

## APPENDIX

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Appendix A: Memorandum Opinion Denying the  
Petition for Writ of Mandamus, Fourteenth court of  
Appeals, Texas, August 2, 2018

**Petition for Writ of Mandamus Denied and  
Memorandum Opinion filed August 2, 2018.**

[Official Seal of the State of Texas]

In The

**Fourteenth Court of Appeals**

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**NO. 14-18-00572-CV**

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**IN RE BRUCE HIRAN AND HUNG N. YI,**

**Relators**

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**ORIGINAL PROCEEDING**

**WRIT OF MANDAMUS**

**151st District Court**

**Harris County, Texas**

**Trial Court Cause No. 2017-06257**

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**MEMORANDUM OPINION**

On July 13, 2018, relators Bruce Hiran and Hung N. Yi filed a petition for writ of mandamus in this court. *See* Tex. Gov't Code Ann. § 22.221 (West Supp. 2017); *see also* Tex. R. App. P. 52. In the petition, relators ask this court to compel the Honorable Mike Engelhart, presiding judge of the 151st District Court of Harris County, to vacate his: (1) November 21, 2017 order setting aside the default judgment in favor of relators and against Long Beach Mortgage Company; (2) May 23, 2018 order denying relators' leave to file a second amended petition, and (3) May 23, 2018 order denying relators' motion for summary judgment. Relators also filed a motion for stay with this court. *See* Tex. R. App. P. 52.10(a).

With certain exceptions, to obtain mandamus relief, a relator must show both that the trial court clearly abused its discretion and that the relator has no adequate remedy by appeal. *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135–36 (Tex. 2004) (orig. proceeding). One exception provides that when an order is void, the relator need not show the lack of an adequate appellate remedy, and mandamus relief is appropriate. *In re Vaishangi, Inc.*, 442 S.W.3d 256, 261 (Tex. 2014) (orig. proceeding).

Relators have not shown that they are entitled to mandamus relief. We therefore deny relators' petition for writ of mandamus and motion for stay.

PER CURIAM

Appendix B: Order Denying Motion for Rehearing of  
Petition for Writ of Mandamus, the Supreme Court  
of Texas, December 21, 2018

FILE COPY

RE: Case No. 18-1029      DATE: 12/21/2018

COA #: 14-18-00572-CV      TC#: 2017-06257

STYLE: IN RE BRUCE HIRAN

Today the Supreme Court of Texas denied the  
motion for rehearing in the above-referenced  
petition for writ of mandamus.

Appendix C: Order Denying Petition for Writ of  
Mandamus, the Supreme Court of Texas, November  
2, 2018

FILE COPY

RE: Case No. 18-1029      DATE: 11/2/2018

COA #: 14-18-00572-CV      TC#: 2017-06257

STYLE: IN RE BRUCE HIRAN

Today the Supreme Court of Texas denied the petition for writ of mandamus in the above-referenced case. Relators' Motion to Enlarge Word Count is granted. Relators' Motion to Stay Trial Court Proceedings is denied.

Appendix D: Order Denying Motion for En Banc  
Rehearing of the Petition for Writ of Mandamus,  
Fourteenth Court of Appeals, Texas, August 28,  
2018

FILE COPY

Justices

WILLIAM J. BOYCE

TRACY CHRISTOPHER

MARTHA HILL JAMISON

J. BRETT BUSBY

JOHN DONOVAN

MARC W. BROWN

KEN WISE

KEVIN JEWELL

[Official Seal of the State of Texas]

Chief Justice

KEM THOMPSON FROST

Clerk

CHRISTOPHER A. PRINE

PHONE 713-274-2800

**Fourteenth Court of Appeals**

301 Fannin, Suite 245  
Houston, Texas 77002

Tuesday, August 28, 2018

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RE: Court of Appeals Number: 14-18-00572-CV

Trial Court Case Number: 2017-06257

Style: In re Bruce Hiran and Hung N. Yi

Please be advised that on this date the court  
**DENIED RELATOR'S** motion for rehearing en  
banc in the above cause.

