

Phone call between Adam Bereki and Judge

Recording Name:
[E45 EX PARTE MOTION FOR RECONSIDERATION OF
STAY OF UD]

Transcript Prepared By:



(720) 287-3710
1355 S. Colorado Blvd.
Suite C515
Denver, CO 80222

DUNS Number: 037801851
CAGE Code: 6C7D5
Tax ID #: 27-2983097

1 Judge: All right, then, good morning. It looks like we're
2 all connected up. We will, uh, the matter for ex
3 parte calendar here this morning in the matter of The
4 Spartan Associates, Inc. vs. Karen Humphries, et al.
5 If we could have the appearances, please?

6 Berekhi: Uh, uh, Judge it's Adam Berekhi appearing on behalf of
7 myself. And then there's a friend of mine, Pier
8 Prenga, he's the other person that's here. And, um,
9 before we get started I'd like to ask if the Court
10 can, uh, re- -- record the proceedings, or allow me
11 to, so that I can preserve this, uh, record on appeal.

12 Judge: Um, no, the Court cannot do a recording of the matter,
13 and it is, uh, not permissible to record court
14 proceedings, uh, online like this. So they're -- uh,
15 in connection with this there is -- you may, uh, with
16 a fee waiver you may request a court reporter but it,
17 uh -- you need to request that in advance and there is
18 a form that must be filed with the court to request,
19 uh, a, uh, court reporter. So, um, that is something
20 that you may have and obtain but, uh, it needs to be
21 properly and timely requested, uh, for, uh, there to
22 be. But uh, y- -- I, uh -- a party with a fee waiver
23 may request a court reporter. There's a -- a -- a
24 court form to fill out that needs to be filed in
25 advance, uh, and it needs to be, uh -- the request



1 needs to be made in connection with each hearing.
2 There can't be a blanket one that -- for all -- for in
3 perpetuity, uh, have a court reporter. And just like
4 p- -- re- -- parties with a fee waiver in a, uh,
5 unlimited civil matter is on th- -- they're to have a
6 certified court reporter, uh, to the extent that they
7 would like a court exporter. That's, uh, you know,
8 the unfortunate reality of the, uh, resources, uh,
9 that, uh, the court is lacking, uh, at this time. So
10 that's where we --

11 Bereki: I understand.

12 Judge: -- stand on that.

13 Bereki: Um, it's -- from what I understand, other departments,
14 uh, just make a recording of the Zoom proceedings and
15 that those can used on appeal. Is that incorrect?

16 Judge: Uh, in certain -- in, um, certain limited matters and
17 certain case types, uh, it is statutorily authorized.
18 It is not authorized and permitted in, uh, this type
19 of proceeding.

20 Bereki: Okay. Thank you for clarifying that.

21 Judge: Uh, it's not a -- it's a -- yeah, it depends on the
22 case type.

23 Bereki: Okay.

24 Judge: And the -- and it's unfortunately some of the statutes
25 are out -- out of date with current reality, but the



1 statutes are the statutes, w- -- uh, (inaudible -
2 0:07:11).

3 Bereki: Okay. So the statute says it's not allowed in -- in
4 ex parte proceeding for this?

5 Judge: In -- in civil, uh -- in -- in unlimited civil
6 matters, yeah, the -- the audio recording is not
7 permitted.

8 Bereki: Okay. Thank you.

9 Judge: Uh, so yes, we do have the ex parte to, uh, uh, vacate
10 the, uh, Court's ruling on a ex parte from a couple
11 months ago and to set aside the, uh, judgment, uh, in
12 this case and make other orders relating to the
13 unlawful detainer, uh, matter as well. Uh, this
14 application, uh, will be denied. Uh, the, uh,
15 challenges to the judgment will be, uh, heard on their
16 merits in connection with the hearing that we sent
17 yesterday, that it will be your opportunity to, uh,
18 provide your briefing and have, uh, the ruling on
19 those matters. Um, there's -- first of all, I think
20 there's a number of inaccuracies in these, uh, papers.
21 There was not simply a one-word, uh, ruling on your ex
22 parte back in the -- March. There was a discussion
23 about that, and indeed, you, uh, purport to paraphrase
24 or quote various things that were made. The minutes
25 are not a verbatim record of the proceedings, they are



1 a summary of the proceedings to document, uh, the
2 actions and outcomes. They are not a verbatim, uh,
3 record of that. So I don't think that that is an
4 accurate thing. As I indicated, the process for
5 obtaining a court reporter, there is a request that
6 needs to be, uh, provided, uh, but there was, uh, a --
7 a number of, uh, explanations that were provided. Uh,
8 I understand you may disagree with some of them and
9 think our -- things are inaccurate and we'll get to
10 the merits of those at the, uh, hearing that we
11 scheduled, uh, yesterday. Uh, but I guess I'll also
12 note for the record that statutorily many, uh, ex
13 partes may be decided, uh, in chambers, uh, uh, that,
14 for many things, that -- that a court hearing is not
15 required on an ex parte matter. But the Court is, uh,
16 endeavored to, uh, provide, uh, the explanation, uh,
17 back in March with that. Uh, so this -- I don't see
18 that there's a adequate showing to, uh, justify this,
19 and we'll decide it in that hearing that we scheduled
20 yesterday.

21 Bereki: Okay. May I respond?

22 Judge: You may.

23 Bereki: Okay. Um, I do understand your point about addressing
24 the issues about whether the judgment is void, and I
25 understand that we can address that at the hearing.



