

1 **BRYAN CAVE LLP**  
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3 Santa Monica, California 90401-2386  
Telephone: 310-576-2100  
4 Facsimile: 310-576-2200  
5 Attorneys for Countrywide Home Loans, Inc.

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES, WEST DISTRICT**  
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11 NIVIE SAMAN, et al.,  
12 Plaintiffs,  
13  
14 vs.  
15 JOSEPH ZERNIK, et al.  
16 Defendants.

Case No. SC087400

**NOTICE OF RULING AND ENTRY  
OF JUDGMENT**

Date: February 17, 2009  
Time: 9:30 a.m.  
Dept: WEJ

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19 On February 17, 2009 at 9:30 a.m. in Department J of the Los Angeles Superior Court,  
20 West District, located at 1725 Main Street, Santa Monica, California, 90401, proceedings were  
21 held pursuant to the Court's January 13, 2009 order that Defendant Joseph Zernik ("Zernik")  
22 appear and show cause why he should not be held in contempt of court. During the  
23 proceedings, Countrywide Home Loans, Inc. ("Countrywide") presented evidence that Zernik  
24 should be held in contempt of court for disobeying the Court's Protective Order, dated July  
25 23, 2007, directing Zernik to communicate solely with Countrywide's designated counsel and  
26 no other officers or employees regarding the present action. John W. Amberg and Jenna  
27 Moldawsky of Bryan Cave LLP appeared on behalf of Countrywide. No other appearances  
28 were made.

BRYAN CAVE LLP  
120 BROADWAY, SUITE 300  
SANTA MONICA, CALIFORNIA 90401-2386

1 THE COURT SPECIFICALLY ORDERED, DECREED AND ADJUDGED THAT:

2 1. Defencant Joseph Zernik had actual knowledge of the contempt proceedings,  
3 and was properly served with the Order to Show Cause re: Contempt;

4 2. The Protective Order entered on July 23, 2007 by the Honorable Jacqueline  
5 Connor is valid and enforceable;

6 3. Defendant Joseph Zernik had actual notice of the Protective Order as of July  
7 23, 2007, as Zernik was present at the July 23, 2007 hearing granting the  
8 Protective Order and submitted on the record to the Tentative Ruling granting  
9 the Protective Order. Zernik was also repeatedly reminded of the terms and  
10 conditions of the Protective Order by Countrywide's counsel and was served  
11 with a Notice of Ruling and a copy of the Court's July 23, 2007 Minute Order  
12 granting the Protective Order. Zernik was also served with the Court's March  
13 13, 2008 Order affirming the Protective Order and the Court's March 11, 2008  
14 Contempt Judgment;

15 4. Defendant Joseph Zernik was able to comply with the Protective Order, which  
16 was prohibitory, narrowly tailored, and limited in scope. This is evidenced by  
17 Zernik's numerous communications that were made to Countrywide's counsel  
18 of record. Zernik, however, chose to repeatedly communicate with  
19 Countrywide officers and employees that were not designated counsels of  
20 record;

21 5. Defendant Joseph Zernik committed six (6) separate acts of contempt by  
22 willfully violating the Court's July 23, 2007 Protective Order directing Zernik to  
23 communicate solely with Countrywide's designated counsel and no other  
24 officers or employees regarding the present action;

25 6. The repetition of Defendant Joseph Zernik's violations of the Protective Order  
26 is evidence of the willfulness of his violations; Zernik's violations of the  
27 Protective Order were not accidental. Further, in several of Zernik's  
28 communications with represented Countrywide officers and employees, Zernik

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admitted the existence of the Protective Order;

7. Defendant Joseph Zernik is guilty of contempt pursuant to Code of Civil Procedure Section 1209(a) and is to pay a fine in the amount of \$6,000 for six (6) separate acts of contempt, pursuant to Code of Civil Procedure Section 1218(a). Zernik is fined \$1,000 for each violation, for a total of \$6,000, payable to the Clerk of the Court;

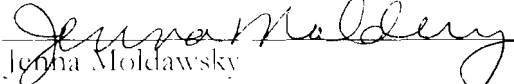
8. Defendant Joseph Zernik is to pay the Clerk of the Court the amount of \$6,000 within 20 days of the hearing. In the event that Zernik fails to pay this fine to the Clerk of the Court, the Receiver in this matter, David J. Pasternak, is authorized to pay the fine to the Clerk of the Court from the Receiver's Fund upon notice to the Receiver and Defendant Joseph Zernik;

9. Countrywide shall pay its own attorneys' fees and costs associated with the contempt proceeding.

A true and correct copy of the Court's Judgment is attached hereto as **Exhibit A**.

DATED: February 20, 2009

BRYAN CAVE LLP  
John W. Amberg  
Jenna Moldawsky

By:   
Jenna Moldawsky  
Attorneys for  
COUNTRYWIDE HOME LOANS, INC.

**EXHIBIT A**

2/24/09

**FILED**  
LOS ANGELES SUPERIOR COURT  
FEB 17 2009  
JOHN A. CITRON, CLERK  
BY J. CITRON, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, WEST DISTRICT**

NIVHE SAMLAN  
Plaintiff,

vs.

JOSEPH ZERNIK,  
Defendant.

