothy Sottile, David M. Marcus**
Victims: **Harry Mansdorf and Linda Florence-Mansdorf**

In 2012, McClanahn and her new attorney, David Marcus, sought and obtained an order to sell the Mansdorf Family Home in Beverly Hills to collect on the $12,000,000 Default Judgment. **Exhibit 13, *Order to Sell.*** At this time, both Harry Mansdorf and Linda Florence-Mansdorf were over the age of 65. **See Exhibits 6 and 7, *Driver's License of Harry Mansdorf* and *Linda Florence-Mansdorf.***

After the order to sell was granted, Mr. Mansdorf passed away, leaving his surviving wife Linda Mansdorf, still in the family home. **Exhibit 14, *Death Certificate of Harry Mansdorf.*** Nonetheless, on October 31, 2012, McClanahan, Marcus, Sottile and Cacciatore caused a Sheriff's Sale of the Beverly Hills home to an outside party for just over $4,581,500.00. **Exhibit 15, *Service Ticket from the Sheriff's Sale.*** Since that time, the Sheriff's Sale purchaser filed an Unlawful Detainer action against Mrs. Mansdorf, and her family has been forced to pay $10,000 per month while the ruling in the Unlawful Detainer case is on appeal.

1. **__PENAL CODE §368(D)__**
   FINANCIAL ABUSE OF THE ELDERLY OR DEPENDANT ADULT BY A PERSON, NOT A CARETAKER.
2. **__PENAL CODE §487(A)__**
   GRAND THEFT BY FALSE PRETENSES
3. **__PENAL CODE §532(A)__**
   THEFT BY FALSE PRETENSES
4. **__PENAL CODE §115(A)__**
   PROCURING/OFFERING FALSE/FORGED DOCUMENT FOR RECORDING

Perpetrators: **Janice McClanahan, Thomas Cacciatore, Timothy Sottile,**
Victims: **Harry Mansdorf and Linda Florence-Mansdorf**

After causing the illegal sale of the Mansdorf Family home in Beverly Hills, as recently as June, 2013, Ms. McClanahan, Sottile and Cacciatore and her attorneys persisted in their actions, this time focusing on around 1,300 acres of Mansdorf property in Ventura County, California. Ms. McClanahan, Sottile and Cacciatore and her attorneys sought and received the issuance of an additional writ of sale regarding around 1,300 acres of real property there. Thus, these crimes are continuing in nature.

Ms. McClanahan is a Nevada State resident who carried out her actions in this ongoing fraudulent scheme involving millions of dollars in California real property, necessarily crossing state lines in some way, shape, form or fashion to do so. Thomas Cacciatore, Timothy Sottile and David M. Marcus are all licensed attorneys in the State of California.

COUNT 1

On or about and between December 18, 2006 and October 31, 2012, in the County of Los Angeles, State of California, the crime of GRAND THEFT OF REAL PROPERTY OF A VALUE OVER NINE HUNDRED AND FIFTY DOLLARS BY FALSE PRETENSES was committed by JANICE McCLANAHAN in violation of Sections 484, 487(a) and 664 of the California Penal Code, who did cause the unlawful taking of the title to real property of a value exceeding nine hundred and fifty dollars by false pretenses, to wit:

JANICE McCLANAHAN created a Grant Deed which listed a non-existent entity as the Grantee, which contained assessor's parcel numbers and legal descriptions of property she never owned;

then executed said Grant Deed in Clark County Nevada on December 19, 2003, such being notarized three days later, December 22, 2013;

then mailed, caused to be mailed, delivered or caused to be delivered said Grant Deed to the State of California, to be officially recorded in the Los Angeles County Recorder's Office on December 31, 2003;

then JANICE McCLANAHAN materially altered, caused to be materially altered, or allowed the (3) page Grant Deed to be materially altered through the removal of the two partial handwritten Assessor's Parcel Numbers from the side, insertion of an Assessor's Parcel Number into a space that had been whited-out at the top of the document, inclusion of four (4) individual parcels the legal description rather than the two (2) that appeared on the recorded Grant Deed, and moving the Notary Acknowledgment from directly under the signature to a place four (4) pages away;

then she did file, cause to be filed or allowed to be filed a civil complaint with said materially altered Grant Deed exhibited as the basis for claims and allegations in the Los Angeles County Superior Court in Case No. BC363659 on December 18, 2006, despite no *reasonable belief in her actual ownership of the real property listed or described in the filed or in the recorded Grant Deeds;*

