

# Judicial Notice Exhibit 1

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

**DATE:** 03/27/2017

**TIME:** 09:00:00 AM

**DEPT:** C20

**JUDICIAL OFFICER PRESIDING:** David Chaffee

**CLERK:** Cora Bollsay

**REPORTER/ERM:** Khoung Kelvin Do

**BAILIFF/COURT ATTENDANT:** Shanon Taylor

**CASE NO:** 30-2016-00805807-CU-CO-CJC **CASE INIT. DATE:** 08/21/2015

**CASE TITLE:** THE SPARTAN ASSOCIATES, INC. vs. HUMPHREYS

**CASE CATEGORY:** Civil - Unlimited **CASE TYPE:** Contract - Other

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**EVENT ID/DOCUMENT ID:** 72514442

**EVENT TYPE:** Jury Trial

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**APPEARANCES**

J. Scott Russo, from Russo & Duckworth LLP, present for Cross - Defendant, Plaintiff(s).

William G. Bissell, from Law Offices of William G. Bissell, present for Defendant, Cross - Complainant(s).

GARY HUMPHREYS, Defendant is present.

KAREN HUMPHREYS, Defendant is present.

Adam Berekl, self represented Cross - Defendant, present.

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All counsel answer ready for trial.

**1st day of trial**

At 9:21 a.m. This being the date set for Court Trial in the above-entitled cause, having been assigned to this department, all parties and counsel appear as noted above and trial commences.

All parties waived jury trial.

The Court and counsels discuss exhibits and pleadings as set forth on the record.

At 9:33 a.m. The Court declared a recess to read the trial briefs.

At 10:19 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.

Pursuant to Court's ruling on 3/24/2017, the Court to commence a severed Cross Complaint 1st cause of action as against Cross-Defendant, Adam Berekl.

At 10:14 a.m. Mr. William G. Bissell presents an opening statement on behalf of Cross Complainants Karen & Gary Humphreys for the severed Cross complaint 1st cause of action against Mr. Adam Berekl.

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**DATE:** 03/27/2017

**MINUTE ORDER**

**DEPT:** C20

**Page 1**

**Calendar No.**

**929**

**CASE TITLE: THE SPARTAN ASSOCIATES, INC. vs. HUMPHREYS**

**CASE NO: 30-2016-00805807-CU-CO-CJC**

**At 10:29 a.m. Mr. J. Scott Russo presents an opening statement on behalf of Plaintiffs/Cross-Defendants The Spartan Associates, Inc..**

**At 10:32 a.m. Mr. Adam Bereki presents an opening statement on behalf of himself as the Cross-Defendant.**

**121 document(s) are ordered pre-marked for identification as Plaintiffs/Cross-Defendants exhibits 1 through 137, a description of each document is contained in the Exhibit List, a copy of which is attached hereto and incorporated herein by reference.**

**62 document(s) are ordered pre-marked for identification as Cross-Complainants/Cross-Defendants exhibits 301 through 362, a description of each document is contained in the Exhibit List, a copy of which is attached hereto and incorporated herein by reference.**

**MS. KAREN HUMPHREYS is sworn and testifies.**

**At 11:14 p.m. Court declares a recess.**

**At 11:25 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.**

**At 11:26 a.m. Ms. Karen Humphreys, previously sworn, resumes the stand for further testimony .**

**Ms. Karen Humphreys steps down.**

**MR. GARY HUMPHREYS is sworn and testifies.**

**At 11:58 a.m. Court declares a recess.**

**At 1:40 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.**

**At 1:42 p.m. Mr. Gary Humphreys, previously sworn, resumes the stand for further testimony .**

**Exhibit(s) 32, 302, 303, 304, 305, 306, having been previously marked for identification are admitted into evidence.**

**At 2:20 p.m. Mr. Gary Humphreys steps down.**

**MR. ADAM BEREKI is sworn and testifies.**

**Portions of Mr. Adam Bereki's deposition transcripts of 8/2/2016 read on the record (page 98 lines 10 to 13; page 61 lines 5 to 9)**

**At 2:34 p.m. Court declares a recess.**

**2:42 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.**

**At 2:45 p.m. Mr. Adam Bereki, previously sworn, resumes the stand for further testimony .**

**Exhibit(s) 34, 35, 33, 351 and 355, having been previously marked for identification are admitted into**

**DATE: 03/27/2017  
DEPT: C20**

**MINUTE ORDER**

**Page 2  
Calendar No.  
930**

CASE TITLE: THE SPARTAN ASSOCIATES, INC. vs.  
HUMPHREYS

CASE NO: 30-2015-00805807-CU-CO-CJC

evidence.

