

ERVIN COHEN & JESSUP LLP

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

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11 TARZANA PLAZA CONDOMINIUMS  
ASSOCIATION, a California nonprofit  
12 mutual benefit corporation,  
13 Plaintiff,  
14 v.  
15 EUGENE SAAL, an individual; RUBICELIA  
SCHULTZ, an individual; JUDY WEISS, an  
16 individual; PASCAL BRENNINKMEIJER, an  
individual; and DOES 1-25, inclusive,  
17 Defendant.

Case No. LC106595  
NOTICE OF RULING  
DATE: March 28, 2019  
TIME: 8:30 a.m.  
DEPT: A  
The Hon. Huey P. Cotton, Dept. A  
Complaint Filed: December 14, 2017  
Discovery Cutoff: Unknown  
Motion Cutoff: Unknown  
Trial Date: Unknown

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19 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:  
20 PLEASE TAKE NOTICE that on March 28, 2019 at 8:30 a.m. in Department A of the  
21 above-entitled Court, before the Honorable Huey P. Cotton, Judge of the Superior Court, the Court  
22 conducted a hearing regarding:

- 23 1. Mr. Saal's and Mr. Brenninkmeijer's Ex Parte Application for Order  
24 Authorization to Litigate the Receiver Releasing Personal Data Civil Code 1798.84  
25 Failing in His Fiduciary Duty; Order Requesting Copy All Relevant Legal  
26 Documents/Bills Pertaining Misappropriated Funds; Write-Off/Waiver \$40,000  
27 Delinquent Amount Owed by Owners Offset Forgiveness of Misappropriated Money;  
28 Order Proof of Documents Showing Settlement Negotiations; Replace Jalmar Property

1 with Bowker & Roth, Managing Fee \$2,200; Memorandum of Points and  
 2 Authorities; Declaration of Eugene Saal; Pascal Brenninkmeijer, Judy Weiss;  
 3 Arie Pathi; Barbara Ramsey; Ruibicelia Schultz in Support of; Exhibits  
 4 (“Application #1”); and

5 2. Mr. Saal’s and Mr. Brenninkmeijer’s Ex Parte Application  
 6 Contesting the Receiver’s Performances and Effectiveness Per Court Order  
 7 and a Preliminary Injunction for a Stay on All Foreclosing Procedure Against  
 8 Delinquent Owners; Memorandum of Points and Authorities; Declaration of  
 9 Eugene Saal & Pascal Brenninkmeijer; Exhibits (“Application #2”).

10 Byron Z. Moldo of Ervin Cohen & Jessup LLP appeared on behalf of Stephen J. Donell, State  
 11 Court Receiver; Stephen J. Donell, State Court Receiver (“Receiver”) appeared; Robb Strom of  
 12 Strom Associates appeared on behalf of Plaintiff Tarzana Plaza Condominiums Association  
 13 (“Association”); Robert D. Hillshafer of Loewenthal Hillshafer & Carter LLP appeared as Special  
 14 Counsel for the Receiver; Defendant Eugene Saal (“Saal”) appeared in propria persona; Defendant  
 15 Rubicelia Schultz appeared in propria persona; Defendant Pascal Brenninkmeijer  
 16 (“Brenninkmeijer”) appeared in propria persona; there were no other appearances.

17 The Court, having read and considered Application #1; Application #2; Receiver’s  
 18 Opposition to Application #1; Receiver’s Opposition to Application #2; Mr. Saal’s and Mr.  
 19 Brenninkmeijer’s Reply to the Answer of the Receiver to Application #1, Mr. Saal’s and Mr.  
 20 Brenninkmeijer’s Answer to the Receiver’s Opposition to Application #2, and the Receiver’s  
 21 Further Opposition to Defendant Eugene Saal and Pascal Brenninkmeijer’s Ex Parte Application  
 22 Regarding Oral Testimony, and after hearing the statements, comments and argument of all  
 23 counsel and parties present, ruled as follows:

24 1. The Receiver’s request that the Court not consider Application #1 and Application  
 25 #2 by Defendant Brenninkmeijer due to the entry of his default was granted.

26 2. The Receiver’s objection to the introduction of oral evidence in support of  
 27 Application #1 and Application #2 was sustained.

28 3. The receivership that was established on May 17, 2018 was extended from January

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1, 2019 through September 30, 2019.


4. The Court ordered that the Receiver shall proceed to adopt new or amended covenants, condition and restrictions (“CC&Rs”) for the Association shall proceed no later than July 1, 2019. In addition, the Receiver was ordered to schedule an election of a new board of directors for the Association after new CC&Rs are adopted.

5. The Court advised all counsel, parties, and others present that the Court will begin to oversee monthly meetings for a minimum of six (6) months not including the month of July to discuss issues and problems affecting the Association. The Court established the following process for the consideration of issues and problems. No later than ten (10) days prior to any meeting any individual is permitted to prepare and send a letter to the Receiver that does not exceed five (500) words which requests that certain issues or problems be discussed with the Court. The Receiver will review all letters submitted to him, and he will prepare an agenda that will be submitted to the Court. No later than seventy-two (72) hours prior to the Court meeting, and after the court has ruled on the proposed agenda, the Receiver will distribute the approved agenda to all parties and members of the Association. The first Court meeting will take place on May 14, 2019 at 3:00 p.m. in Department A of this Court.

6. Application #1 and Application #2 were continued to May 14, 2019 at 8:30 a.m.

DATED: April 5, 2019

Respectfully submitted,  
ERVIN COHEN & JESSUP LLP

By:   
BYRON Z. MOLDO  
Attorneys for Stephen J. Donell, State  
Court Receiver