

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): RONALD P. SLATES, ESQ. RONALD P. SLATES, P.C. 523 W. SIXTH STREET SUITE 502 LOS ANGELES, CA 90014-1225 TELEPHONE NO.: 213/624-1515 ATTORNEY FOR (Name): PLAINTIFF	FOR COURT USE ONLY <div style="border: 2px solid black; padding: 5px; text-align: center;"> ENTERED NOV 18 2005 <small>CLERK U.S. BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA BY Deputy Clerk</small> </div>
<div style="font-size: 2em; font-weight: bold; margin-bottom: 10px;">ORIGINAL</div> FAX NO.: 213/624-7536	
NAME OF COURT: <u>United States Bankruptcy Court</u> Central District of California STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME: NORTHERN DIVISION	
PLAINTIFF: R. TODD NEILSON, Trustee of the Chapter 11 Bankruptcy Estate of Reed E. Slatkin DEFENDANT: ARLO GORDIN, an individual, and DOES 1-30, inclusive	
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION <input checked="" type="checkbox"/> ENFORCEMENT OF JUDGMENT <input type="checkbox"/> ATTACHMENT (Third Person) <input type="checkbox"/> Judgment Debtor <input checked="" type="checkbox"/> Third Person	
CASE NUMBER: ND01-11549-RR AD02-01225-RR	

ORDER TO APPEAR FOR EXAMINATION

1. TO (name): LESLIE WELLES
2. YOU ARE ORDERED TO APPEAR personally before this court, or before a referee appointed by the court, to
 - a. furnish information to aid in enforcement of a money judgment against you.
 - b. answer concerning property of the judgment debtor in your possession or control or concerning a debt you owe the judgment debtor.
 - c. answer concerning property of the defendant in your possession or control or concerning a debt you owe the defendant that is subject to attachment.

Date: <u>January 24, 2006</u>	Time: <u>10:00 A.M</u>	Courtroom Number: <u>201</u>
Address of court <input type="checkbox"/> shown above <input checked="" type="checkbox"/> is:		<u>1415 State Street, Santa Barbara, CA 93101</u>

3. This order may be served by a sheriff, marshal, registered process server, or the following specially appointed person (name):

LOGGED

NOV 14 2005
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY Deputy Clerk

NOV 18 2005

FILED

 NOV 18 2005
BY CLERK OF COURT
Deputy Clerk

Robin Robert

JUDGE OR MAGISTRATE JUDGE

This order must be served not less than 10 days before the date set for the examination.

IMPORTANT NOTICES ON REVERSE

APPLICATION FOR ORDER TO APPEAR FOR EXAMINATION

4. Judgment creditor Assignee of record Plaintiff who has a right to attach order
 applies for an order requiring (name): LESLIE WELLES to appear and furnish information to aid in enforcement of the money judgment or to answer concerning property or debt.
5. The person to be examined is
 - the judgment debtor.
 - a third person (1) who has possession or control of property belonging to the judgment debtor or the defendant or (2) who owes the judgment debtor or the defendant more than \$250. An affidavit supporting this application under Code of Civil Procedure section 491.110 or 708.120 is attached.
6. The person to be examined resides or has a place of business in this county or within 150 miles of the place of examination.
7. This court is **not** the court in which the money judgment is entered or (attachment only) the court that issued the writ of attachment. An affidavit supporting an application under Code of Civil Procedure section 491.150 or 708.160 is attached.
8. The judgment debtor has been examined within the past 120 days. An affidavit showing good cause for another examination is attached.

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

Date: 11/11/05

JOHNNY KIM, ESQ.

(TYPE OR PRINT NAME)

▶ *Johnny Kim*

(SIGNATURE OF DECLARANT)

APPEARANCE OF JUDGMENT DEBTOR (ENFORCEMENT OF JUDGMENT)

NOTICE TO JUDGMENT DEBTOR If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

**APPEARANCE OF A THIRD PERSON
(ENFORCEMENT OF JUDGMENT)**

(1) NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the judgment creditor in this proceeding.

(2) NOTICE TO JUDGMENT DEBTOR The person in whose favor the judgment was entered in this action claims that the person to be examined pursuant to this order has possession or control of property which is yours or owes you a debt. This property or debt is as follows (*Describe the property or debt using typewritten capital letters*):

MONIES AND/OR PERSONAL AND/OR REAL PROPERTY BELONGING TO THE JUDGMENT DEBTOR WHICH IS IN THE CUSTODY OF THIRD PERSON EXAMINEE; ANY ACCOUNTS PAYABLE OR MONIES OWED BY THIRD PERSON EXAMINEE TO JUDGMENT DEBTOR FOR THE PURCHASE OF DEBTOR'S INTEREST IN UNIVERSAL HEALTH MANAGEMENT, INC. OR UNIVERSAL CITY MEDICAL GROUP/GORDIN CENTER.

