

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 IN AND FOR THE COUNTY OF SAN DIEGO  
 DEPARTMENT NO. 8                      BEFORE HON. JAY M. BLOOM, JUDGE

_____	)	
CHARLES KNUFF,	)	
	)	
PLAINTIFF,	)	
	)	
VS	)	CASE NO.
	)	37-2011-00088438-CU-EN-CTL
GARY S. GEVISSER,	)	
	)	
DEFENDANT.	)	MOTION
_____	)	

REPORTER'S TRANSCRIPT  
 MAY 10, 2012

APPEARANCES:

FOR THE PLAINTIFF:	BIRD MARELLA
	BY: JESSICA S. CHEN
	(TELEPHONIC APPEARANCE)
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	LOS ANGELES, CALIFORNIA 90067

FOR THE DEFENDANT:	IN PROPRIA PERSONA
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NONA L. MAESTAS, CSR 9279  
 OFFICIAL REPORTER

**SAN DIEGO, CALIFORNIA; THURSDAY, MAY 10, 2012; 1:53 P.M.**

THE COURT: All right. We'll go on the record and I'll call the matter of Knuff versus -- is it "Gevisser"?

MR. GEVISSER: Gevisser.

THE COURT: Okay. You're Mr. Gevisser.

And on the phone I have --

MS. CHEN: Jessica Chen, C-h-e-n, counsel for Plaintiff Charles Knuff.

THE COURT: All right. Mr. Gevisser, I'll hear any comments or argument you have.

MR. GEVISSER: Your Honor, I just wanted clarification on me exhausting all my appeal rights in Texas.

And I have 90 days from the date of the appeal being turned down to apply to the Supreme Court. And I've already -- I already started that in March -- before the March 19th hearing. And so that's -- I'm wanting to exhaust that.

And -- and I'm asking Your Honor, so that I can better defend myself, can you help me understand the role of this Court as it pertains to this sister judgment.

THE COURT: Okay. Well, basically under the constitution, each state has to recognize judgments of other states. And all we do is -- if there's a valid sister-state judgment, we enforce it. I have no authority over witnesses, parties, judges, or anybody in the state of Texas at all.

MR. GEVISSER: So then what prevents a person of wealth from owning homes in multiple states and using the state that affords them the most legal authority?

1 THE COURT: Yeah. Nothing, really.

2 MR. GEVISSER: So then -- but how can jurisdiction  
3 be assigned to Dallas, Texas, when the plaintiff clearly had a  
4 well-established life with a home and multiple businesses in  
5 San Diego and to this day still receives medical attention in  
6 San Diego?

7 THE COURT: Okay. Well, it gets back to, again --  
8 I don't know what -- the law is you have to have sufficient  
9 contacts with a state to -- for that state to have  
10 jurisdiction. And that's a decision of the Texas court.  
11 Again, I don't have anything to do with that. The judge in  
12 Texas felt there was sufficient connections.

13 Did you file a motion to quash, at all, service?

14 MR. GEVISSER: From the very beginning I only  
15 appeared --

16 THE COURT: Yeah.

17 MR. GEVISSER: -- telephonically at the first  
18 hearing to oppose jurisdiction. And the judge refused to --  
19 to hear it. I made all -- all the arguments because of the  
20 fact that I live in San Diego. The main defendant lives in  
21 San Diego. The plaintiff's in San Diego. And he -- he waits  
22 a year and he goes to -- to Texas. Everything is here in  
23 San Diego.

24 And there is no evidence. They've never presented  
25 a shred of evidence. I said to the judge at that very first  
26 hearing on May 7th of 2010 -- I said, "If you can prove  
27 jurisdiction, then where's the evidence? And -- and I want a  
28 jury trial." And -- and I was turned down on -- on all those

1 counts: jurisdiction, jury trial. And they've never presented  
2 a shred of evidence.

3 And the judge himself was my best defense. He  
4 says, "How can" -- at the very first hearings that were  
5 transcribed, "How can Gevisser defend himself against charges  
6 where there's no evidence? Because" -- and he says -- "I  
7 don't even know what this lawsuit is about." The judge is  
8 stating this so categorically. And then without any  
9 explanation, it was like there was a gap, proceeds to listen  
10 to the plaintiff's lawyer telling him how he can basically  
11 trip me up.

