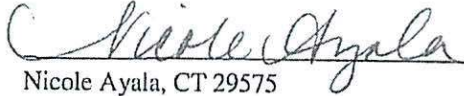


Phone: 860-808-5270  
Fax: 860-808-5385

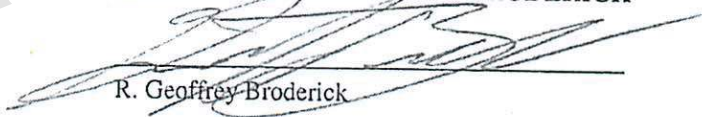
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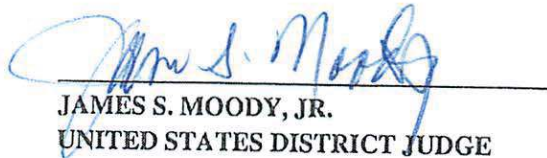
Nicole Ayala, CT 29575  
Special Assistant Attorney General  
nicole.ayala@ct.gov  
Connecticut Department of Consumer Protection  
165 Capitol Ave.  
Hartford, CT 06106  
Phone: 860-713-6096  
Fax: 860-706-1228

Date: 2/25/15

**DEFENDANT R. GEOFFREY BRODERICK**

  
R. Geoffrey Broderick

DONE AND ORDERED in Tampa, Florida, this 27 day of Feb.,  
2015.

  
JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES BANKRUPTCY COURT  
2 CENTRAL DISTRICT OF CALIFORNIA

3 --oOo--

4 In Re: ) Case No. SA10-18945-RK  
5 UNITED LAW GROUP, INC., ) Santa Ana, California  
6 Debtor. ) Thursday, June 30, 2011  
7 ) 9:00 a.m.

8 ADV. 10-01453 GOLDEN (TR) VS  
9 SERIOUS PIMP, ET AL

10 TRIAL ON ORDER TO SHOW CAUSE  
11 WHY SERIOUS PIMP, INC. AND  
12 DAMIAN KUTZNER SHOULD NOT BE  
13 HELD IN CONTEMPT OF COURT,  
14 ORDERED SANCTIONED

15 STATUS CONFERENCE RE:  
16 COMPLAINT FOR INJUNCTIVE  
17 RELIEF PURSUANT TO 11 U.S.C.  
18 SECTION 541, 542 AND 105

19 TRANSCRIPT OF PROCEEDINGS  
20 BEFORE THE HONORABLE ROBERT KWAN  
21 UNITED STATES BANKRUPTCY JUDGE

22 APPEARANCES:

23 For the Plaintiff: KATHLEEN M. GOLDBERG, ESQ.  
24 Law Office of Thomas H. Casey,  
25 Inc.  
26 22342 Avenida Empresa  
27 Suite 260  
28 Rancho Santa Margarita,  
29 California 92688  
30 (949) 766-8787

31 Proceedings recorded by electronic sound recording;  
32 transcript produced by transcription service.

1 APPEARANCES: (cont'd.)

2 For the Defendant:

GEORGE L. BAUGH, III, ESQ.  
2201 East Chapman Avenue  
Fullerton, California 92631  
(714) 870-5253

4 Court Recorder:

Denise Bustillos  
United States Bankruptcy Court  
411 West Fourth Street  
Suite 2030  
Santa Ana, California 92701

7 Transcriber:

Briggs Reporting Company, Inc.  
6336 Greenwich Drive, Suite B  
San Diego, California 92122  
(310) 410-4151

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From Article at GetOutofDebt.org

<u>I N D E X</u>				
<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Dan Mitsch	--	9	19	--
Linda Norton	--	21	43	--
Jennifer Papadopoulos	--	47	58	--
Jeffrey Golden	62	76	78	--
<u>EXHIBITS:</u>			<u>IDENTIFIED</u>	<u>RECEIVED</u>
<u>Plaintiff's:</u>				
1 Supplemental declaration of Jennifer Papadopoulos, Trustee's list of items missing from property			7	7
2 List of items to be returned to property			7	7
3 Temporary restraining order, dated 9/27/10			7	7
4 Temporary restraining order enjoining Serious Pimp, dated 10/6/10			7	7
5 Document			7	7
6 Document			7	7
<u>Defendant's:</u>				
(None.)				