At 3:22 p.m. Court declares a recess.

At 3:41 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.

At 3:42 p.m. Mr. Adam Bereki, previously sworn, resumes the stand for further testimony .

Exhibit(s) 30-1; 348, having been previously marked for identification are admitted into evidence.

Mr. Adam Bereki steps down.

At 3:55 p.m. Mr. Gary Humphreys, previously sworn, recalls to the stand for further testimony by his counsel.

Mr. Gary Humphreys steps down.

At 4:10 p.m. Court declares a recess.

Court is adjourned until 03/28/2017 at 09:30AM in C-20.

DATE: 03/27/2017  
DEPT: C20

MINUTE ORDER

Page 3  
Calendar No.  
931

**SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER**

**MINUTE ORDER**

DATE: 03/28/2017

TIME: 09:30:00 AM

DEPT: C20

JUDICIAL OFFICER PRESIDING: David Chaffee

CLERK: Cora Bolisay

REPORTER/ERM: Khoung Kelvin Do

BAILIFF/COURT ATTENDANT: Michelle Gallegos

CASE NO: 30-2015-00805807-CU-CO-CJC CASE INIT.DATE: 08/21/2015

CASE TITLE: THE SPARTAN ASSOCIATES, INC. vs. HUMPHREYS

CASE CATEGORY: Civil - Unlimited CASE TYPE: Contract - Other

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EVENT ID/DOCUMENT ID: 72559889

EVENT TYPE: Jury Trial

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**APPEARANCES**

J. Scott Russo, from Russo & Duckworth LLP, present for Cross - Defendant,Plaintiff(s).

William G. Bissell, from Law Offices of William G. Bissell, present for Defendant,Cross - Complainant(s).

KAREN HUMPHREYS, Defendant is present.

GARY HUMPHREYS, Defendant is present.

Adam Bereki, self represented Cross - Defendant, present.

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**2nd day of trial**

At 9:55 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.

At 9:57 a.m. Mr. William G. Bissell presents closing argument on behalf of Cross-Complainants/Defendants, Karen & Gary Humphreys.

At 10:12 a.m. Mr. J. Scott Russo presents closing argument on behalf of Cross-Defendant, The Spartan Associates, Inc..

Mr. Adam Bereki waived closing argument.

At 10:19 a.m. Court declares a recess.

At 10:52 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.

Having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, the Court finds and determines that Mr. Adam Bereki is the contractor and he does not possess contractor's license.

The Court finds judgment for the Cross Complainants, Gary & Karen Humphreys (First Cause of Action,

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DATE: 03/28/2017

MINUTE ORDER

DEPT: C20

Page 1  
Calendar No.

CASE TITLE: THE SPARTAN ASSOCIATES, INC. vs. HUMPHREYS

CASE NO: 30-2015-00805807-CU-CO-CJC

for Disgorgement of Funds Paid) and against cross-defendant, Adam Bereki.

The Court invites counsels to meet and discuss the plan for the remaining cause of actions and the complaint.

At 11:19 a.m. Court declares a recess.

At 11:37 a.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.

Legal discussions held with regards to remaining cross-complaint cause of actions and the complaint as set forth on the record.

Counsels are to resume discussions during lunch hour and report to the Court at 1:45 p.m.

At 11:47 p.m. Court declares a recess.

At 1:48 p.m. Court reconvenes with plaintiff(s), defendant(s) and counsel present as noted above.

Counsels reached an agreement as set forth on the record.

Mr. J. Scott Russo presents an offer of proof on plaintiff's complaint that if called Mr. Adam Bereki would be the witness and the testimony would be that Plaintiff, Spartan Associates had rendered goods and services to the defendants. The fair market value for the services and goods of \$82,821.53 to be backed up by invoices and testimony about the reasonable value of those services that would be the first cause of action Quantum Merit. For the 2nd cause of action, go and in hand that it was an open book accounting was rendered to the defendants that they were given the accountings and the sum was \$82,821.53 that was still due.

Based on Mr. Russo's offer of proof, the Court understand that those claims are based upon the view of plaintiff Spartan Associates, Inc. was the general contractor on the project. The Court finds that Spartan Associates does not have standing as determined earlier today that Mr. Bereki was the purported general contractor on the contract. Spartan Associates, Inc. may have been apparently substituted but it is certainly not with the permission or agreement of the defendants. Based on that, the Court finds judgment for the defendants on the complaint.

