

B 265  
(8/96)

# United States Bankruptcy Court

Central District Of California

In re Reed E. Slatkin et al. )  
 Debtor )  
 R. TODD NEILSON, Trustee )  
 Plaintiff )  
 v. )  
ANTHONY and MARGARET HITCHMAN )  
 Defendant )

Case No. ND01-11549-RR

Chapter 11

Adv. Proc. No. 02-01111-RR

## CERTIFICATION OF JUDGMENT FOR REGISTRATION IN ANOTHER DISTRICT

I, clerk of the United States Bankruptcy Court, do certify that the attached judgment is a true and correct copy of the original judgment entered in this proceeding on 12/03/2004 as appears in the records of this court, and that: (date)

No motion of appeal from this judgment has been filed, and no motion of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Federal Rule of Bankruptcy Procedure 9024, has been filed.

No motion of appeal from this judgment has been filed, and any motions of the kind set forth in Federal Rule of Civil Procedure 60, as made applicable by Federal Rule of Bankruptcy Procedure 9024, have been disposed of, the latest order disposing of such a motion having been entered on \_\_\_\_\_ (date)

An appeal was taken from this judgment, and the judgment was affirmed by mandate of the \_\_\_\_\_ 11/15/2005 issued on 11/15/2005 (name of court) (date)

An appeal was taken from this judgment, and the appeal was dismissed by order entered on \_\_\_\_\_ (date)

**JON D. CERETTO**

Clerk of the Bankruptcy Court

By: \_\_\_\_\_

Deputy Clerk

6/21/06

Date

ORIGINAL

1 JOHN P. REITMAN (Bar No. 80579)  
2 ANDREW S. ROTTER (Bar No. 86725)  
3 **GUMPORT REITMAN**  
4 550 South Hope Street, Suite 825  
5 Los Angeles, California 90071  
6 Telephone: (213) 452-4900  
7 Facsimile: (213) 623-3302

8 RICHARD L. WYNNE (Bar No. 120349)  
9 R. ALEXANDER PILMER (Bar No. 166196)  
10 MARK T. CRAMER (Bar No. 198952)  
11 **KIRKLAND & ELLIS LLP**  
12 777 South Figueroa Street  
13 Los Angeles, California 90017  
14 Telephone: (213) 680-8400  
15 Facsimile: (213) 680-8500

16 Counsel for R. Todd Neilson, Trustee of the  
17 "Estate of Reed E. Slatkin and Substantively Consolidated  
18 Affiliates Topsight Oregon Inc. and the Reed Slatkin  
19 Investment Club, L.P. Liquidating Trust"

20 **UNITED STATES BANKRUPTCY COURT**  
21 **CENTRAL DISTRICT OF CALIFORNIA**  
22 **NORTHERN DIVISION**

23 In  
24 REED E. SLATKIN, and Substantively  
25 Consolidated Affiliates TOPSIGHT  
26 OREGON, INC. and REED SLATKIN  
27 INVESTMENT CLUB, LP,

28 Reorganized Debtors.

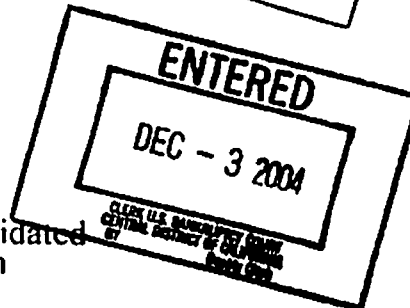
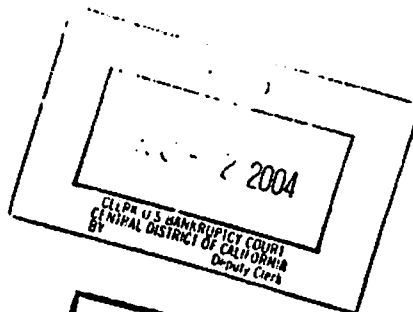
R. TODD NEILSON, Trustee of the  
"Estate of Reed E. Slatkin and  
Substantively Consolidated Affiliates  
Topsight Oregon Inc. and the Reed Slatkin  
Investment Club, L.P. Liquidating Trust"

Plaintiff,

v.

ANTHONY and MARGARET  
HITCHMAN, individually, and DOES 1-  
50,

Defendants.



