

OCT 07 2008

JOHN A. CLARKE, CLERK
John A. Clarke
BY JALON TAYLOR, DEPUTY

1 **DAVID MARCUS, ESQ. (SBN 90460)**
2 **MARCUS, WATANABE, SNYDER & DAVE, LLP**
3 1901 Avenue of the Stars, Suite 300
4 Los Angeles, California 90067-6005
5 Telephone No.: (310) 284-2020
6 Facsimile No.: (310) 284-2025

7 Attorneys for Plaintiff
8 JANICE M. McCLANAHAN, an individual

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

11 JANICE M. McCLANAHAN, an individual,

12 Plaintiff,

13 v.

14 HARRY MANSDORF, individually, and as
15 TRUSTEE OF THE MANSDORF FAMILY
16 REVOCABLE TRUST, also known as the
17 MANSDORF FAMILY TRUST; JOINT
18 VENTURA CORPORATION, a Nevada
19 corporation; MALIBU HILLS RANCH, INC.,
20 a Nevada corporation; KATHRYN
GIACOMAZZA, also known as
KATHRYN R. GATTO, a single woman;
MICHELE V. GIACOMAZZA, an unmarried
man, also known as MICHAEL
GIACOMAZZA, also known as MIKE
GATTO; and DOES 1 through 25, Inclusive,

21 Defendants.
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CASE NO. BC 389522

[Assigned for all purposes to the Honorable
Ernest M. Hiroshige, Department 54]

[Action commenced April 23, 2008]

FIRST AMENDED COMPLAINT:

1. **TO SET ASIDE FRAUDULENT
CONVEYANCE; and**
2. **CONSPIRACY**

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1 **PLAINTIFF ALLEGES AS FOLLOWS:**

2 **FIRST CAUSE OF ACTION**

3 **TO SET ASIDE FRAUDULENT CONVEYANCE**

4 **(Against All Defendants)**

5 1. Plaintiff, JANICE M. McCLANAHAN ("Plaintiff"), is an individual residing in Clark
6 County, Nevada.

7 2. Plaintiff is informed and believes, and alleges thereon, that Defendant HARRY
8 MANSDORF, also known as HAROLD MANSDORF, is an individual residing in the County of
9 Los Angeles, State of California, and serves as the Trustee of the MANSDORF FAMILY
10 REVOCABLE TRUST, also known as the MANSDORF FAMILY TRUST.

11 3. Plaintiff is informed and believes, and alleges thereon, that Defendant JOINT
12 VENTURE CORPORATION is a corporation organized under and doing business by virtue of the
13 laws of the State of Nevada and doing business in the State of California, and which does business
14 and owned property in the County of Los Angeles, State of California. Plaintiff is further informed
15 and believes that Defendant JOINT VENTURE CORPORATION has also been known as JOINT
16 VENTURA CORPORATION and JOINT VENTURA, LLC.

17 4. Plaintiff is informed and believes and alleges thereon that Defendant MALIBU
18 HILLS RANCH, INC., is a corporation organized under and doing business by virtue of the laws of
19 the State of Nevada and doing business in the State of California, and which does business and owns
20 property in the County of Ventura, State of California.

21 5. Plaintiff is informed and believes, and alleges thereon, that Defendant KATHRYN
22 GIACOMAZZA, also known as KATHRYN R. GATTO, is an individual residing in the County of
23 Santa Barbara, State of California.

24 6. Plaintiff is informed and believes, and alleges thereon, that Defendant MICHELE V.
25 GIACOMAZZA, also known as MICHAEL GIACOMAZZA, also known as MIKE GATTO, is an
26 individual residing in the County of Los Angeles, State of California.

27 7. Plaintiff is unaware of the true names and capacities of the Defendants sued herein
28 as DOES 1 through 25, inclusive, and therefore sues these Defendants by such fictitious names.

1 Plaintiff will amend this Complaint to allege their true names and capacities when ascertained.
2 Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants
3 claims an interest in the property herein described and which is the subject of this action.