12 And then they strike my pleadings. And in order to  
13 sanction me, as though there aren't any pleadings, there's no  
14 responses. So I'm being slammed every which way.

15 And you look at how this affects anybody that can  
16 move from one state, again, to the next state; that they just  
17 need to have -- you know, be a person of wealth. And the  
18 system doesn't protect the innocent person here. It's totally  
19 unfair.

20 THE COURT: Actually, it does. Because if it was  
21 the other way and you had a judgment in California, how would  
22 you like it if he snuck over to Texas and got some judge in  
23 Texas to overturn the California judgment?

24 MR. GEVISSER: Then he would have to show evidence,  
25 to begin with. I don't -- I couldn't sit before you, Your  
26 Honor, somebody coming up with charges as heinous as  
27 defamation, and having absolutely no evidence. Which is why  
28 they've never asked for a specific retraction.

1                   We're talking about a heinous crime. This is --

2                   THE COURT: What exactly -- you know, I never  
3 understood. What is all this about?

4                   MR. GEVISSER: That's what I'm trying to find out.  
5 I've been trying to find out from the very beginning, Your  
6 Honor. And that's why the judge never -- he -- he wouldn't  
7 answer my questions.

8                   They've never -- they've never once -- I have been  
9 responding to everything that they've sent. I've given them  
10 in good faith all the information. They've never given me one  
11 piece of information beginning with why the charges -- other  
12 than this is about money.

13                  THE COURT: Okay. Let -- let me ask Ms. Chen.

14                  What is your side of this? What is this case all  
15 about, to begin with?

16                  MS. CHEN: Your Honor, we were not counsel for  
17 Plaintiff Knuff in the Texas case. So I have no knowledge  
18 about the underlying facts of the extensive litigation. But  
19 as Your Honor has raised, that's beside the point. The issue  
20 here is whether or not the judgment has been properly entered  
21 and recognized by the state. And it has.

22                  And if -- if -- if Defendant chooses to appeal the  
23 judgment in Texas, well, it's not apparent that he has a right  
24 to appeal. Defendant has not stated any specific rules he has  
25 the right to appeal to the Texas Supreme Court when the Texas  
26 Court of Appeals has already rejected his appeal on February  
27 17th of this year. And the mere fact that he's alluded to  
28 this right to appeal does not -- does not stay the proceeding

1 here and does not affect the proceedings here.

2 THE COURT: Well, let me go back to my -- if I can  
3 go back.

4 MR. GEVISSER: That --

5 MS. CHEN: There is a judgment that has been  
6 properly recognized by this court over a year ago. And my  
7 client has been trying to enforce this judgment that has been  
8 properly recognized by the state. And this defendant has  
9 issued one frivolous motion after another trying to get this  
10 court to relitigate the underlying merits of the Texas  
11 proceeding.

12 That is entirely procedurally improper. And  
13 Defendant's improper delay tactics have been not only a waste  
14 of this court's resources but also prejudicial to my client's  
15 right to enforce the judgment that has been entered against  
16 Defendant.

17 THE COURT: Well, what I'm trying to understand --  
18 was this a judgment for defamation?

19 MS. CHEN: Yes.

20 THE COURT: Okay. What was the alleged defamation,  
21 just so I have some background on this?

22 MS. CHEN: I -- I don't know the specifics of what  
23 was alleged.

24 THE COURT: Okay.

25 MS. CHEN: I'm not --

26 THE COURT: And my understanding was there was a  
27 judgement. Was there a trial?

28 MS. CHEN: I believe so.

1 MR. GEVISSER: (Motioning)

2 THE COURT: Hang on. Hang on.

3 MS. CHEN: Again, I don't know what specifically  
4 occurred. We're essentially Plaintiff Knuff's California  
5 counsel only for the purpose of enforcement of this judgment  
6 that was entered in Texas.

7 THE COURT: I see. Okay. Thank you.

8 Sir, what's your knowledge -- I assume you know  
9 more about it than -- what was the alleged defamation that you  
10 did?

