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2 NEAL RAYMOND HERSH, ESQ. (SBN 71194)
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8 Attorneys for Petitioner,
9 CAMILLE GRAMMER

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 FOR THE COUNTY OF LOS ANGELES

13 In re the Marriage of

14 PETITIONER: CAMILLE GRAMMER

15 and

16 RESPONDENT: KELSEY GRAMMER

17 Case No. BD 527 369

18 **PETITIONER'S CASE
19 MANAGEMENT CONFERENCE
20 STATEMENT**

21 DATE: June 9, 2011
22 TIME: 8:30 a.m.
23 DEPT.: 60

24 [Assigned to Department 60, the
25 Honorable Maren Nelson, Judge
26 Presiding]

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28
29 Petitioner's counsel prepared a proposed Joint Case Management Conference
30 Statement which was forwarded for signature to Respondent's counsel. However,
31 Respondent's counsel refused to execute same and insisted on filing a separate
32 case management statement. Petitioner's counsel proposed that each party
33 set forth in the Joint Statement each party's position; however, Respondent's counsel
34 would not agree. Therefore, Petitioner has filed this separate Case Management
35 Conference Statement.

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1 Based upon the foregoing, HERSH, MANNIS & BOGEN, LLP on behalf of the
2 Petitioner, CAMILLE GRAMMER hereby submitS the following Joint Case
3 Management Statement:

4 1. The parties have two children, Mason, date of birth October 24, 2001,
5 age 9 and Jude, born August 28, 2004, age 6. The parties have worked with
6 Dr. Stan Katz as their custody mediator. Dr. Katz also has conducted a private
7 PACT program on behalf of the parties.

8 Respondent has filed an OSC re Custody in which he seeks primary
9 custody of both children. Petitioner contends that this OSC was not filed in good faith
10 and was done in order to create a false impression to the media and to wrongfully
11 disparage Petitioner in the media. Respondent does not reside in California and
12 refuses to provide information as to his residency and/or schedule for the summer and
13 thereafter. Respondent filed his OSC on May 13, 2011 after the Petitioner sent
14 Respondent a settlement proposal on May 11, 2011. Consequently, Petitioner
15 contends that Respondent filed his OSC in bad faith. Petitioner contends that
16 Respondent filed his OSC for the media attention that it would garner (which it did)
17 and which was in direct contravention of a previously made and substantially different
18 custody proposal. Both Respondent's custody proposal and his OSC are opposed by
19 the Petitioner as the consequence of which would be to separate the children from
20 each other and the other parent. Petitioner is requesting primary custody of both
21 children.

22 Respondent also requests certain orders for the summer. Respondent
23 did not file any declaration in support of his OSC. The OSC presently is set for hearing
24 on June 27, 2011. Respondent also filed a List of Witnesses for the hearing. No
25 witness declarations were filed in support on Respondent's OSC. Two of the witnesses
26 are believed to reside outside the State of California. Petitioner served a Notice of
27 Deposition for Respondent, which was set for June 6 and 7th, which dates are not
28 acceptable to Respondent's counsel. Respondent's counsel has indicated that he also

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1 wants to take Petitioner's deposition. Petitioner also has requested that Respondent
2 make available the two out of state witnesses for their deposition in California. The
3 third witness' deposition has been noticed for June 8th. However, Respondent's counsel
4 again has indicated that this date also is not acceptable to him. Petitioner cannot
5 proceed with Respondent's OSC without the above depositions. Petitioner cannot
6 even ascertain from Respondent's filed pleading what he is requesting and the basis
7 for his request.

8 The parties have an issue with summer visitation. The parties'
9 son, Jude, has repeated kindergarten twice. He is now working with tutors so that
10 he can enter first grade at a public elementary school beginning in Fall of 2011.
11 In order to get into first grade, Jude will have to do a math study program for the
12 entire summer in Los Angeles. Further, the parties' daughter, Mason, wants to attend
13 camp in Los Angeles, which is a month long program. Mason is enrolled in this camp
14 for July. Petitioner has proposed that the parties share a week on/week off schedule in
15 Los Angeles for the summer. Respondent does not agree and wants each party to
16 have a month with the children. It is not known whether the parties will be able to
17 resolve the summer visitation issues.

