No. 22A802

In the Supreme Court of the United States

YAN MINKOVITCH, Applicant

v.

THE SUPERIOR COURT OF CALIFORNIA
LOS ANGELES COUNTY, et al., Respondents

APPLICANT'S EMERGENCY APPLICATION FOR STAY PENDING HEARING ON APPLICANT'S PREVIOUSLY FILED AND DOCKETED WRIT FOR CERTIORARI OR, IN THE ALTERNATIVE, FOR SUMMARY REVERSAL

On Application for Writ of Stay or, in the Alternative, on Petition for Writ of Certiorari to the California Superior Court

To the Honorable Elena Kagan
Associate Justice of the United States Supreme Court
and Circuit Justice for the Ninth Circuit

From Orders Denying Petitioner's Request for a Statutory Stay Pending Appeal

Yan Minkovitch
Petitioner, In Propria Persona
5567 Reseda Boulevard, Suite 340
Tarzana, California 91356
(323) 864-7001

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

Court of Appeal Case Caption:
Minkovitch, Yan v. Los Angeles Superior Court

Name of Interested Party	Nature of Interest
Lina Minkovitch	Defendant, Real Party in Interest
Computer Condiments, Inc.	Defendant, Real Party in Interest (Withdrawn)
Ticor Title Company of California	Plaintiff & Cross-Defendant (Dismissed)
Lawyers Title Company	Cross-Defendant (Dismissed)
United States of America	Defendant (Dismissed)

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I.

REQUEST FOR AN EMERGENCY STAY OF PROCEEDINGS IN THE TRIAL COURT

TO THE HONORABLE ELENA KAGAN, ASSOCIATE JUSTICE OF THE UNITED STATES SUPREME COURT AND CIRCUIT JUSTICE OF THE NINTH CIRCUIT COURT OF APPEALS:

Trial Court: Request for Statutory Stay Denied.

ON FRIDAY, MARCH 1, 2023, THE LOS ANGELES SUPERIOR COURT, DEPARTMENT 26, IN AN ACTION PROCEEDING IN INTERPLEADER, DENIED PETITIONER'S ORAL EX-PARTE REQUEST FOR A STAY OF PROCEEDINGS, TO WHICH HE WAS STATUTORILY ENTITLED UNDER CALIFORNIA CODE OF CIVIL PROCEDURE §916. ON MARCH 3, 2023, THE TRIAL COURT REFUSED TO CONSIDER PETITIONER'S WRITTEN EX-PARTE MOTION FOR THE SAME, AND ISSUED AN ORDER WHICH SET THE MATTER FOR TRIAL ON MARCH 13, 2023.

California Appellate Court: Request for Emergency Stay Denied:

ON MARCH 7, 2023, THE CALIFORNIA COURT OF APPEAL DENIED PETITIONER'S WRIT OF SUPERSEDEAS FOR AN EMERGENCY STAY.

APPLICANT HAS ALSO FILED TO THE CALIFORNIA APPELLATE COURT HIS REQUEST FOR A WRIT OF MANDAMUS, IN WHICH HE CONTENDS THAT THE ORDER OF THE TRIAL COURT STANDS EXTRA-JURISDICTIONAL AS UNAUTHORIZED AND CONTRARY TO THE REQUIREMENTS OF CALIFORNIA CIVIL CODE SECTION 916, WHICH PROVIDES FOR A STATUTORY STAY UPON PERFECTION OF APPEAL, BECAUSE APPLICANT'S'S REQUEST FOR WRIT OF CERTIORARI REMAINS ACTIVE BEFORE THIS SUPREME COURT OF THE UNITED STATES.

HOWEVER, TRIAL IN THE TRIAL COURT BELOW HAS BEEN SET. AS SUCH, ABSENT THIS COURT'S INTERVENTION, THE MATTER BELOW WILL PROCEED TO TRIAL PRIOR TO THE CONCLUSION OF PETITIONER'S FINAL APPEAL, PRESENTLY PENDING BEFORE THE UNITED STATES SUPREME COURT.

PETITIONER CONTENDS THAT SUCH A RESULT WILL FORCE PETITIONER TO GO TO TRIAL BELOW WITHOUT ANY RESOLUTION OF THE ISSUES ON APPEAL TO THE UNITED STATES SUPREME COURT.