11 MR. GEVISSER: I'm still trying to find that out,  
12 Your Honor.

13 THE COURT: Well, you must have -- what did they  
14 allege?

15 MR. GEVISSER: They -- they said that I had -- I  
16 had defamed him. It was totally vague. And I've never --  
17 I've never met him. I've never communicated with him. The  
18 only person that's met him or communicated with him -- again,  
19 so there's -- there's -- so I've been trying to get out of  
20 them what was the defamation.

21 THE COURT: Well, when the judge issued -- was  
22 there a trial?

23 MR. GEVISSER: The -- the -- it was a hearing that  
24 turned into a trial without the -- again, the judge -- there  
25 was 700-plus pages of exhibits. And the judge said, "There's  
26 no evidence here."

27 THE COURT: So when the judge ruled against you,  
28 what did he say the reason was for ruling?

1 MR. GEVISSER: He never -- he never gave it, Your  
2 Honor. And it's clearly in the transcripts. And I've  
3 submitted that to this Court. The transcript is so thin,  
4 so -- it's so preposterous.

5 So that's why I'm -- she's saying they entered this  
6 judgment in February. That's not correct.

7 I've got another -- the Supreme Court -- and I -- I  
8 gave the link to the Supreme Court of Texas. I have 90 days.  
9 And I've been trying to exhaust every way I can to get  
10 California to -- to look at this and look at it from a  
11 jurisdiction standpoint.

12 THE COURT: See, I think your energies are  
13 misdirected. You need to go to Texas and deal with it there.

14 MR. GEVISSER: I've tried, Your Honor. I've tried.  
15 And every single lawyer I've been to, has looked at this case,  
16 and they said, "They are coming -- this is about stealing  
17 money, and they're going to bleed you."

18 THE COURT: Okay.

19 MR. GEVISSER: So what I did -- I did -- I've put  
20 all the information -- the evidence supports me; it doesn't  
21 support Mr. Knuff. I've got the Supreme Court. Now I've  
22 still got the Supreme Court.

23 THE COURT: Okay.

24 MR. GEVISSER: And they're trying to deny me this.  
25 And they're acting like we don't know what this is about. How  
26 can they not answer the question? They're putting the onus on  
27 me. The burden of proof in a defamation case should be on the  
28 plaintiff. They've never been able to do it.



1           So she's ducking you here, Your Honor. She's  
2 trying to say, "Oh, well, we don't know anything. We're just  
3 a collection agency." They should know the facts. They  
4 should know what's the defamation. We've never ever got the  
5 defamation. That's why, Your Honor, they can't ask me to  
6 retract anything.

7           I have a web site that is the most sincere, the  
8 most materially relevant information about how -- how the  
9 money system actually works. And nobody can find any fault  
10 with it, because it's irrefutable truths.

11          I have a stellar background. My -- my -- I'm an  
12 open book because I have nothing to hide. So here is an  
13 opportunist just coming after me for \$4,000,000.

14          I mean, Your Honor, I don't -- I don't have a TV  
15 connection. I haven't had one for two decades. But I happen  
16 to see John Travolta is being accused of some rather lewd  
17 conduct. And these -- and these people seem to have some  
18 really good evidence. And they're going to be getting  
19 \$2,000,000. And people are saying they're just  
20 money-grabbers. Here, I've been assessed \$4,000,000 --

21          THE COURT: Let me ask --

22          MR. GEVISSER: -- and no evidence.

23          THE COURT: Let me ask you this. I was looking  
24 through this stuff you presented. And it looks like the  
25 attorney for the other side is Mr. Tucker. Is that correct?

26          MR. GEVISSER: No, no. Did I make an error?  
27 Mr. Tucker is the main defendant.

28          THE COURT: Well, it looks like there was an offer.

1 MR. GEVISSER: Oh, to Mr. Tucker?

2 THE COURT: No. It says "Mr. Tucker, my client."

3 Was -- was that your offer to him?

4 MR. GEVISSER: You're not talking to me.

5 THE COURT: Says "Mr. Tucker, my client, believes  
6 strongly he has a case against you for monetary damages."

7 MR. GEVISSER: That's them, Your Honor, not me.

8 THE COURT: And they're saying they're willing to  
9 retract the claim if you remove your web postings.

10 MR. GEVISSER: And they never told me what those  
11 web postings are.

12 THE COURT: Okay. And they said if you'll agree to  
13 an injunction and agree not to make any more false statements.

14 MR. GEVISSER: But they never -- they never said  
15 what's false.

16 THE COURT: But they did offer to settle with you;  
17 right?

18 MR. GEVISSER: But you see, Your Honor, they never  
19 said what's false. They want me to just shut down my web  
20 site. This -- and they're saying that this is how they're  
21 going to regulate the internet from Texas. It's all about  
22 suppression of information. It's so vague.