**Panel Consists Of Chief Justice Frost and  
Justices Boyce, Christopher, Jamison, Brown,  
Wise and Jewell.**

Sincerely,

/s/ Christopher A. Prine, Clerk

CC:

Appendix E: Order Granting Plaintiff's Motion for  
Default Judgment against Long Beach Mortgage  
Company, 151<sup>st</sup> Judicial District Harris, County,  
Texas, August 22, 2017

8/22/2017 10:59 AM

Chris Daniel - District Clerk Harris County

Envelope No. 18992959

By: Anna Evetts

Filed: 8/22/2017 10:59 AM

**CAUSE NO. 2017-06257**

<b>S. BRUCE HIRAN</b>	<b>§</b>	<b>IN THE DISTRICT</b>
<b>AND HUNG N. YI</b>	<b>§</b>	<b>COURT</b>
	<b>§</b>	
<b>V.</b>	<b>§</b>	<b>OF HARRIS,</b>
	<b>§</b>	<b>COUNTY, TEXAS</b>
<b>LONG BEACH</b>	<b>§</b>	
<b>MORTGAGE</b>	<b>§</b>	
<b>COMPANY;</b>	<b>§</b>	
<b>DEUTSCHE BANK</b>	<b>§</b>	
<b>NATIONAL TRUST</b>	<b>§</b>	
<b>COMPANY, AS</b>	<b>§</b>	
<b>TRUSTEE, IN TRUST</b>	<b>§</b>	

FOR THE §  
REGISTERED §  
HOLDERS OF LONG §  
BEACH MORTGAGE §  
LOAN TRUST 2006- §  
10, ASSET BACKED §  
CERTIFICATES, §  
SERIES 2006-10; AND §  
JELINIS, LLC § 151<sup>st</sup> JUDICIAL  
§ DISTRICT

**ORDER GRANTING PLAINTIFF'S MOTION**  
**FOR DEFAULT JUDGMENT AGAINST LONG**  
**BEACH MORTGAGE COMPANY**

ON THIS DAY came on for consideration Plaintiffs S. Bruce Hiran and Hung N. Yi's Motion for Default Judgment Against Long Beach Mortgage Company. After considering the Motion and the pleadings on file, the Court is of the opinion that the Motion should GRANTED. It is therefore

ORDERED that S. Bruce Hiran and Hung N. Yi shall have a judgment against Long Beach Mortgage Company as follows:

1. For reasonable attorneys' fees in the amount of \$29,328.20;
2. For post-judgment interest at the rate of 5% per annum starting today until the date that this judgment is satisfied in full; and
3. Such writs and processes shall be issued as may be necessary in the enforcement and collection of the Final Judgment.

It is further ORDERED, ADJUDGED AND DECREED that the Texas Home Equity Note dated June 06, 2006 in the principal amount of \$800,000 by and between S. Bruce Hiran and Hung N. Yi as well as Long Beach Mortgage Company is hereby deemed void ab initio due to acts of statutory fraud committed by Long Beach Mortgage Company.

THIS JUDGMENT IS FINAL AND  
APPEALABLE.

SIGNED this the \_\_\_\_ day of \_\_\_\_\_, 2017.

---

PRESIDING JUDGE

APPROVED AND ENTRY REQUESTED:

VILT AND ASSOCIATES, P.C.

By: /s/Robert C. Vilt  
ROBERT C. VILT  
Texas Bar No. 00788586

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Facsimile: 713.877.1827

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Appendix F: Order Setting aside Default Judgment,  
151<sup>st</sup> Judicial District Harris, County, Texas,  
November 7, 2017

11/7/2017 3:36:39 PM

Chris Daniel - District Clerk

Harris County

Envelope No: 20566572

By: BLESSING, JACOB K

Filed: 11/7/2017 3:36:39 PM

CAUSE NO. 2017-06257

S. BRUCE HIRAN and	§	IN THE DISTRICT
HUNG N. YI	§	COURT
Plaintiffs,	§	
VS.	§	
	§	
LONG BEACH	§	
MORTGAGE COMPANY,	§	
DEUTSCHE BANK	§	
NATIONAL TRUST	§	
COMPANY	§	
Defendant	§	
	§	



