

FEB 21 2013

John A. Clarke, Executive Officer/Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
CENTRAL DISTRICT

OLD CFI, INC., a California corporation,

Plaintiff,

vs.

CASE FINANCIAL, INC., a Delaware corporation,
et al,

Defendants.

Case No. BC391485

~~PROPOSED~~ ORDER
ADJUDGING HARVEY BIBICOFF
AND GERALD LOTTERSTEIN IN
CONTEMPT AND ASSESSING
MONETARY SANCTIONS AND
FEES FOR FAILURE TO APPEAR
FOR DEPOSITION PURSUANT
TO SUBPOENA

Hearing Date:
February 21, 2013
Department: 20
Time: 8:30 a.m.

Judge Kevin Brazile

On or about January 15, 2013, the Court issued its Order directing Harvey Bibicoff and Gerald Lotterstein to appear in Department 20 of the above entitled Court at 8:30 a.m. on February 21, 2013 to show cause, if any exists, why they should not be held in contempt and assessed monetary sanctions for their willful failure to comply with deposition subpoenas served upon them in this action. A copy of the Court's January 15, 2013 Minute Order is attached to this Notice.

No appearance having been made or cause shown, and good cause appearing

Order of Contempt, et al, Case No. BC391485

1 therefor, the Court now adjudges and orders as follows:

2 1. Harvey Bibicoff and Gerald Lotterstein are adjudged in contempt for their failure
3 to appear for deposition in this action pursuant to subpoena.

4 2. Pursuant to Section 1218(a) of the Code of Civil Procedure, Bibicoff and
5 Lotterstein are each ordered to pay a fine in the sum of \$1,000 to the Court; and

6 3. Pursuant to Section 1218(a) of the Code of Civil Procedure, and the February
7 20, 2013 Declaration of Richard P. Towne, Esq., Bibicoff and Lotterstein are each ordered
8 to pay the sum of \$5,480.00 representing reasonable attorneys fees and costs in connection
9 with this contempt proceeding, to Samuel Schwartz, c/o Mr. Towne; and

10 4. Pursuant to Section 1992 of the Code of Civil Procedure, Bibicoff and
11 Lotterstein are each ordered to pay the sum of \$500 to Samuel Schwartz, c/o/ Mr. Towne,
12 for their failure to appear pursuant to the underlying subpoena in this proceeding.

13
14 GOOD CAUSE APPEARING THEREFOR, IT IS SO ORDERED

15
16 2/21/13

KEVIN C. BRAZILE

Hon. Kevin Brazile, Judge of the Superior Court