

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA BARBARA

DEPARTMENT 9 HON. DENISE MOTTER, COMMISSIONER

CHRISTINE SONTAG, )  
 )  
 ) PLAINTIFF, )  
 )  
 ) VS. ) NO. 1381216  
 )  
 ) WILLIAM BOOKOUT, )  
 )  
 ) DEFENDANT. )  
 )

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Monday, January 28, 2013

APPEARANCES:  
  
FOR THE PETITIONER: REICKER, PFAU, PYLE & MCROY, LLP  
BY: ROBERT FOROUZANDEH, ESQ.  
1421 STATE STREET, SUITE B  
SANTA BARBARA, CALIFORNIA 93101  
  
FOR THE RESPONDENT: WILLIAM BOOKOUT  
IN PROPRIA PERSONA  
  
REPORTED BY: MICHELLE MEDEL SABADO  
OFFICIAL REPORTER  
C.S.R. NO. 7423

1 Santa Barbara, California; Monday, January 28, 2013

2 A.M. SESSION

3 --000--

4  
5  
6 THE COURT: Calling number 1. That's Christine  
7 Sontag and William Bookout.

8 And now you get to make your appearances.

9 MR. FOROUZANDEH: Good morning, your Honor. Robert  
10 Forouzandeh appearing for Petitioner Sontag.

11 THE COURT: Okay. I read the request. Is there a  
12 proof of service -- oh, I guess I don't need it because  
13 here he is.

14 Sir, I'm going to ask you to state your name.

15 MR. BOOKOUT: Good morning, your Honor. William  
16 Bookout, Bill Bookout.

17 THE COURT: Sir, you read the request?

18 MR. BOOKOUT: Can I request that this be heard  
19 before a judge?

20 THE COURT: Well, let me see. I already ruled on  
21 this, if I remember correctly.

22 MR. BOOKOUT: The issues from the last time you  
23 ruled on this are the same. Santa Barbara Bank and Trust  
24 refuses to provide anything on my SBA loan and they claim  
25 on May 19th, 2011 that I was behind \$131,000 in principle  
26 and interest. Against my -- I brought this documents  
27 here for you.

28 THE COURT: Sir, really whether that's correct

1 accounting or not doesn't really enter into the question  
2 of the protective orders. I'm being told that the  
3 harassment has extended to five more employees who were  
4 identified, so I'm willing to hear you on the issue of  
5 the harassment.

6 MR. BOOKOUT: Union Bank has bought out Santa  
7 Barbara Bank and Trust. I presented my evidence of my  
8 1031 -- my 1098 SBA form 1098 to Union Bank as of the  
9 27th which was yesterday. I sent an e-mail in responsive  
10 to Diana Lee's January 24th e-mail, so I've responded to  
11 her e-mail. I don't know if Santa Barbara Bank and  
12 Trust, Union Bank, has provided that to you or not. I  
13 don't think they have, so I've responded. I provided the  
14 1098's.

15 They've charged me \$57,000 in attorney fees  
16 since I was here last. I lost a piece of property in  
17 Oceano, my Oceano nursery business property. I lost  
18 \$450,000 worth of inventory on that property that they  
19 foreclosed on. I lost property in Oceano to Dan Hilford,  
20 the district attorney in San Luis Obispo, who had a  
21 second -- or a first on my property. He was able to  
22 foreclose on it. He made over \$40,000 on that property,  
23 due to the last time we were here and Union Bank not  
24 answering the questions asked of them in front of you  
25 last time here in my documents, so I think it'd be better  
26 to hear it in front of a judge because I know this is  
27 going to end up in front of a jury eventually and having  
28 everything on record as what's transpired throughout this

1 thing needs to be brought to you. Diana Jessup --

2 THE COURT: Please, sir, just a minute. You're  
3 going off on issues that really I'm here to determine  
4 harassment. If the bank has inappropriately foreclosed  
5 or whatever, that is an issue that probably would be  
6 heard in a civil court. But today I'm only addressing  
7 the harassment restraining order issue. That's the only  
8 thing I'm addressing so what you're telling me isn't  
9 relevant. Even if everything you say is true, that the  
10 bank did what they shouldn't have done, you still don't  
11 get to harass the employees.