JELINIS, LLC	§	
Defendant/3 <sup>rd</sup>	§	151 <sup>st</sup> JUDICIAL
Party Plaintiff	§	DISTRICT
	§	
VS.	§	
DEUTSCHE BANK	§	
NATIONAL TRUST	§	
COMPANY AS TRUSTEE	§	
FOR THE REGISTERED	§	
HOLDERS OF LONG	§	
BEACH MORTGAGE	§	
LOAN TRUST 2006-10	§	
ASSET BACKED	§	
CERTIFICATES SERIES	§	
2006-10	§	
3 <sup>rd</sup> Party	§	HARRIS,
Defendant	§	COUNTY, TEXAS

**ORDER SETTING ASIDE DEFAULT**

**JUDGMENT**

On this day came for consideration Third-Party Defendant, Deutsche Bank National Trust Company as Trustee for the Registered Holders of Long Beach Mortgage Loan Trust 2006-10 Asset Backed Certificates Series 2006-10's ("Third-Party Defendant") Motion for Reconsideration and Motion

for New Trial of Default Judgment granted against Long Beach Mortgage Company.

The Court is of the opinion that this motion has merit and should be GRANTED. It is therefore **ORDERED** that the Default Judgment entered against Long Beach Mortgage Company on September 19, 2017 is set aside and is of no effect.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Signed: [illegible]  
11/21/17

---

JUDGE PRESIDING

**APPROVED:**

HIRSCH & WESTHEIMER, P.C.

BY: /s/Michael F. Hord Jr.

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**ATTORNEYS FOR THIRD**

**PARTY DEFENDANT**

Appendix G: Order Denying Plaintiffs' Motion for  
Second Amended Petition, 151<sup>st</sup> Judicial District  
Harris, County, Texas, May 3, 2018

5/3/2018 12:46:24 PM

Chris Daniel - District Clerk

Harris County

Envelope No: 24343557

By: EVETTS, ANNA R

Filed: 5/3/2018 12:46:24 PM

CAUSE NO. 2017-06257

S. BRUCE HIRAN and	§	IN THE DISTRICT
HUNG N. YI	§	COURT
Plaintiffs,	§	
	§	
VS.	§	
	§	
LONG BEACH	§	
MORTGAGE COMPANY,	§	
DEUTSCHE BANK	§	
NATIONAL TRUST	§	
COMPANY	§	
Defendant	§	

	§	
	§	
JELINIS, LLC	§	151 <sup>st</sup> JUDICIAL
Defendant/3 <sup>rd</sup> Party	§	DISTRICT
Plaintiff	§	
	§	
VS.	§	
	§	
DEUTSCHE BANK	§	
NATIONAL TRUST	§	
COMPANY AS TRUSTEE	§	
FOR THE REGISTERED	§	
HOLDERS OF LONG	§	
BEACH MORTGAGE	§	
LOAN TRUST 2006-10	§	
ASSET BACKED	§	
CERTIFICATES SERIES	§	
2006-10	§	
3 <sup>rd</sup> Party Defendant	§	HARRIS,
	§	COUNTY, TEXAS

**ORDER DENYING PLAINTIFFS' MOTION**

**FOR SECOND AMENDED PETITION**

On this day came for consideration Plaintiffs' Motion for Leave to File Plaintiffs' Second Amended Petition.

The Court is of the opinion that this motion should be Denied. It is therefore **ORDERED** that

Plaintiffs' Motion for Leave to file Plaintiffs' Second Amended Petition is **DENIED**.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Signed: [illegible]  
5/23/2018

---

JUDGE PRESIDING

**APPROVED:**

HIRSCH & WESTHEIMER, P.C.

BY: /s/Michael F. Hord Jr.

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