

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

Document Scanning Lead Sheet

Jun-13-2014 3:33 pm

Case Number: CGC-12-523731

Filing Date: Jun-13-2014 3:32

Filed by: NANCY E. BAUTISTA

Juke Box: 001 Image: 04518657

ORDER

JOSEPH CONNELLY VS. COLLEEN HOLLAND et al

001C04518657

Instructions:

Please place this sheet on top of the document to be scanned.

FILED
San Francisco County Superior Court

JUN 13 2014

CLERK OF THE COURT
BY: Angela Banks
Deputy Clerk

1 Andrew P. Holland/Bar No. 224737
2 Mark V. Boennighausen/Bar No. 142147
3 Michael S. Dorsi/Bar No. 281865
4 THOITS, LOVE, HERSHBERGER & McLEAN
5 A Professional Law Corporation
6 285 Hamilton Avenue, Suite 300
7 Palo Alto, California 94301
8 Telephone: (650) 327-4200
9 Facsimile: (650) 325-5572

6 Attorneys for Defendant/Cross-Complainant
7 Colleen Holland

8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF SAN FRANCISCO**

10 **JOSEPH CONNELLY,**

11 Plaintiff,

12 v.

13 **COLLEEN HOLLAND, and DOES 1**
14 **through 20, inclusive,**

15 Defendants,

16 **COLLEEN HOLLAND,**

17 Cross-complainant,

18 v.

19 **JOSEPH CONNELLY, and ROES 1**
20 **through 20, inclusive,**

21 Cross-defendants.

No. CGC-12-523731

**[PROPOSED] ORDER GRANTING
MOTION TO APPOINT RECEIVER**

Date: June 13, 2014

Time: 9:30 a.m.

Dept.: 306

Judge: Hon. Lillian K. Sing

Complaint Filed: August 27, 2012

23 Defendant and cross-complainant Colleen Holland's Motion to Appoint Receiver was
24 scheduled for hearing on June 13, 2014. Plaintiff and cross-defendant Joseph Connelly opposed the
25 Motion to Appoint Receiver.
26

1 After considering the papers, the Court issued a tentative ruling on June 12, 2014 which was
2 not contested by the parties. Accordingly, The Court now adopts its tentative ruling and hereby
3 orders, adjudges, and decrees as follows:

4 **IT IS HEREBY ORDERED** the motion is GRANTED. Ms. Holland demonstrates that she
5 is a co-owner of the business known as VegNews and Mr. Connelly has been misusing his position
6 to her detriment. A receiver is necessary to protect her property rights. See Code of Civil Procedure
7 section 564(b)(9); *Neider v. Dardi* (1955) 130 Cal.App.2d 646, 649. Further the Preliminary
8 Injunction, issued by the Court on March 25, 2013, has failed to protect Ms. Holland's ownership
9 interest.

10 *Ⓟ The parties have agreed that Susan L. Uecker, may be appointed as receiver.*
Accordingly, the Court appoints Susan Uecker of Uecker & Associates, Inc. as a Receiver
11 with broad powers to manage VegNews and restrain Mr. Connelly from taking advantage of his
12 position as a co-owner.

13 Consistent with the provisions of California Rules of Court sections 3179 through 3184,
14 the Receiver shall perform his or her duties through time of appointment through the entrance of
15 Judgment in this case, unless otherwise removed through Order of this Court or agreement of the
16 parties. The Receiver and the parties to this case may, at any time, apply to this Court for further
17 or other instructions or orders and for further powers necessary to enable the Receiver to perform
18 the Receiver's duties properly. The Receiver's bond is waived.

19 The Receiver shall prepare monthly statements reflecting the Receiver's fees and
20 administrative costs and expenses incurred for the period of the Receiver's administration of the
21 receivership estate. Upon service of each statement via mail or electronic mail, the Receiver may
22 disburse from estate funds the amount of each statement. Notwithstanding the period payment of
23 fees and expenses, all fees and expenses shall be submitted to the Court for its final approval and
24 confirmation, in the form of either a stipulation of all parties or in the Receiver's Final Account
25 and Report.

26 The Receiver's fees and expenses, subject to the approval of the above entitled Court, shall

THOITS, LOVE, HERSHBERGER & McLEAN
A PROFESSIONAL LAW CORPORATION
285 Hamilton Avenue, Suite 300
PALO ALTO, CALIFORNIA 94301
(650) 327-4200

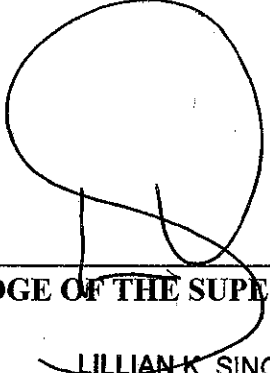
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

be as follows:

Susan L. Uecker, Assignee	\$350
Project and Accounting Managers	\$200
Accounting	\$100
Staff	\$ 50

IT IS SO ORDERED.

Dated: 6/13/2014



JUDGE OF THE SUPERIOR COURT
LILLIAN K. SING