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City National Bank

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ROBERT NAIRN, et al., etc.,
Plaintiffs,
v.
CITY NATIONAL BANK, etc.; et al.
Defendants.

Case No. BC606667

**NOTICE OF RULINGS FROM
STATUS CONFERENCE**

Judge: Hon. William F. Highberger
Dept.: 322

WILLIAM J. HOFFMAN, etc.,
Plaintiff,
v.
CITY NATIONAL BANK, etc.; et al.
Defendants.

Case No. BC624542

PEGGY ALLISON, etc.; et al.,
Plaintiffs,
v.
CITY NATIONAL BANK, etc.; et al.,
Defendants.

Case No. BC634285

MARVIN TARNOL, etc., et al.,
Plaintiffs,
v.
CITY NATIONAL BANK, etc., et al.,
Defendants.

$$\left\{ \begin{array}{l} \\ \\ \\ \\ \\ \\ \\ \end{array} \right.$$

1 **PLEASE TAKE NOTICE** that on January 31, 2017, in Department 322 of the
2 above-entitled Court, the Court convened a Status Conference in the captioned
3 matters. Appearances were made by the following counsel and parties:

4 Jeanne E. Irving and Michael H. Swartz of MCKOOL SMITH HENNIGAN,
5 P.C. appeared on behalf of defendant City National Bank in all of the captioned cases.

6 Howard K. Alperin and Taylor C. Wagniere of BLECHER COLLINS &
7 PEPPERMAN appeared on behalf of Defendant Patrick Brian Fitzwilliam in the
8 *Tarnol* case and on behalf of Defendants Patrick Brian Fitzwilliam and Betty Saleh
9 Fitzwilliam in the *Hoffman v. City National Bank* case.

10 Howard B. Miller of GIRARDI KEESE and Michael R. Newhouse of the
11 NEWHOUSE LAW GROUP P.C. appeared on behalf of plaintiff and Receiver
12 William J. Hoffman in the *Hoffman v. City National Bank* case.

13 Tim Hsu of ALLEN MATKINS appeared on behalf of plaintiff and Receiver
14 William J. Hoffman in the *Hoffman v. Soffa* case.

15 Robert A. Curtis of FOLEY BEZEK BEHLE & CURTIS, LLP appeared on
16 behalf of the plaintiffs in the *Allison* case.

17 Benjamin J. Smith of KRANE & SMITH appeared on behalf of the plaintiffs in
18 the *Tarnol* case.

19 Defendant and cross-complainant MARK H. SOFFA appear in propria persona
20 in the *Hoffman v. Soffa* case.

21 At the Status Conference, the court issued the following rulings:

22 In the Nairn case, the hearing on City National's previously filed Motion to
23 Strike Pursuant to C.C.P. § 425.16 is restored to the Court's calendar and set on
24 March 2, 2017 at 1:30 p.m. in Department 322 of the above-entitled Court. No
25 further papers are to be filed on that motion. In other respects, the stay on pleadings
26 is lifted. The stay on discovery remains in place.

27 In the *Hoffman v. City National Bank* case, a hearing will be held on March 13,
28 2017 at 9:00 a.m. in Department 322 of the above-entitled Court on defendants'

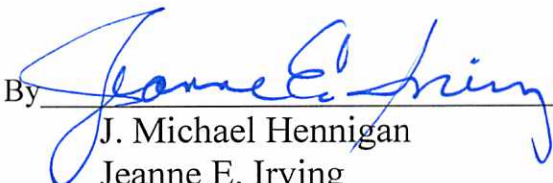
1 demurrer solely on *in pari delicto* grounds. The moving papers on that motion are to
2 be filed by February 17, 2017, with a courtesy copy delivered to Department 322.
3 Any opposition papers are to be filed by February 27, 2017 with a courtesy copy
4 delivered to Department 322. Any reply papers are to be filed by March 6, 2017, with
5 a courtesy copy delivered to Department 322. The stay on discovery remains in place.
6 The Court deferred defendants' deadlines to bring any other pleading challenge,
7 including any anti-SLAPP motion, until a later date to be determined by the Court.
8 The stay on discovery remains in place.

9 In the *Allison* case, the Court directed the parties to meet and confer pursuant to
10 C.C.P. § 430.41 regarding the proposed demurrer of City National, and to serve a
11 Joint Status Report through Case Anywhere by noon on February 3, 2017, with a
12 message posted on Case Anywhere stating that the Joint Status Report had been
13 uploaded. The Court will hold a Further Status Conference in *Allison* on February 6,
14 2017 at 2:00 p.m. The stay on discovery and pleadings remains in place.

15 In the *Tarnol* case, the Court imposed a stay on discovery and pleadings until
16 the Court makes a contrary order in the future. The court set a Further Status
17 Conference in that case for March 13, 2017 at 9:00 a.m. An updated Joint Status
18 Report is due on March 8, 2017.

19
20 DATED: February 6, 2017

MCKOOL SMITH HENNIGAN, P.C.

21
22 By 
23 J. Michael Hennigan
24 Jeanne E. Irving
25 Michael H. Swartz
26 Attorneys for Defendant
27 City National Bank
28

PROOF OF SERVICE

I declare as follows:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 300 South Grand Avenue, Suite 2900, Los Angeles, CA 90071. On February 6, 2017, I served the foregoing document described as **NOTICE OF RULINGS FROM STATUS CONFERENCE** on the interested parties in this action follows:

- ☒ **BY ELECTRONIC TRANSMISSION.** A true and correct copy of the above document was electronically served by transmission to CASE ANYWHERE.
- ☒ by placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- ☒ by electronic transmission. I caused the document(s) listed above to be transmitted by electronic mail to the individuals on the service list as set forth below.
- ☐ by placing the document listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a _____ agent for Delivery.
- ☐ by personally delivering the document listed above to the persons at the address set forth below.

PLEASE SEE THE ATTACHED SERVICE LIST.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postal meter date is more than one day after date of deposit for mailing in affidavit.

Executed on February 6, 2017 at Los Angeles, CA.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.



Olivette C. Sasser

SERVICE LIST

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