CASE NO. ND 01-11549-RR  
[Substantively consolidated with former  
Case No. ND 01-12990-RR]

CHAPTER 11

A.P. NO. 02-01111-RR

[PROPOSED] JUDGMENT AGAINST  
ANTHONY HITCHMAN

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Jan 10 2005

1 On October 29, 2004, on the 10:00 a.m. calendar in courtroom 201 of the United  
2 States Bankruptcy Court, 1415 State Street, Santa Barbara, California, the Honorable  
3 Robin L. Riblet, United States Bankruptcy Judge, conducted a hearing on the motion  
4 of plaintiff R. Todd Neilson, trustee of the "Estate of Reed E. Slatkin and  
5 Substantively Consolidated Affiliates Topsight Oregon, Inc. and Reed Slatkin  
6 Investment Club, L.P. Liquidating Trust" (the "Trustee") for summary judgment  
7 against defendants Anthony and Margaret Hitchman. All appearances were as stated  
8 on the record.

9 The Court, having considered the memoranda of points and authorities,  
10 declarations, exhibits, all other pleadings and papers on file in this action, and the oral  
11 argument presented, and good cause appearing, hereby grants summary judgment as  
12 follows:

13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Trustee is  
14 entitled to judgment in his favor and:

15 **On the First Claim For Relief:**

16 1. On the Trustee's first claim for relief for the avoidance and recovery of  
17 intentionally fraudulent transfers pursuant to 11 U.S.C. §§ 544(b) and 550, and Cal.  
18 Civ. Code §§ 3439.04(a) and 3439.07, judgment is entered against Anthony Hitchman  
19 and in favor of the Trustee in the following amounts:

- 20 a. The principal amount of \$2,661,156.40;
- 21 b. Pre-judgment interest in the sum of \$1,199,696.26 (calculated on  
22 \$2,661,156.40, at the rate of 7% per annum, from the dates of transfers through  
23 October 29, 2004); and
- 24 c. Post-judgment interest at the rate of 2.22 % per annum (as  
25 determined in accordance with 28 U.S.C. § 1961), compounded annually, on all unpaid  
26 amounts awarded in paragraphs 1(a) and (b) of this judgment from the date this  
27 judgment is entered until all such amounts are paid.
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1 **On the Second Claim For Relief:**

2 2. On the Trustee's second claim for relief for the avoidance and recovery of  
3 intentionally fraudulent transfers pursuant to 11 U.S.C. §§ 544(b) and 550, and Cal.  
4 Civ. Code §§ 3439.04(a) and 3439.07, judgment is entered against Anthony Hitchman  
5 and in favor of the Trustee in the following amounts:

- 6 a. The principal amount of \$1,935,343;
- 7 b. Pre-judgment interest in the sum of \$735,897.13 (calculated on  
8 \$1,935,343, at the rate of 7% per annum, from the dates of transfers through October  
9 29, 2004); and
- 10 c. Post-judgment interest at the rate of 2.22 % per annum (as  
11 determined in accordance with 28 U.S.C. § 1961), compounded annually, on all unpaid  
12 amounts awarded in paragraphs 2(a) and (b) of this judgment from the date this  
13 judgment is entered until all such amounts are paid.

14 3. The amounts awarded pursuant to paragraph 2 are included in the  
15 amounts awarded pursuant to paragraph 1.

16 **On the Third Claim For Relief:**

17 4. On the Trustee's third claim for relief for the avoidance and recovery of  
18 constructively fraudulent transfers pursuant to 11 U.S.C. §§ 544(b) and 550, and Cal.  
19 Civ. Code §§ 3439.04(b), 3439.05, and 3439.07, judgment is entered against Anthony  
20 Hitchman and in favor of the Trustee in the following amounts:

- 21 a. The principal amount of \$1,935,343;
- 22 b. Pre-judgment interest in the sum of \$735,897.13 (calculated on  
23 \$1,935,343, at the rate of 7% per annum, from the dates of transfers through October  
24 29, 2004); and
- 25 c. Post-judgment interest at the rate of 2.22 % per annum (as  
26 determined in accordance with 28 U.S.C. § 1961), compounded annually, on all unpaid

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1 amounts awarded in paragraphs 4(a) and (b) of this judgment from the date this  
2 judgment is entered until all such amounts are paid.