4 8. From and after December 19, 2003, Plaintiff has been the holder of a certain claim
5 against Defendant HARRY MANSDORF ("MANSDORF"). This claim arose when MANSDORF
6 fraudulently induced the Plaintiff to quitclaim him property worth in excess of \$600,000.

7 9. The claim was reduced to a judgment entered by the Los Angeles County Superior
8 Court on January 23, 2008, in the amount of One Million Dollars (\$1,000,000.00) in special
9 economic damages, One Million Dollars (\$1,000,000.00) in general damages, and Ten Million
10 Dollars (\$10,000,000.00) in punitive damages, together with costs of Nine Hundred Twenty-Two
11 Dollars (\$922.00).

12 10. Plaintiff is informed and believes, and alleges thereon, that on or about October 28,
13 2004, Defendant MANSDORF, and the MANSDORF FAMILY REVOCABLE TRUST, was in
14 possession and control of the property fraudulently transferred, located in Los Angeles County,
15 California, known as 811 North Alta Drive, Beverly Hills, California 90210 (the "Property"), and
16 legally described as:

17 Lot 2 of Tract No. 7954 in the City of Beverly Hills, as per map
18 recorded in Book 113, pages 70 and 71 of Maps in the Office of the
19 County Recorder of said County.

20 11. Plaintiff is informed and believes, and alleges thereon, that on or about October 28,
21 2004, Defendants MANSDORF FAMILY REVOCABLE TRUST and HARRY MANSDORF
22 conveyed the Property to JOINT VENTURA CORPORATION under the erroneous name of JOINT
23 VENTURA, LLC, for consideration of Twenty-Five Thousand Dollars (\$25,000.00), even though
24 the Property was worth in excess of Six Million Dollars (\$6,000,000.00). A true and correct copy
25 of the Quitclaim Deed dated October 28, 2004, and recorded October 28, 2004, in the Los Angeles
26 County Recorder's Office as Instrument No. 04-2792102, is attached to this Complaint as
27 Exhibit "1."

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1 12. Plaintiff is informed and believes, and alleges thereon, that on or about December 6,
2 2004, Defendant MANSDORF and the MANSDORF FAMILY REVOCABLE TRUST were in
3 possession and control of property fraudulently transferred located in Ventura County, California.
4 The property is known as Ventura County Assessor's Parcel Numbers 700-0-050-140; 700-0-050-
5 385, 700-0-050-375, 700-0-070-425, 700-0-070-445, 700-0-050-245, 700-0-070-415, 700-0-070-
6 435, 700-0-010-240.

7 13. Plaintiff is informed and believes and alleges thereon that on or about December 6,
8 2004, Defendant MANSDORF FAMILY REVOCABLE TRUST and HARRY MANSDORF
9 conveyed the property to JOINT VENTURA CORPORATION, a Nevada corporation, for
10 consideration of \$50,000.00. A true and correct copy of the Quitclaim Deed dated December 6,
11 2004, and recorded December 6, 2004, in the Ventura County Recorder's Office as Instrument No.
12 20041206-0323077 is attached to this First Amended Complaint as Exhibit "2."

13 14. Plaintiff is informed and believes and alleges thereon that on or about April 17, 2007,
14 Defendant MANSDORF and the MANSDORF FAMILY REVOCABLE TRUST were in possession
15 of the property fraudulently transferred located in Ventura County, California, and legally described
16 as set forth in Exhibit 3 to this First Amended Complaint.

17 15. Plaintiff is informed and believes and alleges thereon that on or about April 17, 2007,
18 Defendant MANSDORF FAMILY REVOCABLE TRUST and HARRY MANSDORF conveyed
19 the property to MALIBU HILLS RANCH, INC., a Nevada corporation, for no consideration and as
20 a corrective deed correcting the deed recorded December 6, 2004, as Instrument No. 20041206-
21 323077. A true and correct copy of the Quitclaim Deed dated April 13, 2007, and recorded April 17,
22 2007, in the the Ventura County Recorder's Office as Instrument No. 20078417-00079439-0 is
23 attached to this First Amended Complaint as Exhibit "3."