then did create or allow to be created, execute and file, cause to be filed or allowed to be filed, a sworn declaration under penalty of perjury expressly validating the forged deed for the purpose of proving the damages alleged on or about July 23, 2007, with actual knowledge such was false;

then did create, cause the creation or allow to be created as Statement of Damages claiming two million dollars ($2,000,000.00) in economic and emotional distress damages, and ten million dollars, ($10,000,000.00) in punitive damages on or about July 23, 2007, while knowing she did not suffer any damages;

then did cause or allow her counsel to move the Los Angeles County Superior Court for an order allowing service of the statement of damages to be published, though the original complaint had allegedly been personally served on the defendant(s) personal residence, on or about July 24, 2007, with the intent that Mr. Mansdorf never receive notice of her claimed damages;

then did cause or allow the publishing of said statement of damages on or about and between August 6, 2007 and August 27, 2007, in furtherance of her goal to obtain a default judgment against Harry and Mildred Mansdorf;

then did allow her counsel to move for and obtain a default against Mr. Mansdorf and his, then-deceased, sister, Mildred Mansdorf on or about October 2, 2007;

then did allow her counsel to move for and obtain a "judgment" for twelve million dollars, ($12,000,000.00) on or about January 23, 2008;

then did allow her counsel to file an abstract of that judgment in the Los Angeles County Recorder's Office as Instrument No. 20080686346 on April 18, 2008;

then did allow her counsel to file a second abstract of that judgment in the Los Angeles County Recorder's Office as Instrument No. 20091325735, on August 28, 2009, with Harry (not "Harold") Mansdorf, Trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967 added as another person served with the Abstract;

then did allow her counsel to move for an Order to Sell the ALTA HOME on or about April 9, 2012;

then did allow the Los Angeles County Sheriff's Department to conduct a Sheriff's Sale of Harry Mansdorf's rights, title and interest in the ALTA HOME on October 31, 2013, with the Sheriff selling the ALTA HOME to Alta Standard One, LLC, for four million, five hundred eighty-one thousand, five hundred dollars ($4,581,500.00);

then did accept $4,356,933.21 from the Los Angeles Auditor Controller's Special Warrant Clearance Fund paid by Alta Standard One, LLC, at the Sheriff's Sale on or about and between December 1, 2012 and March 20, 2013;

all with full knowledge said title to the ALTA HOME rightfully belonging to Jaime DeJesus Gonzalez, individually as a surviving joint tenant or as trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967, individually, as a beneficiary of the Trust with the other and as part of the TRUST BENEFICIARIES.

COUNT 2

On or about and between December 18, 2006 and August 27, 2012, the crime of ELDER ABUSE was committed by JANICE McCLANAHAN, in violation of Section 368(b)(1) of the California Penal Code, who under circumstances or conditions likely to produce great bodily harm or death, did willfully cause or permit an elderly adult to suffer, or inflicted therein unjustifiable mental distress and suffering upon an elderly adult, and knew and reasonably should have known that said elderly adult was an elder and dependent adult, *to wit:*

JANICE McCLANAHAN created a Grant Deed which listed a non-existent entity as the Grantee, which contained assessor's parcel numbers and legal descriptions of property she never owned;

then executed said Grant Deed in Clark County Nevada on December 19, 2003, such being notarized three days later, December 22, 2013;

then mailed, caused to be mailed, delivered or caused to be delivered said Grant Deed to the State of California, to be officially recorded in the Los Angeles County Recorder's Office on December 31, 2003;

then JANICE McCLANAHAN materially altered, caused to be materially altered, or allowed the (3) page Grant Deed to be materially altered through the removal of the two partial handwritten Assessor's Parcel Numbers from the side, insertion of an Assessor's Parcel Number into a space that had been whited-out at the top of the document, inclusion of four (4) individual *parcels the legal description rather than the two (2) that appeared on the recorded Grant Deed, and moving the Notary Acknowledgment from directly under the signature to a place four (4) pages away;*

then she did file, cause to be filed or allowed to be filed a civil complaint with said materially altered Grant Deed exhibited as the basis for claims and allegations in the Los Angeles County Superior Court in Case No. BC363659 on December 18, 2006, despite no reasonable belief in her actual ownership of the real property listed or described in the filed or in the recorded Grant Deeds;

then did create or allow to be created, execute and file, cause to be filed or allowed to be filed, a sworn declaration under penalty of perjury expressly validating the forged deed for the purpose of proving the damages alleged on or about July 23, 2007, with actual knowledge such was false;

