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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 JAIME DE JESUS GONZALEZ,

12 Plaintiff,

13 v.

14 ALTA STANDARD ONE, LLC and DOES
15 1-20,

16 Defendants.
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CASE NO. BC506777

**RESPONSE TO OBJECTIONS TO
DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE**

**[Concurrently filed with Reply In Support
Of Demurrer To Complaint]**

Judge: Michelle R. Rosenblatt
Dept: 40
Date: November 22, 2013
Time: 8:30 a.m.

File Date: 4-23-13.
Trial Date: .

1 Defendant Alta Standard One, LLC ("Alta Standard") hereby responds to the "Objections
2 to Defendants['] Request for Judicial Notice" filed by Plaintiff Jaime DeJesus Gonzalez
3 ("Gonzalez"). Gonzalez's objections should be overruled for the reasons set forth herein.

4 **Exhibit A.** Exhibit A to Alta Standard's Request for Judicial Notice is the Judgment
5 entered in favor of Janice McClanahan ("McClanahan") and against Harold and Mildred
6 Mansdorf. It is the Judgment pursuant to which Judge Abraham Kahn ordered the sale of the
7 subject property (the "Alta Property"). Judicial notice of such court records is proper under
8 Evidence Code Section 452(d). The Judgment is relevant to the Demurrer to show the history of
9 how and when Alta Standard acquired the Alta Property.

10 **Exhibit B.** Exhibit B is the Abstract of Judgment recorded by McClanahan with respect to
11 her Judgment against Harold and Mildred Mansdorf. The Abstract is a document recorded in the
12 Los Angeles County Recorder's office as a public record. Judicial notice of such records is
13 proper. See Marks v. Whitney, 6 Cal. 3d 251 (1971) (courts may properly take notice of recorded
14 real property instruments). As set forth in Alta Standard's demurring papers, the Abstract is
15 relevant in establishing the date of recordation, which is the date when McClanahan's judgment
16 lien attached to the debtor's real property interests.

17 **Exhibit C.** Exhibit C is McClanahan's Application for Order to Sell Residential Real
18 Property filed with the Los Angeles County Superior Court on April 9, 2012. The Application is
19 properly subject to judicial notice under Evidence Code Section 452(d) as a court record. Alta
20 Standard does not offer the Application for the truth of the statements asserted. Rather, the
21 Application is relevant to show the history leading up to issuance of Judge Kahn's Orders
22 directing the sale of the Alta Property. Indeed, Gonzalez asks the Court to take judicial notice of
23 the same Application in his Request for Judicial Notice.

24 **Exhibit D.** Exhibit D is McClanahan's Notice of Hearing on Order to Show Cause Why
25 Order for Sale of Dwelling Should Not Issue filed with the Los Angeles Superior Court on April
26 9, 2012. As with McClanahan's Application, the Notice is properly subject to judicial notice
27 under Section 452(d) as a court record, and the document is offered not for the truth of

McClanahan's statements, but to show the history leading up to the issuance of Judge Kahn's Orders directing the sale of the Alta Property.

Exhibit E. Exhibit E is the Objection and Response filed with the Los Angeles Superior Court on May 10, 2012, by Harry Mansdorf. The document is properly subject to judicial notice under Section 452(d) as a court record. Alta Standard does not offer this document for the truth of Mansdorf's statements. Rather, the Objection and Response is relevant to establish what issues were presented to Judge Kahn resulting in his issuance of his August 2012 Orders, discussed below.

Exhibit F. Exhibit F is the Substitution of Attorney filed by Mansdorf in the proceedings before Judge Kahn. The document is properly subject to judicial notice under Section 452(d) as a court record. The document is relevant in showing that attorney Paul Orloff was Mansdorf's counsel of record in asserting that the Alta Property was owned at all times by the Mansdorf Trust. Mr. Orloff is also now counsel for Gonzalez in asserting that the Alta Property was not owned by the Mansdorf Trust after July 2008 and was instead purportedly owned by Gonzalez and Mansdorf as joint tenants.

Exhibit G. Exhibit G is a Notice of Ruling filed in the proceedings before Judge Kahn on May 29, 2012. The document is properly subject to judicial notice under Section 452(d) as a court record. The document, which merely reflects the reassignment of the OSC regarding sale of the property, is relevant to show the procedural history leading up to the issuance of Judge Kahn's August 2012 Orders directing the sale of the Alta Property.

Exhibit H. Exhibit H is the "Ruling Re: Order to Show Cause Why Order for Sale of Dwelling Should Not Issue." The document is signed by Judge Kahn, was filed on August 6, 2012, and represents Judge Kahn's ruling on the sale of the Alta Property. The document is properly subject to judicial notice under Section 452(d) as a court record. The document is relevant in demonstrating the scope of Judge Kahn's ruling. While Gonzalez contends that Judge Kahn did not order an outright sale of the Alta Property, the plain language of the Order shows that he did: "The Court orders the sale of the dwelling."