1 SANTA ANA, CALIFORNIA THURSDAY, JUNE 30, 2011 9:00 A.M.

2 \_\_\_\_\_ --oOo--

3 (Call to order of the Court.)

4 THE COURT: Jeffrey Golden, Trustee, versus  
5 Serious Pimp and Damian Kutzner. Appearances.

6 MS. GOLDBERG: Kathleen Goldberg from the Law  
7 Offices of Thomas H. Casey, representing the Trustee.

8 MR. BAUGH: Good morning, your Honor. George  
9 Baugh on behalf of Serious Pimp and Damian Kutzner.

10 THE COURT: Are we ready to proceed?

11 MS. GOLDBERG: Yes, your Honor.

12 MR. BAUGH: We are.

13 THE COURT: Now, Ms. Goldberg, I think you were  
14 raising some procedural issues regarding any evidence that  
15 may be offered in defense in the case in chief?

16 MS. GOLDBERG: Your Honor, we're here because of  
17 an order to show cause. It was entered on April 4th, 2011.  
18 Wherein today was to be the issue of -- for Damian Kutzner  
19 and Serious Pimp, Incorporated, to answer as to why they  
20 should not be held in contempt and sanctioned.

21 Under that order, the direct testimony in support  
22 of their position was to be filed and served upon the  
23 Trustee's counsel by May 31st, 2011. That did not occur.  
24 All exhibits to be introduced at trial were to be filed and  
25 served upon the opposing party by May 31st, 2011. The

1 MR. BAUGH: Sure, your Honor.

2 THE COURT: -- this Court already made a  
3 determination, and the Court granted preliminary injunction  
4 and turnover, which I believe those orders could have been  
5 appealed. They weren't appealed.

6 MS. GOLDBERG: Correct, your Honor.

7 THE COURT: And he didn't file any evidence --  
8 there's no evidence showing he didn't --

9 MR. BAUGH: Well, that's what --

10 THE COURT: -- he -- there's no that he doesn't  
11 have the property. There's no evidence that he doesn't have  
12 the property.

13 MR. BAUGH: -- well, your Honor, I believe --

14 THE COURT: You know, there's evidence -- the only  
15 evidence in the record is Ms. Papadopoulos saying, is that  
16 this was what was missing, because she did the inventory.  
17 And this is what was returned by Mr. Torchia, which I think  
18 -- so some things were taken off the missing-item list.

19 And Mr. Torchia -- you know, the testimony of Ms.  
20 Papadopoulos had given, is that Mr. Torchia said that he was  
21 the legal observer for Mr. Kutzner. And I don't think  
22 that's in dispute, because he was appearing in this case.  
23 In prior proceedings, he was representing Serious Pimp and  
24 Mr. Kutzner. So I think that's consistent with Mr.  
25 Torchia's actions, that he was returning computers to the

1 premises that apparently were taken. And so we have other  
2 items that were not restored, and there's no evidence that  
3 he's complied with the Court's turnover order, so.

4 MR. BAUGH: -- well, again, your Honor, I believe  
5 that part of that --

6 THE COURT: So --

7 MR. BAUGH: -- we are here today to determine  
8 whether or not the turnover order has been violated. And an  
9 element of violating the turnover order is the ability to  
10 comply with the turnover order.

11 THE COURT: -- well, there's no evidence that he's  
12 not able to comply with the turnover order. What's the  
13 evidence that he's not able to comply?

14 MR. BAUGH: Well, I respectfully --

15 THE COURT: There's no evidence --

16 MR. BAUGH: -- I respectfully disagree --

17 THE COURT: -- there's no evidence in the record  
18 that he's unable to comply. The Trustee has made out a case  
19 that this was the Court's turnover order. The Court made a  
20 specific directive to Mr. Kutzner and Serious Pimp to turn  
21 the property over, which the Court determined needed to be  
22 turned over. And there's no evidence, because there's no  
23 testimony from Mr. Kutzner or mister -- or Serious Pimp, you  
24 know, why the property hasn't been turned over.

