

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/23/91

DEPT. 56

HONORABLE BRUCE R. GEERNAERT

JUDGE

M FITZGERALD

DEPUTY CLERK

HONORABLE
10.

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M.MEDARIS ASST.CLK

Deputy Sheriff

H. CANNON

Reporter

9:00 am

C420153

Church of Scientology of Calif.
vs.
Gerald Armstrong,

Plaintiff

Counsel WILLIAM T. DRESCHER (X)
MICHAEL LEE HERTZBERG (X)
Defendant TOBY L. PLEVIN (X)
Counsel JOSEPH A. YANNY (X)

NATURE OF PROCEEDINGS:

MOTION OF PLAINTIFF/CROSS-DEFENDANT
TO ENFORCE SETTLEMENT AGREEMENT; OR
LIQUIDATED DAMAGES AND TO ENJOIN
FUTURE VIOLATIONS;
CF 12-3-91

MOTION FOR LEAVE TO INTERVENE IN PENDING
ACTION AND FOR ACCESS TO SEALED FILES

Motion of plaintiff/cross-defendant to enforce settlement agreement is denied on the basis that Judge Breckenridge did not sign an order or make an order requiring the parties to perform the document entitled, "Mutual Release of All Claims and Settlement Agreement" nor did Judge Breckenridge sign any order reserving jurisdiction in the court in this case to enforce said agreement. The court is aware that the parties stipulated in their "Joint Stipulation of Dismissal" page 2, lines 5 and 6: "This court shall retain jurisdiction and may reopen this case at any time for the purpose of enforcing said agreement." and further, it appears that Judge Breckenridge may have been aware of that agreement between the parties but it nevertheless appears that Judge Breckenridge was not asked to and did not order the parties to perform the subject agreement nor did he order continuing jurisdiction so to do as the parties evidently agreed.

Moving Party asserts that this court has jurisdiction to grant this motion pursuant to Section 128.(a)(4)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/23/91

DEPT. 56

HONORABLE BRUCE R. GEERNAERT

JUDGE M FITZGERALD

DEPUTY CLERK

HONORABLE
10.

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

M.MEDARIS ASST.CLK

Deputy Sheriff

H. CANNON

Reporter

9:00 am

C420153

Church of Scientology of Calif.
vs.
Gerald Armstrong,

Plaintiff

Counsel WILLIAM T. DRESCHER (X)
MICHAEL LEE HERTZBERG (X)
Defendant TOBY L. PLEVIN (X)
Counsel JOSEPH A. YANNY (X)

NATURE OF PROCEEDINGS:

of the Code of Civil Procedure. However, Section 128.(a)(4) of the Code of Civil Procedure relates to "compelling obedience to its judgments, orders and process * * *" and as indicated there is no such judgment or order herein.

During the proceeding Moving Party also relied upon Section 664.6 of the Code of Civil Procedure; however, it appears that on December 11, 1986, this action was dismissed with prejudice. Therefore, this court lacks jurisdiction under Section 664.6 of the Code of Civil Procedure since said section ceases to be a jurisdictional basis after entry of judgment (or judgment of dismissal) for the reasons and on the grounds set forth in the notes of the Official Court Reporter.

2. Motion of Joseph A. Yanny for leave to obtain access to the sealed files herein is granted to the extent that Judge Cardenas determines information in the sealed files is discoverable by Mr. Yanny in Case No. BC 033035. If such is so discoverable any unsealed portions of the file herein is subject to the same terms and conditions of the Division 3 Opinion.

Responding Party may submit and serve proposed order.

Each Moving Party to give notice.