THE MATTERS PENDING BEFORE THE HIGH COURT WILL DECIDE IF PLAINTIFF BELOW, TICOR TITLE COMPANY OF CALIFORNIA, REMAINS DISMISSED FROM THE MATTER. APPLICANT CONTENDS THAT HE CANNOT PROPERLY PREPARE FOR TRIAL BELOW WHERE, AS HERE, A FINAL DETERMINATION OF WHOM THE TRIAL PARTICIPANTS MIGHT ACTUALLY BE REMAINS TO BE MADE.

ACCORDINGLY, APPLICANT RESPECTFULLY REQUESTS AN EMERGENCY STAY OF THE PROCEEDINGS BELOW, PENDING RESOLUTION OF HIS WRIT OF CERTIORARI, PRESENTLY PROCEEDING IN THIS COURT, AND OF HIS WRIT OF SUPERSEDEAS AND MANDAMUS, PROCEEDING BEFORE THE CALIFORNIA APPELLATE COURT.

II.

MEMORANDUM OF POINTS AND AUTHORITIES

The legal standard in California for granting a writ of supersedeas (which is also appropriate on a Rule 8.115(c)(2) petition for a temporary emergency stay pending review) requires a Applicant to establish that (a) he would suffer irreparable harm absent the stay, and (b) that the underlying appeal "raises substantial questions" on the merits. *See* Smith v. Selma Comm. Hosp., (2010) 188 Cal.App. 4th 1, 18. Applicant's request meets these criteria.

A. Applicant Would Be Irreparably Harmed Absent a Stay.

Here, absent a stay by this Court, Applicant will be forced to move forward to trial in the Court below. But, without resolution of the Writ now pending before the United States Supreme Court, he cannot properly prepare for trial.

For example, if the Writ is granted, and Applicant prevails, that ruling will reverse the dismissal of Applicant's claims in the trial court. Upon that occurrence, Ticor Title, the plaintiff below, will be brought back into the litigation.

Given that possibility, Applicant contends that it would be inequitable to force him to trial where, as here, the identity of all of the potential participants remains obscure.

Moreover, insofar as Plaintiff below, Ticor Title, proceeds in interpleader with rights to draw their fees from the interpleaded funds held by the court, Applicant contends that it would be premature to allow the matter to proceed to trial where, as here, the actual amount of the available funds in controversy might change based upon the appellate ruling.

Thus, Applicant contends that irreparable harm will result if he is compelled to try his matter below before these remaining questions are resolved. Nonetheless, The California Appellate Court, Second Appellate District, Division 5, has denied his request for a stay.

B. Applicant's Pending Appeal is Substantial and Meritorious.

Applicant's appeal to the Supreme Court brings up issues sounding in anti-trust and in unfair business practices. Applicant, in his appeal, has argued that Ticor, one of the only four mega-corporations in America which together own all of the title insurance industry, acts in concert with the three others in adopting business practices which insist on invading the rights of married persons, who enjoy rights under state law - based family codes, such as California. They've each adopted a business practice of insisting, when a married couple buys a home in only one of their names, that the other spouse relinquish their marital rights by signing a quitclaim or an interspousal transfer deed, or acting in some other way that limits the private insurer's liability. These deed are presented usually at the last minute in the transaction and are presented accompanied with the threat of destroying the transaction if the citizen does not comply immediately, often without benefit of counsel.

Applicant, in the trial court, brought a cross-complaint against Ticor title for operating with precisely such business practices, which caused him damage. Ticor demurrered and the matter was ultimately dismissed without leave to amend, based on the notion that such an insurer owes no duty to the non-buying spouse. Applicant would contend that, in California, family code section 760 provides otherwise.

Upon dismissal, Applicant appealed the decision through the California appellate system. Upon denial of review, he moved for a writ of certiorari in the United States Supreme Court. That matter was received by the Supreme Court and placed upon their docket on January 13, 2023, as Supreme Court Case Number 22-6559. The matter remains to be adjudicated.

III
CONCLUSION

Applicant contends that while adjudication remains pending in Supreme Court, the possibility of relief remains and, that, then and in that event, inescapably, the landscape the litigation will change so as to alter the manner in which each litigant must then approach trial or settlement.

Applicant has raised these issues with this Appellate Division by his Petition for Writ of Supersedeas and Mandamus, filed of even date, which was denied on March 7, 2023. For the reasons above mentioned, Applicant respectfully requests this Court grant a stay of the March 1, 2023 order of the trial Court, and the March 3, 2023, order, which acted to set the matter for trial on Monday, March 13, 2023, in order to allow the time necessary for this Appellate Division to issue its opinion regarding Applicant's Request for Writ, and for it to make a determination of whether Section 916 of the Code of Civil Procedure does, in fact, in and of itself act to impose a stay of trial court proceedings when, as here, a writ of certiorari remains docketed and set to be heard in the United States Supreme Court.

