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5 Proposed Attorneys for Stephen J. Donell, State Court Receiver  
6  
7

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

ERVIN COHEN & JESSUP LLP

10  
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.  
18

Case No. LC106595

STIPULATION TO RATIFY AND  
APPROVE RECEIVER'S RETENTION OF  
PROFESSIONALS, EFFECTIVE MAY 17,  
2018

The Hon. Huey P. Cotton, Dept. A

Complaint Filed: December 14, 2017  
Discovery Cutoff: Unknown  
Motion Cutoff: Unknown  
Trial Date: Unknown

19 IT IS HEREBY STIPULATED by and between Plaintiff Tarzana Plaza Condominiums  
20 Association ("Plaintiff"), defendants Eugene Saal, Rubicelia Schultz, Judy Weiss, Pascal  
21 Brenninkmeijer, and Aryeh Pathi ("Defendants"), and Stephen J. Donell, State Court Receiver  
22 ("Receiver"), as follows:

23 **RECITALS**

24 A. Stephen J. Donell is the duly appointed, qualified and acting State Court Receiver  
25 of Tarzana Plaza Condominiums Association, a California nonprofit mutual benefit corporation  
26 ("Association") pursuant to this Court's May 17, 2018 Order Appointing Receiver and Order to  
27 Show Cause Why Receiver Should Not be Confirmed ("Order").

28 B. Pursuant to the terms of the Order, the Receiver was appointed to take possession,

1 custody, control and to manage and operate the Association, and any and all real and personal  
2 property belonging to the Association, including without limitation the 101-unit condominium  
3 development located at 18530 Hatteras Street, Tarzana, California (“Property”).

4 C. After entering upon his duties, the Receiver determined that, as of the date of his  
5 appointment, there were several cases pending in Los Angeles County Superior Court that either  
6 named the Association as a party, or members of the Association were named as parties.

7 Specifically, the Receiver discovered that the Association was a named party in four (4) pending  
8 cases. The four cases in which the Association is a party consist of the following matters:

9 1. Case number 18VESC00715 – Saal, Weiss, Ramsey, Effendie, Brenninkmeijer,  
10 Pathi v. Association, Deprosse, Taylor, Harris, Solari – This is a small claims case, and a non-  
11 jury trial was scheduled for June 18, 2018 at 8:30 a.m. in Department P in Van Nuys. The  
12 matter has been settled by the Receiver;

13 2. Case number 17STSC07216 – Brenninkmeijer, Weiss v. Association – This is  
14 an appeal of a judgment entered in favor of the plaintiffs against the Association for  
15 \$2,050.00. A trial is scheduled for July 11, 2018 at 8:30 a.m. in Department 90 in Los  
16 Angeles. The Association is currently represented by Wolf, Rifkin, Shapiro, Schulman &  
17 Rabkin LLP (“Wolf Rifkin”). The matters has been settled by the Receiver, and the appeal has  
18 been or will be dismissed ;

19 3. Case number 18VESC00283 – Saal, Weiss, Ramsey, Brenninkmeijer, Effendie  
20 v. Association, Taylor, Solari, Harris – This is small claims case, and a non-jury trial was  
21 scheduled for June 18, 2018 at 8:30 a.m. in Department P in Van Nuys. The matter has been  
22 settled by the Receiver; and

23 4. Case number 16K04378 – Rutherford v. Smith – The complaint was dismissed,  
24 but a cross-complaint was filed by Saal, Weiss, Brenninkmeijer, Pathi, Smith, Bankhead, and  
25 Safeco Insurance Company of America against the Association. Counsel of record for the  
26 Association is Wolf Rifkin. A trial setting conference was scheduled for June 13, 2018 at  
27 8:30 am in Department A in Van Nuys.

28 The other pending litigation located by the Receiver appears to involve disputes between members

1 of the Association, but the Association has not been named as a party.

2 D. Immediately after his appointment, the Receiver determined that he required the  
 3 services of general counsel that was experienced in both receivership and homeowners association  
 4 matters. Therefore, and subject to the approval of this Court, the Receiver retained Byron Z.  
 5 Moldo (“Moldo”) of Ervin Cohen & Jessup LLP (“ECJ”).

6 E. The Receiver proposes to retain Robb M. Strom of Strom & Associates (“Strom”)  
 7 as special counsel for the Association as substitute counsel in the existing litigation where Wolf  
 8 Rifkin is currently counsel of record, future litigation, and to advise the Receiver regarding issues  
 9 that are governed by the Davis–Stirling Common Interest Development Act (“Davis-Stirling”).

10 F. Also, the Receiver proposes to retain Samuel L. Biggs, Certified Public  
 11 Accountant, of SL Biggs (“Biggs”), as accountants to prepare and file all required tax returns,  
 12 advise the Receiver regarding tax matters that affect the Association, and for any other accounting  
 13 or financial matter that affects the Association.