12 MR. BOOKOUT: The bank falsified information to you  
13 in their declaration here to you. They falsified  
14 information to you, which is why I think it's time to go  
15 to a judge just so that we can show that information that  
16 the bank has falsified to you. And all you have to do is  
17 look at what they provided to you and the IRS form 1098  
18 and you can see that they falsified information to Denise  
19 Motter, Commissioner, and then I have had to pay them  
20 \$57,000 in attorney fees, which they won't even provide  
21 me an accounting of what their attorney fees are against  
22 Jones versus Wells Fargo, a recent bankruptcy decision as  
23 stated in my January 24th -- 27th communication to you  
24 through them.

25 THE COURT: Well, Counsel, I'm confused. Can you  
26 clarify?

27 MR. FOROUZANDEH: Your Honor, I'm almost on the  
28 same page as you are.

1 THE COURT: Okay.

2 MR. FOROUZANDEH: As you can probably see from the  
3 reams of papers you have in front of you --

4 THE COURT: Yes, I did.

5 MR. FOROUZANDEH: -- Mr. Bookout's communications  
6 tend to be a long winded and not make very much sense.  
7 The only declarations we've provided are with the  
8 documents. So the documents speak for themselves. We  
9 haven't falsified any information. We've simply provided  
10 the documents Mr. Bookout has submitted to the employees  
11 and what our responses have been. That's it. There's  
12 nothing falsified. The documents speak for themselves.

13 THE COURT: And Mr. Bookout, you received copies of  
14 the documents that have been lodged with the Court?

15 MR. BOOKOUT: I have received the documents, yes,  
16 which are all questions pertaining to why they committed  
17 fraud on my SBA loan. It all goes back to the fraud that  
18 they committed in their May 6th, 2011 letter and their  
19 May 19th, 2011 letter and the responses since then. In  
20 those two letters, they say that I was behind 45,000 in  
21 principle and interest for ten payments. They didn't  
22 properly amortize my loan from 2007 forward.

23 THE COURT: Okay. So now we're getting back into  
24 the technical issues of if you have an action against the  
25 bank for inappropriate amortization or whatever, that  
26 would be a separate matter. Here, I'm being advised that  
27 you are harassing the employees.

28 MR. BOOKOUT: I have asked the president of Union

1 Bank questions pertaining to my SBA loan which the law  
2 firm hired by Union Bank or Santa Barbara Bank and Trust  
3 will not answer. And every time they have answered those  
4 questions, it's been fraudulent.

5 MR. FOROUZANDEH: Your Honor --

6 MR. BOOKOUT: And they have charged me \$57,000 in  
7 attorney's fees because of the restraining order that you  
8 charge -- or you provided to them. And I would like an  
9 accounting from this court of that restraining order of  
10 the attorney fees that they've charged. I don't think  
11 that you authorized \$57,000 in attorney fees. And I have  
12 paid that.

13 THE COURT: Okay.

14 MR. FOROUZANDEH: Your Honor, the \$57,000 in  
15 attorney's fees had very little to nothing to do with the  
16 prior restraining order. That matter has been  
17 adjudicated in front of the bankruptcy court. That's all  
18 been resolved. There was no request for attorney's fees,  
19 either in our last petition before you or this present  
20 petition before you. As to the questions, Mr. Bookout,  
21 yes, he is correct. He's contacted the CEO of Union Bank  
22 asking questions about his loan. That e-mail was  
23 forwarded to us. We immediately contacted Mr. Bookout  
24 and asked him to direct all of his questions pertaining  
25 to his loan through our office and when he CC's the other  
26 official, we again respond and say, "Mr. Bookout, here  
27 are the answers to your questions, but please stop  
28 e-mailing everybody in the organization."

1           We've provided him the questions. He just  
2 doesn't like the answers. So there's nothing -- and he  
3 calls it fraudulent, but he hasn't provided any evidence  
4 to support that and, again, the Court is right. That's  
5 not an issue for today.

6           THE COURT: Right.

7           So let me ask you, Mr. Bookout, do you have a  
8 written response to the request that's filed before the  
9 Court today?

10          MR. BOOKOUT: I do and it's right here.

11          THE COURT: Okay. Do you want -- are you lodging  
12 it -- are you filing that with the Court?

13          MR. BOOKOUT: I'm filing this with the Court.

14          THE COURT: Well, what I can do is I can take it  
15 under submission, continue the -- and then issue my  
16 response in writing, but I didn't see Mr. Bookout's  
17 responsive pleadings.