If you claim that all or any portion of this property or debt is exempt from enforcement of the money judgment, you must file your exemption claim in writing with the court and have a copy personally served on the judgment creditor not later than three days before the date set for the examination. You must appear at the time and place set for the examination to establish your claim of exemption or your exemption may be waived.

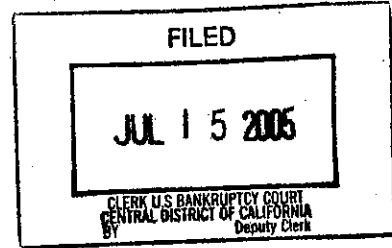
APPEARANCE OF A THIRD PERSON (ATTACHMENT)

NOTICE TO PERSON SERVED If you fail to appear at the time and place specified in this order, you may be subject to arrest and punishment for contempt of court, and the court may make an order requiring you to pay the reasonable attorney fees incurred by the plaintiff in this proceeding.

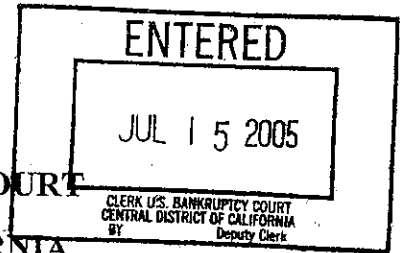
**APPEARANCE OF A CORPORATION, PARTNERSHIP,
ASSOCIATION, TRUST, OR OTHER ORGANIZATION**

It is your duty to designate one or more of the following to appear and be examined: officers, directors, managing agents, or other persons who are familiar with your property and debts.

1 JOHN P. REITMAN (Bar No. 80579)
ANDREW S. ROTTER (Bar No. 86725)
2 JAMES B. YOBSKI (Bar No. 163770)
GUMPORT | REITMAN
3 550 South Hope Street, Suite 825
Los Angeles, California 90071-2627
4 Telephone: (213) 452-4900, Facsimile: (213) 623-3302



5 Attorneys for Plaintiff R. Todd Neilson, Trustee of
the "Estate of Reed E. Slatkin and Substantively
6 Consolidated Affiliates Topsight Oregon, Inc. and
Reed Slatkin Investment Club, L.P. Liquidating Trust"
7



8 UNITED STATES BANKRUPTCY COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 NORTHERN DIVISION

11 In re
REED E. SLATKIN and Substantively
12 Consolidated Affiliates TOPSIGHT
OREGON, INC. and REED SLATKIN
13 INVESTMENT CLUB, L.P.,

Bk. No.: ND 01-11549-RR
[substantively consolidated with
former Case No. ND 01-12990-RR]

14 Reorganized Debtors.

CHAPTER 11

15 R. TODD NEILSON, Trustee of the
16 Chapter 11 Bankruptcy Estate of Reed E. Slatkin,

Adv. No. AD 02-01225-RR

17 Plaintiff,

JUDGMENT

18 v.

Hearing Date:

19 ARLO GORDIN, an individual, and DOES 1-30,
20 Inclusive,

DATE: July 15, 2005
TIME: 10:00 a.m.
PLACE: 1415 State Street
Courtroom 201
Santa Barbara, CA 93101
[Judge Riblet]

21 Defendants.
22

23 On July 15, 2005, on the 10:00 a.m. calendar in courtroom 201 of the United States
24 Bankruptcy Court, 1415 State Street, Santa Barbara, California, the Honorable Robin L. Riblet,
25 United States Bankruptcy Judge, conducted a hearing on the motion (the "Motion") of plaintiff
26 R. Todd Neilson, trustee (the "Trustee") of the "Estate of Reed E. Slatkin and Substantively
27 Consolidated Affiliates Topsight Oregon, Inc. and Reed Slatkin Investment Club, L.P.
28 Liquidating Trust," for summary judgment on the Trustee's first through fifth, eighth and ninth

1 claims for relief asserted in the Complaint against defendant Arlo Gordin ("Gordin"). James
2 B. Yobski, Esq. appeared on behalf of the Trustee. All other appearances were as stated on the
3 record.