23 THE COURT: Well, what kind of information were you  
24 putting out that they were so concerned about?

25 MR. GEVISSER: I'm asking them. Because the truth,  
26 Your Honor, is the best defense against defamation. And so  
27 you see, it's always been put on me, the defendant, but  
28 they're the plaintiff.

1 THE COURT: Well, why did they sue you?

2 MR. GEVISSER: Money, Your Honor. Your Honor, it's  
3 about money. They're trying to get money out of me. They're  
4 trying to intimidate me.

5 Mr. Tucker here, if he were on the stand, Your  
6 Honor, he will tell you all the intimidations, the threats  
7 that he received from Mr. Knuff.

8 Because Mr. Knuff spoke too much. They met. And  
9 Mr. Knuff, who had been dating his mother from the early '90s,  
10 then disclosed he had been working for the CIA and US Navy  
11 intelligence for a lifetime. And he blabbed his mouth. So if  
12 there's any defamation against Mr. Knuff, Mr. Knuff is the  
13 person responsible for the defamation.

14 THE COURT: Okay.

15 MR. GEVISSER: But it's between him and Mr. Tucker.  
16 I never met this man. Mr. Tucker doesn't have the resources.  
17 They're coming after me because they know that I've got very  
18 valuable, potential, intellectual property.

19 My book, Your Honor, one can see the fact that --  
20 this information about how the money system works. And -- and  
21 my history -- the fact that I was a top executive, if not the  
22 top executive, of the money conglomerate De Beers at a very  
23 young age. It's not because I'm somebody that just blabs.  
24 I've been very careful with my words. For 24 years I kept my  
25 mouth silent after I left De Beers. How many people can keep  
26 their mouth shut for 24 seconds when they've had as much  
27 information as I've had?

28 I've been forthcoming in giving the world -- I'm

1 the most honorable American citizen. If I can't have -- the  
2 fact that I don't have all the media supporting me here,  
3 that's not my fault. But you can look at my track record.  
4 I've done this at great personal risk. Nobody can refute  
5 my -- my knowledge. This -- this organization has never been  
6 challenged before. Never.

7 THE COURT: What organization is that?

8 MR. GEVISSER: De Beers Anglo American corporation.  
9 My father's first cousin was the chief executive officer of  
10 the holding company.

11 THE COURT: So if I can extrapolate -- did you say  
12 something about how the company does business? Is that what  
13 led to the defamation?

14 MR. GEVISSER: No. In fact, De Beers hasn't come  
15 after me. They know that everything that I'm saying is true.

16 THE COURT: Okay.

17 MR. GEVISSER: Mr. Knuff -- Mr. Knuff and  
18 Mr. Tucker, their whole conversation was about De Beers. I  
19 didn't even know --

20 THE COURT: What does Mr. Knuff do?

21 MR. GEVISSER: He -- apparently he sells spy  
22 e-mail, spy technology to the CIA. And he's also a sculptor.  
23 He's a sculptor. And he tells Mr. Knuff -- sorry, Adam.  
24 Mr. Tucker is the person that knows this. Mr. -- everything I  
25 know about Mr. Knuff, I know from Mr. Tucker.

26 THE COURT: Okay. But did you post something on  
27 your web site?

28 MR. GEVISSER: Nothing, Your Honor, that was

1 untrue. I only put up the transcript of the meeting that  
2 Mr. Tucker had with Mr. Knuff on December 23rd, 2008. That  
3 came from Mr. Tucker.

