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JS-6

6 Attorneys for Defendants
 JPMORGAN CHASE BANK, N.A. and
 7 CALIFORNIA RECONVEYANCE
 COMPANY and Cross-Complainant
 8 JPMORGAN CHASE BANK, N.A., an
 Acquirer of Certain Assets and Liabilities of
 9 Washington Mutual Bank from the Federal
 Deposit Insurance Corporation as Receiver

10 **UNITED STATES DISTRICT COURT**
 11 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

13 FAB FILMS, LLC, as Trustee,
 14
 Plaintiffs,
 15
 v.
 16 JPMORGAN CHASE BANK, N.A.;
 17 CALIFORNIA RECONVEYANCE
 COMPANY; and DOES 1-10 inclusive ,
 18
 Defendants.

CASE NO.: 2:16-cv-01722-PSG-SS

JUDGE: Hon. Philip S. Gutierrez

**JUDGMENT OF FORECLOSURE
AND ORDER OF SALE**

20 JPMORGAN CHASE BANK, N.A., an
 Acquirer of Certain Assets and Liabilities
 of Washington Mutual Bank from the
 21 Federal Deposit Insurance Corporation as
 Receiver,
 22

TRIAL DATE: April 4, 2017
TIME: 9:00 a.m.
COURTROOM: 6A, 6th Floor

23 Cross-Complainant,
 24
 v.
 25 FAB FILMS, LLC, as Trustee; BLUE
 HORSE TRADING, LLC, a California
 26 Limited Liability Company; JOSEPH
 FRANCIS, an individual; CHICKIE
 27 LEVENTHAL; TRACY PRICE;
 INTERNAL REVENUE SERVICE;
 28 PALLADINO & SUTHERLAND, INC.;
 GIRARD GIBBS LLP; CRYSTAL
 TAUNTON; ANDREW GILBERT:

1 WILLIAM TABET; COUGHLIN STOIA
2 GELLER RUDMAN & ROBBINS LLP;
3 CITI COMMUNICATIONS FINANCE
4 CORPORATION; HOWREY LLP;
5 STEPHEN WYNN; STATE OF
6 CALIFORNIA FRANCHISE TAX
7 BOARD SPECIAL PROCEDURES
8 SECTION; INTERNATIONAL
9 FIDELITY INSURANCE COMPANY;
10 TAMARA FAVAZZA; BRIAN J.
11 RAYMENT; and WYNN LAS VEGAS,

12 Cross-Defendants.

13 The above-entitled matter came on regularly for trial on April 4, 2017, the
14 Honorable Philip S. Gutierrez, Judge Presiding. All appearances were as noted on the
15 record.

16 Having fully considered the Motion for Summary Adjudication of Claims and
17 Defenses of Defendants JPMorgan Chase Bank, N.A. (“Chase”) and California
18 Reconveyance Company (“CRC”) (together, “Defendants”) and Cross-Complainant
19 JPMorgan Chase Bank, N.A., An Acquirer Of Certain Assets And Liabilities Of
20 Washington Mutual Bank From The Federal Deposit Insurance Corporation As
21 Receiver (“Cross-Complainant”) in this action (Docket No. 104), and all papers filed
22 related thereto; and the issues with respect to that motion having been duly heard and
23 an Order Granting Defendants’ Motion for Summary Judgment and Denying
24 Plaintiff’ s Rule 56(d) Request having been duly entered (Docket No. 119); and having
25 fully considered the evidence presented at trial in this matter by way of declaration in
26 lieu of direct testimony pursuant to Local Rule 43.1, which was adopted by the
27 respective witnesses orally in open court, as well as the Request to Take Judicial
28 Notice, and the pleadings, papers, and records of this action, and all other evidence
29 presented at the Court trial in this matter on April 4, 2017; and GOOD CAUSE
30 APPEARING, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

31 Judgment shall be entered in favor of Defendants and Cross-Complainant, and
32 against Plaintiff Fab Films, LLC, and each of the Cross-defendants, on the terms set

1 forth in the following paragraphs:

2 1. The Court orders that the real property (the “Property”) commonly
3 known as 1111 Bel Air Place, Los Angeles, California 90077, and legally described as
4 follows:

5 LOT 7 OF TRACT NO. 13772, IN THE CITY OF LOS
6 ANGELES, COUNTY OF LOS ANGELES, STATE OF
7 CALIFORNIA, AS PER MAP RECORDED IN BOOK 285,
8 PAGES 33 TO 35, INCLUSIVE OF MAPS, IN THE OFFICE OF
9 THE COUNTY RECORDER OF SAID COUNTY.