1 **Exhibit I.** Exhibit I is Judge Kahn's "Order For Sale of Dwelling House" filed on August
2 10, 2012. The document is properly subject to judicial notice under Section 452(d) as a court
3 record. The document is relevant in demonstrating the scope of Judge Kahn's ruling. While
4 Gonzalez contends that Judge Kahn did not order an outright sale of the Alta Property, the plain
5 language of the Order shows that he did: "IT IS ORDERED that the dwelling house located at 811
6 North Alta Drive, Beverly Hills, California 90210, be sold," subject to specified conditions.

7 **Exhibit J.** Exhibit J is the "Notice of Sheriff's Sale" issued by the Los Angeles County
8 Sheriff's Department with respect to the sale of the Alta Property as ordered by Judge Kahn.
9 Gonzalez objects that the record appears to be incomplete because of a handwritten notation ("18
10 of 29") at the bottom of the document. The fact that the Notice may have been copied from a
11 larger compendium of sale documents does not alter this Court's ability to take judicial notice of
12 this official record. The Notice is duly executed by the Sheriff's Deputy and is not reasonably
13 subject to dispute. The document is relevant to show the history of the proceedings leading up to
14 the sale of the Alta Property to Alta Standard.

15 **Exhibit K.** Exhibit K is an *Ex Parte* Application to Stay the Sale of the Alta Property filed
16 by Gonzalez with the Los Angeles County Superior Court. The document is properly subject to
17 judicial notice under Section 452(d) as a court record. The document is not offered for the truth of
18 its assertions, but is relevant to Alta Standard's collateral estoppel and res judicata arguments in
19 showing that Gonzalez participated in the proceedings leading up to the Sheriff's Sale, that he
20 presented his arguments to the Court, and (as reflected in Exhibit L), his arguments were rejected
21 by the Court.

22 **Exhibit L.** Exhibit L is the written Ruling signed by Judge Kahn denying Gonzalez's *Ex*
23 *Parte* Application. It was filed with the Court on October 30, 2012, and is properly subject to
24 judicial notice under Section 452(d) as a court record. The document is relevant to Alta Standard's
25 collateral estoppel and res judicata arguments in showing that Gonzalez participated in the
26 proceedings leading up to the Sheriff's Sale, that he presented his arguments to the Court, and that
27 his arguments were rejected by the Court.

1 **Exhibit M.** Exhibit M is the recorded Sheriff's Deed to Alta Standard as filed with the
2 Los Angeles County Recorder's office. Judicial notice of such records is proper. See Marks v.
3 Whitney, 6 Cal. 3d 251 (1971) (courts may properly take notice of recorded real property
4 instruments). The document is relevant in demonstrating the history establishing Alta Standard's
5 acquisition of the Alta Property at the Sheriff's Sale.

6 **Exhibit N.** Exhibit N is the purported July 2008 Grant Deed that Gonzalez contends
7 establishes his title in the Property. The document was recorded with the Los Angeles County
8 Recorder's office on November 13, 2012. Judicial notice of such records is proper. See Marks v.
9 Whitney, 6 Cal. 3d 251 (1971) (courts may properly take notice of recorded real property
10 instruments). The document is relevant is showing the recordation date of November 13, 2012 – a
11 date which is more than four years after the purported conveyance and also after Mansdorf died
12 and after the Sheriff's sale was completed.

13 **Exhibit O.** Exhibit O is an Affidavit – Death of Joint Tenant recorded by Gonzalez with
14 the Los Angeles County Recorder's office on November 26, 2012. Judicial notice of such records
15 is proper. See Marks v. Whitney, 6 Cal. 3d 251 (1971) (courts may properly take notice of
16 recorded real property instruments). The document is relevant is showing the recordation date of
17 November 26, 2012 – a date which is after the Sheriff's Sale was completed.

18 **Exhibit P.** Exhibit P is the Third Party Claim filed by Gonzalez with the Los Angeles
19 Superior Court on March 18, 2013 in Case No. BC425880. The Third Party Claim is properly
20 subject to judicial notice under Section 452(d) as a court record. The document is relevant to Alta
21 Standard's contention that Gonzalez is barred under doctrines of collateral estoppel and/or res
22 judicata from relitigating the same claim of right to ownership of the Alta Property. Although it
23 qualifies as an admission, Alta Standard does not offer the document for the truth of Gonzalez's
24 statements or contentions. To the contrary, it is offered simply to show the contentions that were
25 made and subsequently rejected.

26 **Exhibit Q.** Exhibit Q is the Order entered by Judge Elizabeth Allen White in Case No.
27 BC425880. It was filed with the Court on April 15, 2013, and is properly subject to judicial notice
28 under Section 452(d) as a court record. The document is relevant to Alta Standard's collateral

1 estoppel and res judicata arguments in showing that Gonzalez previously litigated his claim of
2 ownership in the Alta Property and that his claim was rejected on the merits.