1 But, um, neither the ruling on the 18th, nor anything
2 today, addresses the substantive issues pertaining to,
3 um, staying the UD proceedings, uh, pending resolution
4 of those issues because there I did demonstrate, uh,
5 irreparable harm and imminent injury, and the Court
6 has not, uh, addressed those substantive issues,
7 either at the last hearing or this hearing. And, um,
8 I also have additional, um, information. I don't know
9 if you reviewed the, um, the ex parte that I filed in
10 the UD case as well as the motion to vacate. Did you
11 review that?

12 Judge: The ex parte that you filed the U- -- that's a
13 separate case, assigned to a separate judge. So I
14 have not seen an ex parte in a UD -- in the UD case.

15 Bereki: Okay, so are you aware of the issues, um, that I
16 presented in this ex parte, pertaining to the, uh, the
17 -- the, um, attorney in the UD case, he failed to
18 notify me of the default judgment, the request for
19 default. Uh, I believe the Court violated due process
20 by, uh, uh -- awarding the default the next day, even
21 though the attorney served it by mail and I did not
22 get five days. Um, and I -- I was required to have
23 five days' notice and I didn't get that. And then I
24 appeared at the court the next day, after the ex
25 parte, on March 19th to file an answer, based on the



1 corrections that you gave me in the hearing. And the
2 clerk rejected it because it claimed, um, that the
3 default had already been filed, that I was never given
4 notice of. So essentially I've never, um, been
5 allowed to answer. So I filed a, uh, UD, or a -- a ex
6 parte application for a TRO stay and a motion to
7 vacate in the, uh, UD case yesterday, and the judge,
8 uh, de- -- uh, denied it basically, uh, again,
9 refusing to address any of my substantive issues
10 pertaining to, uh, the void -- the potential void
11 judgment in this case. The, uh, uh, forthcoming
12 imminent adversary proceeding of -- of the judgment
13 violating the discharge order and being a fraudulent
14 transfer. Um, and so, I -- I -- the due process just
15 continues to be denied and -- and I'm trying to do my
16 best to resolve this and to do so within court
17 procedures by, you know, dotting every I and crossing
18 every T to the best of my ability, and it just seems
19 like at every turn, um, there's just another violation
20 of due process that I'm not being heard.

21 Judge: All right, well I'm -- I'm sorry that you feel that
22 way. In -- in terms of the UD, that -- it all needs
23 to be addressed in the UD department. That is -- I
24 can't order another judge at the trial court level to
25 make a decision or, uh, take a -- a specific action.



1 That's -- the UD action that is pending in that case.
2 What I can rule upon is the -- your challenges to the
3 judgment. In this case we have set the hearing for
4 that and it'll be addressed at that time.

5 Bereki: I -- I appreciate that. But what I'm -- I'm -- I'm
6 reporting to you is that there's ongoing due process
7 violations by the court itself, and those -- I'm not
8 asking you to give me an appeal of that judge's
9 orders. What I'm saying is that there's -- there's
10 further irreparable harm, an injury continuing, and
11 that -- that's what I'm --

12 Judge: Yes, (inaudible - 0:12:50) --

13 Bereki: -- hear right now for.

14 Judge: -- yes, well that's not the -- in the -- the analysis,
15 sir. It's a much great- -- uh, the -- much greater,
16 uh -- there's, uh, multi-fa- -- multiple factors that
17 go into granting an ex parte relief. That, in and of
18 itself, is not the sole, uh, factor. So, uh --

19 Bereki: Oh, okay.

20 Judge: -- again, the Court's made its ruling here today, uh -
21 -

22 Bereki: Can -- can you give me the --

23 Judge: -- and so --

24 Bereki: -- substantive reasons of why?

25 Judge: Okay, sir, I -- I -- the Court has made its ruling



1 here today. S- -- so we will have that hearing for
2 you on the date that we set yesterday on the merits of
3 your challenge to the judgment.

4 Berekhi: Okay, may I ask one more question?

5 Judge: Y- -- you may ask one more question, yes, sir.

6 Berekhi: Okay. Um, I hear you, what you're saying, but again,
7 I -- I had not heard any substantive, um, reasoning
8 for you on addressing the issues of irreparable harm
9 and imminent injury, and I need to have those issues
10 addressed so that I can raise them on appeal.

11 Judge: Yeah, as I just indicated, there are multiple factors.
12 Just, uh, showing what you believe to be irreparable
13 harm does not justify ex parte relief. That is one of
14 many considerations that go into ex parte relief. So
15 thank you very much --

16 Berekhi: Can --

17 Judge: -- sir, that wi- -- we will conclude the hearing here
18 for today and we will speak again with the next
19 filing. Thank you very much. Have a good day, sir.

20

21

22

23

24

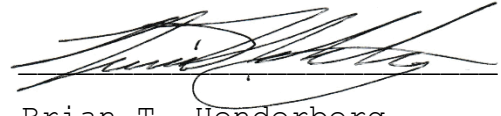
25



TRANSCRIBER'S CERTIFICATE

I, Brian T. Henderberg, do hereby certify that the foregoing transcript is a full, true, and correct statement of the audio file provided to me titled "E45 EX PARTE MOTION FOR RECONSIDERATION OF STAY OF UD".

DATED this 23rd day of June, 2025.



Brian T. Henderberg

Ditto Transcripts
1355 S. Colorado Blvd.
Suite C515
Denver, CO 80222
Tel: 720-287-3710
Fax: 720-952-9897

DUNS Number: 037801851
CAGE Code: 6C7D5
Tax ID #: 27-2983097

