

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3
4 DEPARTMENT WE-F HON. MATTHEW ST. GEORGE, COMMISSIONER

5
6 MIRI AVRAHAM,)

7 PETITIONER,)

8 VS.)

NO. SD027039

9 NATAN RAHAMIM AVRAHAM,)

10 RESPONDENT.)

11
12
13
14 REPORTER'S TRANSCRIPT OF PROCEEDINGS

15 DECEMBER 16, 2013

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17
18 APPEARANCES:

19 FOR PETITIONER: BRETT A. BERMAN, ESQ.

20
21 FOR RESPONDENT: EVAN T. SUSSMAN, ESQ.

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23
24
25
26 'COPY'

27
28 LISA MCLAY, CSR NO. 10765
OFFICIAL REPORTER

1 SANTA MONICA, CALIFORNIA; MONDAY, DECEMBER 16, 2013

2 A.M. SESSION

3 (APPEARANCES AS HERETOFORE NOTED.)

4
5 THE COURT: NUMBER EIGHT, MIRI AVRAHAM VERSUS
6 NATAN AVRAHAM, SD027039.

7 YOUR APPEARANCES FOR THE RECORD,
8 PLEASE.

9 MR. BERMAN: BRETT BERMAN ON BEHALF OF THE
10 PETITIONER, WHO IS PRESENT IN COURT.

11 MR. SUSSMAN: EVAN SUSSMAN ON BEHALF OF THE
12 RESPONDENT, WHO IS PRESENT AT COUNSEL TABLE.

13 THE COURT: WOULD YOU PLEASE SWEAR THE PARTIES.

14
15 MIRI AVRAHAM, NATAN AVRAHAM,
16 CALLED AS A WITNESS ON THEIR OWN BEHALF, WERE EXAMINED
17 AND TESTIFIED AS FOLLOWS:

18
19 THE CLERK: RAISE YOUR RIGHT HAND TO BE SWORN.

20 YOU DO SOLEMNLY STATE THE TESTIMONY YOU ARE
21 ABOUT TO GIVE IN THE CAUSE NOW PENDING BEFORE THIS COURT
22 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE
23 TRUTH, SO HELP YOU GOD?

24 MS. AVRAHAM: YES, I DO.

25 MR. AVRAHAM: YES, I DO.

26 THE CLERK: PLEASE STATE YOUR NAME FOR THE RECORD.

27 MS. AVRAHAM: MIRI AVRAHAM.

28 MR. AVRAHAM: NATAN AVRAHAM.

1 THE COURT: THE LAST TIME THIS WAS HERE THE COURT
2 MADE VARIOUS RULINGS. THE MOTION TO RECONSIDER THE
3 COURT'S DECISION FROM AUGUST 12 WAS DENIED BECAUSE THERE
4 HAD BEEN, ACCORDING -- THE RESPONDENT HAD ACCEPTED THE
5 COURT'S VALUATION OF THE PROPERTY.

6 THE REQUEST FOR ATTORNEY'S FEES, I
7 REQUESTED THAT A MOTION BE FILED. IT JUST ARRIVED. IT
8 WAS FILED DECEMBER 10. IT'S SET FOR JANUARY 9. AND I'M
9 SURE THAT COUNSEL FOR THE RESPONDENT WILL GET A COPY AND
10 CAN FILE ANY OPPOSITION HE MAY HAVE.

11 THERE WAS TO BE AN ACCOUNTING IF I WAS
12 GOING TO CONSIDER ANY REQUEST BY RESPONDENT FOR
13 DISBURSEMENT OF FUNDS THAT WERE BEING HELD IN ESCROW.
14 ANY REQUEST FOR REIMBURSEMENT OF MONIES AT BARRINGTON
15 HAD TO BE ADDRESSED SEPARATE. REQUEST FOR ORDER TO BE
16 FILED WITH AN ACCOUNTING. RESPONDENT WAS TO PAY THE
17 MORTGAGE AS BECOMES DUE. RESPONDENT COULD BUY OUT THE
18 PETITIONER IF HE CHOSE TO DO SO. AND IT WAS CONTINUED
19 TO TODAY TO SEE IF THERE HAD BEEN A BUYOUT OR IF I
20 NEEDED TO MAKE FURTHER ORDERS. THE COURT DID ORDER THE
21 RESPONDENT TO MAKE A DECISION WHETHER HE WAS GOING TO
22 BUY THE HOUSE WITHIN 60 DAYS, AND THAT WAS ON OCTOBER 9.
23 SO WE ARE PAST 60 DAYS.