then did create, cause the creation or allow to be created as Statement of Damages claiming two million dollars ($2,000,000.00) in economic and emotional distress damages, and ten million dollars, ($10,000,000.00) in punitive damages on or about July 23, 2007, while knowing she did not suffer any damages;

then did cause or allow her counsel to move the Los Angeles County Superior Court for an order allowing service of the statement of damages to be published, though the original complaint had allegedly been personally served on the defendant(s) personal residence, on or about July 24, 2007, with the intent that Mr. Mansdorf never receive notice of her claimed damages;

then did cause or allow the publishing of said statement of damages on or about and between August 6, 2007 and August 27, 2007, in furtherance of her goal to obtain a default judgment against Harry and Mildred Mansdorf;

then did allow her counsel to move for and obtain a default against Mr. Mansdorf and his, then-deceased, sister, Mildred Mansdorf on or about October 2, 2007;

then did allow her counsel to move for and obtain a "judgment" for twelve million dollars, ($12,000,000.00) on or about January 23, 2008;

then did allow her counsel to file an abstract of that judgment in the Los Angeles County Recorder's Office as Instrument No. 20080686346 on April 18, 2008;

then did allow her counsel to file a second abstract of that judgment in the Los Angeles County Recorder's Office as Instrument No. 20091325735, on August 28, 2009, with Harry (not "Harold") Mansdorf, Trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967 added as another person served with the Abstract;

then did allow her counsel to move for an Order to Sell the ALTA HOME on or about April 9, 2012;

all while fraudulently utilizing official court processes and procedures to do so;

all with full knowledge the Grant Deed supporting the complaint was forged;

all with full knowledge of the age and dependency of Harry Mansdorf;

ultimately resulting in Harry Mansdorf financially, emotionally and mentally distraught on a prolonged and constant basis from around April of 2008 through his death August 27, 2012.

COUNT 3

On or about and between December 18, 2006 and August 27, 2012, the crime of ELDER ABUSE was committed by JANICE McCLANAHAN in violation of Section 368(b)(1) of the California Penal Code, who, under circumstances or conditions likely to produce great bodily harm or death, did willfully cause or permit an elderly adult to suffer, or inflicted therein unjustifiable mental suffering upon an elderly adult, and knew and reasonably should have known that said elderly adult was an elder and dependent adult., *to wit:*

JANICE McCLANAHAN created a Grant Deed which listed a non-existent entity as the Grantee, which contained assessor's parcel numbers and legal descriptions of property she never owned;

then executed said Grant Deed in Clark County Nevada on December 19, 2003, such being notarized three days later, December 22, 2013;

then mailed, caused to be mailed, delivered or caused to be delivered said Grant Deed to the State of California, to be officially recorded in the Los Angeles County Recorder's Office on December 31, 2003;

then JANICE McCLANAHAN materially altered, caused to be materially altered, or allowed the (3) page Grant Deed to be materially altered through the removal of the two partial handwritten Assessor's Parcel Numbers from the side, insertion of an Assessor's Parcel Number into a space that had been whited-out at the top of the document, inclusion of four (4) individual *parcels the legal description rather than the two (2) that appeared on the recorded Grant Deed, and moving the Notary Acknowledgment from directly under the signature to a place four (4) pages away;*

then she did file, cause to be filed or allowed to be filed a civil complaint with said materially altered Grant Deed exhibited as the basis for claims and allegations in the Los Angeles County Superior Court in Case No. BC363659 on December 18, 2006, despite no reasonable belief in her actual ownership of the real property listed or described in the filed or in the recorded Grant Deeds;

then did create or allow to be created, execute and file, cause to be filed or allowed to be filed, a sworn declaration under penalty of perjury expressly validating the forged deed for the purpose of proving the damages alleged on or about July 23, 2007, with actual knowledge such was false;

then did create, cause the creation or allow to be created as Statement of Damages claiming two million dollars ($2,000,000.00) in economic and emotional distress damages, and ten million dollars, ($10,000,000.00) in punitive damages on or about July 23, 2007, while knowing she did not suffer any damages;

then did cause or allow her counsel to move the Los Angeles County Superior Court for an order allowing service of the statement of damages to be published, though the original complaint had allegedly been personally served on the defendant(s) personal residence, on or about July 24, 2007, with the intent that Mr. Mansdorf never receive notice of her claimed damages;

then did cause or allow the publishing of said statement of damages on or about and between August 6, 2007 and August 27, 2007, in furtherance of her goal to obtain a default judgment against Harry and Mildred Mansdorf;

then did allow her counsel to move for and obtain a default against Mr. Mansdorf and his, then-deceased, sister, Mildred Mansdorf on or about October 2, 2007;