3 5. The amounts awarded pursuant to paragraph 4 are included in the  
4 amounts awarded pursuant to paragraph 1 and 2.

5 **On the Fourth Claim For Relief:**

6 6. On the Trustee's fourth claim for relief for the avoidance and recovery of  
7 intentionally fraudulent transfers pursuant to 11 U.S.C. §§ 548(a)(1)(A) and 550,  
8 judgment is entered against Anthony Hitchman and in favor of the Trustee in the  
9 following amounts:

- 10 a. The principal amount of \$335,000;
- 11 b. Pre-judgment interest in the sum of \$93,539.71 (calculated on  
12 \$335,000, at the rate of 7% per annum, from the dates of the transfers through October  
13 29, 2004); and
- 14 c. Post-judgment interest at the rate of 2.22 % per annum (as  
15 determined in accordance with 28 U.S.C. § 1961), compounded annually, on all unpaid  
16 amounts awarded in paragraphs 6(a) and (b) of this judgment from the date this  
17 judgment is entered until all such amounts are paid.

18 7. The amounts awarded pursuant to paragraph 6 are included in the  
19 amounts awarded pursuant to paragraphs 1, 2, and 4.

20 **On the Fifth Claim For Relief:**

21 8. On the Trustee's fifth claim for relief for the avoidance and recovery of  
22 constructively fraudulent transfers pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550,  
23 judgment is entered against Anthony Hitchman and in favor of the Trustee in the  
24 following amounts:

- 25 a. The principal amount of \$335,000;

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1 b. Pre-judgment interest in the sum of \$93,539.71 (calculated on  
2 \$335,000, at the rate of 7% per annum, from the dates of the transfers through October  
3 29, 2004); and

4 c. Post-judgment interest at the rate of 2.22 % per annum (as  
5 determined in accordance with 28 U.S.C. § 1961), compounded annually, on all unpaid  
6 amounts awarded in paragraphs 8(a) and (b) of this judgment from the date this  
7 judgment is entered until all such amounts are paid.

8 9. The amounts awarded pursuant to paragraph 8 are included in the  
9 amounts awarded pursuant to paragraphs 1, 2, 4, and 6.

10 **On the Sixth Claim for Relief:**

11 10. The Trustee's sixth claim for relief is dismissed without prejudice.

12 **On the Seventh Claim for Relief:**

13 11. The Trustee's seventh claim for relief is dismissed without prejudice.

14 **On the Eighth Claim for Relief:**

15 12. The Trustee's eighth claim for relief is dismissed without prejudice.

16 **On the Ninth Claim for Relief:**

17 13. On the Trustee's ninth claim for relief to recover fraudulent transfers,  
18 judgment is entered against Anthony Hitchman and in favor of the Trustee. Anthony  
19 Hitchman shall return to the Trustee all transfers voided (or the value thereof) in the  
20 first through fifth claims for relief.

21 **Dismissal of Doe Defendants:**

22 14. As to all Doe defendants, each claim for relief alleged in the Complaint is  
23 dismissed without prejudice.

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1 **Final Judgment:**

2 15. This Judgment together with the Judgment against Margaret Hitchman,  
3 which will be signed and entered concurrently with this Judgment, are a final judgment  
4 adjudicating all of the claims and the rights and liabilities of all of the parties.  
5

6  
7 DATED: Dec 2, 2004

Robin Riblet  
8 HONORABLE ROBIN L. RIBLET  
9 UNITED STATES BANKRUPTCY COURT

10 Presented by:  
11 KIRKLAND & ELLIS LLP

12  
13 By: Mark T. Cramer  
14 Mark T. Cramer  
15 Counsel for R. Todd Neilson, Trustee of the  
16 "Estate of Reed E. Slatkin and Substantively Consolidated  
17 Affiliates Topsight Oregon Inc. and the Reed Slatkin  
18 Investment Club, L.P. Liquidating Trust"  
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**PROOF OF SERVICE**

I, Karol Tshabourian, declare as follows:

I am employed in the County of Los Angeles, State of California. I am over the age of 18; my business address is Kirkland & Ellis LLP, 777 S. Figueroa Street, Los Angeles, CA 90017.