18          So Master Clerk, would you be able to file  
19 this?

20          THE CLERK: Let him take a look at it and see if  
21 it's in the proper form to be filed.

22          MR. BOOKOUT: Your Honor, if I may.

23          THE COURT: Yes.

24          MR. BOOKOUT: I'm hoping this is being transcribed  
25 because I would like a copy this when this is done so I  
26 can have it for Judge Riblet and any future proceedings.  
27 But Union Bank's attorney here has stated that they have  
28 lodged no claim for attorney fees and, in the original, I

1 believe they claim \$37,000 in attorney fees to you.

2 THE COURT: Okay. Well --

3 MR. BOOKOUT: They did not -- in this particular  
4 circumstance. And it sounded like Union Bank's attorney  
5 here has said that there was some attorney fees being  
6 associated with this and, in their original response,  
7 they claim \$37,000.

8 THE COURT: Okay.

9 MR. BOOKOUT: Roughly 37.

10 THE COURT: Well, it looks like the documents are  
11 not in the proper form to be filed with the Court, but  
12 they could be admitted as an exhibit or something. I can  
13 take the matter under submission and return those  
14 documents.

15 MR. BOOKOUT: I've addressed the documents to you  
16 and the -- to you, along with Union Bank's president so,  
17 first off, it states your name at the very top of this on  
18 January 27th, 2013.

19 THE COURT: Well, that may be, sir, but there's a  
20 certain way with so many spaces for the court clerk to  
21 put the stamp and there's a way that pleadings need to be  
22 filed.

23 MR. BOOKOUT: Your Honor --

24 THE COURT: Just a moment, sir. Let me turn to  
25 Plaintiffs.

26 Do you want to see these documents?

27 MR. FOROUZANDEH: Your Honor, based on  
28 Mr. Bookout's representations, I believe all they are are

1 simply additional e-mails that he has sent to our office  
2 to the employees and that he's directed to you over the  
3 weekend.

4 THE COURT: Okay.

5 MR. FOROUZANDEH: So it doesn't appear to be  
6 anything new or that we don't have. It just seems to be  
7 more evidence of his harassment. So I would ask -- if  
8 the Court wants to take a look at it, I'd ask the Court  
9 take a look at it real briefly and see that it's exactly  
10 the same as that pile in front of you and issue a ruling  
11 because Mr. Bookout's evidence is de facto proof of his  
12 harassment.

13 THE COURT: Okay. Well, then, sir, I will go ahead  
14 and receive this, but it won't be filed in the public  
15 court file because it's not properly captioned. But I  
16 will look at it and I will rule in writing and this will  
17 be returned to you along with the order.

18 MR. BOOKOUT: I'd like you to hang onto that with  
19 the documents that Union Bank has provided and also, if  
20 you look at the separation page where you have the green  
21 slip, against what Union Bank has just told you, you will  
22 see the main document you really need to see is the  
23 December 31st, 2007 IRS form 1098 showing everything that  
24 they've stated to you to be false and fraudulent. They  
25 have told you that their May 6th and their May 19th  
26 letters are accurate in their original filing with this  
27 court and they are not, according to the IRS form 1098.  
28 Nor are they -- nor are they accurate from the SBA forms

1 1149, attached as exhibits here for you. Those are the  
2 two exhibits that you need to look at to show that they  
3 have committed fraud to and from this court, in front of  
4 you, and then have charged me \$57,000 in attorney's fees  
5 which I've then lost my Oceano property, \$450,000 worth  
6 of inventory as per their appraisal of my inventory.  
7 I've lost --

8 THE COURT: Okay.

9 MR. FOROUZANDEH: Your Honor, I have a proposed  
10 order for when the Court is done reviewing the documents.  
11 If I can submit that to the Court, that would be great.

12 THE COURT: Okay. So let me take all of this under  
13 submission and then I will issue my ruling in writing.  
14 And shall I hold these for 30 days and then return them  
15 to you?

16 MR. BOOKOUT: Now do I get to be able to have this  
17 heard in front of a judge as originally requested?

18 THE COURT: No. Sir, this is a modification on an  
19 order that I already issued so it does remain before me.

20 MR. BOOKOUT: Okay. So your Honor, for the record,  
21 you have the SBA forms 1149 in front of you. You have  
22 the IRS 1098's from 2007 to 2010, showing the Union  
23 Bank's fraud compared to every statement that they've  
24 claimed to you in their transcripts.

25 MR. FOROUZANDEH: Your Honor, I'm going to object  
26 to Mr. Bookout's conclusory statements as to what he's  
27 handed to you.

