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7 Marina Strand Colony II Homeowners Association
8 Respondent in Contempt Proceedings

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OF ORIGINAL FILED
Superior Court of California
County of Los Angeles

DEC 06 2010

John A. Clarke, Executive Officer/Clerk
By Berta Jauregui, Deputy

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7
8 FOR THE COUNTY OF LOS ANGELES
9
10 CENTRAL DISTRICT

11 MARINA STRAND COLONY II,)
12 HOMEOWNERS ASSOCIATION,)
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CASE NO. BS 109420
Notice of New Hearing Date for Motion to
Void and Annul All Orders and Judgments
Including those in the Contempt
Proceedings in the Case Made by Judge
Yaffe, Previously Set for September 16,
2010
New Date: January 14, 2011
Time: 9:30 am
Place: Dept. 86
OSC Filed: 11/3/2008
Trial Date: 12/22/2008

1 **Notice of New Hearing Date for Motion to Void and Annul All Orders and Judgments**
2 **Including Those in the Contempt Proceedings in the Case Made by Judge Yaffe, Previously**
3 **Set for September 16, 2010**

4 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

5 Please take notice that the hearing on the **Motion to Void and Annul All Orders and**
6 **Judgments Including Those in the Contempt Proceeding** in the case made by Judge Yaffe
7 previously set for September 16, 2010 is now set for January 14, 2011 in Department 86 at 9:30
8 am. The motion was filed and served on August 27, 2010.

9 The Court and the parties are respectfully reminded that although Judge Yaffe took the
10 motion "off calendar", he stated in his Minute Order that he did not have jurisdiction to hear the
11 matter.
12

13 This concession of lack of jurisdiction was a clear recognition that the Superior Court did
14 not have "subject matter jurisdiction" to hear the case. The lack of "subject matter jurisdiction"
15 was due to the "extrinsic fraud" imposed upon the court:

16 1) by Respondent LA County and their attorneys and Judge Yaffe by not disclosing that
17 LA County it had paid Judge Yaffe approximately \$500,000.00 in illegal payments since 1987
18 when Judge Yaffe had first become a State Superior Court Judge sitting on the Superior Court for
19 the County of Los Angeles and presiding over cases in which LA County was a party including
20 the present case; and
21

22 2) by LA County and its attorneys, Real Parties in Interest Del Rey Shores Joint Venture
23 and Del Rey Shores Joint Venture North and its attorneys, its Managing Partner- the Epstein
24 Family Trust and its Trustees- Jerry B. Epstein and Pat Epstein, all of whom did not disclose to
25 the Court that the LA County approval of the Environmental Impact Report (EIR), which was the
26 subject of the case, was illegal. The illegality was due to the fact that the EIR was passed with
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1 only four votes of the LA County Board of Supervisors. Two votes, those of Supervisors
2 Antonovich and Knabe were illegal as violations of the Public Resources Code and the case of
3 BreakZone Billiards v. The City of Torrance, (2000) 81 Cal.App.4th 1205. This left only two legal
4 votes. Three votes were needed for passage, as there were five LA County Supervisors. The votes
5 of Supervisors Antonovich and Knabe were illegal because Jerry B. Epstein, and his Chief of Staff
6 David O. Levine and others associated with the Epstein Family Trust had contributed greater than
7 \$500.00 to each Antonovich and Knabe, approximately six weeks prior to the May 15, 2007 LA
8 Board of Supervisors vote approving the EIR.
9

10
11 At all times LA County, its attorneys, Del Rey Shores Joint Venture, Del Rey Shores Joint
12 Venture North, its attorneys, the Epstein Family Trust, and its Trustees Jerry B. Epstein and Pat
13 Epstein knew that they, and each of them, had committed "extrinsic fraud upon the court" by not
14 disclosing the aforementioned information.

15 At all times Judge Yaffe knew that he had committed "extrinsic fraud upon the court" by
16 not disclosing the fact that he had received since 1987 when he became a State Superior Court
17 Judge, and was receiving, illegal payments from LA County, a party to the case, in the amount
18 totaling approximately \$500,000.00. At all times Judge Yaffe further knew that he was bound to
19 immediately disqualify himself under CCP Code Section 170.1 and that he was "obstructing
20 justice" by presiding over the case while having received and continuing to receive the illegal
21 payments or any payments from LA County, a party to the case, or any party to the case.
22

23 Dated: December 5, 2010

Respectively submitted,

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25 Richard I. Fine

26 Former Attorney for Petitioner Marina Strand
27 Colony II Homeowners Association
28 Respondent in Contempt Proceedings

PROOF OF SERVICE

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STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and a party to the contempt proceedings to the within action. My business address is 18102 Jaguar Ct., Tarzana, California 91335.

On December 5, 2010, I served the foregoing document described as **Notice of New Hearing Date for Motion to Void and Annul All Orders and Judgments Including those in the Contempt Proceedings in the Case Made by Judge Yaffe, Previously Set for September 16, 2010** on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

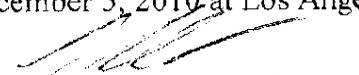
Andrea Ordin Elaine M. Lemke 648 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012-2713 FACSIMILE: (213) 687 7337	Armbruster & Goldsmith LLP R.J. Comer 10940 Wilshire Blvd., Suite 2100 Los Angeles, CA 90024 FACSIMILE: (310) 209-8801
Rose M. Zoia 50 Old Courthouse Square, Suite 401 Santa Rosa, CA 95404 FACSIMILE: (707) 540-6249	Joshua L. Rosen 5905 Sherbourne Drive Los Angeles, CA 90056 FACSIMILE: (310) 410-7227

BY MAIL. BY EXPRESS MAIL /FED EX As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or meter date is more than one day after the date of deposit for mailing in affidavit.

BY FACSIMILE: By transmitting the documents by facsimile to the stated parties at their respective facsimile numbers as shown above pursuant to CCP § 1013(e).

BY PERSONAL SERVICE: By delivering a copy to the above mentioned persons at:

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed December 5, 2010 at Los Angeles, California.


RICHARD I. FINE