10 TOGETHER WITH THAT PORTION OF BEL-AIR PLACE AS
11 SHOWN ON TRACT NUMBER 13772 AS PER MAP
12 RECORDED IN BOOK 285 PAGES 33, 34 AND 35 OF MAPS,
13 IN THE OFFICE OF THE COUNTY RECORDER OF LOS
14 ANGELES COUNTY VACATED BY RESOLUTION ON 05-
15 1400622, RECORDED OCTOBER 17, 2005 AS INSTRUMENT
16 NO. 05-2493512, OFFICIAL RECORDS, AND THAT WOULD
17 PASS WITH A LEGAL CONVEYANCE OF LOT 7.

18 be sold in the manner prescribed by law, and that a writ of sale be issued to the Sheriff
19 of Los Angeles County, California, ordering and directing the Sheriff to conduct such
20 sale.

21 2. Any party to this action may purchase the Property at the sale. From the
22 sale proceeds, the Sheriff shall pay to Cross-Complainant after deducting expenses of
23 the levy and sale, all or such sums as may be sufficiently obtained from the sale, the
24 total indebtedness of \$6,275,966.88 together with interest accruing at the rate of 4.0%
25 from the date of this judgment at a daily rate of \$540.86 per day, which sums are
26 secured by the Deed of Trust set forth in the Cross-Complaint, and which sums may
27 be credit bid by Cross-Complainant at the sale.

28 ///

1 3. If any surplus remains after the payment specified herein, the surplus
2 shall be paid to the United States of America, Internal Revenue Service, pursuant to its
3 Notices of Federal Tax Lien (NFTLs) filed against the Subject Property and cross-
4 defendants Joseph Francis and Blue Horse Trading, LLC. If any surplus remains after
5 payment of the NFTLs, the funds shall be interpleaded and deposited into the registry
6 of the Court, wherein any remaining judgment creditor/lienholder can apply to the
7 Court for distribution.

8 4. There is no Cross-Defendant against whom a deficiency judgment may
9 be ordered or who is claimed to be personally liable for payment of the sums secured
10 by the Deed of Trust.

11 5. On completion of the sale, the Sheriff shall execute a deed of sale to the
12 purchaser, who may then take possession of the Property, if necessary, with the
13 assistance of the Sheriff of Los Angeles County.

14 6. Cross-Defendants Joseph Francis and Fab Films, LLC, all persons
15 claiming from or under him or it, all persons and their personal representatives having
16 liens subsequent to the Deed of Trust by judgment or decree on the described real
17 property, all persons and their heirs or personal representatives having any lien or
18 claim by or under such subsequent judgment or decree, all persons claiming under
19 them, and all persons claiming to have acquired any estate or interest in the Property
20 are forever barred and foreclosed from all equity of redemption in and claim to the
21 property from after delivery of the deed by the Sheriff.

22
23 DATED: 4/4/17

PHILIP S. GUTIERREZ

District Court Judge

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

3 *Fab Films, LLC v. JPMorgan Chase Bank, N.A.*

4 USDC Central Case No.: 2:16-cv-01722-PSG-SS

5 I am employed in the County of Orange, State of California. I am over the age
6 of 18 years and not a party to the within action. My business address is **Parker
Ibrahim & Berg LLC, 695 Town Center Drive, 16th Floor, Costa Mesa,
California 92626.**

7 On March 30, 2017, I served the foregoing document described as
8 **JUDGMENT OF FORECLOSURE AND ORDER OF SALE** on the interested
parties in this action.

9 by placing the original and/or a true copy thereof enclosed in (a) sealed
envelope(s), addressed as follows:

10 **SEE ATTACHED SERVICE LIST**

11 **BY REGULAR MAIL:** I deposited such envelope in the mail at 695 Town
12 Center Drive, 16th Floor, Costa Mesa, California 92626. The envelope was
mailed with postage thereon fully prepaid.

13 I am “readily familiar” with the firm’ s practice of collection and processing
14 correspondence for mailing. It is deposited with the U.S. Postal Service on that
15 same day 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 postage
meter date is more than one (1) day after date of deposit for mailing in affidavit.

16 **BY THE ACT OF FILING OR SERVICE, THAT THE DOCUMENT**
17 **WAS PRODUCED ON PAPER PURCHASED AS RECYCLED.**

18 **BY OVERNIGHT MAIL:** I deposited such documents at the Golden State
19 Overnight or Federal Express Drop Box located at 695 Town Center Drive, 16th
Floor, Costa Mesa, California 92626. The envelope was deposited with delivery
fees thereon fully prepaid.

20 **BY CM/ECF ELECTRONIC DELIVERY:** In accordance with the registered
21 case participants and in accordance with the procedures set forth at the Court’ s
22 website www.ecf.cacd.uscourts.gov

23 (Federal) I declare that I am employed in the office of a member of the Bar of
24 this Court, at whose direction the service was made.

25 Executed on March 30, 2017, at Costa Mesa, California.

26 */s/ Julia Hernandez*

27

Julia Hernandez

SERVICE LIST

Fab Films, LLC v. JPMorgan Chase Bank, N.A.
USDC Central Case No.: 2:16-cv-01722-PSG-SS

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