4 Having considered the Motion, the Memorandum of Points and Authorities,
5 declarations, exhibits, and other pleadings filed in support of the Motion, all documents filed in
6 opposition to the Motion, and all other pleadings and papers on file in this action, the oral
7 argument presented, and good cause appearing therefore, the Court hereby grants summary
8 judgment on the Trustee's claims for relief as follows:

9 **IT IS ORDERED, ADJUDGED AND DECREED** that:

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

11 1. On the Trustee's first claim for relief against Gordin for the avoidance and
12 recovery of actual fraudulent transfers pursuant to 11 U.S.C. §§ 544(b) and 550, and Cal. Civ.
13 Code §§ 3439.04(a) and 3439.07, judgment is entered against the Gordin and in favor of the
14 Trustee in the following amounts:

15 a. The principal amount of \$3,251,736.52;
16 b. Pre-judgment interest in the sum of \$607,406.56 (calculated at the
17 rate of 7% per annum on the sum of \$3,251,736.52 from November 14, 2002, the date on
18 which the Complaint was filed, through July 15, 2005); and

19 c. Post-judgment interest at the rate of 3.52% per annum (as
20 determined in accordance with 28 U.S.C. § 1961 for the week ending July 8, 2005),
21 compounded annually, on all unpaid amounts awarded in paragraphs 1(a) and (b) of this
22 judgment from the date this judgment is entered until all such amounts are paid.

23 **On the Second Claim for Relief:**

24 2. On the Trustee's second claim for relief against Gordin for the avoidance and
25 recovery of actual fraudulent transfers pursuant to 11 U.S.C. §§ 544(b) and 550, and Cal. Civ.
26 Code §§ 3439.04(a) and 3439.07, judgment is entered against the Gordin and in favor of the
27 Trustee in the following amounts:

28 ///

- 1 a. The principal amount of \$2,798,926.37;
- 2 b. Pre-judgment interest in the sum of \$522,824.11 (calculated at the
- 3 rate of 7% per annum on the sum of \$2,798,926.37 from November 14, 2002, the date on
- 4 which the Complaint was filed, through July 15, 2005); and
- 5 c. Post-judgment interest at the rate of 3.52% per annum (as
- 6 determined in accordance with 28 U.S.C. § 1961 for the week ending July 8, 2005),
- 7 compounded annually, on all unpaid amounts awarded in paragraphs 2(a) and (b) of this
- 8 judgment from the date this judgment is entered until all such amounts are paid.

9 3. The amounts awarded pursuant to paragraph 2 are included in the amounts

10 awarded pursuant to paragraph 1.

11 **On the Third Claim for Relief:**

12 4. On the Trustee's third claim for relief against Gordin for the avoidance and

13 recovery of constructive fraudulent transfers pursuant to 11 U.S.C. §§ 544(b) and 550, and Cal.

14 Civ. Code §§ 3439.05 and 3439.07, judgment is entered against Gordin and in favor of the

15 Trustee in the following amounts:

- 16 a. The principal amount of \$2,798,926.37;
- 17 b. Pre-judgment interest in the sum of ^{4522,824.11}~~\$178,898.92~~ (calculated at the
- 18 rate of 7% per annum on the sum of \$2,798,926.37 from November 14, 2002, the date on
- 19 which the Complaint was filed, through July 15, 2005); and
- 20 c. Post-judgment interest at the rate of 3.52% per annum (as
- 21 determined in accordance with 28 U.S.C. § 1961 for the week ending July 8, 2005),
- 22 compounded annually, on all unpaid amounts awarded in paragraphs 4(a) and (b) of this
- 23 judgment from the date this judgment is entered until all such amounts are paid.

24 5. The amounts awarded pursuant to paragraph 4 are included in the amounts

25 awarded pursuant to paragraphs 1 and 2.

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1 **On the Fourth Claim for Relief:**

2 6. On the Trustee's fourth claim for relief against Gordin for the avoidance and
3 recovery of actual fraudulent transfers pursuant to 11 U.S.C. §§ 548 (a)(1)(A) and 550,
4 judgment is entered against Gordin and in favor of the Trustee in the following amounts:

5 a. The principal amount of \$265,000.00;

6 b. Pre-judgment interest in the sum of \$10,324.40 (calculated at the
7 rate of 1.46% per annum (as determined in accordance with 28 U.S.C. § 1961 for the week
8 ending November 8, 2002) on the sum of \$265,000.00 from November 14, 2002, the date on
9 which the Complaint was filed, through July 15, 2005); and

10 c. Post-judgment interest at the rate of 3.52% per annum (as
11 determined in accordance with 28 U.S.C. § 1961 for the week ending July 8, 2005),
12 compounded annually, on all unpaid amounts awarded in paragraphs 6(a) and (b) of this
13 judgment from the date this judgment is entered until all such amounts are paid.

