

AUG 30 2002

ALAN SLATER, Clerk of the Court
K. Boettner
BY K. BOETTNER

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7 Attorneys for Plaintiff BODY
8 COMFORT, LLC, a California
9 limited liability company

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE - UNLIMITED JURISDICTION

9 BODY COMFORT, LLC, a California)
10 limited liability company,)

11 Plaintiff,)

12 v.)

13 HIEU NGUYEN also known as MICHAEL)
14 NGUYEN, an individual; ANN TRAN,)
15 an individual; LANDALE)
16 DEVELOPMENT, a California)
17 corporation; and DOES 1 through)
18 100, inclusive,)

19 Defendants.)

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LANDALE DEVELOPMENT, a California)
corporation, and SURETY COMPANY OF)
THE PACIFIC,)

29 Cross-complainants,)

30 v.)

31 HIEU NGUYEN, also known as Michael)
32 Nguyen, an individual; ANN TRAN,)
33 an individual; LAM NGUYEN, an)
34 individual; DLA, INC., a)
35 California corporation, and DOES 1)
36 to 5,)

37 Cross-defendants.)

Case No. 01CC01818

[Assigned to Hon. James M. Brooks, Dept C12]

[Actual trial judge: Hon. Byron K. McMillan]

~~XXXXXXXXXX~~ JUDGMENT

TRIAL DATE: July 30, 2002
TIME: 8:30 a.m.
DEPT: C67

1 The above-entitled cause came on regularly for trial on July 30,
2 2002, in Department C67 of the above-entitled court, located at 909
3 North Main Street, Santa Ana, California, with the Honorable Byron
4 K. McMillan, Judge, presiding without a jury, which had been
5 expressly waived, and was tried on that date and on August 1, 2002
6 and August 2, 2002.

7 Mark H. Cheung of WU & CHEUNG appeared on behalf of plaintiff
8 Body Comfort, LLC.

9 Gary S. Harrison and Khiem T. Tran of HARRISON & RODRIGUEZ
10 appeared on behalf of defendants and cross-complainants Landale
11 Development, Xuong Thanh Huynh and Surety Company of the Pacific.

12 Edward S. Beneville of LAN QUOC NGUYEN & ASSOCIATES appeared on
13 behalf of cross-defendants DLA, Inc., DLA Design and Construction,
14 Duc Tran and Lam Nguyen.

15 It appearing that defendants Hieu Nguyen aka Michael Nguyen, an
16 individual, and Ann Tran, an individual, having been regularly served
17 with process, having failed to appear and answer Plaintiff's
18 Complaint herein within the time allowed by law, and the default of
19 said defendants having been duly entered,

20 Oral and documentary evidence was introduced on behalf of the
21 respective parties who had appeared and the cause was argued and
22 submitted for decision.

23 The Court, having considered the evidence and heard the
24 arguments of counsel and being fully advised, hereby rules as
25 follows:

26 IT IS HEREBY ORDERED, DECREED AND ADJUDGED that:

27 1. On the Complaint, plaintiff Body Comfort LLC shall have
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1 and recover from defendants Landale Development Inc., a California
2 corporation; Xuong Thanh Huynh, an individual; Ann Tran, an
3 individual; Hieu Nguyen also known as Michael Nguyen, an individual;
4 and Surety Company of the Pacific, a corporation, jointly and
5 severally, for damages of \$134,028.72, except that the damages
6 liability of defendant Surety Company of the Pacific shall not exceed
7 \$7,500.00.

8 2. On the First Amended Cross-complaint, Cross-complainants
9 Landale Development and Surety Company of the Pacific shall recover
10 nothing from the cross-defendants DLA, Inc., DLA Design and
11 Construction, Duc Tran and Lam Nguyen.

12 3. Plaintiff Body Comfort LLC shall have and recover its costs
13 in the amount of \$ _____ from defendants Landale
14 Development Inc., a California corporation; Xuong Thanh Huynh, an
15 individual; Ann Tran, an individual; Hieu Nguyen also known as
16 Michael Nguyen, an individual; and Surety Company of the Pacific, a
17 corporation, jointly and severally, to be determined by a memorandum
18 of costs that plaintiff may hereinafter file.

19 4. Cross-defendants DLA, Inc., DLA Design and Construction,
20 Duc Tran and Lam Nguyen shall have and recover their costs in the
21 amount of \$ _____ from cross-complainants Landale
22 Development Inc., a California corporation, and Surety Company of the
23 Pacific, a corporation, jointly and severally, to be determined by
24 a memorandum of costs that cross-defendants may hereinafter file.

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26 Dated: 8/30/02

BYRON K. Mc MILLAN

Byron K. McMillan
Judge of the Superior Court

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