24 WHAT IS THE STATUS?

25 MR. SUSSMAN: YOUR HONOR, RESPONDENT HAS BOUGHT
26 OUT THE HOUSE. THE MONEY HAS BEEN TENDERED TO THE
27 PETITIONER. INTERSPOUSAL TRANSFER DEED WAS SIGNED ON
28 THAT. WE DID PROVIDE THE ACCOUNT STATEMENT ON THE

1 ACCOUNT.

2 AND AS FAR AS THE REIMBURSEMENTS ARE
3 CONCERNED, WE HAD FILED THAT BEFORE YOUR HONOR AND
4 HAD -- IT WAS IN RESPONDENT'S DECLARATION, PAGE 3,
5 PARAGRAPH 8 REGARDING --

6 THE COURT: IF YOU WISH TO HAVE A HEARING ON THAT,
7 IT WILL HAVE TO BE JANUARY 9. IT'S JUST HERE FOR
8 REVIEW.

9 MR. SUSSMAN: SO, YOUR HONOR, IF WE'RE GOING TO
10 HAVE -- WHEN CAN WE FILE A SPECIFIC --

11 THE COURT: IF YOU FILE A REQUEST FOR ORDER THAT
12 SET -- SINCE NOW YOU HAVE AN ACCOUNTING SO WE'RE NOT,
13 LIKE, TRYING TO DEAL WITH PAST FIGURES, BUT WE'RE
14 DEALING WITH THE ACTUALITIES AS THE ACCOUNTING DISPLAYS
15 THEM, WHY DON'T YOU JUST FILE A REQUEST FOR ORDER WITHIN
16 A WEEK AND WE'LL HAVE IT HEARD ON THE 9TH AND I THINK
17 THAT WOULD STILL ALLOW THINGS TO GO PER STATUTE IN TERMS
18 OF BRIEFING.

19 MR. BERMAN: MAY I BE HEARD?

20 THE COURT: YES.

21 MR. BERMAN: MY UNDERSTANDING OF WHAT HAPPENED AT
22 THE LAST HEARING --

23 THE COURT: I JUST READ IT TO YOU.

24 MR. BERMAN: YOUR HONOR, THE COURT --

25 THE COURT: I CALLED THIS MATTER BECAUSE I THOUGHT
26 IT WOULD BE VERY QUICK. IF IT'S NOT GOING TO BE QUICK
27 I'M NOT GOING TO GIVE YOU PRIORITY. GO SIT DOWN. YOU
28 DON'T GO REQUESTING PRIORITY AND THEN HOLD MY COURT UP.

1 MR. BERMAN: I DIDN'T REQUEST IT.

2 THE COURT: WHO DID?

3 MR. SUSSMAN: I REQUESTED IT.

4 THE COURT: ALL RIGHT. ARE YOU READY TO DO THIS
5 ON THE 9TH?

6 MR. SUSSMAN: I'M READY TO DO IT ON THE 9TH. I
7 JUST WANTED TO KNOW WHAT DATE YOU WANTED IT FILED AND
8 WHAT DATE HE FILES HIS RESPONSE. I JUST WANT A BRIEFING
9 SCHEDULE.

10 THE COURT: OKAY. SO WHAT DO YOU WISH TO SAY,
11 COUNSEL, AS LONG AS WE'RE NOT GOING TO GET INTO A LONG
12 ARGUMENT.

13 MR. BERMAN: NO. BECAUSE I THINK WHAT HAPPENED --
14 MY UNDERSTANDING AT THE LAST HEARING WAS THE COURT
15 DENIED -- EVERY ISSUE WAS RESOLVED AT THE LAST HEARING
16 EXCEPT FOR THE DISBURSEMENT OF THE FUNDS OF THE ESCROW
17 ACCOUNT, SO I'M NOT SURE WHAT ACCOUNTING RESPONDENT'S
18 TALKING ABOUT, BUT THAT'S ALREADY BEEN BEFORE THE COURT.

