

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
SOUTHEAST DISTRICT, WHITTIER COURTHOUSE (-19490-)
7339 S. PAINTER AVENUE, WHITTIER, CA 90602
TELEPHONE: (562) 907-3127

SANTA FE CENTER
MANN, VIC

vs.

Case Number: WH 11C03588

MINUTE ORDER AND CLERK'S NOTICE OF RULING AND/OR APPEALABLE ORDER

Court convened at 01:30 PM, on 03/16/2012; in Department 007 .
Present: Honorable DANIEL P. RAMIREZ, Judge/Comm. Presiding.
EMILIA PIMENTEL , Deputy Clerk;
and the following proceedings were had: notice given per section CCF 654.5:

Plaintiff(s) SANTA FE CENTER LLC (NOT) appearing by
Defendant(s) MANN, VIC (NOT) appearing by

NATURE OF PROCEEDINGS: AFTER SUBMISSION, THE COURT RENDERS THE FOLLOWING
RULING ON MOTION RE:
FOR STAY OF EXECUTION PENDING APPEAL

DISPOSITION

MOTION GRANTED.

MOTION IS GRANTED CONDITIONED UPON THE DEFENDANTS PAYING THE
MONTHLY RENTAL VALUE OF THE LEASE IN THE AMOUNT OF \$3,242.57.

{SEE ATTACHED DETAILED RULING}

THE EXECUTION OF THE WRIT IS STAYED UNTIL FURTHER ORDER OF
THE COURT. FILE IS SENT TO CLERKS OFFICE FOR COMPLETION OF
WRIT PROCESS.

MINUTE ORDER AND COURT'S RULING IS FAXED AND MAILED TO ALL PARTIES.

CLERK'S CERTIFICATE OF MAILING/NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Minute Order and Clerk's Notice the above minute order of 03/16/2012 upon each party or counsel named below by depositing in the United States mail at the courthouse in WHITTIER, CALIFORNIA, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

DAMIAN J NASSIRI ESQ
NASSIRI LAW, INC.
333 CITY BLVD. WEST, 17TH FLOOR
ORANGE, CA 92868
(714) 937-2050

CHUNG E. KANG
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3600 WILSHIRE BLVD. SUITE 1804
LOS ANGELES, CA 90010
(213) 386-0365

JOHN A. CLARKE, Executive Officer/Clerk

Dated: 03/16/2012

By EMILIA PIMENTEL , Deputy Clerk

THE COURT'S RULING

Code of Civil Procedure § 1176(a) provides:

(a) An appeal taken by the defendant shall not automatically stay proceedings upon the judgment. Petition for stay of the judgment pending appeal shall first be directed to the judge before whom it was rendered. Stay of judgment shall be granted when the court finds that the moving party will suffer extreme hardship in the absence of a stay and that the nonmoving party will not be irreparably injured by its issuance. If the stay is denied by the trial court, the defendant may forthwith file a petition for an extraordinary writ with the appropriate appeals court. If the trial or appellate court stays enforcement of the judgment, the court may condition the stay on whatever conditions the court deems just, but in any case it shall order the payment of the reasonable monthly rental value to the court monthly in advance as rent would otherwise become due as a condition of issuing the stay of enforcement. As used in this subdivision, "reasonable rental value" means the contract rent unless the rental value has been modified by the trial court in which case that modified rental value shall be used.

Based upon the written pleadings submitted by the parties and the oral arguments presented in court the court finds that the Defendants will suffer extreme hardship in the absence of a stay and Plaintiff will not be irreparably injured by its issuance.

Therefore, the petition to stay the judgment pending appeal is **granted** conditioned upon the Defendants paying the monthly rental value of the lease in the amount of \$3,242.57. The March 2012 rent is to be paid forthwith. Thereafter, rent to be received by Plaintiff on or before the first of each month.

The execution of the writ is stayed until further order of the court.


Daniel Ramirez, Superior Court Judge

dated: March 16, 2012