Dated: March 8, 2023

Respectfully submitted,

_____

Yan Minkovitch, Applicant, *in Pro Per*

AFFIDAVIT OF SERVICE
SUPREME COURT OF THE UNITED STATES

Case No. 22-6559

YAN MINKOVITCH,

Applicant,

V.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF LOS ANGELES,

Respondent.

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

I, James Slaton, being duly sworn according to law and being over the age of 18, upon my oath depose and say that:

I served the within APPLICANT'S EMERGENCY APPLICATION FOR STAY PENDING HEARING ON APPLICANT'S PREVIOUSLY FILED AND DOCKETED WRIT FOR CERTIORARI OR, IN THE ALTERNATIVE, FOR SUMMARY REVERSAL in the above-captioned matter upon:

Pedram Mansouri (#218767)
Mansouri Law Offices
350 S Beverly Dr, Ste 330
Beverly Hills, CA 90212-4817
Phone Number: (310) 277-4300
Fax Number: (310) 277-8500
Email: pedram@mansourilawoffices.com
Attorney for Real Party in Interest,
Lina Minkovitch

The Honorable Elaine Lu, Judge
Superior Court of California Los Angeles
Stanley Mosk Courthouse
Department 26
Los Angeles, CA 90012
Phone Number: (213) 633-0526
Respondent Court

by depositing three copies of same, addressed to each individual respectively, and enclosed in a post-paid, properly addressed wrapper, in an official depository maintained by the United States Postal Service, by Express Mail, postage prepaid.

In addition, the brief has been filed electronically via Court's electronic filing system.

All parties required to be served have been served.

I declare under penalty of perjury that the foregoing is Executed on March 9, 2023.

Jim Slaton

James Slaton
5567 Reseda Boulevard, Suite 340
Tarzana, California 91356
(323) 864-7001

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

YAN MINKOVITCH,

Petitioner,

v.

THE SUPERIOR COURT OF LOS ANGELES COUNTY,

Respondent.

LINA MINKOVITCH et al.,

Real Parties in Interest.

B326899

(Super. Ct. No. BC701437)

(Elaine Lu, Judge)

ORDER

The immediate stay request is denied.

Lamar Baker, Acting Presiding Justice

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 26

BC701437
TICOR TITLE COMPANY OF CA VS LINA MINKOVITCH ET AL

March 1, 2023
8:30 AM

Judge: Honorable Elaine Lu
Judicial Assistant: E. Lopez
Courtroom Assistant: B. Ly

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): Yan Minkovitch (Telephonic)

NATURE OF PROCEEDINGS: Hearing on Ex Parte Application to Stay proceedings Pending appeal.

The Court having read and considered the ex parte application rules as follows:

The Ex Parte Application to Stay proceedings Pending appeal. filed by Yan Minkovitch on 02/28/2023 is Denied.

YAN MINKOVITCH's ex parte application for stay is DENIED on the merits. YAN MINKOVITCH has failed to demonstrate any good cause for a stay. This action was initiated on April 9, 2018 -- nearly five years ago. YAN MINKOVITCH identifies no reason to delay the matter any further.

All of the Court's orders from the 2/27/23 FSC remain in full force and effect.

In addition, to avoid duplication of exhibit numbers, the parties are ordered to number their exhibits as follows: YAN MINKOVITCH is to number his exhibits consecutively starting with Exhibit 1. LINA MINKOVITCH is to number her exhibits consecutively starting with Exhibit 5000. COMPUTER CONDIMENTS, INC. is to number its exhibits consecutively starting with Exhibit 6000.

The bench trial on disbursement of funds remains firmly set for 3/13/23 at 9:30 am.

All parties are ordered to download from the court's website (www.lacourt.org) the standing FSC and trial preparation order for this department (Department 26). All parties must comply with the requirements in Department 26's FSC/trial preparation order.

No later than 4:30 pm on March 1, 2023, all parties (including all claimants) are to exchange

exhibits, with each page marked with the exhibit number and page number.

No later than 9 am on March 2, 2023, each party (including each claimant) is to file a the following trial preparation documents, consistent with Department 26's FSC/trial preparation order:

• An exhibit list identifying the universe of all of that claimant's non-impeachment exhibits that that claimant wishes to introduce at trial. The exhibit list must have columns reflecting: "Exhibit #," "Description," "Date Identified," and "Date Admitted." All columns except for the last two columns must be fully completed for each exhibit listed.