The parties have discussed, agreed and stipulates on the record as follows: The entirety of remaining causes of action on the First Amended Cross-Complaint will be dismissed without prejudice. If judgment on the first cause of action becomes final, the dismissal without prejudice will be converted to dismissal with prejudice. Pending judgment on the first cause of action becoming final, the statute of limitations on the re-filing of an action of the dismissed causes of action is waived. If a new action is filed on the dismissed causes of action, discovery deemed completed and will not be re-opened and the newly filed case will be consolidated with the remanded case for trial.

Pursuant to Mr. Bissell's Motion, the Court orders the remaining causes of action, negligence, fraud, alter ego, penalty, attorney's fees and recovery against the Contractor's license bond be dismissed without prejudice. The judgment on the First Amended Cross Complaint is on the 1st cause of action for discouragement only.

DATE: 03/28/2017  
DEPT: C20

MINUTE ORDER

Page 2  
Calendar No.

CASE TITLE: THE SPARTAN ASSOCIATES, INC. vs.  
HUMPHREYS

CASE NO: 30-2015-00805807-CU-CO-CJC

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The Court directs Mr. William G. Bissell to prepare the judgment.

At 2:03 p.m. Pursuant to oral stipulation set forth on the record, exhibits are released and returned to the submitting parties/counsels for maintenance, custody and safekeeping pending any post-verdict or appeal proceedings. All identification tags and other identifying markings are to remain in place pending this period.

At 2:05 p.m. The Court is adjourned in this matter.

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DATE: 03/28/2017  
DEPT: C20

MINUTE ORDER

Page 3  
Calendar No.

04/20/2017 at 12:01:03 PM  
Clerk of the Superior Court  
By Estelita Velazquez, Deputy Clerk

JUD-100

ATTORNEY OR PARTY WITHOUT ATTORNEY (Please state bar number and address) <b>William Bissell SBN 93527</b> <b>14 Corporate Plaza Drive, Suite 120</b> <b>Newport Beach, CA 92660</b> TELEPHONE NO. (949) 719-1159 FAX NO. (Optional) E-MAIL ADDRESS (Optional) <b>wbissell@wgb-law.com</b> ATTORNEY FOR (Name) <b>Gary Humphreys &amp; Karen Humphreys</b>		FOR COURT USE ONLY  <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE CENTRAL JUSTICE CENTER <b>APR 20 2017</b> DAVID H. YAMASAKI, Clerk of the Court BY <u>CPolinsky</u> DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS <b>700 Civic Center Drive West</b> MAILING ADDRESS CITY AND ZIP CODE <b>Santa Ana, CA 92701</b> BRANCH NAME <b>Central Justice Center</b>		
PLAINTIFF <b>The Spartan Associates, Inc.</b> DEFENDANT <b>Gary Humphreys, Karen Humphreys et al</b>		
JUDGMENT <input type="checkbox"/> By Clerk <input type="checkbox"/> By Default <input checked="" type="checkbox"/> After Court Trial <input checked="" type="checkbox"/> By Court <input type="checkbox"/> On Stipulation <input type="checkbox"/> Defendant Did Not Appear at Trial		CASE NUMBER <b>2015-00805807</b> Judge David Chaffee

JUDGMENT

1. ☐ **BY DEFAULT**
  - a. Defendant was properly served with a copy of the summons and complaint.
  - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
  - c. Defendant's default was entered by the clerk upon plaintiff's application.
  - d. ☐ Clerk's Judgment (Code Civ. Proc., § 585(a)) Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
  - e. ☐ Court Judgment (Code Civ. Proc., § 585(b)). The court considered
    - (1) ☐ plaintiff's testimony and other evidence
    - (2) ☐ plaintiff's written declaration (Code Civ. Proc., § 585(d)).
2. ☐ **ON STIPULATION**
  - a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
  - b. ☐ the signed written stipulation was filed in the case
  - c. ☐ the stipulation was stated in open court    ☐ the stipulation was stated on the record.
3. ☒ **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
  - a. The case was tried on (date and time): **March 27, 2017 at 9:00 a.m.**  
before (name of judicial officer): **The Honorable David Chaffee**
  - b. Appearances by:
 

<input checked="" type="checkbox"/> Plaintiff (name each) (1) <b>The Spartan Associates, Inc.</b> (2) <input type="checkbox"/> Continued on Attachment 3b  <input checked="" type="checkbox"/> Defendant (name each): (1) <b>Gary Humphreys</b> (2) <b>Karen Humphreys</b> <input checked="" type="checkbox"/> Continued on Attachment 3b.	<input checked="" type="checkbox"/> Plaintiff's attorney (name each): (1) <b>J. Scott Russo esq.</b> (2)  <input type="checkbox"/> Defendant's attorney (name each): (1) <b>William Bissell esq.</b> (2) <b>William Bissell esq.</b>
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  - c. ☐ Defendant did not appear at trial. Defendant was properly served with notice of trial.
  - d. ☒ A statement of decision (Code Civ. Proc., § 632) ☒ was not ☐ was requested.