28 THE COURT: Well, I'll consider it argument.

1 MR. FOROUZANDEH: Thank you.

2 MR. BOOKOUT: Your Honor, should I hand him one  
3 here? I've e-mailed it to him.

4 THE COURT: Would you like a copy that I have as  
5 well?

6 MR. FOROUZANDEH: Sure.

7 THE COURT: Thank you.

8 MR. BOOKOUT: And your Honor, is there a chance  
9 that I could have you obtain from Union Bank an  
10 accounting of the \$57,000 of attorney's fees that they've  
11 charged me from your original ruling?

12 THE COURT: I'm hearing that there is no request  
13 for attorney's fees in this action.

14 MR. FOROUZANDEH: There was no request in the  
15 original -- the original order that this court issued  
16 last July did not include any attorney's fees. This  
17 order is not seeking attorney's fees.

18 MR. BOOKOUT: Your Honor, am I hearing this right  
19 that Union Bank has stated that from the original order,  
20 they have charged no attorney fees?

21 THE COURT: I don't think I heard them say that. I  
22 think I heard them say that there's no request in this  
23 harassment, work place harassment order, for attorney  
24 fees and therefore, there's been no order regarding  
25 attorney fees in this action.

26 MR. BOOKOUT: But the previous action, they were  
27 awarded attorney fees by you?

28 THE COURT: That's not what I'm hearing.

1 MR. FOROUZANDEH: Your Honor, yeah, I have a copy  
2 of the July 27th, 2011 order. There was no --

3 MR. BOOKOUT: Could you show that her honor?  
4

5 (A pause in the proceedings.)  
6

7 MR. BOOKOUT: Your Honor, this is not the  
8 attorney's fees, but they had requested attorney fees  
9 from you.

10 THE COURT: I probably have the original in the  
11 court file.

12 MR. BOOKOUT: Much like -- much like my CH 110  
13 document that I had presented to you, I had requested  
14 lost income from that which is the same document that  
15 they -- or something similar to that they used in  
16 requesting attorney fees.

17 THE COURT: Okay. So I'm going to return this back  
18 to counsel and I'll take the matter under submission and  
19 I'll try and rule by the end of the week.

20 MR. FOROUZANDEH: Great. Thank you, your Honor.

21 MR. BOOKOUT: Your Honor, how do I go about getting  
22 a court transcript of this? I will need this for my  
23 attorney.

24 THE COURT: After we're off the record if you want  
25 to contact the court reporter and arrange to have a  
26 transcript prepared.

27 MR. BOOKOUT: Okay.

28 MR. FOROUZANDEH: Your Honor, I'd ask one thing

1 since the Court is taking this under submission. I'd ask  
2 in the meantime that Mr. Bookout be ordered not to  
3 contact these employees until the Court issues the final  
4 order.

5 THE COURT: Yes, that would be --

6 MR. BOOKOUT: Yes, your Honor. There's no problem.  
7 With the evidence that they've presented, there's no one  
8 that I need to contact at Union Bank at this point. The  
9 only thing I really need to do now is we need to get in  
10 front of a jury and we need to sue them.

11 THE COURT: Okay. Good enough. So temporary order  
12 is, in addition to everybody else, those five named  
13 employees you don't be contacting those folks either.

14 MR. BOOKOUT: Yeah.

15 THE COURT: Okay.

16 MR. BOOKOUT: Now your Honor, I have websites up.  
17 It's okay to continue putting the information -- this  
18 communication to you, continue putting that up there?

19 THE COURT: I'm unfamiliar with the website.

20 MR. BOOKOUT: Never mind. It's irrelevant.

21 THE COURT: Okay. Good enough.

22 MR. BOOKOUT: Okay.

23 MR. FOROUZANDEH: Thank you.

24

25

26

27

(Proceedings concluded.)

28

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA BARBARA

DEPARTMENT 9

HON. DENISE MOTTER, COMMISSIONER

CHRISTINE SONTAG,

PETITIONER,

VS.

WILLIAM BOOKOUT,

RESPONDENT.

)  
)  
)  
) NO. 1381216  
)  
)  
) REPORTER'S  
) CERTIFICATE  
)

I, Michelle Medel Sabado, Official Reporter  
of the Superior Court of the State of California, for the  
County of Santa Barbara, do hereby certify that the  
foregoing 13 pages, inclusive, comprise a full, true, and  
correct transcript of the proceedings held in the  
above-entitled matter on January 28, 2012.

Dated this 30th day of January, 2013.

---

MICHELLE MEDEL SABADO  
CSR 7423  
OFFICIAL COURT REPORTER