

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 13-2667-GW-RAOx** Date **June 22, 2023**

Title ***Arthur Huerth et al v. Theodore Jonavic, et al.*** Page **1 of 2**

Present: The Honorable **GEORGE H. WU, UNITED STATES DISTRICT JUDGE**

Javier Gonzalez
Deputy Clerk

None Present
Court Reporter

Attorneys Present for Plaintiff(s)

Attorneys Present for Defendant(s)

None Present

None Present

Proceedings: IN CHAMBERS – ORDER TO SHOW CAUSE WHY AN ORDER FOR SALE OF DWELLING SHOULD NOT ISSUE

On November 12, 2012, in the United States District Court for the Northern District of Illinois, in Case No. 1:10-cv-05049, a judgment was entered in favor of plaintiffs Arthur Huerth and Joan Huerth (the “Judgment”). *See* Docket No. 1; *see also* Declaration of Dan Townsend (“Townsend Decl.”), Docket No. 266 at ¶ 2. The Judgment was registered with this Court on March 14, 2013. *See* Docket No. 1. The Judgment was assigned to Movant Cal-West Equities, Inc. (“Cal-West Equities”), pursuant to an Assignment of Judgment filed with this Court on June 9, 2020. *See* Docket No. 162. An Abstract of Judgment was recorded on May 21, 2013, in the Los Angeles County Recorder’s Office. *See* Townsend Decl. ¶ 6; *see also* Docket No. 268 at Ex. 1. The Judgment was renewed on August 4, 2022 in the total amount of \$908,062.37, and an Application for and Renewal of Judgment was recorded on November 17, 2022, in the Los Angeles County Recorder’s Office. *See* Docket No. 244; *see also* Townsend Decl. ¶ 7; Docket No. 268 at Ex. 2.

On August 26, 2022, the Court issued a Writ of Execution in the amount of \$908,062.37. *See* Docket No. 248. On January 4, 2023, through the Office of the United States Marshal, a Notice of Levy and Writ of Execution was recorded in the Los Angeles County Recorder’s Office. *See* Townsend Decl. ¶ 9; *see also* Docket No. 268 at Ex. 4.

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Page **2 of 2**

On April 19, 2023, Cal-West Equities then filed an Application for Order of Sale re: Sale of Dwelling (“Application”), *see* Docket No. 263, along with a Memorandum of Points and Authorities (“MPA”), *see* Docket No. 265, in which Cal-West Equities sought an order for the sale of Thom Ferro’s (“Mr. Ferro”), the judgment debtor, interest in the dwelling and real property located at 23448 Moon Shadows Drive, Malibu, California (hereinafter the “Property”). Mr. Ferro has not filed an opposition. *See generally* Docket. The Court heard oral argument on the Application on June 22, 2023. While Mr. Ferro did not make an appearance, counsel for Rosa Ferro, Mr. Ferro’s wife and joint tenant, appeared at the hearing.

The Court having considered the Application, and for good cause,

IT IS HEREBY ORDERED that judgment debtor, Thom Ferro, and Rosa Ferro, appear on August 24, 2023, at 8:30 a.m., in courtroom 9D, First Street Courthouse, 350 W. First Street, Los Angeles, to show cause, if any, why the Application for sale of dwelling should not be granted. Any opposition to the Application shall be filed by August 7, 2023 and any reply shall be filed by August 14, 2023.

IT IS FURTHER ORDERED that a copy of this Order to Show Cause, a copy of the Application, a copy of the Court’s Order on the Application, a copy of the notice of hearing, and all other items delineated in California Code of Civil Procedure Section 704.770 shall be personally served on Thom Ferro, Rosa Ferro, and counsel of record by Movant Cal-West Equities. Copies of each of these documents shall also be personally served on the occupant(s) of the dwelling or, if no occupant(s) is/are present at the time service is attempted, posted in a conspicuous place at the dwelling. Service and posting of these documents shall be accomplished at least 30 days before the date of the hearing set forth above.¹

¹ The Court finds good cause for a hearing date beyond the 45 day limit set forth in California Code of Civil Procedure § 704.770, as service and posting of documents as described herein must be accomplished at least 30 days prior to the date set for the hearing.