18 Both parties have agreed to a custody evaluation. The parties
19 are in the process of selecting a custody evaluator.

20 2. Both parties have exchanged Preliminary Declarations of Disclosure
21 and the status was bifurcated. Respondent is remarried.

22 3. The Petitioner has hired the forensic accounting firm of
23 Gursey Schneider, which firm has completed a comprehensive tracing of claimed
24 separate and community assets. This tracing has been provided to Respondent's
25 forensic accountants, Mayer, Hoffman & McCann. Gursey Schneider is now
26 completing a post-separation accounting and community/separate balance sheet
27 based upon the tracing. The parties have spoken and agreed that after review of the
28 tracing that the parties will meet either directly or with the assistance of a private judge

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1 to attempt to settle the property and support issues in their case. The accountants also
2 are meeting to go over any issues with the tracing. It is anticipated that the review of
3 the tracing and the parties' ability to move ahead with a settlement may take an
4 additional two months since this is the time estimate which Mayer Hoffman is requiring
5 to review the tracing. The accountants will continue to work cooperatively on preparing
6 other joint accounting schedules including a marital standard of living and cash flow.

7 4. The parties have retained their experts who are working cooperatively
8 together. The parties will be designating a custody evaluator. No experts should be
9 ordered by the Court in this matter.

10 5. The parties are hopeful that the property and support issues can
11 be resolved. Petitioner is now waiting for the Respondent to be ready to proceed
12 with a settlement conference in this matter.

13 6. The parties do not believe that a trial should be set at this time.

14 7. The parties do not believe that there are any orders or action
15 that could be taken by the Court in this matter at this time.

16
17 Respectfully submitted,

18 HERSH, MANNIS & BOGEN, L.L.P.

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20 Dated: June 1, 2011

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By: 

NEAL RAYMOND HERSH
Attorneys for Petitioner
CAMILLE GRAMMER

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PROOF OF SERVICE

CCP §§ 1010.6, 1011, 1013, 1013a, 2015.5; Cal. Rules of Court, Rules 2.260, 2.306 [Rev. 1/1/09]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

1. At the time of service I was over 18 years of age and **not a party to this action.**
2. My residence or business address is Hersh, Mannis & Bogen, L.L.P., 9150 Wilshire Boulevard, Suite 209, Beverly Hills, CA 90212-3429; O'Mally and Associates Attorney Services, Inc., 1301 W. Second St., Suite 205, Los Angeles, CA 90026.
3. The fax number or electronic notification address from which I served the documents is:
4. On June 2, 2011, I served the following **document(s)**:

PETITIONER'S CASE MANAGEMENT CONFERENCE STATEMENT

5. I served the documents on the **person or persons** below, as follows:
 - a. Name of person served:
Lance Spiegel, Esq.; Brenda Hillman, Esq.
 - b. (Complete if service was by personal service, mail, overnight delivery, or messenger service.) Business or residential address where person was served:

Young & Spiegel, LLP
301 North Canon Drive, #300
Beverly Hills, CA 90210
 - c. (Complete if service was by fax or electronic service.)
 - (1) Fax number or electronic notification address where person was served:
 - (2) Time of service: _____
 - d. The names, addresses, and other applicable information about persons served is on the *Attachment to Proof of Service—Civil (Persons Served)* (form POS-040(P)).
6. The document(s) were served by the following means:
 - a. **By personal service.** I personally delivered the documents to the persons at the addresses listed in item 5.
 - (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening.

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(2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

b. **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses in item 5 and (specify one):

(1) I deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

(2) I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Beverly Hills, California.

c. **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses in item 5. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

d. **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed in item 5 and providing them to a professional messenger service for service. (A declaration by the messenger must accompany this Proof of Service or be contained in the Declaration of Messenger below.)

e. **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed in item 5. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

f. **By electronic service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed in item 5. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 2, 2011


L. Anthony Barnett

DECLARATION OF MESSENGER

[X] By personal service. I personally delivered the envelope or package received from the declarant above to the persons at the addresses listed in item 5.

(1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package, which was clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office, between the hours of nine in the morning and five in the evening.

(2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and six in the evening.

At the time of service, I was over 18 years of age. I am not a party to the above-referenced legal proceeding.

I served the envelope or package, as stated above, on June 2, 2011.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: June 2, 2011

(Print Name of Messenger)

(Signature of Messenger)

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