

1 MANCINI SHENK LLP
Michael V. Mancini (S.B. #263799)
2 mmancini@mancinishenk.com
John W. Shenk (S.B. #261573)
3 jshenk@mancinishenk.com
4 1925 Century Park East, Suite 1700
Los Angeles, California 90067
5 Telephone: (424) 652-4000
6 Facsimile: (424) 652-4063

7 Attorneys for *Related Case Defendants* MICHAEL
STEINBERG and ZEVO DRIVE HOLDINGS, LLC

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES - BEVERLY HILLS COURTHOUSE**

11 SBG HOLDINGS LLC, et al.,
12 Plaintiffs,

13 v.

14 RICHARD ACOSTA, et al.,
15 Defendants.
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17
18 AND RELATED ACTION
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Case No.: 21STCV38547
Lead Case No.: 20SMCV00055
Assigned for all purposes to Hon. Helen Zukin

NOTICE OF RULING RE:

1. **DISMISSAL OF CROSS-COMPLAINT IN LEAD CASE (NO. 20SMCV00055);**
2. **SETTING OF STATUS CONFERENCE IN LEAD CASE (NO. 20SMCV00055) AND ORDER TO SHOW CAUSE RE SANCTIONS FOR FAILURE TO APPEAR;**
3. **SETTING OF FINAL STATUS CONFERENCE AND TRIAL DATE IN LEAD CASE (NO. 20SMCV00055); AND**
4. **DISMISSAL OF ENTIRE RELATED CASE (NO. 21STCV38547)**

Hearing:

Date: October 12, 2022
Time: 8:30 AM
Dept.: 207



1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on August 10, 2022, at 8:30 a.m. in Department 207 of the
3 Beverly Hills Courthouse of the Los Angeles Superior Court, located at 9355 Burton Way, Beverly
4 Hills, California 90210, the Court’s July 7, 2022 Order to Show Cause Re Dismissal of the lawsuit
5 entitled *SBG Holdings, LLC, et al. v. Richard Acosta, et al.*, Los Angeles Superior Court Case No.
6 21STCV38457 (the “**Related Case**”), came on for hearing (the “**OSC Hearing**”). Simultaneously,
7 a continued status conference in the case entitled *Inception Altanova, LLC, et al. v. North Star*
8 *Holdings, Inc., et al. and Cross Action therein*, Los Angeles Superior Court Case No.
9 20SMCV00055 (the “**Lead Case**”), also came on for hearing.

10 In the **Lead Case** (No. 20SMCV00055), Gina Simas of the law firm VGC, LLP appeared
11 for Plaintiffs and Cross-Defendants INCEPTION ALTANOVA, LLC, RICHARD ACOSTA, and
12 ERIC CLARKE. No appearance was made for Defendants NORTH STAR HOLDINGS, INC. or
13 JOHN D. KAWESKE, or for Cross-Complainant NORTH STAR HOLDINGS, INC.

14 In the **Related Case** (No. 21STCV38547), Michael V. Mancini of the law firm Mancini
15 Sherk LLP appeared for Defendants MICHAEL STEINBERG and ZEVO DRIVE HOLDINGS,
16 LLC, Gina Simas of the law firm VGC, LLP appeared for Defendants RICHARD ACOSTA, ERIC
17 CLARKE, INCEPTION ALTANOVA SPONSOR LLC, INCEPTION ALTANOVA, LLC, and
18 ALTANOVA, LLC a/k/a RAIK ALTANOVA, LLC, and Lawrence J. Conlan of the law firm
19 Cappello & Noël, LLP specially appeared for Defendant BARRY BRAND. No appearance was
20 made for Plaintiffs SBG HOLDINGS, LLC and NORTH STAR HOLDINGS, INC.

21 PLEASE TAKE FURTHER NOTICE that based upon a review of the Notice of Hearing
22 served and filed by Michael V. Mancini and Gina Simas after the July 7 hearing, and of the Proof
23 of Service relating thereto, the Court ruled that proper notice of the OSC Hearing and status
24 conference was provided to each of JOHN KAWESKE, SBG HOLDINGS, LLC and NORTH
25 STAR HOLDINGS, INC.