19 WE WERE -- AT THE LAST HEARING, WHICH WAS
20 ON OCTOBER 9TH, THE COURT WAS NOT SATISFIED WITH THE
21 ESCROW STATEMENT THAT WE HAD, WHICH WAS AN OLD STATEMENT
22 FROM WHEN THE PARTIES -- WHEN THE JUDGMENT WAS ENTERED,
23 AND I HAD ASKED TO GO OUT AND CALL THE ESCROW OFFICER.
24 THE COURT SAID, NOT TODAY. WE'LL COME BACK HERE, WE'LL
25 DEAL WITH THE ESCROW PROCEEDS TODAY, ON THE 16TH.

26 AND SINCE THAT TIME WE HAVE GIVEN THE COURT
27 AN UPDATED ESCROW STATEMENT. I THINK COUNSEL HAS ALSO
28 PROVIDED IT. SO MY UNDERSTANDING, THE ONLY THING BEFORE

1 THE COURT TODAY IS JUST THE DISBURSEMENT OF THOSE ESCROW
2 PROCEEDS.

3 THE COURT: ALL I HAVE IN THE FILE FOR TODAY IS
4 THIS REQUEST FOR ORDER, WHICH HAS BEEN SET FOR THE 9TH.
5 I HAVE NOTHING ELSE. IF YOU GUYS HAVE BEEN FILING
6 STUFF, I DON'T KNOW WHERE THEY ARE.

7 MR. SUSSMAN: YOUR HONOR, I WOULD JUST -- I WOULD
8 STATE THAT WE SHOULD JUST PUT THIS OVER TO THE 9TH. IF
9 YOU WISH A SEPARATE RFO REGARDING OUR REIMBURSEMENT
10 CLAIMS AGAINST THE ESCROW ACCOUNT, I WILL HAVE THAT
11 FILED BY NEXT WEEK, AND I JUST WANT A BRIEFING SCHEDULE
12 ON THAT.

13 THE COURT: ALL RIGHT. WHAT THE MINUTE ORDER SAYS
14 IS I FOUND AN ACCOUNTING IS NECESSARY TO DETERMINE THE
15 RESPONDENT'S REQUEST FOR DISBURSEMENT OF FUNDS HELD IN
16 THE ESCROW, WHICH WAS FILED AUGUST 12, 2013. THAT WOULD
17 HAVE BEEN, I GUESS, FOR HIS REQUEST FOR DISBURSEMENT OF
18 FUNDS.

19 AND I SAID THE REQUEST FOR MONEYS REGARDING
20 THE BARRINGTON PROPERTY COULD BE ADDRESSED IN A SEPARATE
21 REQUEST FOR ORDER TO BE FILED WITH AN ACCOUNTING OF THE
22 MONIES SPENT. THEN LATER ON IT SAYS COUNSEL -- THE
23 COURT REQUESTS COUNSEL TO PROVIDE CURRENT ESCROW
24 STATEMENT FROM THE WILSHIRE ESCROW COMPANY REGARDING THE
25 BARRINGTON PROPERTY FOR THE COURT TO DETERMINE WHAT
26 MONIES REMAIN FOR THE COURT TO ADDRESS AS AN ISSUE.

27 AND THEN THIS MATTER WAS PUT OVER FIRST TO
28 SEE IF THERE HAD BEEN A BUYOUT, WHICH THERE HAS BEEN AND

1 I'M GLAD TO HEAR THAT, AND THEN IF I NEED TO MAKE ANY
2 FURTHER ORDERS.

3 AND IT APPEARS THAT YOU HAVE MADE A
4 REQUEST -- OR PETITIONER'S REQUESTED THE ATTORNEY'S FEES
5 BE ADDRESSED ON JANUARY 9TH. LIKE I SAID, I SAID THAT
6 THE RESPONDENT WOULD HAVE TO FILE A SEPARATE ORDER IN
7 ORDER TO GET -- REGARDING THE DISBURSEMENT OR
8 REIMBURSEMENT OF ANY MONIES -- DISBURSEMENT OR
9 REIMBURSEMENT OF THE MONIES REGARDING THE BARRINGTON
10 PROPERTY. SO THAT WOULD HAVE TO BE FILED ALONG WITH THE
11 ACCOUNTING.

