

ORIGINAL FILED

DEC 13 2013

LOS ANGELES
SUPERIOR COURT

1 Peter F. Jazayeri (SBN 199626)
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REC'D

NOV 19 2013

FILING WINDOW

5 Attorneys for Defendants
6 2700 WILSHIRE, LLC, STUART WHANG
7 AND SIXTH AND VIRGIL, LLC

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

10 EMIL JOSEPH and MARY JOSEPH,
11 Plaintiffs,

Case No. BC524574

[Assigned to the Honorable Elizabeth Allen
White, Dept. 48]

12 vs.

13 2700 WILSHIRE, LLC; STUART WHANG; SIXTH
14 AND VIRGIL, LLC; All persons unknown, claiming
15 any legal or equitable right, title, estate, lien, or
16 interest in the property described in the complaint
17 adverse to Plaintiffs' right to title, or any cloud on
18 Plaintiffs' right to title to the described property; and
19 DOES 1 to 50,

~~PROPOSED~~ ORDER GRANTING
DEFENDANTS' MOTION TO
EXPUNGE LIS PENDENS

17 Defendants.

[Motion to Expunge *Lis Pendens*,
Declaration of Peter F. Jazayeri and Request
for Judicial Notice filed concurrently
herewith]

Date: December 13, 2013
Time: 8:30 a.m.
Dept.: 48

Complaint Filed: October 16, 2013
Trial Date: None

1 The Motion to Expunge *Lis Pendens* and For Attorneys' Fees ("Motion") filed by
2 Defendants Sixth and Virgil, LLC (collectively hereinafter "Sixth") came on regularly for hearing on
3 December 13, 2013, in Department 48 of the above-entitled Court, at approximately 8:30 a.m.

4 The Court, having read and considered the Motion, including the Notice of Motion, the
5 Memorandum of Points and Authorities in support thereof, the Declaration of Peter F. Jazayeri, the
6 Request for Judicial Notice and exhibits thereto, the concurrently-filed Demurrer and Motion to
7 Strike, as well as any opposition filed by Plaintiffs Emil and Mary Joseph ("Plaintiffs"), and any
8 reply and supporting documents thereto, and the arguments and evidence presented by counsel in
9 connection with the hearing on the Motion, hereby finds that Plaintiffs have failed to establish that
10 the pleading on which the Notice of Pendency of Action is based contains a real property claim
11 pursuant to Code of Civil Procedure Section 405.31 and that Plaintiffs can establish by a
12 preponderance of the evidence the probable validity of any real property claim required under Code
13 of Civil Procedure Section 405.32, and that there is no substantial justification or other
14 circumstances that make imposition of attorneys' fees and costs unjust and therefore Sixth and
15 Virgil, LLC is entitled to its attorney's fees under Code of Civil Procedure Section 405.38,

16 IT IS HEREBY ORDERED THAT:

- 17 1. The Motion is granted.
18 2. The Notice of Pendency of Action recorded as Instrument No. 20131485496 in the
19 Official Records of Los Angeles County is hereby expunged.

20 3. Plaintiffs shall pay to Sixth and Virgil, LLC attorney's fees. ^{UIN} *in the sum of*
\$1200.

21 Dated: 12/13/13

Elizabeth Allen White
22 _____
23 HONORABLE ELIZABETH ALLEN WHITE
24 Judge of the California Superior Court
25
26
27
28

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

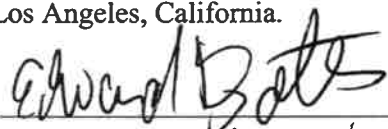
3 I am employed in the County of Los Angeles, State of California. I am over the age of 18
4 and not a party to the within action: my business address is 1517 West Beverly Boulevard, Los
Angeles California 90026.

5 On November 19, 2013, I served the foregoing document(s): **[PROPOSED] ORDER**
6 **GRANTING DEFENDANTS' MOTION TO EXPUNGE LIS PENDENS** on the interested
parties in this action addressed as sent as follows:

7 **Eric Anvari, Esq.**
8 **Law Offices of Eric Anvari**
9 **21112 Ventura Boulevard**
10 **Woodland Hills, California 91364-2103**
11 **Telephone: (818) 346-6350**
12 **Facsimile: (866) 780-8077**

- 13 **BY ENVELOPE:** by placing the original a true copy thereof enclosed in sealed
14 envelope(s) addressed as indicated and delivery such envelope(s):
- 15 **BY MAIL:** I caused such envelope(s) to be deposited in the mail at Los Angeles County,
16 California with postage thereon fully prepaid to the office or home of the addressee(s) as
17 indicated. I am "readily familiar" with the firm's practice of collection and processing
18 documents for mailing. It is deposited with the U.S. Postal Service on the same day, with
19 postage fully prepaid, in the ordinary course of business. I am aware that on motion of party
20 served, service is presumed invalid if postal cancellation date or postage meter date is more
21 than one day after the date of deposit for mailing in affidavit.
- 22 **BY PERSONAL DELIVERY:** I caused such envelope to be hand-delivered to the office or
23 home of the addressee(s) as indicated.
- 24 **STATE:** I declare under penalty of perjury under the laws of the State of California that the
25 above is true and correct.

26 Executed on November 19, 2013, at Los Angeles, California.

27 
28 _____
Edward Bates