4 THE COURT: With -- what was in the transcript?

5 MR. GEVISSER: I can read it to you verbatim, Your  
6 Honor.

7 THE COURT: I don't want to hear -- just tell me.  
8 Summarize.

9 MR. GEVISSER: Basically it described the -- how  
10 they -- they came to meet. Mr. Tucker, who was volunteering  
11 his wade mastering services to me, was looking for a better --  
12 he already had a full-time job. He was looking for a better  
13 paying job. He contacted this man, because again he had dated  
14 his mother back in the early 1990s. They arranged to meet.  
15 When he got there, it became apparent to Mr. Tucker that he  
16 had checked out my -- my web site. But the conversations very  
17 quickly led to De Beers. And Mr. Tucker shared with him his  
18 knowledge of De Beers.

19 And at that moment, Mr. Knuff disclosed to him --  
20 that shocked Mr. Tucker -- that he had spent a lifetime  
21 working for American intelligence services beginning with the  
22 CIA. That shocked Mr. Tucker. He then made certain  
23 statements that began to frighten him.

24 THE COURT: And did you put that on the web site?  
25 Is that why you got sued?

26 MR. GEVISSER: Yes, but there was nothing -- again,  
27 I don't know. You know, Your Honor, you're asking me good  
28 questions. I -- I understand this. This is -- this is very

1       disturbing to me because there's nothing there that anybody  
2       has said is -- is untrue. This was just his account,  
3       Mr. Tucker's account.

4               I immediately e-mailed Mr. Knuff two days after  
5       their meeting. I e-mailed him on December 25th of 2008 --  
6       they met on the 23rd -- asking him to give his side of the  
7       story. He refused to. He didn't come back.

8               The next thing -- Adam Tucker, the next day, wrote  
9       to him, "Did you receive Mr. Gevisser's e-mail?" And then  
10      instead of replying to Mr. Tucker, he broke e-mail  
11      communication, and he began to phone Mr. Tucker. And that  
12      frightened Mr. Tucker. Mr. Tucker, the next day, 27th, he  
13      e-mailed the FBI telling them that he was frightened for his  
14      life.

15              That -- the following day, the 28th, Mr. Tucker  
16      without my knowledge then put on Yahoo -- not on my web site,  
17      on Yahoo -- the e-mail he sent to the FBI and some background  
18      information that he understood about Mr. Knuff that he had got  
19      from Mr. Knuff during the two-and-a-half-hour meeting. That  
20      appears to be what really bothers them. They --

21              THE COURT: Well, did you reveal he was a secret  
22      CIA agent?

23              MR. GEVISSER: Never.

24              THE COURT: Or something like that?

25              MR. GEVISSER: Never. Never.

26              And not only that, he tried to allege that I said  
27      that he trained PLO terrorists to kill Israeli athletes at the  
28      Munich -- at the 1972 Munich Olympic games. This is

1 preposterous.

2           And the judge is asking this -- 700 pages of  
3 exhibits. I have those. I -- I -- I paid -- I've spent  
4 thousands of dollars here, Your Honor. The judge then says,  
5 "Okay. Show me where Mr. Gevisser" -- this is in the  
6 transcripts. "Show me where Mr. Gevisser has said that  
7 Mr. Knuff trained PLO terrorists to kill Israeli athletes."  
8 And they said, "We don't have it, Your Honor. We couldn't  
9 find it." This is what they -- it's in the transcripts. It's  
10 so transparently insane, what they're doing. And then they're  
11 calling me nuts.

12           In the meantime, you have used the court's time,  
13 hundreds of thousands of dollars they had to have spent on  
14 lawyers, even if it's on a contingency basis, just to steal  
15 from me and destroy my reputation.

16           So the judge is looking at this. They have no  
17 evidence. And the judge has basically caught -- caught --  
18 caught them perjuring themselves. Saying, "Here is -- we've  
19 got the evidence, 700 pages. Let's paper to death this whole  
20 situation and let's kill Gevisser. This is how we do it. We  
21 kill him financially. We kill his reputation." And they  
22 can't provide one piece of information that they say I've  
23 said.

24           Then they try to get Mr. Tucker to lie. I have  
25 those e-mails between Mr. Tucker and them. They're trying  
26 to -- and Mr. Tucker is saying, "I won't lie. Tell me what it  
27 is you say Mr. Gevisser has said that's untrue. Tell me."  
28 And they stopped communications with him.