24 16. Plaintiff is informed and believes and alleges thereon, that JOINT VENTURA
25 CORPORATION was an entity controlled and owned by Defendants KATHRYN R. GATTO and
26 MICHELE V. GATTO.

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1 17. Plaintiff is informed and believes and alleges thereon that MALIBU HILLS RANCH,
2 INC., was an entity controlled and owned by Defendants KATHRYN R. GATTO and MICHELE V.
3 GATTO.

4 18. Plaintiff is informed and believes and alleges thereon, that the transfers were made
5 with an actual intent to hinder, delay, or defraud MANSDORF's and the MANSDORF FAMILY
6 REVOCABLE TRUST's present and any future creditors, including Plaintiff, in the collection of
7 their claims.

8 19. Plaintiff is informed and believes, and alleges thereon, that in exchange for the
9 aforementioned transfer referenced in Paragraph 11, Defendant MANSDORF received Twenty-Five
10 Thousand Dollars (\$25,000.00). At the time the transfer was made, the value of the real property
11 was not less than Six Million Dollars (\$6,000,000.00). Defendant MANSDORF did not receive
12 reasonable equal value in exchange for the transfer.

13 20. Plaintiff is informed and believes and alleges thereon that in exchange for the
14 aforementioned transfer referenced in Paragraph 13, Defendant MANSDORF received Fifty
15 Thousand Dollars (\$50,000.00). At the time the transfer was made, the value of the real property
16 was not less than One Hundred Million Dollars (\$100,000,000). Defendant MANSDORF did not
17 receive reasonably equal value in exchange for the transfer.

18 21. Plaintiff is informed and believes, and alleges thereon, that the above-described
19 property referenced in Paragraphs 10 and 12 was received by Defendant JOINT VENTURE
20 CORPORATION and the property referenced in Paragraphs 12 and 14 was received by Defendant
21 MALIBU HILLS RANCH, INC., with knowledge that Defendant MANSDORF intended to hinder,
22 delay, or defraud the collection of Plaintiff's aforementioned claim and the claims of all
23 MANSDORF's present or future creditors. Defendant JOINT VENTURE CORPORATION had
24 such knowledge by virtue of an agreement between Defendant MANSDORF and Defendants
25 KATHRYN GIACOMAZZA and MICHELE GIACOMAZZA to defraud the Plaintiff in the
26 collection of her claim.

27 22. Plaintiff is informed and believes and alleges thereon that the above-described
28 property was received by Defendant JOINT VENTURE CORPORATION and/or MALIBU HILLS

1 RANCH, INC., was done with knowledge that Defendant MANSDORF intended to hinder, delay,
2 or defraud the collection of Plaintiff's aforementioned claim and the claims of all MANSDORF's
3 present or future creditors. Defendants JOINT VENTURE CORPORATION and MALIBU HILLS
4 RANCH, INC., had such knowledge by virtue of an agreement between Defendant MANSDORF
5 and Defendants KATHRYN GIACOMAZZA and MICHELE GIACOMAZZA to defraud the
6 Plaintiff in the collection of her claim.

7 23. Plaintiff is informed and believes, and alleges thereon, that subsequent to the
8 conveyance to JOINT VENTURA CORPORATION on August 25, 2006, JOINT VENTURA
9 CORPORATION, which erroneously acquired title as JOINT VENTURA, LLC, conveyed the
10 Property referenced in Paragraph 10 to KATHRYN R. GATTO, a single woman ("GATTO"), who,
11 in addition to being the recipient of the Property, was also the president of JOINT VENTURA
12 CORPORATION. A true and correct copy of the Grant Deed vesting title in GATTO dated
13 August 16, 2006, and recorded August 25, 2006, in the Los Angeles County Recorder's Office as
14 Instrument No. 06-1902031 is attached to this Complaint as Exhibit "4."