then did allow her counsel to move for and obtain a "judgment" for twelve million dollars, ($12,000,000.00) on or about January 23, 2008;

then did allow her counsel to file an abstract of that judgment in the Los Angeles County Recorder's Office as Instrument No. 20080686346 on April 18, 2008;

then did allow her counsel to file a second abstract of that judgment in the Los Angeles County Recorder's Office as Instrument No. 20091325735, on August 28, 2009, with Harry (not "Harold") Mansdorf, Trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967 added as another person served with the Abstract;

then did allow her counsel to move for an Order to Sell the ALTA HOME on or about April 9, 2012, with title to the ALTA HOME rightfully belonging to Jaime DeJesus Gonzalez, individually as a surviving joint tenant or as trustee of the Mansdorf Family Revocable Trust, dated August 31, 1967, and individually, as a beneficiary of the Trust, as well as the other Trust Beneficiaries;

then did allow the Los Angeles County Sheriff's Department to conduct a Sheriff's Sale of Harry Mansdorf's rights, title and interest in the ALTA HOME on October 31, 2013, with the Sheriff selling the same to Alta Standard One, LLC, for four million, five hundred eighty-one thousand, five hundred dollars ($4,581,500.00);

then did accept $4,356,933.21 from the Los Angeles Los Angeles Auditor Controller's Special Warrant Clearance Fund *paid by Alta Standard One, LLC, at the Sheriff's Sale on or about and between December 1, 2012, and March 20, 2013;*

then did allow Alta Standard One, LLC, to file a civil complaint for Unlawful Detainer in the Los Angeles County Superior Court under Case No. RIC 13U00769, (renumbered to RIC 13R00769, against Mrs. Linda Mansdorf, an individual whom JANICE McCLANAHAN or her agents knew was over the age of 65 since 2008;

then did allow proceedings to continue to judgment, forcing Linda Mansdorf and others to obtain $10,000 per month to stop enforcement of the unlawful detainer judgment based upon the void Sheriff's sale based upon the fraudulent and void judgment of JANICE McCLANAHAN;

all while fraudulently utilizing official court processes and procedures to do so;

all with full knowledge the Grant Deed supporting the complaint was forged;

all with full knowledge of the age and dependency of Linda Mansdorf;

ultimately resulting in Linda Mansdorf financially, emotionally and mentally distraught on a prolonged and constant basis from around April of 2008 through the present.

It is further alleged that in the commission of Count 5, "Elder Abuse" against Harry Mansdorf, that the abuse was the proximate cause of Harry Mansdorf suffering great bodily injury, requiring an additional term in the state prison of five (5) years due to Harry Mansdorf's age at the times of the offenses: 85-91.

It is further alleged that in the commission of Count 5, "Elder Abuse" against Harry Mansdorf, that the abuse was the proximate cause of the death of Harry Mansdorf, requiring an additional term in the state prison of seven (7) years due to Harry Mansdorf's age at the time of the offense: 85-91.

It is further alleged that in the commission of Count 6, "Elder Abuse" against Linda Mansdorf, that the abuse was the proximate cause of Linda Mansdorf suffering great bodily injury, (the proof existing in her current medical records), requiring an additional term in the state prison of five (5) years due to Linda Mansdorf's age at the time of the offense: 70-72.

It is further alleged that in the attempted commission and commission of the offenses in Counts 1 through 3 charged above, JANICE MCCLANAHAN, with intent to do so, took, attempted to take, damage and destroy property of a value exceeding three million, two-hundred thousand dollars ($3,200,000), within the meaning of Penal Code Section 12022.6(a)(4).

<u>The Documentary Evidence</u>:

EXHIBIT 1-Saide Mansdorf Grant Deed of ALTA HOME to Family Trust
EXHIBIT 2-Order Determining Ownership of ALTA HOME
EXHIBIT 3-2012 Appraisal coming in at $5,000,000
EXHIBIT 4-Trust Document
EXHIBIT 5-Amendment to Trust Document
EXHIBIT 6-Recorded Grant Deed
EXHIBIT 7-Complaint
EXHIBIT 8-Forged Grant Deed
EXHIBIT 9-Proof of Service (80+, Grey Hair, Brown Eyes)
EXHIBIT 10-Harry Mansdorf's Driver's License
EXHIBIT 11-Palmer Statement of Decision
EXHIBIT 12-Declaration of Harry Mansdorf
EXHIBIT 13-Declaration of Gregory Garrett
EXHIBIT 14-Ex Parte App & Order for Publication
EXHIBIT 15-Publication
EXHIBIT 16-Brief Summary, Declaration & Judgment
EXHIBIT 17-Letter from McClanahan to Harry Mansdorf
EXHIBIT 18-Transcript of Proceedings
EXHIBIT 19-Last Will of Lee Mansdorf
EXHIBIT 20-First Abstract of Judgment

