

03/26/2024

David W. Slayton, Executive Officer / Clerk of Court

By: J. Trujillo Deputy

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**SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES**

DOUGLAS KRUSCHEN, an individual

Plaintiff,

vs.

ANNANDALE TOWNHOUSE
ASSOCIATION, INC., a California nonprofit
mutual benefit corporation; VICTOR RENE
MARTINEZ, an individual; ANTHONY
WAGNER, an individual; JAMES
GROSSMAN, an individual; SCOTT PERL,
an individual; JEFFERY ATKINSON, an
individual; and Does 1 through 10, inclusive,

Defendants.

CASE NO. 23VECV05191

(Unlimited Civil)

Assigned to Hon. Eric P. Harmon, Dept. 107

~~PROPOSED~~ JUDGMENT

On February 27, 2024, the above-captioned action came on for a bench trial in Department 107 of the Los Angeles Superior Court, Van Nuys Courthouse West, 14400 Erwin St., in Van Nuys, California, the Honorable Eric P. Harmon, Judge presiding. The Plaintiff DOUGLAS KRUSCHEN (“Plaintiff”) appeared by attorney James E. Perero of the law firm Myers, Widders, Gibson, Jones & Feingold, LLP. The Defendants ANNANDALE TOWNHOUSE ASSOCIATION, INC., VICTOR RENE MARTINEZ, ANTHONY WAGNER, JAMES GROSSMAN, SCOTT PERL, and JEFFERY ATKINSON (collectively, “Defendants”) appeared by attorney Gerard Kilroy of the law firm Kulik Gottesman Siegel & Ware LLP.

1 Over the course of three days from February 27 through 29, 2024, witnesses were sworn and
2 testified. Exhibits were entered in evidence. Arguments were presented. On February 29, 2024, the
3 Court took the matter under submission. After considering the evidence and arguments of counsel,
4 the Court issued a tentative ruling. On the morning of March 20, 2024, the Court heard further
5 argument regarding its tentative ruling. After further considering the evidence and arguments of
6 counsel, on the afternoon of March 20, 2024, the Court issued a final Minute Order. The Minute
7 Order directed Plaintiff to prepare, submit, and serve a proposed Judgment.

8 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that pursuant to
9 Corporations Code §7616 and Civil Code §5145(a), Plaintiff DOUGLAS KRUSCHEN is entitled
10 to and hereby obtains judgment against Defendant ANNANDALE TOWNHOUSE
11 ASSOCIATION, INC. (the “Association”), VICTOR RENE MARTINEZ, ANTHONY WAGNER,
12 JAMES GROSSMAN, SCOTT PERL, and JEFFERY ATKINSON, as follows:

13 1. The Association’s October 2023 director election (the “Election”) is invalid and void.

14 2. Defendants VICTOR RENE MARTINEZ, ANTHONY WAGNER, JAMES
15 GROSSMAN, SCOTT PERL, and JEFFERY ATKINSON (the “Individual Defendants”) do not
16 comprise the Association’s Board of Directors, and are not authorized to act on behalf of the
17 Association, engage in Association business, or conduct Association affairs.

18 3. The Individual Defendants shall cause all Association records and funds in their
19 possession, or in the possession of their agents or employees, to be delivered to the Association’s
20 management company within seven (7) days.

21 4. Plaintiff, Jennifer Campbell, Mohammad Danesh, and William Springer comprise
22 the Association’s Board of Directors until successors have been appointed or elected.

23 5. A new director election shall be held in compliance with the relevant laws of the
24 State of California and the Association’s CC&Rs, Bylaws, and Election and Voting Rules.

25 6. The Association shall engage a new inspector of elections to begin conducting a new
26 director election, including the solicitation of nominations, which election process shall begin at the
27 earliest reasonably practical time.

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7. Plaintiff is the prevailing party in this action.

8. Plaintiff is awarded costs pursuant to memorandum in the amount of _____ (to be determined).

9. Plaintiff is awarded attorney fees pursuant to motion in the amount of _____ (to be determined).

Dated: 03/26/2024, 2024



Eric Harmon

Hon. ERIC P. HARMON
Judge of the Superior Court