15 24. Plaintiff is informed and believes, and alleges thereon, that on August 28, 2006,
16 GATTO, a single woman, conveyed the Property referenced in Paragraph 10 jointly to GATTO, a
17 single woman, and MICHELE V. GIACOMAZZA, an unmarried man ("GIACOMAZZA"), as joint
18 tenants. A true and correct copy of the Grant Deed dated August 17, 2006, and recorded on
19 August 28, 2006, in the Los Angeles County Recorder's Office as Instrument No. 06-1908719 is
20 attached to this Complaint as Exhibit "5."

21 25. Plaintiff is informed and believes and alleges thereon, that Defendant GATTO and
22 Defendant GIACOMAZZA each received their respective title, first from JOINT VENTURA
23 CORPORATION, and then from GATTO, for no consideration and in an attempt to prevent Plaintiff
24 from realizing on her judgment through these transfers of title.

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1 32. Plaintiff is informed and believes, and alleges thereon, that at all times mentioned
2 herein, Defendants GATTO and GIACOMAZZA knew of Plaintiff's claim against MANSDORF
3 and knew that Plaintiff's claim could only be satisfied out of the Property transferred.

4 33. Plaintiff is informed and believes, and alleges thereon, that notwithstanding this
5 knowledge, Defendants GIACOMAZZA and GATTO intentionally, willfully, fraudulently, and
6 maliciously did the things herein alleged to defraud and oppress Plaintiff. Plaintiff is therefore,
7 entitled to exemplary and punitive damages.

8 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, as
9 follows:

10 ON THE FIRST CAUSE OF ACTION:

- 11 1. That the conveyances from Defendant MANSDORF and MANSDORF FAMILY
12 REVOCABLE TRUST to Defendants JOINT VENTURA CORPORATION and
13 MALIBU HILLS RANCH, INC., and the subsequent conveyances to GATTO and
14 GATTO and GIACOMAZZA, be annulled and declared void as to the Plaintiff
15 herein to the extent necessary to satisfy Plaintiff's Judgment in the sum of Twelve
16 Million Dollars (\$12,000,000.00);
- 17 2. That the Property in the hands of Defendants MALIBU HILLS RANCH, INC.,
18 GATTO, and GIACOMAZZA be attached in accordance with the provisions of §§
19 481.010 through 493.060 of the Code of Civil Procedure;
- 20 3. That Defendants MALIBU HILLS RANCH, INC., GIACOMAZZA, and GATTO be
21 restrained from disposing of the property conveyed until the Plaintiff can complete
22 execution proceedings against the Property;
- 23 4. That a Temporary Restraining Order be granted to Plaintiff enjoining restraining
24 Defendants MALIBU HILLS RANCH, INC., GIACOMAZZA, and GATTO and
25 his/her representatives from selling, transferring, conveying, or otherwise disposing
26 of any of the Property transferred; and
- 27 5. That judgment herein be declared a lien on the Property transferred.

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1 ON THE SECOND CAUSE OF ACTION:

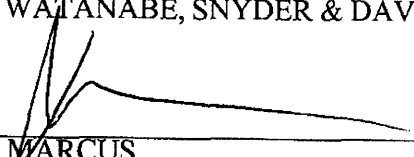
- 2 6. For general damages in the sum of One Million Dollars (\$1,000,000.00);
3 7. For special damages in an amount not less than the value of the Property conveyed
4 according to proof; and
5 8. For punitive damages.

6 ON ALL CAUSES OF ACTION:

- 7 9. For reasonable attorneys' fees;
8 10. For all costs of suit incurred herein; and
9 10. For such other and further relief as the Court may deem just and proper.

10 DATED: October 6, 2008

MARCUS, WATANABE, SNYDER & DAVE, LLP

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12 By: 

13 DAVID M. MARCUS
14 Attorneys for Plaintiff, JANICE M. McCLANAHAN
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