• A witness list identifying the universe of all of that claimant's witnesses that that claimant wishes to call at trial with columns completed for each witness: "witness name," "summary of witness's anticipated testimony, and time estimates for "direct examination," "cross examination," "redirect," and "total," fully completed for each witness, and a grand total for all witnesses' testimony at the bottom.

• A trial brief from each party (claimant) that identifies the factual and legal basis for that claimant's claim to the deposited funds.

All parties and claimants are ordered to file and serve their respective exhibit list, witness list, and trial brief no later than 9 am on March 2, 2023.

Failure of any party to comply with the Court's order above requiring filing of that party's witness list and exhibit list may result in exclusion at trial of non-impeachment exhibits and non-impeachment witnesses that the parties have failed to identify on their respective witness list and exhibit list.

All parties and claimants must also arrange for three copies of the parties' exhibit binders (containing all parties' exhibits, each properly tabbed, with each page properly paginated to reflect the exhibit number and page number) to be delivered to Department 26 prior to the continued FSC date. Failure of any party to comply with this order requiring delivery of exhibit binders may result in exclusion at trial of non-impeachment exhibits that the parties have failed to include in the exhibit binders delivered to Department 26.

The parties must meet and confer to discuss whether they plan to have a court reporter transcribe the trial proceedings. In order to ensure a proper record for appellate purposes, if the parties do

not arrange for a court reporter, then Counsel for the parties will be required to prepare a daily settled statement of witnesses' testimony who have testified each day at trial.

If any party will need a foreign language interpreter to assist any trial witnesses, that party must reserve and make arrangements in advance for the interpreters that party will need.

The Final Status conference remains set for March 3, 2023 at 9:00 am.

The trial remains firmly set for March 13, 2023 at 9:30 am.

The Court Clerk is to give notice to all parties.

Defendant Lina Minkovitch is also to give notice to all parties and file proof of service of such.

All parties are ordered to download from the court's website (www.lacourt.org) the standing FSC and trial preparation order for this department (Department 26). All parties must comply with the requirements in Department 26's FSC/trial preparation order.

No later than 4:30 pm on March 1, 2023, all parties (including all claimants) are to exchange exhibits, with each page marked with the exhibit number and page number.

No later than 9 am on March 2, 2023, each party (including each claimant) is to file a the following trial preparation documents, consistent with Department 26's FSC/trial preparation order:

• An exhibit list identifying the universe of all of that claimant's non-impeachment exhibits that that claimant wishes to introduce at trial. The exhibit list must have columns reflecting: "Exhibit #," "Description," "Date Identified," and "Date Admitted." All columns except for the last two columns must be fully completed for each exhibit listed.

• A witness list identifying the universe of all of that claimant's witnesses that that claimant wishes to call at trial with columns completed for each witness: "witness name," "summary of witness's anticipated testimony, and time estimates for "direct examination," "cross examination," "redirect," and "total," fully completed for each witness, and a grand total for all witnesses' testimony at the bottom.

• A trial brief from each party (claimant) that identifies the factual and legal basis for that

claimant's claim to the deposited funds.

All parties and claimants are ordered to file and serve their respective exhibit list, witness list, and trial brief no later than 9 am on March 2, 2023.

Failure of any party to comply with the Court's order above requiring preparation of a joint witness list and joint exhibit list may result in exclusion at trial of non-impeachment exhibits and non-impeachment witnesses that the parties have failed to identify on the witness list and exhibit list.

All parties and claimants must also arrange for three copies of the parties' joint exhibit binder (containing all parties' exhibits, each properly tabbed, with each page properly paginated to reflect the exhibit number and page number) to be delivered to Department 26 prior to the continued FSC date. Failure of any party to comply with this order requiring delivery of joint exhibit binders may result in exclusion at trial of non-impeachment exhibits that the parties have failed to include in the exhibit binders delivered to Department 26.

The parties must meet and confer to discuss whether they plan to have a court reporter transcribe the trial proceedings. In order to ensure a proper record for appellate purposes, if the parties do not arrange for a court reporter, then Counsel for the parties will be required to prepare a daily settled statement of witnesses' testimony who have testified each day at trial.

If any party will need a foreign language interpreter to assist any trial witnesses, that party must reserve and make arrangements in advance for the interpreters that party will need.

