

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JOHN KEVIN CROWLEY
Attorney at Law (Santa Clara 4113-2 / Bar No. 88189)
Ten Almaden Blvd., Suite 400
San Jose, CA 95113-2226
(408) 286-1200

Attorney for Plaintiffs
Jose Sandoval and Marcie Sandoval

FILED
2008 FEB 14 AM 11:03
JUDGE
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA

JOSE SANDOVAL and MARCIE SANDOVAL

Plaintiff,

v.

RAKISH VAZIR, KEN GERVAIS and Does 1-50

Defendants.

CASE NO. 1-05-CV 045796
PROPOSED JUDGMENT

This matter came on regularly for hearing on motion by plaintiffs to confirm the arbitration award and enter judgment on February 14, 2008, in Department ⁸22 of the Superior Court, Hon. **JOSEPH H. HUBER** Kevin Murphy, presiding.

Plaintiffs being was represented by John Kevin Crowley, Esq., appearing. Defendant Rakish Vazir and Defendant Ken Gervias, in pro per did not appear.

The Court having considered the petition and motion to confirm the arbitrators award as judgment in this case, and GOOD CAUSE APPEARING THEREFORE

The Court finds judgment for Plaintiffs Jose Sandoval and Marcie Sandoval against Defendant Rakish Vazir and Defendant Ken Gervias;

JUDGMENT IS HEREBY ENTERED as follows:

1. Plaintiffs have proven each cause of action as alleged, and would have been entitled to specific performance but for the further conduct of defendants which has put

1 the subject property into non-judicial foreclosure. Claimants are entitled to damages as
2 set forth herein.

3 2. Defendants, jointly and severally, shall pay to each claimant general damages
4 in the amount of \$15,000.00.

5 3. Defendants are found to be responsible for violations of the statutory
6 proscriptions against retaliatory eviction and for violation of the common law
7 proscription against retaliatory eviction; pursuant to Civil Code § 1942.59(f)(1), Plaintiff's
8 are entitled to their actual damages, defendants are liable for fraud, lack of good faith
9 and retaliatory motives involved in each of the retaliatory acts set forth herein, to
10 statutory punitive damages in the amount of \$1,000 for each plaintiff, for each of the
11 two unlawful detainer actions, for total of \$2,000 due from Defendant Gervias and
12 \$2,000 due from Defendant Vazir;

13 4. Defendants, jointly and severally, shall pay to claimants collectively punitive
14 damages for fraud in the amount of \$150,000;

15 5. Defendants, jointly and severally, shall pay to claimants collectively attorney's
16 fees in the amount of \$229,846.23 and costs in the amount of \$55,952.40;

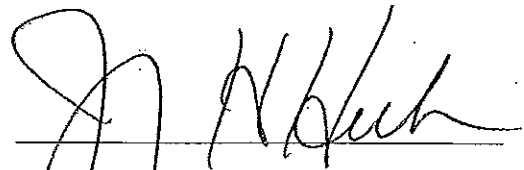
17 Therefore, the total judgment due from defendants jointly and severally is the
18 amount of \$469,798.63

19
20
21 Dated: 2-14-08

22
23 Approved as to form:

24
25 Ken Gervais

26
27 Rakish Vazir
28



Hon. Kevin Murphy
Judge of the Superior Court

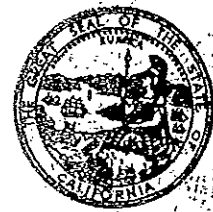
SANTA CLARA COUNTY SUPERIOR COURT
JOSEPH H. HUBER
JUDGE

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
ATTEST: KIRI TORRE

FEB 14 2008

CHIEF EXECUTIVE OFFICER/CLERK
SUPERIOR COURT OF SANTA CLARA COUNTY OF SANTA CLARA
IN AND FOR THE COUNTY OF SANTA CLARA
BY Kiri Torre DEPUTY

Kiri Torre



Judgment