

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 03/20/08

DEPT. 86

HONORABLE DAVID P. YAFFE

JUDGE

C. HUDSON

DEPUTY CLERK

HONORABLE  
3.

JUDGE PRO TEM

B. JAUREGUI, COURTROOM ASST.

ELECTRONIC RECORDING MONITOR

NONE

Deputy Sheriff

C. CRUZ, CSR# 9095

Reporter

9:30 am

BS109420

Plaintiff

Counsel RICHARD I. FINE (X)

MARINA STRAND COLONY II

VS

Defendant JOSHUA ROSEN (X)

COUNTY OF LOS ANGELES

Counsel ELAINE M. LEMKE (X)

'CEQA'

**NATURE OF PROCEEDINGS:**

FORMER ATTORNEY OF PETITIONER, RICHARD FINE'S, 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;

Matter comes on for hearing.

Hearing on motion by Richard I. Fine is ordered off calendar.

On March 5, 2008, Fine filed a duplicative motion requesting the same relief as the instant motion, and set it for hearing in this department on April 10, 2008. In the new motion, he, "incorporates by reference all reasons set forth" in the instant motion.

Because Fine is not entitled to have the same motion heard twice, his new motion is deemed by the court to constitute a withdrawal of the instant motion because the instant motion has been superceded by a subsequent motion seeking the same relief.

<p align="center">MINUTES ENTERED 03/20/08 COUNTY CLERK</p>
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VS  
COUNTY OF LOS ANGELES

'CEQA'

Plaintiff

Counsel RICHARD I. FINE (X)

Defendant

JOSHUA ROSEN (X)

Counsel

ELAINE M. LEMKE (X)

**NATURE OF PROCEEDINGS:**

The purported Statement of Disqualification by Richard I. Fine is ordered stricken on each of the following grounds:

1. it is directed at all of the judges of this court as a class, and not to any particular judge;
2. it was not presented at the earliest practicable opportunity as required by Code of Civil Procedure section 170.3(c)(1);
3. it is made to attempt to obtain another judge to hear a motion for reconsideration, and is therefore contrary to the holding in *McCARTNEY v. SUPERIOR COURT*, 223 Cal.App.3d 1334, 1340(1990);
4. the statement is contained in a motion filed with the court and was not personally served on the judge or his clerk, as required by Code of Civil Procedure section 170.3, and by *McCARTNEY v. SUPERIOR COURT*, supra.

Real party in interest to give notice.

<p align="center"><b>MINUTES ENTERED</b> 03/20/08 COUNTY CLERK</p>
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3/21/08