PLAINTIFF The Spartan Associates, Inc.	CASE NUMBER
DEFENDANT Gary Humphreys, Karen Humphreys et al	2015-00805807

JUDGMENT IS ENTERED AS FOLLOWS BY: ☒ THE COURT ☐ THE CLERK

4 ☐ Stipulated Judgment. Judgment is entered according to the stipulation of the parties

5. Parties. Judgment is

a ☐ for plaintiff (name each)

and against defendant (names):

☐ Continued on Attachment 5a.

b. ☒ for defendant (name each).

Gary Humphreys & Karen Humphreys

c ☒ for cross-complainant (name each).

Gary Humphreys & Karen Humphreys  
and against cross-defendant (name each):  
Adam Bereki

☐ Continued on Attachment 5c.

d ☐ for cross-defendant (name each):

6 Amount.

a. ☐ Defendant named in item 5a above must pay plaintiff on the complaint:

(1) <input type="checkbox"/> Damages	\$
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of %	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (specify):	\$
(6) TOTAL	\$

b. ☒ Plaintiff to receive nothing from defendant named in item 5b.

☒ Defendant named in item 5b to recover costs \$  
☐ and attorney fees \$

c ☒ Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint:

(1) <input checked="" type="checkbox"/> Damages	\$ 848,000.00
(2) <input type="checkbox"/> Prejudgment interest at the annual rate of %	\$
(3) <input type="checkbox"/> Attorney fees	\$
(4) <input checked="" type="checkbox"/> Costs	\$
(5) <input type="checkbox"/> Other (specify):	\$
(6) TOTAL	\$

d ☐ Cross-complainant to receive nothing from cross-defendant named in item 5d.

☐ Cross-defendant named in item 5d to recover costs \$  
☐ and attorney fees \$

7 ☒ Other (specify):

Causes of action two through eight of the first amended cross-complaint are dismissed without prejudice subject to a stipulation by the parties and entered on the record.

Date APR 20 2017

☐

*[Signature]*

DAVID R. CHAFFEE

Date

☐

Clerk, by \_\_\_\_\_, Deputy

(SEAL)

CLERK'S CERTIFICATE (Optional)

I certify that this is a true copy of the original judgment on file in the court

Date:

Clerk, by \_\_\_\_\_, Deputy



**SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE**

**JUSTICE CENTER:**

- ☒ **Central - 700 Civic Center Dr. West, Santa Ana, CA 92701-4045**  
☐ Civil Complex Center - 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512  
☐ Harbor-Laguna Hills Facility - 23141 Moulton Pkwy., Laguna Hills, CA 92653-1251  
☐ Harbor-Newport Beach Facility - 4601 Jamboree Rd., Newport Beach, CA 92660-2595  
☐ Lamoreaux - 341 The City Drive, Orange, CA 92868-3205  
☐ North - 1275 N. Berkeley Ave., P. O. Box 5000, Fullerton, CA 92838-0500  
☐ West - 8141 13<sup>th</sup> Street, Westminster, CA 92683-4593

**PLAINTIFF/PETITIONER: THE SPARTAN ASSOCIATES, INC.**

**DEFENDANT/RESPONDENT: GARY HUMPHREYS, AN INDIVIDUAL; KAREN HUMPHREYS, AN INDIVIDUAL; AND DOES 1 THROUGH 25, INCLUSIVE.**

**CLERK'S CERTIFICATION**

**CASE NUMBER:**

**30-2015-00805807-CU-  
CO-CJC**

Pursuant to Government Code § 68150 et seq., this court's original documents in civil cases are preserved in electronic form.

I certify as follows:

The enclosed copies, consisting of 45 documents and 624 pages, and dated from 06/13/2017 to 03/15/2019, are true and correct copies of the originals on file in this court.

*All copies contained herein are true and correct copies of the originals on file in this court.*



DAVID H YAMASAKI, Clerk of the Court

Date: January 23, 2020

By: Patty Conde

Patty Conde, Deputy Clerk