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

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

17 8. On the Trustee's fifth claim for relief against Gordin for the avoidance and
18 recovery of constructive fraudulent transfers pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550,
19 judgment is entered against Gordin and in favor of the Trustee in the following amounts:

20 a. The principal amount of \$265,000.00;

21 b. Pre-judgment interest in the sum of \$10,324.40 (calculated at the
22 rate of 1.46% per annum (as determined in accordance with 28 U.S.C. § 1961 for the week
23 ending November 8, 2002) on the sum of \$265,000.00 from November 14, 2002, the date on
24 which the Complaint was filed, through July 15, 2005); and

25 c. Post-judgment interest at the rate of 3.52% per annum (as
26 determined in accordance with 28 U.S.C. § 1961 for the week ending July 8, 2005),
27 compounded annually, on all unpaid amounts awarded in paragraph 8(a) and (b) of this
28 judgment from the date this judgment is entered until all such amounts are paid.

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

3 **On the Sixth and Seventh Claims for Relief:**

4 10. The Trustee's sixth and seventh claims for relief are dismissed without prejudice
5 as to all parties.

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

7 11. On the Trustee's eighth claim for relief against Gordin for money lent pursuant
8 to 11 U.S.C. § 108 and Cal. Civ. Code §§ 1912 - 1916, judgment is entered against Gordin and
9 in favor of the Trustee in the following amounts:

- 10 a. The principal amount of \$414,000.00;
- 11 b. Pre-judgment interest in the sum of \$178,898.92 (calculated at the
12 stated rate of \$3,450.00 per month [10% per annum on the sum of \$414,000.00] from the
13 payment due April 18, 2001, through and including the payment due June 18, 2005, plus
14 \$2,948.92 for June 19, 2005 through and including July 15, 2005 [26 days at the per diem rate
15 of \$113.42]); and
- 16 c. Post-judgment interest at the rate of 3.52% per annum (as
17 determined in accordance with 28 U.S.C. § 1961 for the week ending July 8, 2005),
18 compounded annually, on all unpaid amounts awarded in paragraphs 11(a) and (b) of this
19 judgment from the date this judgment is entered until all such amounts are paid.

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

21 12. On the Trustee's ninth claim for relief against Gordin for breach of a promissory
22 note pursuant to 11 U.S.C. § 108 and Cal. Civ. Code § 3302, judgment is entered against
23 Gordin and in favor of the Trustee in the following amounts:

- 24 a. The principal amount of \$414,000.00;
- 25 b. Pre-judgment interest in the sum of \$178,898.92 (calculated at the
26 stated rate of \$3,450.00 per month [10% per annum on the sum of \$414,000.00] from the
27 payment due April 18, 2001, through and including the payment due June 18, 2005, plus

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1 \$2,948.92 for June 19, 2005 through and including July 15, 2005 [26 days at the per diem rate
2 of \$113.42]); and

3 c. Post-judgment interest at the rate of 3.52% per annum (as
4 determined in accordance with 28 U.S.C. § 1961 for the week ending July 8, 2005),
5 compounded annually, on all unpaid amounts awarded in paragraphs 12(a) and (b) of this
6 judgment from the date this judgment is entered until all such amounts are paid.

7 13. The amounts awarded pursuant to paragraph 12 are included in the amounts
8 awarded pursuant to paragraph 11.

9 **Dismissal of Doe Defendants:**

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

12 **Final Judgment:**

13 15. This Judgment is a final judgment adjudicating all of the claims and the rights
14 and liabilities of all of the parties.

15
16 JUL 15 2005
17 DATED: _____, 2005

18 **ROBIN L. RIBLET**
19 _____
20 **HONORABLE ROBIN L. RIBLET**
21 **United States Bankruptcy Court**

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SERVICE LIST

UNITED STATES TRUSTEE

Brian Fittipaldi, Esq.
Office of the U.S. Trustee
128 East Carrillo Street
Santa Barbara, CA 93101

LIQUIDATING TRUSTEE

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

CO-COUNSEL TO TRUSTEE

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ARLO GORDIN

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COUNSEL TO TRUSTEE

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Gumport | Reitman
550 South Hope Street, Suite 825
Los Angeles, CA 90071-2627

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.*

In re REED E. SLATKIN and Substantively Consolidated Affiliates TOPSIGHT OREGON, INC. and REED SLATKIN Debtor.	CHAPTER <u>11</u> CASE NUMBER: ND01-11459-RR AD02-01225-RR
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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):
APPLICATION AND ORDER FOR APPEARANCE AND EXAMINATION

was entered on (specify date): **NOV 18 2005**

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): **NOV 18 2005**

Dated: **NOV 18 2005**

JON D. CERETTO
Clerk of the Bankruptcy Court

By: **KAM RUST**
Deputy Clerk

Ronald P. Slates, AP Professional Corporation
523 WEST SIXTH STREET, SUITE 502
LOS ANGELES, CALIFORNIA 90014-1225
(213) 624-1515 / FAX (213) 624-7536

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SERVICE LIST

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