26 PLEASE TAKE FURTHER NOTICE that despite proper notice having been served on each
27 of them, JOHN KAWESKE, SBG HOLDINGS, LLC and NORTH STAR HOLDINGS, INC. failed
28 to appear at the OSC Hearing and status conference.



1 PLEASE TAKE FURTHER NOTICE that after considering their failure to appear at the
2 OSC Hearing and status conference despite having been ordered to appear, and after considering
3 their previous failure to appear at the July 7 hearing on the Court’s prior Order to Show Cause Re
4 Dismissal for Lack of Prosecution despite being ordered to appear, and based upon a thorough
5 review of the dockets in the Lead and Related Cases, and based upon the Court’s finding that the
6 dockets reveal a lack of attention to the cases and a failure to prosecute, and after considering the
7 Joint Report filed on August 5 and finding it accurate, the Court ruled as follows:

8 **Lead Case Rulings**

9 1. The First Amended Cross-Complaint and all crossclaims in the **Lead Case** (No.
10 20SMCV00055) are dismissed without prejudice because of NORTH STAR HOLDINGS, INC.’s
11 failure to prosecute.

12 2. A continued status conference and an order to show cause why Defendants JOHN
13 KAWESKE and NORTH STAR HOLDINGS, INC. should not be sanctioned for their failures to
14 appear is set in the **Lead Case** (No. 20SMCV00055) for **October 12, 2022 at 8:30 a.m. in**
15 **Department 207** of the above-captioned Court. At that status conference and hearing the Court
16 intends to sanction Defendants JOHN KAWESKE and NORTH STAR HOLDINGS, INC. if they
17 do not appear. In anticipation of that hearing, Plaintiffs RICHARD ACOSTA, ERIC CLARKE and
18 INCEPTION ALTANOVA, LLC shall file a written discovery plan by no later than October 7,
19 2022.

20 3. In the **Lead Case** (No. 20SMCV00055), the Final Status Conference is continued to
21 **March 29, 2023 at 9:30 a.m. in Department 207** of the above-captioned Court, and the Trial Date
22 is continued to **April 12, 2023 at 10:00 a.m. in Department 207** of the above-captioned Court.
23 The parties are ordered to review the Court’s standing orders regarding the Court’s rules and
24 procedures for bench and jury trials.

25 **Related Case Ruling**

26 4. The entire **Related Case** (No. 21STCV38547) is dismissed without prejudice
27 because of NORTH STAR HOLDINGS, INC. and SBG HOLDINGS, LLC’s failure to prosecute.

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PLEASE TAKE FURTHER NOTICE that Mr. Mancini was ordered to give notice.

Dated: August 10, 2022

MANCINI SHENK LLP

By: Michael V. Mancini
Michael V. Mancini
John W. Shenk
Attorneys for *Related Case Defendants*
MICHAEL STEINBERG and ZEVO DRIVE
HOLDINGS, LLC

1 **PROOF OF SERVICE**

2 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA,

3 I, Michael V. Mancini, declare:

4 I am a resident of the State of California and over the age of eighteen years, and not a party
5 to the within action. My business address is 1925 Century Park East, Suite 1700, Los Angeles,
6 California 90067. My electronic service address is mmancini@mancinishenk.com.