25 So, I think the Trustee has met his burden of

1 showing, because there's a -- the records devoid of any  
2 evidence that Mr. Kutzner and Serious Pimp do not have the  
3 property, or they have any explanation of why they cannot  
4 comply with the Court's turnover order. There's no evidence  
5 in the record. The Defendants chose not to respond to the  
6 Court's order to show cause by offering any evidence.

7           So, it appears that the Court should grant the  
8 motion for contempt, because there's no explanation. You  
9 know, they offered no -- they didn't come testify. There's  
10 no representative of Serious Pimp here. And there's no --  
11 and Mr. Kutzner has chose not to testify or explain why he's  
12 unable to turn over. So, I think the Court has no other  
13 choice based on this record.

14           And given the circumstances, based on Mr. Golden's  
15 testimony of the prior instance, and that was before the  
16 turnover order of mister -- you know, that there's no  
17 explanation for entering the premises which were secured by  
18 Ms. Papadopoulos and her company. They changed the locks.  
19 There's no access other than through her key or the key that  
20 Ms. Norton had. So the only explanation to access the  
21 premises was breaking and entering.

22           And Mr. Kutzner apparently, you know, was in the  
23 premises without consent of the Trustee. And he only had  
24 access through -- supervised access through the Trustee's  
25 consent. And being there, you know, during a weekend when



1 -- which is not normal business hours, suggests that he had  
2 the motive to take the property.

3           And the fact that Mr. Torchia was returning some  
4 of the property a few days later indicated that property was  
5 taken, and it was being restored. And so I think  
6 circumstantially, it appears that the Defendants, you know,  
7 were capable and did enter the premises without permission.

8           So even though, you know, the testimony isn't  
9 directly on point regarding the pre-turnover order conduct,  
10 but it suggests that they had the property. And there's  
11 specific order to turn it over, and there's no explanation  
12 why they can't turn it over.

13           So, I know you're arguing that they haven't shown  
14 that he's capable of turning it over. But, you know, the  
15 order to show cause invited, if not directed Defendant to  
16 show why they can't comply with the Court's order. And I  
17 think the law of contempt is clear, that they need to come  
18 forward and show why they can't comply with the specific  
19 order of the Court. And --

20           MR. BAUGH: Well, then I move to reopen.

21           THE COURT: -- well, you can ask for  
22 reconsideration. But you're going to have to show why the  
23 Court should grant reconsideration when the Defendants were  
24 placed on notice that there was an order to show cause.  
25 There's been an application by the Trustee specifically

1 complaining that the property hasn't been turned over. The  
2 Court issued an order to show cause, and gave Defendants  
3 notice that they needed to step up and provide evidence why  
4 they're unable to comply with the Court's order. And they  
5 didn't do that.

6           So, I'm not sure that a order -- motion to reopen  
7 would be favorably received, where they made a strategic  
8 decision not to present any evidence, and put it on the  
9 Trustee. And the Trustee met his burden. So, you know,  
10 you're free to make a motion to reopen, but I'm not sure how  
11 the Court would rule on that at this point, Mr. Baugh.

12           So, the Court will grant Trustee's motion for  
13 contempt. And then I'll ask Ms. Goldberg to submit a  
14 proposed order.

15           MS. GOLDBERG: Thank you, your Honor. With  
16 regards to -- now that you've found for contempt, there is  
17 also a request for sanctions to be issued in -- attached to  
18 my trial brief, I provided my declaration introducing the  
19 billing records of the Offices of Thomas H. Casey, which  
20 were incurred only with regards to seeking the turnover. In  
21 that, I did put in for some time, for three hours of time,  
22 which I think I'm pretty good on that estimate, for me to  
23 attend this trial. And that brings the total up to  
24 \$18,013.50. An item that I did not put in here was the cost  
25 for IMS, Jennifer Papadopoulos and her staff to have to

1                    I certify that the foregoing is a correct  
2 transcript from the electronic sound recording of the  
3 proceedings in the above-entitled matter.

4 /s/ Holly Martens                                 7-25-11  
5                    Transcriber     Date

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