14 G. Lastly, the Receiver proposes to retain Loewenthal, Hillshafer & Carter, LLP  
 15 (“Loewenthal”) as special counsel for the limited purpose of preparing and recording amended  
 16 covenants, conditions and restrictions (“CC&Rs”) for the Association.

17 NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

18 1. IT IS HEREBY STIPULATED that the Receiver is authorized to employ ECJ as  
 19 his general counsel, effective May 17, 2018.

20 2. IT IS FURTHER STIPULATED that the Receiver is authorized to employ Robb  
 21 M. Strom of Strom & Associates (“Strom”) as special counsel for the Association as substitute  
 22 counsel in the existing litigation where Wolf Rifkin is currently counsel of record, future  
 23 litigation, and to advise the Receiver regarding issues that are governed by the Davis–Stirling  
 24 Common Interest Development Act (“Davis-Stirling”), effective May 17, 2018.

25 3. IT IS FURTHER STIPULATED that the Receiver is authorized to employ Biggs as  
 26 as accountants to prepare and file all required tax returns, advise the Receiver regarding tax  
 27 matters that affect the Association, and for any other accounting or financial matter that affects the  
 28 Association, effective May 17, 2018.

1 4. IT IS FURTHER STIPULATED that the Receiver is authorized to employ  
2 Loewenthal as special counsel for the limited purpose of preparing and recording amended  
3 CC&Rs for the Association, effective May 17, 2018.

4 5. IT IS FURTHER STIPULATED that the Receiver is authorized to compensate  
5 ECJ, Strom, Biggs, and Loewenthal in accordance with the terms of the May 17, 2018 Order  
6 Appointing Receiver and Order to Show Cause Why Receiver Should Not be Confirmed.

7 6. IT IS FURTHER STIPULATED that this stipulation may be executed in  
8 counterparts, each of which shall be considered an original, together which shall constitute a single  
9 document.

10  
11 DATED: <sup>July 11</sup> ~~June~~ \_\_\_, 2018

  
STEPHEN J. DONELL, State Court Receiver

12  
13 DATED: July 11, 2018

EANDI FITZPATRICK LLP

14  
15  
16 By:   
17 MATTHEW J. EANDI  
18 Attorneys for Plaintiff Tarzana Plaza  
Homeowners Association

19 DATED: June \_\_\_, 2018

Defendant EUGENE SAAL

20  
21  
22 DATED: June \_\_\_, 2018

ALAN F. BROIDY LAW OFFICES

23  
24 By: \_\_\_\_\_  
25 ALAN F. BROIDY  
26 Attorneys for Defendant Rubicelia Schultz  
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4. IT IS FURTHER STIPULATED that the Receiver is authorized to employ Loewenthal as special counsel for the limited purpose of preparing and recording amended CC&Rs for the Association, effective May 17, 2018.

5. IT IS FURTHER STIPULATED that the Receiver is authorized to compensate ECJ, Strom, Biggs, and Loewenthal in accordance with the terms of the May 17, 2018 Order Appointing Receiver and Order to Show Cause Why Receiver Should Not be Confirmed.

6. IT IS FURTHER STIPULATED that this stipulation may be executed in counterparts, each of which shall be considered an original, together which shall constitute a single document.


DATED: June \_\_, 2018

STEPHEN J. DONELL, State Court Receiver

DATED: June \_\_, 2018

EANDI FITZPATRICK LLP

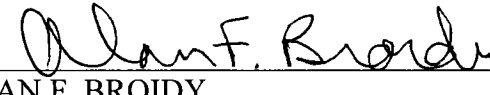
By: \_\_\_\_\_  
MATTHEW J. EANDI  
Attorneys for Plaintiff Tarzana Plaza  
Homeowners Association

  
Defendant EUGENE SAAL

DATED: June \_\_, 2018

DATED: <sup>July</sup> ~~June~~ 11, 2018

ALAN F. BROIDY LAW OFFICES

By:   
ALAN F. BROIDY  
Attorneys for Defendant Rubicelia Schultz

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 9401 Wilshire Boulevard, Ninth Floor, Beverly Hills, CA 90212-2974.

On July 11, 2018, I served true copies of the following document(s) described as **STIPULATION TO RATIFY AND APPROVE RECEIVER'S RETENTION OF PROFESSIONALS, EFFECTIVE MAY 17, 2018** on the interested parties in this action as follows:

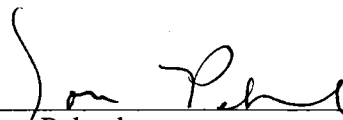
**SEE ATTACHED SERVICE LIST**

**X BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Ervin Cohen & Jessup LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**X BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused the document(s) to be sent from e-mail address lpekrul@ecjlaw.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 11, 2018, at Beverly Hills, California.

  
\_\_\_\_\_  
Lore Pekrul

SERVICE LIST

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