12 SO UNLESS WE'RE TALKING ABOUT TWO SEPARATE
13 THINGS, IT SOUNDS TO ME LIKE IT WOULD ALL BE ADDRESSED
14 IN THEIR REQUEST FOR AN ORDER WHERE THEY'RE GOING TO ASK
15 FOR SOME SORT OF REIMBURSEMENT OF THE MONIES -- AS THE
16 MONIES -- THE MONIES TO BE DISBURSED, AND I ASSUME
17 THEY'RE ENTITLED TO REIMBURSEMENT ON SOME OF THOSE
18 MONIES AND THEY'RE GOING TO BASE THAT ON THE ACCOUNTING
19 THAT THEY HAVE OBTAINED.

20 YOU WILL HAVE AN OPPORTUNITY TO RESPOND TO
21 THAT AND WE'LL DEAL WITH IT ON THE 9TH.

22 MR. BERMAN: YOUR HONOR, THEY'VE ALREADY DONE
23 THEIR ACCOUNTING.

24 THE COURT: COUNSEL, I DON'T HAVE ANYTHING TO DEAL
25 WITH UP HERE. YOU GUYS ARE SAYING I'VE GOT THESE
26 ACCOUNTINGS. I DON'T HAVE THEM. AND I'M NOT GOING TO
27 GO LIKE THAT (SNAPS FINGERS) AND DECIDE.

28 SO SHALL WE PUT THIS TO THE 9TH AND I CAN

1 GET TO MY OTHER CASES?

2 MR. SUSSMAN: WE SHOULD PUT THIS TO THE 9TH.

3 THE COURT: I CAN'T DO ANYTHING TODAY, COUNSEL. I
4 DON'T HAVE ANYTHING IN FRONT OF ME.

5 MR. BERMAN: BUT THE ONLY ISSUE, YOUR HONOR --

6 THE COURT: I DON'T HAVE ANYTHING IN FRONT OF ME.
7 MAYBE THE TWO OF YOU HAVE AN ACCOUNTING, BUT I DON'T.

8 MR. BERMAN: HE ALREADY --

9 THE COURT: I'M NOT GOING TO MAKE A SNAP DECISION.
10 I DON'T HAVE YOUR OPPOSITION TO ANYTHING HE MAY HAVE
11 FILED AND I'M NOT GOING TO TAKE IT ORALLY.

6.13
12 MR. BERMAN: BUT YOU DO, YOUR HONOR, BECAUSE THIS
13 WAS ALREADY BEFORE THE COURT.

14 THE COURT: SO WE'RE GOING TO PUT THIS OVER TO
15 JANUARY 9TH. PLEASE FILE YOUR REQUEST FOR AN ORDER
16 PROMPTLY. ANY OPPOSITION TO THEIR PETITION FOR
17 ATTORNEY'S FEES AND YOUR REQUEST FOR DISBURSEMENT AND
18 REIMBURSEMENT FROM THAT DISBURSEMENT WILL BE DUE 9 DAYS
19 PRIOR TO THE 9TH, WHICH WOULD BE IN COURT DAYS, THE 27TH
20 OF DECEMBER. SO CAN YOU BOTH FILE OPPOSITIONS ON THAT
21 DATE. AND ANY RESPONSE IS DUE JANUARY 2ND -- ANY REPLY,
22 I SHOULD SAY.

23 MR. BERMAN: WOULD IT BE POSSIBLE TO SET THIS
24 HEARING AT 1:30? BECAUSE PETITIONER IS A SCHOOL TEACHER
25 AND SHE'S BEEN HAVING TO TAKE A LOT OF --

26 THE COURT: LET'S CHECK OUR BOOK. THAT SOUNDS
27 LIKE A GOOD IDEA ANYWAY.

28 ALL RIGHT. SO JANUARY 9TH AT 1:30.