

ORIGINAL
FILED
LOS ANGELES SUPERIOR COURT
MAR 25 2008
JOHN A. CLARKE, CLERK
Berta Jaquez
BY BERTA JAQUEZ, DEPUTY

1 RICHARD I. FINE, SBN #055259
2 RICHARD I. FINE & ASSOCIATES
3 468 North Camden Drive, Suite 200
4 Beverly Hills, California 90210
5 Telephone: (310) 277-5833
6 Facsimile: (310) 277-1543
7 Former Attorneys for Petitioner
8 Marina Strand Colony II Homeowners Association

Notice ordered struck per order dated 3/27/08 by Connie K. Hudson, Deputy Clerk John A. Clarke, Executive Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL DISTRICT

MARINA STRAND COLONY II,
HOMEOWNERS ASSOCIATION,

) CASE NO. BS 109420
) Hon. David P. Yaffe

Petitioner,

) **Notice of Disqualification of Judge David P. Yaffe for Failure to Strike "CCP § 170.3 Objection" Set forth in March 21, 2008 Notice of Ruling Within Ten Days of Filing**

v.

COUNTY OF LOS ANGELES,

) Date: March 21, 2008
) Time:
) Place: Dept. 86
) Petition Filed: 6/14/07
) Trial Date: 4/28/2008

Respondent.

DEL REY SHORES JOINT VENTURE;
DEL REY SHORES JOINT VENTURE
NORTH

Real Party in Interest

1 **NOTICE OF DISQUALIFICATION OF JUDGE DAVID P. YAFFE FOR FAILURE TO**
2 **STRIKE "CCP § 170.3 OBJECTION" SET FORTH IN MARCH 21, 2008 NOTICE OF**
3 **RULING WITHIN TEN DAYS OF FILING**

4 TO: THE CLERK OF THE COURT AND ALL PARTIES IN THIS ACTION:

5 At the March 20, 2008 hearing Judge Yaffe "struck" the "MOTION TO
6 DISQUALIFY LA SUPERIOR COURT JUDGES RECEIVING MONEY FROM LA
7 COUNTY" by misinterpreting it as a "CCP § 170.3 Objection to the judges of the Superior Court
8 of the County of Los Angeles" and struck it as shown in the Notice of Ruling . A true and correct
9 copy of the Notice of Ruling marked as Exhibit 1 is attached hereto and incorporated herein as if
10 set forth in full. Judge David P. Yaffe is disqualified under CCP § 170.3©)(4) as he did not do
11 such within 10 days of filing. (See *Lewis v. Superior Court of Los Angeles County*, 198 Cal. App.
12 3d 1101, 244 Cal. Rptr. 328 (Cal.App.Dist.2 02/24/1988); *PBA, LLC, v. KPOD, Ltd.*, 112
13 Cal.App.4th 965, 5 Cal.Rptr.3d 532 (Cal.App. Dist.2 10/22/2003))

14
15 The Clerk is requested to transfer the case to the Supervising Judge for reassignment
16 outside of the County of Los Angeles. A "disqualification" of Judge Yaffe and all Los Angeles
17 Superior Court Judges will be imminently filed.

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19 Dated: March 24, 2008

Respectfully submitted,

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22 Richard I. Fine



7/11/08

EXHIBIT 1

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LAW OFFICES OF JOSHUA L. ROSEN
JOSHUA L. ROSEN (State Bar No. 102887)
5905 SHERBOURNE DRIVE
LOS ANGELES, CA 90056
(310) 823-8584
(310) 410-7227 (Facsimile)

Attorney Specially Appearing for Real Parties in Interest
DEL REY SHORES JOINT VENTURE and
DEL REY SHORES JOINT VENTURE NORTH

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES
CENTRAL DISTRICT, STANLEY MOSK COURTHOUSE

MARINA STRAND COLONY II,
HOMEOWNERS ASSOCIATION,

Petitioner,

vs.

COUNTY OF LOS ANGELES,

Respondent.

DEL REY SHORES JOINT VENTURE; DEL
REY SHORES JOINT VENTURE NORTH

Real Parties In Interest.

) CASE NO.: BS 109420

) Action Commenced: June 14, 2007

) Assigned to: Hon. David P. Yaffe, Dept. 86

) NOTICE OF RULING

) Date: March 20, 2008

) Time: 9:30 a.m.