Case No. SC087400

**[PROPOSED] JUDGMENT RE:  
CONTEMPT**

DATE: February 17, 2009  
TIME: 9:30 a.m.  
DEPT: J

BRYAN CAVE LLP  
120 BROADWAY, SUITE 300  
SANTA MONICA, CALIFORNIA 90401-2386

On February 17, 2009 at 9:30 a.m. in Department J of the Los Angeles Superior Court, West District, located at 1725 Main Street, Santa Monica, California, 90401, proceedings were held pursuant to the Court's January 13, 2009 order that Defendant Joseph Zernik ("Zernik") appear and show cause why he should not be held in contempt of court. During the proceedings, Countrywide Home Loans, Inc. ("Countrywide") presented evidence that Zernik should be held in contempt of court for disobeying the Court's Protective Order, dated July 23, 2007, directing Zernik to communicate solely with Countrywide's designated counsel and no other officers or employees regarding the present action. John W. Amberg and Jenna Moldawsky of Bryan Cave LLP appeared on behalf of Countrywide. No other appearances were made.

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1 IT IS HEREBY ORDERED, DECREED AND ADJUDGED THAT:

- 2 1. Defendant Joseph Zernik had actual knowledge of the contempt proceedings,  
3 and was properly served with the Order to Show Cause re: Contempt;
- 4 2. The Protective Order entered on July 23, 2007 by the Honorable Jacqueline  
5 Connor is valid and enforceable;
- 6 3. Defendant Joseph Zernik had actual notice of the Protective Order as of July  
7 23, 2007, as Zernik was present at the July 23, 2007 hearing granting the  
8 Protective Order and submitted on the record to the Tentative Ruling granting  
9 the Protective Order. Zernik was also repeatedly reminded of the terms and  
10 conditions of the Protective Order by Countrywide's counsel and was served  
11 with a Notice of Ruling and a copy of the Court's July 23, 2007 Minute Order  
12 granting the Protective Order. Zernik was also served with the Court's March  
13 13, 2008 Order affirming the Protective Order and the Court's March 11, 2008  
14 Contempt Judgment;
- 15 4. Defendant Joseph Zernik was able to comply with the Protective Order, which  
16 was prohibitory, narrowly tailored, and limited in scope. This is evidenced by  
17 Zernik's numerous communications that were made to Countrywide's counsel  
18 of record. Zernik, however, chose to repeatedly communicate with  
19 Countrywide officers and employees that were not designated counsels of  
20 record,
- 21 5. The Court finds that Defendant Joseph Zernik committed six (6) separate acts  
22 of contempt by willfully violating the Court's July 23, 2007 Protective Order  
23 directing Zernik to communicate solely with Countrywide's designated counsel  
24 and no other officers or employees regarding the present action;
- 25 6. The repetition of Defendant Joseph Zernik's violations of the Protective Order  
26 is evidence of the willfulness of his violations; Zernik's violations of the  
27 Protective Order were not accidental. Further, in several of Zernik's  
28 communications with represented Countrywide officers and employees, Zernik

- 1 admitted the existence of the Protective Order;
- 2 7. The Court finds that Defendant Joseph Zernik is guilty of contempt pursuant
- 3 to Code of Civil Procedure Section 1209(a) and is to pay a fine in the amount of
- 4 \$6,000 for six (6) separate acts of contempt, pursuant to Code of Civil
- 5 Procedure Section 1218(a). Zernik is fined \$1,000 for each violation, for a total
- 6 of \$6,000, payable to the Clerk of the Court;
- 7 8. Defendant Joseph Zernik is to pay the Clerk of the Court the amount of \$6,000
- 8 within 20 days of the hearing. In the event that Zernik fails to pay this fine to
- 9 the Clerk of the Court, the Receiver in this matter, David J. Pasternak, is
- 10 authorized to pay the fine to the Clerk of the Court from the Receiver's Fund
- 11 upon notice to the Receiver and Defendant Joseph Zernik;
- 12 9. Countrywide shall pay its own attorneys' fees and costs associated with the
- 13 contempt proceeding.

14  
15 Dated:

2/19/09



Hon. Terry B. Friedman  
Judge, Superior Court of California

17 Prepared and submitted by:

18 BRYAN CAVE LLP

19 John W. Amberg (CA State Bar No. 108166)

20 Jenna Moldawky (CA State Bar No. 246109)

21 120 Broadway, Suite 500

22 Santa Monica, California 90401-2386

Telephone: (310) 576-2100

Facsimile: (310) 576-2200

Attorneys for Countrywide Home Loans, Inc.

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 120 Broadway, Suite 300, Santa Monica, California 90401-2305

On February 20, 2009, I served the foregoing document(s) described as: **NOTICE OF RULING AND ENTRY OF JUDGMENT**, on each interested party in this action, as follows:

Joseph Zernik  
2415 Saint George Street  
Los Feliz, California 90027

(BY OVERNIGHT DELIVERY) I deposited in a box or other facility maintained by Federal Express, an express carrier service, or delivered to a courier or driver authorized by said express carrier service to receive documents, a true copy (or original) of the foregoing document to the party listed above, in an envelope designated by said express service carrier, with delivery fees paid or provided for.

David J. Pasternak  
Pasternak, Pasternak & Patton, LLP  
1875 Century Park East, Suite 2200  
Los Angeles, California 90067-2523

Moe Keshavarzi, Esq.  
Sheppard Mullin Richter & Hampton, LLP  
333 South Hope Street, 48th Floor  
Los Angeles, CA 90071-1448

Robert J. Shulkin, Esq.  
The Law Department  
Coldwell Banker Residential  
Brokerage Company  
27271 Las Ramblas  
Mission Viejo, CA 92691

(BY MAIL) I placed a true copy of the foregoing document in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope for collection and mailing at Bryan Cave LLP, Santa Monica, California. I am readily familiar with Bryan Cave LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited, with postage thereon fully prepaid, with the United States Postal Service on that same day in the ordinary course of business.

Executed on February 20, 2009, at Santa Monica, California.

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

\_\_\_\_\_  
Alexa Kim

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SANTA MONICA, CALIFORNIA 90401-2386