1 MS. CHEN: Your Honor, if I may interject --

2 THE COURT: Okay.

3 MS. CHEN: -- a moment. We would ask this Court to  
4 not rely on Defendant's one-sided characterization of the  
5 underlying facts of the case. If Your Honor --

6 MR. GEVISSER: Ask how -- see how articulate  
7 they --

8 THE COURT: Wait, wait. Quiet. Hang on.  
9 Go ahead, ma'am.

10 MS. CHEN: Thank you, Your Honor.

11 If Your Honor would like, for your reference, we  
12 can provide a summary of the proceedings and the underlying  
13 claims and all that. But I would reiterate, Your Honor, that  
14 this is not the proper forum for the defendant to raise these  
15 objections to the judgment that has already been entered in  
16 Texas and that has been properly registered in this court.

17 If -- if Defendant wants to challenge these -- the  
18 underlying proceedings, then he could potentially pursue an  
19 appeal in Texas Supreme Court. But none of these arguments  
20 are properly here, Your Honor.

21 THE COURT: I know. I'm just trying to get a  
22 background of what this is about. Because this case takes up  
23 about two volumes just --

24 MS. CHEN: Right.

25 THE COURT: -- in our court. And I just wanted to  
26 get a feel for what was going on.

27 Well, I guess, sir, I'm back where I was the last  
28 time we spoke; that I -- I'm -- I feel very sorry to -- you



1 know, I know you take this so strongly and I know you're  
2 really upset, but there is nothing I can do.

3 MR. GEVISSER: But, Your Honor, she is saying, "We  
4 can submit to this court." They're just playing with the  
5 words.

6 THE COURT: You didn't hear what she said. She  
7 said she could submit a summary --

8 MR. GEVISSER: Yes.

9 THE COURT: -- but there's no reason to because  
10 there's nothing I can do anyway.

11 MR. GEVISSER: But I've got -- I do have the  
12 supreme -- I do have an option still with the Supreme Court of  
13 Texas.

14 THE COURT: You can go back to Texas and have the  
15 trial court stay execution of the judgment. That's -- that's  
16 where they can do it.

17 Are they trying to collect on judgment? Is that  
18 what's going on?

19 MR. GEVISSER: This is what these people are trying  
20 to do.

21 THE COURT: Okay. So you go back to Texas and have  
22 the judge stay execution. But I have no authority to do that  
23 at this point.

24 MR. GEVISSER: Well, so I -- Your Honor, you're  
25 sitting here. I've still got 30 days to -- to -- I've been  
26 waiting for this judge -- this -- this court to be able to  
27 look at the jurisdiction. They can't answer any questions.

28 THE COURT: But even -- even, sir, if I agreed with

1       you 100 percent that they had no jurisdiction and that you  
2       were a hundred percent right, there's still nothing I can do.  
3       I have no authority over the state of Texas.

4               MR. GEVISSER: Well, Your Honor --

5               THE COURT: I'm a judge in California, not in  
6       Texas.

7               MR. GEVISSER: But, Your Honor, then you're  
8       basically saying that, you know, it's just a rubber stamp  
9       here. They might as well mailed me saying you're going to  
10      collect. If the judge -- if the court here cannot look at the  
11      truth of what's going on -- you've asked the questions.  
12      This -- it is about the truth.

13              THE COURT: I -- I -- I'm not allowed -- all I'm  
14      allowed to look at is if there's a valid judgment from another  
15      state, which there is on its face right now --

16              MR. GEVISSER: But they can't even explain what the  
17      valid --

18              THE COURT: That's not the point. The point is  
19      there's a judgment from Texas that's valid. And I'm required  
20      by the United States Constitution to enforce it.

21              So I'm going to deny your motion.

22              Thank you, sir.

23              MR. GEVISSER: Well, Your Honor, so I'm asking  
24      you -- I've got the Supreme Court. So if I go to the  
25      Supreme -- you -- I've got 30 days still, Your Honor. They  
26      shouldn't be collecting. They're harassing my wife. They're  
27      harassing our landlady. They're harassing me.

28              THE COURT: You can go back to Texas and have them

1 stay execution of the judgment there. But I can't do anything  
2 here. We've gone through this a couple times. So I'm sorry,  
3 but that's the way it is.