) Dept.: 86

) Trial Date: April 28, 2008

NOTICE OF RULING

EX 1

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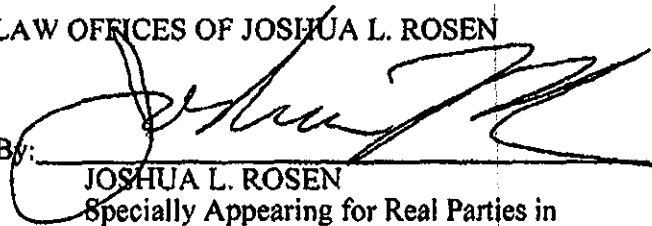
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on March 20, 2008 at 9:30 a.m. in Department 86 of the above captioned court, a hearing was held on the Motion of Richard I. Fine, former counsel for Petitioner, to Disqualify LA Superior Court Judges Receiving Money From LA County, Dismiss Order To Pay Sanctions and Attorneys Fees and Costs For Lack Of Jurisdiction Over Former Counsel of Marina Strand Colony II HOA, Lack Of Notice Of Imposition Of Sanctions, Legal Fees and Costs and that the Discretionary Provision of CCP § 473(b) Does Not Allow or Mandate the Imposition of Sanctions, Legal Fees and Costs, the Honorable David P. Yaffe, presiding. Richard I. Fine appeared specially as former attorney for Petitioner Marina Strand Colony II Homeowners Association. No other appearance was made for Petitioner. Elaine M. Lemke appeared for Respondent, County of Los Angeles. Joshua L. Rosen appeared specially for Real Parties in Interest Del Rey Shores Joint Venture and Del Rey Shores Joint Venture North.

The court struck the challenge pursuant to CCP §170.3 by Richard I. Fine to the judges of the Superior Court of the County of Los Angeles. The court continued the hearing on the remainder of the Motion to April 10, 2008, at 9:30 a.m. in Department 86, to be heard along with the Motion of Richard I. Fine To Dismiss the Order to Pay Attorneys Fees and Costs and to Tax Attorneys Fees and Costs, finding that the two motions were duplicative, and the filing of the Motion To Dismiss the Order to Pay Attorneys Fees and Costs and to Tax Attorneys Fees and Costs superseded the Motion to Disqualify LA Superior Court Judges Receiving Money From LA County, Dismiss Order To Pay Sanctions and Attorneys Fees and Costs For Lack Of Jurisdiction Over Former Counsel of Marina Strand Colony II HOA, Lack Of Notice Of Imposition Of Sanctions, Legal Fees and Costs and that the Discretionary Provision of CCP § 473(b) Does Not Allow or Mandate the Imposition of Sanctions, Legal Fees and Costs.

DATED: March 21, 2008

LAW OFFICES OF JOSHUA L. ROSEN

By: 
JOSHUA L. ROSEN
Specially Appearing for Real Parties in
Interest DEL REY SHORES JOINT
VENTURE and DEL REY SHORES JOINT
VENTURE NORTH

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am an active member of the State Bar of California, am over the age of 18 and not a party to the within action; my business address is 5905 Sherbourne Drive, Los Angeles, CA 90056.

On March 21, 2008, I served the foregoing document described as **NOTICE OF RULING** on interested parties in this action by depositing a true copy thereof, which was enclosed in a sealed envelope, with postage fully prepaid, in the United States Mail at the United States Post Office located at 7381 La Tijera Blvd, Los Angeles, CA 90045, addressed as follows:

Richard I. Fine
468 North Camden Drive
Suite 200
Beverly Hills, CA 90210
Facsimile: (310) 277-1543

(and by Facsimile to Mr. Fine at (310) 277-1543).

Elaine M. Lemke
Principal Deputy County Counsel
County Counsel, County of Los Angeles
500 West Temple Street
Room 648
Los Angeles, CA 90012-2713
FACSIMILE: (213) 687 7337

Armbruster & Goldsmith LLP
R.J. Corner
10940 Wilshire Blvd.
Suite 2100
Los Angeles, CA 90024
FACSIMILE: (310) 209-8801

Sandra S. Kass
Law Offices of Sandra S. Kass
400 Corporate Pointe
Suite 400
Culver City, CA 90230

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on March 21, 2008, at Los Angeles, California.

Joshua L. Rosen

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PROOF OF SERVICE

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 within action. My business address is 468 North Camden Drive, Suite 200, Beverly Hills, California 90210.

On March 25, 2008, I served the foregoing document described as **Notice of Disqualification of Judge David P. Yaffe for Failure to Strike "CCP § 170.3 Objection" Set forth in March 21, 2008 Notice of Ruling Within Ten Days of Filing** on the interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

Raymond G. Fortner, Jr. Elaine M. Lemke 648 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012-2713 FACSIMILE: (213) 687 7337 Rose M. Zoia 50 Old Courthouse Square, Suite 401 Santa Rosa, CA 95404 FACSIMILE: (707) 526-5895	Armbruster & Goldsmith LLP R.J. Comer 10940 Wilshire Blvd., Suite 2100 Los Angeles, CA 90024 FACSIMILE: (310) 209-8801 Joshua L. Rosen 5905 Sherbourne Drive Los Angeles, CA 90056 FACSIMILE: (310) 410-7227
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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:

Judge David P. Yaffe, Dept.86, 111 North Hill St., Los Angeles, CA 90012

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed March 25, 2008 at Los Angeles, California.


RICHARD I. FINE