The Final Status conference is continued to March 3, 2023 at 9:00 am.

The trial remains firmly set for March 13, 2023 at 9:30 am.

The above orders were recited to all parties in open court today.

In addition, all parties were ordered to download the minute order from today.

The Court Clerk is also to give notice to all parties.
Defendant Lina Minkovitch is also to give notice to all parties and file proof of service of such.

Clerk's Certificate of Service By Electronic Service is attached.

BC701437
TICOR TITLE COMPANY OF CA VS LINA MINKOVITCH ET AL

March 1, 2023
8:30 AM

Judge: Honorable Elaine Lu
Judicial Assistant: E. Lopez
Courtroom Assistant: B. Ly

CSR: None
ERM: None
Deputy Sheriff: None

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 26

BC701437
TICOR TITLE COMPANY OF CA VS LINA MINKOVITCH ET AL

March 3, 2023
9:00 AM

Judge: Honorable Elaine Lu
Judicial Assistant: E. Lopez
Courtroom Assistant: B. Ly

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): Yan Minkovitch; Pedram Monsouri by Katie Grossbard (Telephonic)

NATURE OF PROCEEDINGS: Final Status Conference

Matter is called for hearing.

Yan Minkovitch states in court today that his current mailing address is Yan Minkovitch,5567 Reseda Blvd., #340, Tarzana, CA 91356, and his email address is YMinkovitch@gmail.com.

Yan Minkovitch states in court today that he prefers service by mail.

Yan Minkovitch is advised multiple times in court that the orders that are verbally made in court are effective upon the Court making the orders at any hearing in open court, and the effectiveness of such verbal orders are not delayed by virtue of Plaintiff failing to receive the mailed copy of the minute order memorializing the verbal orders made in court..

All parties are ordered to download from the court's website (www.lacourt.org) the standing FSC and trial preparation order for this department (Department 26). All parties must comply with the requirements in Department 26's FSC/trial preparation order.

Yan Minkovitch confirms receipt of Lina Minkovitch's witness list, exhibit list, trial brief, and exhibits.

Lina Minkovitch's Counsel confirms receipt of Yan Minkovitch's witness list, exhibit list, trial brief, and exhibits. However, the exhibits that Yan Minkovitch emailed to Lina Minkovitch are not labeled as to either a page number or exhibit number.

Yan Minkovitch has also failed to deliver to the Court any copies of any of his exhibits.

No later than 5 pm tomorrow (March 4, 2023), Yan Minkovitch must electronically serve Lina

BC701437
TICOR TITLE COMPANY OF CA VS LINA MINKOVITCH ET AL

March 3, 2023
9:00 AM

Judge: Honorable Elaine Lu
Judicial Assistant: E. Lopez
Courtroom Assistant: B. Ly

CSR: None
ERM: None
Deputy Sheriff: None

Minkovitch's counsel with a complete set of all Yan Minkovitch's exhibits with every page of every exhibit marked with the exhibit number and page number, e.g. "Exh. 1, p. 1; Exh. 1, p. 2; Exh. 1, p. 3."

Each party must arrange for three copies of that party's exhibit binder (containing all of that party's exhibits, each properly tabbed, with each page properly paginated to reflect the exhibit number and page number, e.g.,"Exh. 1, p. 1; Exh. 1, p. 2; Exh. 1, p. 3.") to be delivered to Department 26 prior to 9 am on March 6, 2023.

Failure of any party to comply with this order requiring delivery of joint exhibit binders may result in exclusion at trial of non-impeachment exhibits that the parties have failed to include in the exhibit binders delivered to Department 26.

The parties must meet and confer to discuss whether they plan to have a court reporter transcribe the trial proceedings. In order to ensure a proper record for appellate purposes, if the parties do not arrange for a court reporter, then Counsel for the parties will be required to prepare a daily settled statement of witnesses' testimony who have testified each day at trial.

If any party will need a foreign language interpreter to assist any trial witnesses, that party must reserve and make arrangements in advance for the interpreters that party will need.

If any party wishes to call witness remotely, that party must file and serve proper notice of the anticipated remote testimony.

On the Court's own motion, the Final Status Conference scheduled for 03/03/2023 is continued to 03/07/2023 at 09:00 AM in Department 26 at Stanley Mosk Courthouse.

The trial remains firmly set for March 13, 2023 at 9:30 am.

Court Clerk to give notice to all parties by mail.

Defendant is also to give electronic notice to Plaintiff.

Certificate of Mailing is attached.