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DECL.

Stephen D. Alexander (SBN: 141099)
Susan C. Chun (SBN: 193364)
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
350 South Grand Avenue, Suite 3200
Los Angeles, CA 90071-3406
Telephone: 213.473.2000
Facsimile: 213.473.2222

Of Counsel:
Debra M. Torres
FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
One New York Plaza
New York, NY 10004-1980
Telephone: 212.859.8000
Facsimile: 212.859.4000

Attorneys for Plaintiff
THE SOCIETY OF LLOYD'S

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
350 South Grand Avenue, Suite 3200
Los Angeles, CA 90071-3406

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

BY FAX

THE SOCIETY OF LLOYD'S,

Plaintiff,

v.

ROBERT BLACKWELL, et al.,

Defendants.

Case No. 02-CV-0448 J (AJB)

DECLARATION OF SUSAN CHUN IN SUPPORT OF THE SOCIETY OF LLOYD'S *EX PARTE* APPLICATION FOR ORDER ENJOINING ANY FURTHER TRANSFER OF JUDGMENT DEBTOR FRANK LIN'S ASSETS AND COMPELLING FRANK LIN TO RESPOND TO DISCOVERY, PRODUCE DOCUMENTS AND APPEAR AT A DEBTOR'S EXAMINATION

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
350 South Grand Avenue, Suite 3200
Los Angeles, CA 90071-3406

DECLARATION OF SUSAN CHUN

I, Susan Chun, declare as follows:

1. I am an active member of the California Bar and an associate in the law firm of Fried, Frank, Harris, Shriver & Jacobson ("Fried Frank"), counsel to judgment creditor The Society of Lloyd's ("Lloyds") in this action. I make this Declaration in Support of Lloyd's *Ex Parte* Application for Order Enjoining Any Further Transfer of Judgment Debtor Frank Lin's Assets and Compelling Frank Lin ("Lin") to Respond to Discovery, Produce Documents and Appear at a Debtor's Examination. I have personal knowledge of the facts set forth herein and, if called upon as a witness, I could and would testify competently thereto.

2. On June 4, 2003, a judgment in favor of Lloyd's was entered in this action against Lin in the amount of $984,632 ("Judgment"). To date, Lin has failed to satisfy the Judgment.

3. In August 2002, Lloyd's filed in this action two substantively identical summary judgment motions against defendants represented by separate counsel (Lin and defendant Robert Lowry were represented by attorney Ken Chiate, and the remaining defendants were represented by attorneys Theodore Grippo and Greg Ryan ("Grippo Defendants"). Ken Chiate subsequently withdrew as Lin's counsel on March 19. Lin has not obtained new counsel and is proceeding pro per.

4. On February 24, 2003, this Court granted Lloyd's summary judgment motion against the Grippo Defendants and provided notice of its ruling to all parties, including Lin. On May 20, this Court also granted Lloyd's summary judgment motion against Lin and Lowry and simultaneously dismissed their counterclaim. The Grippo Defendants did not file a counterclaim.

5. The clerk of this Court entered judgments against each of the defendants, including Lin, on June 4, 2003.

6. Since entry of the Judgment, Lloyd's has diligently attempted to collect

against Lin: Lloyd's filed a notice of judgment lien with the California Secretary of State, filed abstracts of judgments in counties where Lloyd's believes Lin owns real property, and obtained a writ of execution from this Court. Lloyd's also served on Lin written discovery to obtain further information relating to his assets. Lin, however, failed to provide the required responses by the August 4 deadline.

7. On August 5, I attempted to contact Lin to discuss the status of Lin's discovery responses, but received a busy signal.

8. That same day, I received notice from Ticor Title Company (the "Title Company") that Lin was finalizing the sale of some real property located at 134 W. Yucca Street, Oxnard, CA 93033 (the "Property"). I spoke with Liz Stage of the Title Company, who informed me that in April of this year, Lin transferred his entire interest in the Property to his wife, Jane Lin, and thereafter placed the Property for sale. Ms. Stage also stated that Lin obtained a buyer to purchase the Property for $215,000.00 and that the sale was scheduled to close shortly.

9. Ms. Stage then stated that the Title Company recently discovered Lloyd's judgment lien on the Property and promptly notified Fried Frank of the pending sale. Hoping to collect on the Judgment from the proceeds of the sale and to satisfy the Title Company's concerns regarding insurance on the Property, I informed Ms. Stage that Lloyd's would sign an appropriate release to clear the Property's title (since Lloyd's judgment amount (nearly $1 million) exceeded the value of the Property).

10. Ms. Stage also stated that when the Title Company informed Lin that Lloyd's may have a claim to the proceeds of the sale, Lin emphatically stated that his name was no longer on the title (it was only in his wife's name) and that Lloyd's therefore should have no interest in the Property. Ms. Stage informed Lin that his recent transfer did not mean that Lloyd's did not have a claim on the Property.

11. On August 8, the Title Company informed me that Lin had canceled the sale of the Property.

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350 South Grand Avenue, Suite 3200
Los Angeles, CA 90071-3406

12. On August 8, the real estate agent for the Property's buyer informed me that (1) other than Lloyd's judgment lien, the title to the Property was clear and there were no other encumbrances; (2) Lin was selling the Property on his own and without an agent or representative; and (3) the buyer still wished to close on the Property and that it was solely Lin's decision to cancel the transaction.

13. After receiving notice of the canceled sale, on August 8, I attempted to provide notice of this Application to Lin: (1) at 9:55 a.m., I telephoned Lin twice but received busy signals both times; (2) at 10:20 a.m., I called Lin using a new phone number that was provided by the buyer's real estate agent and spoke with an individual who purported to be Lin's brother; before I had an opportunity to leave a message, however, Lin's "brother" hung up on me; and (3) at 11:20 a.m., I again telephoned Lin at the new number and left a message on the answering machine providing notice of this motion.

14. On July 1, Lloyd's served on Lin its First Set of Special Interrogatories in aid of execution of the Judgment. As of this date, Lloyd's has not received any responses from Lin and has not been contacted by Lin.

15. Fried Frank, on behalf of Lloyd's, is presently obtaining an order requiring Lin to appear for a debtor's examination, which when issued will be promptly served on Lin with a document subpoena.

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.

Executed this 12th day of August in Los Angeles, California.

Susan Chun

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FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
350 South Grand Avenue, Suite 3200
Los Angeles, CA 90071-3406

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the county of Los Angeles, State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 350 South Grand Avenue, 32nd Floor, Los Angeles, California 90071.

On August 12, 2003, I served the following documents described as **DECLARATION OF SUSAN CHUN IN SUPPORT OF THE SOCIETY OF LLOYD'S *EX PARTE* APPLICATION FOR ORDER ENJOINING ANY FURTHER TRANSFER OF JUDGMENT DEBTOR FRANK LIN'S ASSETS AND COMPELLING FRANK LIN TO RESPOND TO DISCOVERY, PRODUCE DOCUMENTS AND APPEAR AT A DEBTOR'S EXAMINATION** on the parties in this action by placing a true copy(ies) thereof enclosed in a sealed envelope addressed as follows:

Frank Lin
4031 Ischia Drive
Oxnard, CA 93035
805.985.4025

☑ **BY U.S. MAIL** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at the address stated above. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☑ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

Executed on August 12, 2003, at Los Angeles, California.

Leticia Collier

FRIED, FRANK, HARRIS, SHRIVER & JACOBSON
350 South Grand Avenue, Suite 3200
Los Angeles, CA 90071-3406