3 **Exhibit R.** Exhibit R is Gonzalez's Verified Complaint in Case No. SC119964. It is
4 properly subject to judicial notice under Section 452(d) as a court record. The document is
5 relevant to Alta Standard's contention that Gonzalez is barred under doctrines of collateral
6 estoppel and/or res judicata from relitigating the same claim of right to ownership of the Alta
7 Property. Although it qualifies as an admission, Alta Standard does not offer the document for the
8 truth of Gonzalez's statements or contentions. To the contrary, it is offered simply to show the
9 contentions that were made and subsequently dismissed in the wake of other rulings by the
10 Superior Court in Santa Monica.

11 **Exhibit S.** Exhibit S is Gonzalez's *Ex Parte* Application filed in Case No. SC119964 on
12 May 3, 2013. It is properly subject to judicial notice under Section 452(d) as a court record. The
13 document is relevant to Alta Standard's contention that Gonzalez is barred under doctrines of
14 collateral estoppel and/or res judicata from relitigating the same claim of right to ownership of the
15 Alta Property. Although it qualifies as an admission, Alta Standard does not offer the document
16 for the truth of Gonzalez's statements or contentions. To the contrary, it is offered simply to show
17 the contentions that were made and subsequently dismissed in the wake of other rulings by the
18 Superior Court in Santa Monica.

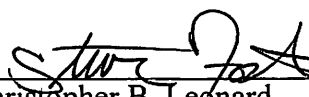
19 **Exhibit T.** Exhibit T is a printout from the Social Security Administration's Death Index
20 confirming the date of death of Mildred Mansdorf on March 5, 2007. The document is properly
21 subject to judicial notice as an official record and as a document not reasonably subject to dispute.
22 Mildred's death in 2007 is also confirmed, in any event, by Judge Palmer's Order dated November
23 29, 2010, attached to Gonzalez's Request for Judicial Notice as Exhibit D, page 4. The document
24 is relevant in that Mildred, who was also a judgment debtor on the McClanahan Judgment and a
25 settlor of the Mansdorf Trust, died prior to the recordation of the Abstract of Judgment and July
26 2008 Grant Deed.

27 **Exhibit U.** Exhibit U is the Motion to Consolidate filed in this action by Gonzalez seeking
28 consolidation with the unlawful detainer action. It is properly subject to judicial notice under

1 Section 452(d) as a court record. The document is relevant to Alta Standard's contention that
2 Gonzalez is barred under doctrines of collateral estoppel and/or res judicata from relitigating the
3 same claim of right to ownership that he asserted and lost in the unlawful detainer action.

4
5 DATED: November 15, 2013

MITCHELL SILBERBERG & KNUPP LLP

6
7 By: 

Christopher B. Leonard

Stephen E. Foster

Attorney for Defendant, Alta Standard One,
LLC

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the county of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP,
11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

5 On November 15, 2013, I served a copy of the foregoing document(s) described as
6 **RESPONSE TO OBJECTIONS TO DEFENDANTS' REQUEST FOR JUDICIAL NOTICE**
7 on the interested parties in this action at their last known address as set forth below by taking the
8 action described below:

9 Paul Orloff
10 Orloff & Associates APC
11 8402 Florence Ave., Suite B1
12 Downey, CA 90240

Loren J. Beck
Affeld Grivakes Zucker
2049 Century Park East, Suite 2460
Los Angeles, CA 90067

13 ☒ **BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in sealed
14 envelope(s) designated by the carrier, with delivery fees provided for, and addressed as set
15 forth above, and deposited the above-described document(s) with Federal Express in the
16 ordinary course of business, by depositing the document(s) in a facility regularly
17 maintained by the carrier or delivering the document(s) to an authorized driver for the
18 carrier.

19 I declare under penalty of perjury under the laws of the State of California that the above is
20 true and correct.

21 Executed on November 15, 2013, at Los Angeles, California.

22 

23 Linda R Myers

1 Section 452(d) as a court record. The document is relevant to Alta Standard's contention that
2 Gonzalez is barred under doctrines of collateral estoppel and/or res judicata from relitigating the
3 same claim of right to ownership that he asserted and lost in the unlawful detainer action.

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5 DATED: November 15, 2013

MITCHELL SILBERBERG & KNUPP LLP

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7 By: 

Christopher B. Leonard

Stephen E. Foster

Attorney for Defendant, Alta Standard One,
LLC

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Loren J. Beck
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2049 Century Park East, Suite 2460
Los Angeles, CA 90067

10 ☒ **BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in sealed
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14 maintained by the carrier or delivering the document(s) to an authorized driver for the
15 carrier.

16 I declare under penalty of perjury under the laws of the State of California that the above is
17 true and correct.

18 Executed on November 15, 2013, at Los Angeles, California.

19 
20 _____
21 Linda R Myers
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