EXHIBIT 21-Second Abstract of Judgment
EXHIBIT 22-Application, Declaration & Order for Sale
EXHIBIT 23-Sheriff's Deed
EXHIBIT 24-Proof funds were issued to McClanahan after the Sheriff's Sale
EXHIBIT 25-Order Staying Writ of Possession and $10,000 per month payment order
EXHIBIT 26-Application of Alta Standard One to quash the stay
EXHIBIT 27-Declaration of Harry Mansdorf filed in LASC Case No. BC363659
EXHIBIT 28-DVD and CD with video footage and audio recordings of Harry Mansdorf
EXHIBIT 29-Declaration of Linda Mansdorf filed in LASC Case No. BC425880

EXHIBIT A – Chain Of Title Report by Donna A. Bivens.
EXHIBIT B – Curriculum Vitiate of Donna A. Bivens.

The Witnesses and Testimony:

I, Jaime DeJesus Gonzalez will testify to the facts regarding the effects of JANICE McCLANAHAN's actions upon victims Harry and Linda Mansdorf, my investigation of the case, and the results of my investigation.

Linda Mansdorf will testify to the facts regarding the severe effects of JANICE McCLANAHAN's actions upon her now deceased husband, victim Harry Mansdorf and herself.

Randolph Frodsham, will testify to the facts regarding the actions of JANICE McCLANAHAN with relation to California law and the violations thereof, his investigation on the case and the results of his investigation.

Paul Orloff, Esq., will testify to the facts regarding the severe effects of JANICE McCLANAHAN's actions upon victim Harry Mansdorf and victim Linda Mansdorf, his work on the case as their attorney, his investigation into this case, and the results of his investigation.

Brendan Etter will testify to the facts regarding the severe effects of JANICE McCLANAHAN's actions upon victim Harry Mansdorf and victim Linda Mansdorf, his work on and investigation into this case, and the results of his investigation.

Kevin Macnamara, Esq., should be subpoenaed to testify to the facts regarding the severe effects of JANICE McCLANAHAN's actions upon victim Harry Mansdorf and victim Linda Mansdorf, his work on and investigation into this case, along with the results of his investigation.

Rufus Von Thulen Rhoades should be charged in his conspiracy with Percell regarding the statements he made to Ms. McClanahan regarding her alleged ownership of, or name on title to real property in the State of California, his involvement with the recorded and unrecorded Grant Deeds at issue in this complaint, his involvement in the 2003 Escrow, his involvement in the bankruptcy cases in the 1980s, his involvement with the Whitebird/PET/Guillermo (Bill) Morgan/Pam Land Escrow in 1996, and his understanding of the chain-of-title to the real property listed and described in both the recorded and materially altered Grant Deeds of Janice McClanahan.

Richard Percell should be charged in the conspiracy with Rhoades regarding the statements he made to Ms. McClanahan regarding Harry Mansdorf selling real property for $600,000 in 2003, and Ms. McClanahan's allegations that Mr. Percell informed her Lee Mansdorf left Ms. McClanahan $500,000 in his will and money for a new car, his involvement with the recorded and unrecorded Grant Deeds at issue in this complaint, in the 2003 Escrow, and his understanding of the chain-of-title to the real property listed and described in both the recorded and materially altered Grant Deeds of Janice McClanahan.

Thomas P. Cacciatorie, Esq., should be charged regarding his commencement and maintenance of the civil suit on behalf of Ms. McClanahan based upon a Grant Deed visually ascertainable as a materially altered version of the Grant Deed actually recorded. Also the creation and recordation of the second abstract of judgment which was altered to include Harry Mansdorf, Trustee of the Mansdorf Family Trust, dated August 31, 1967, as an individual served.

Timothy Sottile, Esq., should be charged regarding his commencement and maintenance of the civil suit on behalf of Ms. McClanahan based upon a Grant Deed visually ascertainable as a materially altered version of the Grant Deed actually recorded. Also the creation and recordation of the second abstract of judgment which was altered to include Harry Mansdorf, Trustee of the Mansdorf Family Trust, dated August 31, 1967, as an individual served.

Further Affiant Sayeth Naught.

Executed this ___ day of October, 2014.

____

Jaime DeJesus Gonzalez