

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 09/16/10

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

C. WASHINGTON

DEPUTY CLERK

HONORABLE
11.

JUDGE PRO TEM

B. JAUREGUI, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

C. CRUZ, CSR #9095

Reporter

9:30 am

BS109420

Plaintiff

Counsel

MARINA STRAND COLONY II
VS

NO APPEARANCE

COUNTY OF LOS ANGELES

Defendant

Counsel

'CEQA' (Vol. 4 sent to 428b)

NATURE OF PROCEEDINGS:

RICHARD I. FINE'S, MOTION TO VOID AND ANNUL ALL ORDERS AND JUDGMENTS, INCLUDING THOSE IN THE CONTEMPT PROCEEDINGS;

Matter is called for hearing. There being no appearances by either side, the court's tentative ruling is made the court's order.

Hearing on motion by Richard Fine to void and annul all orders of this court is ordered off calendar.

The court has no jurisdiction to hear said motion because the judgment in both the underlying action and the contempt proceeding in case BS109420 are final.

The only continuing jurisdiction that this court retains in case BS109420 is the discretion to release Fine from confinement in the county jail on the ground that his continued confinement will not induce him to answer questions put to him in a joint debtors examination. Fine's demand for a release on that ground was ruled on by this court on August 23, 2010, and is calendared for further consideration six months from that date.

Even if the court still had jurisdiction, the hearing on Fine's motion would be ordered off

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<p align="center">MINUTES ENTERED 09/16/10 COUNTY CLERK</p>

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calendar anyway because notice of the motion was not given until August 27, 2010, only 13 court days before the hearing. Such notice is insufficient under C.C.P. Section 1005(b), which requires that moving papers be filed and served at least 16 court days before the hearing, plus an additional five calendar days if served by mail.

The Court will take this matter under submission solely for the purpose of adding to this ruling corrections to certain misstatements of fact made by Fine in his moving papers. The ruling, however, ordering the hearing on Fine's motion off calendar

because the court does not have jurisdiction, will Clerk is to give notice to all affected parties remain the same.

and deliver a copy of the minute order to the court's counsel Fred Bennett.

**CLERK'S CERTIFICATE OF MAILING/
NOTICE OF ENTRY OF ORDER**

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 9/16/10 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope

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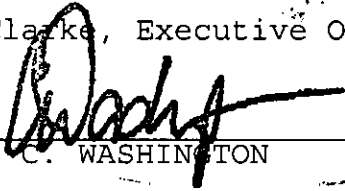
NATURE OF PROCEEDINGS:

for each, addressed as shown below with the postage thereon fully prepaid.

Date: September 16, 2010

John A. Clarke, Executive Officer/Clerk

By: _____



C. WASHINGTON

RICHARD I. FINE, IN PRO PER
PRISONER ID# 1824367
c/o MEN'S CENTRAL JAIL
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LOS ANGELES, CA 90012

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LOS ANGELES, CA 90056

ROSE M. ZOIA
50 OLD COURTHOUSE SQUARE, STE 401
SANTA ROSA, CA 95404

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LOS ANGELES COUNTY COUNSEL OFF
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10940 WILSHIRE BLVD., STE 2100
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FREDERICK BENNETT
LOS ANGELES COUNTY SUPERIOR COURT
111 NORTH HILL STREET, ROOM 546
LOS ANGELES, CA 90012

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