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7 Attorneys for Plaintiff THE PEOPLE OF THE STATE OF CALIFORNIA,
 acting by and through the Department of Transportation
 8

9 UNITED STATES DISTRICT COURT
 10 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

12 THE PEOPLE OF THE STATE OF
 CALIFORNIA, acting by and through
 13 the DEPARTMENT OF
 TRANSPORTATION,

14 Plaintiff,

15 vs.

16 JOHN W. L. WINDLE, et al.,

17 Defendants.
 18
 19
 20
 21

Case No. 2:14-cv-9643 PSG (JCx)

Judge: Hon. Philip S. Gutierrez
Courtroom: 880 - Roybal
SETTLEMENT AGREEMENT +
STIPULATED JUDGMENT IN
CONDEMNATION

22 It appearing to the court that plaintiff The People of the State of California,
 23 acting by and through the Department of Transportation (State), and defendants
 24 John W. L. Windle (Windle), Bank of New York Mellon Trust Company, N.A.
 25 (Bank), United States of America (USA), and Belinda Cook (collectively the
 26 “Parties”) having stipulated that judgment in condemnation as set forth herein may
 27 be entered, and it further appearing to be a proper case:
 28

1 1. **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that
2 the total amount of compensation to be paid for the condemnation and taking of the
3 property described in the eminent domain complaint on file in this action and
4 designated as Parcel No. 77794-1, -2, -3, -4, -5, -6, -7, -8, -9, -10, 01-01, and -01-
5 02 (hereinafter Parcel No. 77794), and the loss of goodwill to the business operated
6 on the property, is \$3,449,135.⁷⁷ (Dollars), inclusive of interest,
7 costs, and attorney's fees, payable as follows:

8 a. The sum of \$124,135.77 (One Hundred Twenty-Four Thousand
9 One Hundred Thirty-Five Dollars and Seventy-Seven Cents) was previously
10 withdrawn by the Los Angeles County Treasurer and Tax Collector from the
11 deposit of probable compensation made by the State into the Condemnation
12 Deposits Fund for Parcel No. 77794, and is credited against the total compensation
13 to be paid, as described above; and

- 14 b. *The sum of ~~\$100,000.00~~ \$200,000.00 to John*
15 *J. L. Windle.*
16 c. *The sum of \$2,775,000.00 to the Bank*
17 *of New York Mellon.*
18 d. *The sum of \$350,000.00 to the*
19 *SBA.*

20
21
22 2. **ITS IS FURTEHR ORDERED, ADJUDGED, AND DECREED**
23 that defendant Belinda Cook shall take nothing and all interests of said
24 defendant, or any person or entity who derives from said defendant, in the
25 property or the compensation being paid in this proceeding, are hereby
26 terminated;

27 3. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
28 each Party each shall bear its own attorney's fees, litigation expenses, and costs;

1 4. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
2 upon full payment of the above-referenced compensation, Parcel No. 77794,
3 including all improvements thereon and therein, shall be condemned to the State
4 as against all defendants, for state highway purposes, in fee simple absolute, and
5 all interests of all defendants in and to said property shall be terminated;

6 5. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
7 defendants First American Title Insurance Company, a California corporation;
8 Chicago Title Company, a California corporation; Chevron U.S.A. Inc., a
9 Pennsylvania corporation; and State of California, acting by and through the Board
10 of Equalization; having disclaimed any interest in the property or the compensation
11 to be awarded, all interests of said defendants in Parcel No. 77794 are hereby
12 terminated;

13 6. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
14 the payment of the compensation specified in Paragraph 1, is for the condemnation
15 and taking of the defendants' real estate, interests in real estate, improvements,
16 furniture, fixtures, equipment, loss of business goodwill, business damages, and all
17 damages of every kind suffered, or to be suffered, by reason of the State's
18 acquisition of Parcel 77794, and the construction, operation, and use of the project
19 in the manner proposed, and extinguishes all of defendants' claims in this action,
20 and all claims which said defendants could have brought in this action, including
21 but not limited to, claims for attorney's fees, litigation expenses, precondemnation
22 damages, inverse condemnation, and all other damages and claims relating to this
23 action;

24 7. **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that
25 the use for which Parcel No. 77794 is sought to be condemned, for state highway
26 purposes, is authorized by law and is a public use, and that the taking in
27 condemnation is necessary for that public use;

28

1 8. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
2 upon full payment of the amount referred to herein, the Parties waive the right to
3 trial, trial, hearing on the issues, the making and filing of a statement of decision,
4 the right to move for a new trial, notice of the entry of judgment, and the right to
5 appeal concerning the entry of this judgment in condemnation and the terms
6 thereof, the State shall be entitled to this Court's making of a Final Order of
7 Condemnation;

8 9. IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that
9 the STATE having taken possession of Parcel No. 77794, on August 31, 2015, all
10 taxes, assessments, penalties and costs which are a lien on said Parcel, and which
11 are apportioned to that portion of the fiscal year after said date are hereby cancelled
12 pursuant to sections 5081 et seq. of the Revenue and Taxation Code.

13 IT IS SO ORDERED.

14 Dated: 3/14/16



15
16 PHILIP S. GUTIERREZ
UNITED STATES DISTRICT JUDGE


17 Agreed 3-9-16



18 JOHN Winde


18 Julie E. Saake 3-9-16
19 Julie E. Saake, Deputy Attorney
20 Atty for Plaintiff State of CA


21 Agreed 3-9-16



22 Stephen S. Zeman
23 ATTORNEY FOR
24 JOHN Winde

22 Bank of New York Mellon
23 by Ciana Capital Funding, LLC.
24 as servicer

25 3-9-16
26 
27 Daniel Zolliks
28 Vice President

25 U.S. Small Business Administration
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APPENDIX

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