

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

Haffner, Haffner & Kirwin, LLP, a limited liability partnership,
Spile, Siegal, Leff & Goor LLP, a limited liability partnership,
Ari Lorin Markow, an individual; and DOES 1-100

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Harry Mansdorf, individually and as Trustee
of the Mansdorf Family Revocable Trust

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAR 15 2011

John A. Clark, Executive Officer/Clerk
By RUGENA LOPEZ Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California
111 N. Hill Street
Los Angeles, California 90012

CASE NUMBER: (Número del Caso):

BC457273

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado):
Paul Orloff
8402 Florence Avenue Suite B1
Downey, California 90240
Orloff & Associates APC
(562) 869-3034

DATE:

(Fecha)

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)
☐ CCP 416.20 (defunct corporation)
☐ CCP 416.40 (association or partnership)
☐ other (specify):

☐ CCP 416.60 (minor)
☐ CCP 416.70 (conservatee)
☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

1 Paul Orloff, Esq. (SBN 216791)
Orloff & Associates APC
2 8402 Florence Avenue, Suite B1
Downey, California 90240
3 Telephone: (562) 869-3034
Facsimile: (562) 869-3539

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Los Angeles Superior Court

MAR 16 2011

4 Bob Mullen (SBN 137271)
5 Attorney at Law
23151 Moulton Parkway
6 Laguna Hills, California 92653
Telephone: (949) 588-1198
7 Facsimile: (949) 588-6258
Email: bobmullen@cox.net

James A. Clarke, Executive Officer-Clerk
Deputy
PUGENAW/0057

8 Attorneys for Plaintiff Harry Mansdorf,
9 individually and as trustee of the Mansdorf Family Revocable Trust

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

13 **BC 457273**

14 HARRY MANSODRF, individually and as
trustee of the Mansdorf Family Revocable
15 Trust,

Case No.

16 Plaintiff,

**Complaint For Damages For Legal
Malpractice**

17 vs.

18 HAFFNER, HAFFNER & KIRWIN, L.L.P, a
limited liability partnership; SPILE,
19 SIEGAL, LEFF & GOOR, LLP, a
limited liability partnership; ARI
20 LORIN MARKOW, an individual; and
DOES 1-100,

21 Defendants.
22

23
24 Plaintiff Harry Mansdorf, individually and as trustee of the Mansdorf Family Revocable
25 Trust ("Mansdorf") alleges:

26 //

27 //

1 **FIRST CAUSE OF ACTION**

2 (For Legal Malpractice)

3 (Against All Defendants)

4 1. Plaintiff Harry Mansdorf resides in Los Angeles County, California and has
5 been the sole trustee of the Mansdorf Family Revocable Trust since approximately 2003.

6 2. Defendant Hafner, Hafner & Kirwin, L.L.P. is a limited liability partnership
7 engaged in the practice of law with offices in Ventura County and doing business within the
8 State of California.

9 3. Defendant Spile, Siegal, Leff & Goor, LLP is a limited liability partnership
10 engaged in the practice of law with offices in Los Angeles County, California.

11 4. Defendant Ari Lorin Markow is a licensed attorney in the State of California
12 who at all times relevant was first employed as a lawyer with Haffner, Hafner & Kirwan and
13 then employed as a lawyer at Spile, Siegal, Leff & Goor.

14 5. Plaintiff does not know the true names of Defendants DOES 1-100 and
15 therefore sues them by those fictitious names. Plaintiffs are informed and believe and thereon
16 allege that each of those Defendants are in some manner legally responsible for the events and
17 happenings alleged in this complaint and for Plaintiffs' damages. The names, capacities and
18 relationships of DOES 1-100 will be alleged by amendment to this complaint when they are
19 ascertained.

20 6. In or about the spring of 2008, Defendants Hafner, Hafner & Kirwan and
21 Markow undertook the legal representation of Mansdorf and in or about early May of 2008 that
22 representation came to include the setting aside of a default judgment entered against Mansdorf
23 in case entitled *Janice M. McClanahan vs. Harold Mansdorf, individually and as Trustee of the*
24 *Mansdorf Family Revocable Trust also known as the Mansdorf Family Trust, et al.*, filed as Case
25 No. BC36359 in the Los Angeles Superior Court. The clerk entered Mansdorf's default on
26 October 2, 2007. On January 23, 2008, the court entered a \$12,000,000 default judgment against
27 Mansdorf.

1 7. Plaintiff is informed and believes and thereon alleges that sometime in the
2 summer of 2008, Markow began working as lawyer for Spile, Siegal, Leff and Goor. From this
3 point forward, Spile, Siegal, Leff and Goor and Markow undertook to represent Mansdorf in
4 Case No. BC36359. Their representation of Mansdorf continued until at least October 31, 2008.

5 8. At the time Defendants undertook representation of Mansdorf in Case No.
6 BC36359, they knew that Mansdorf had a meritorious defense to the claims of liability on which
7 the default judgment was entered, that the damages awarded in the default judgment were
8 excessive, and that Mansdorf had a valid basis for filing a motion to set aside the default and
9 default judgment.

10 9. Defendants owed Plaintiff the duty to use such skill, prudence and diligence as
11 other members of the legal profession commonly possess. Additionally, Defendants owed
12 Plaintiff the duty to exercise due care to protect Mansdorf's best interests in all ethical ways and
13 in all circumstances. As Mansdorf's attorneys, Defendants owed him a duty to exercise
14 reasonable care and skill in filing a motion to set aside the default and default judgment.

15 10. Defendants failed to exercise reasonable care and skill in its representation of
16 Mansdorf in Case No. BC36359 by failing to timely file a motion under Code of Civil Procedure
17 § 473 to set aside the default and the default judgment. The six month deadline for filing a CCP
18 § 473 motion on the default judgment expired on or about July 23, 2008, but defendants never
19 filed a motion to set aside the default and the default judgment.

20 11. On January 21, 2010, Mansdorf filed a motion to set aside the entry of default
21 and the default judgment. On March 15, 2010, the court denied the motion as untimely under
22 Code of Civil Procedure § 473.

23 12. Had Defendants filed a timely CCP §473 motion, the default and default
24 judgment would have been set aside and Mansdorf would have successfully cleared himself of
25 all liability on the claims made in Case No. BC36359.

26 13. As a proximate cause of defendants' negligence, Mansdorf has been damaged
27 in the amount of \$12,000,000 with interest thereon at the rate of 10% per annum from January
28

1 23, 2008, together with attorney fees and cost incurred in appealing the denial of the CCP §473
2 motion.

3
4 **Wherefore**, Plaintiff prays for relief as follows:

5 1. For damages in the principal amount of \$12,000,000 with interest thereon at
6 the rate of 10% per annum from January 23, 2008;

7 2. For damages in an amount according to proof, but no less than \$410,000, for
8 attorney fees and costs incurred with the appeal of the ruling denying the CCP §473 motion;

9 3. For costs of suit and such other relief as may be proper.

10
11 Dated: March 14, 2011


Paul Orloff, Attorney for Plaintiff
Harry Mansdorf, individually and as trustee
of the Mansdorf Family Revocable Trust