7 On August 10, 2022, I served the **NOTICE OF RULING RE: (1) DISMISSAL OF**
8 **CROSS-COMPLAINT IN LEAD CASE (NO. 20SMCV00055); (2) SETTING OF STATUS**
9 **CONFERENCE IN LEAD CASE (NO. 20SMCV00055) AND ORDER TO SHOW CAUSE**
10 **RE SANCTIONS FOR FAILURE TO APPEAR; (3) SETTING OF FINAL STATUS**
11 **CONFERENCE AND TRIAL DATE IN LEAD CASE (NO. 20SMCV00055); AND (4)**
12 **DISMISSAL OF ENTIRE RELATED CASE (NO. 21STCV38547)** by electronic transmission
13 to all parties as listed below:

14 **SEE ATTACHED SERVICE LIST**

15 On August 10, 2022, I also served the **NOTICE OF RULING RE: (1) DISMISSAL OF**
16 **CROSS-COMPLAINT IN LEAD CASE (NO. 20SMCV00055); (2) SETTING OF STATUS**
17 **CONFERENCE IN LEAD CASE (NO. 20SMCV00055) AND ORDER TO SHOW CAUSE**
18 **RE SANCTIONS FOR FAILURE TO APPEAR; (3) SETTING OF FINAL STATUS**
19 **CONFERENCE AND TRIAL DATE IN LEAD CASE (NO. 20SMCV00055); AND (4)**
20 **DISMISSAL OF ENTIRE RELATED CASE (NO. 21STCV38547)** by causing it to be delivered
21 overnight by Federal Express to the addresses listed below with delivery fees paid or provided for
22 in accordance with ordinary business practices. I am “readily familiar” with the firm’s practice of
23 collection and processing packages for overnight delivery by Federal Express. They are deposited
24 with a facility regularly maintained by Federal Express for receipt on the same day in the ordinary
25 course of business.

26 The addresses for delivery by Federal Express that I caused the above-referenced document
27 to be delivered to are:



1 NORTH STAR HOLDINGS, INC.
2 c/o John D. Kaweske, CEO
3 5825 Del Monico Dr., Ste 330
4 Colorado Springs, CO 80919

*Lead Case Defendant and Cross-
Complainant and Related Case Plaintiff*

4 SBG HOLDINGS, LLC
5 c/o John D. Kaweske, CEO
6 5825 Del Monico Dr., Ste 330
7 Colorado Springs, CO 80919


Related Case Plaintiff

8 John D. Kaweske
9 5825 Del Monico Dr., Ste 330
10 Colorado Springs, CO 80919

*Lead Case Defendant and Cross-
Complainant and Principal of North Star
Holdings, Inc. and SBG Holdings, LLC*

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

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14 Dated: August 10, 2022

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17 Michael V. Mancini

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SERVICE LIST

VGC, LLP James L. Greeley (jgreeley@vgcllp.com) Diyari Vazquez (dvazquez@vgcllp.com) Gina Simas (gsimas@vgcllp.com) 1515 7th Street, No. 106 Santa Monica, CA 90401	<i>Attorneys for Richard Acosta, Eric Clarke, Inception Altanova LLC, Inception Altanova Sponsor LLC and Altanova, LLC a/k/a RAlA Altanova, LLC</i>
CAPPELLO & NOËL LLP Lawrence J. Conlan (lconlan@cappellonoel.com) 831 State Street Santa Barbara, California 93101	<i>Attorneys for Barry Brand, 3892 Via Real LLC and 3920 Via Real LLC</i>
PAUL HASTINGS LLP Daniel Prince (danielprince@paulhastings.com) 515 South Flower Street, 25 th Floor Los Angeles, CA 90071	<i>Attorneys for Subversive Real Estate Acquisition REIT LP</i>
NORTH STAR HOLDINGS, INC. c/o John D. Kaweske, CEO (johnk@tweedlife.com) 5825 Del Monico Dr., Ste 330 Colorado Springs, CO 80919	<i>Lead Case Defendant and Cross- Complainant and Related Case Plaintiff</i>
SBG HOLDINGS, LLC c/o John D. Kaweske, CEO (johnk@tweedlife.com) 5825 Del Monico Dr., Ste 330 Colorado Springs, CO 80919	<i>Related Case Plaintiff</i>
John D. Kaweske (johnk@tweedlife.com and) 5825 Del Monico Dr., Ste 330 Colorado Springs, CO 80919	<i>Lead Case Defendant and Cross- Complainant and Principal of North Star Holdings, Inc. and SBG Holdings, LLC</i>