On November 22, 2004, I served the document(s) described as:

**[PROPOSED] JUDGMENT AGAINST ANTHONY HITCHMAN**

on the interested parties in this action at the addresses set forth below:

**[VIA U.S. MAIL]** By placing the documents 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. I am familiar with the firm's practice of collection and processing correspondence for mailing by depositing with the U.S. postal service on that same day with postage thereon fully prepaid in the ordinary course of business.

**[VIA FACSIMILE]** I sent a copy of the above described document(s) via telecopier to the individual(s) as listed below at the facsimile numbers indicated below.

**ATTYS TO TRUSTEE OF LIQUIDATING TRUST**

John P. Reitman  
Gumport | Reitman  
550 S. Hope Street, Suite 825  
Los Angeles, CA 90071

**UNITED STATES TRUSTEE**

Brian Fittipaldi  
Office of the United States Trustee  
Staff Attorney  
128 East Carrillo Street  
Santa Barbara, CA 93101

**ATTY FOR DEBTOR**

Jay L. Michaelson, Esq.  
Joseph M. Sholder, Esq.  
Michaelson Susi & Michaelson  
7 West Figueroa Street, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101

**TRUSTEE OF LIQUIDATING TRUST**

R. Todd Neilson  
Neilson Elggren LLP  
10100 Santa Monica Blvd., Suite 410  
Los Angeles, CA 90067

**ATTY FOR DEBTOR**

Richard Pachulski, Esq.  
Eric S. Kurtzman, Esq.  
Pachulski, Stang, Ziehl Young Jones  
10100 Santa Monica Blvd., Suite 1100  
Los Angeles, CA 90067

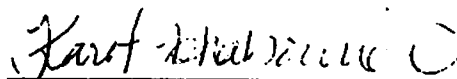
**NET DEBTOR**

Anthony & Margaret Hitchman  
Postnet, Shop F1, Suite 122  
Kyalami Downs, Kyalami Blvd.  
Kyalami, Johannesburg, South Africa, 1684  
Fax: 011-27-11-466-0893

**(VIA U.S. MAIL AND FACSIMILE)**

**(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 22, 2004, at Los Angeles, California.

  
Karol Tshabourian

NOTE TO USERS OF THIS FORM:  
Physically attach this form as the last page of the proposed Order or Judgment.  
Do not file this form as a separate document.

<p>In re  <b>REED E. SLATKIN, and Substantively Consolidated  Affiliates TOPSIGHT OREGON and REED SLATKIN  INVESTMENT CLUB, L.P.,</b>    DEBTOR.</p>	<p>CHAPTER 11  CASE NUMBER: ND 01-11549-RR  ADVERSARY NUMBER: 02-1111</p>
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**NOTICE OF ENTRY OF JUDGMENT OR ORDER  
AND CERTIFICATE OF MAILING**

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

1. You are hereby notified, pursuant to Local Bankruptcy Rule 9021-1 (a)(1)(E), that a judgment or order entitled,  
(specify):

**[PROPOSED] JUDGMENT AGAINST ANTHONY HITCHMAN**

was entered on (specify date): **DEC - 3 2004**

2. I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on (specify date):

**DEC - 3 2004**

DATED:

**DEC - 3 2004**

JON D. CERETTO  
Clerk of the Bankruptcy Court

by: KAM RUST

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**SERVICE LIST**

**UNITED STATES TRUSTEE**

Brian Fittipaldi  
Office of the United States Trustee  
Staff Attorney  
128 East Carrillo Street  
Santa Barbara, CA 93101

**ATTYS TO TRUSTEE OF LIQUIDATING TRUST**

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Gumport | Reitman  
550 S. Hope Street, Suite 825  
Los Angeles, CA 90071

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Jay L. Michaelson, Esq.  
Joseph M. Sholder, Esq.  
Michaelson Susi & Michaelson  
7 West Figueroa Street, 2<sup>nd</sup> Floor  
Santa Barbara, CA 93101

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Neilson Elggren LLP  
10100 Santa Monica Blvd., Suite 410  
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10100 Santa Monica Blvd., Suite 1100  
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Kirkland & Ellis LLP  
777 S. Figueroa Street  
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