4 Thank you.

5 MS. CHEN: Your Honor, may I raise one more issue?

6 THE COURT: All right. Go ahead.

7 MS. CHEN: Defendant has filed a motion to quash  
8 levy, as you know, on April 6th on the basis all the funds in  
9 the levied bank accounts are separate property. And then on  
10 April 11th, Defendant filed definitive claim of exemption  
11 forms which shows -- basically raising the same argument, that  
12 all the funds in the levied bank accounts are separate  
13 property.

14 And we would respectfully ask this Court to enter a  
15 proposed order amending this April 26th order to specifically  
16 deny these duplicative --

17 THE COURT: Well, claims --

18 MS. CHEN: -- that were filed --

19 THE COURT: -- claims of exemption are entitled to  
20 a noticed hearing. And it's not really before me today.

21 There's a hearing on May 14th for judgment debtor.  
22 I think that's more -- should be brought at that point.

23 But he had no notice you were trying to attack his  
24 claims of exemption. He's got a right to a noticed hearing on  
25 that because he may very well have a claim of exemption if the  
26 stuff you're trying to attach goes to necessities of life or  
27 other issues. But that's something that he has a right to  
28 establish in court. So I'm not going to get into that today.

1 MS. CHEN: But, Your Honor, the only sort of  
2 objection he filed under claim of exemption forms were that  
3 they were merely separate property. These arguments are  
4 clearly duplicative. And --

5 THE COURT: Okay. Well, it wasn't set today for  
6 your -- for your motion to -- for me to do anything on the  
7 claims of exemption. He does have a right to a noticed  
8 hearing on that. Technically, once he files it with the  
9 sheriff, it's your obligation to set it for a formal hearing  
10 and give him notice. So --

11 MS. CHEN: Your Honor, we did speak with the  
12 sheriff's office and we let them know about this motion to  
13 quash. And we told them that we hadn't got the order denying  
14 Defendant's motion to quash. And the sheriff's office  
15 initially had indicated that that was sufficient for us to  
16 basically oppose the exemption form and release funds to  
17 Plaintiff. Now the sheriff's office is asking us to provide  
18 them with clarification from this court --

19 THE COURT: Well, I never -- I never ruled on any  
20 claims of exemption because those require a review of what  
21 he -- what his income is and what -- if he has necessities of  
22 life. And I never ruled on that. I don't know if somebody  
23 else did, but I never did.

24 MR. GEVISSER: No, sir.

25 THE COURT: So I'm not going to do that today. So  
26 if he filed a claim of exemption with the sheriff, that -- my  
27 understanding is it's your obligation to set it for a hearing  
28 and refute that. And that's sort of up to you. Okay?

1 MS. CHEN: Okay. One further issue.

2 THE COURT: All right.

3 MS. CHEN: Since we relied on the sheriff's office  
4 representations that Defendant's order would be sufficient,  
5 would this Court be amenable to granting us additional time,  
6 say tomorrow, to file an opposition to that claim of  
7 exemption?

8 THE COURT: Well, I'm not going to be doing the  
9 hearing on the 14th, but I suggest what you do -- see, these  
10 are going to be heard in different departments starting next  
11 week. So you may want to call and set an ex parte. Make sure  
12 he has notice because they may want to put it off and give him  
13 time to respond.

14 MS. CHEN: Sure.

15 THE COURT: Okay?

16 MS. CHEN: Okay. Thank you, Your Honor.

17 THE COURT: My suggestion is call the clerk and  
18 find out what the procedure would be because they're changing  
19 the procedures on these. Okay?

20 MS. CHEN: All right.

21 THE COURT: All right. Thank you, folks.

22 We'll be in recess.

23 MS. CHEN: All right.

24 (Proceedings concluded at 2:22 p.m.)

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**CERTIFICATE OF REPORTER**

**STATE OF CALIFORNIA )**

**)**

**COUNTY OF SAN DIEGO )**

I, Nona L. Maestas, CSR Certificate No. 9279, an official reporter in the Superior Court of the State of California, in and for the County of San Diego, hereby certify that I made a shorthand record of the proceedings had in the within matter of Knuff versus Gevisser, held on May 10, 2012, before Judge Bloom in Department 8, and that the foregoing transcript is a full, true, and correct transcription of the proceedings ordered in this case.

Dated this 22nd day of May, 2012.

NONA L. MAESTAS,

CSR NO. 9279