

1 SANTA BARBARA, CALIFORNIA; MONDAY, SEPTEMBER 23, 2013;

2

3 DEPARTMENT NO. 5

HON. COLLEEN K. STERNE, JUDGE

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8 THE COURT: Good afternoon. Calling the Sontag  
9 versus Bookout matter.

10 MR. FOROUZANDEH: Good afternoon, your Honor,  
11 Robert Forouzandeh appearing on behalf of petitioner  
12 Sontag; she is present.

13 MR. BOOKOUT: William Bookout.

14 THE COURT: Good afternoon.

15 MR. BOOKOUT: Your Honor, if I may I'd --

16 THE COURT: If you're filing something it has  
17 to bear an original signature.

18 MR. BOOKOUT: Could I exchange this with you?

19 THE COURT: This matter is on calendar for  
20 trial of an order to show cause concerning contempt of  
21 court. The alleged -- that was filed on June 7th of  
22 2013. The alleged contempt relates to a civil  
23 harassment restraining order after hearing that was  
24 filed with the court February 5th, 2013 following a  
25 hearing related thereto in front of Commissioner Denise  
26 Motter. I've read everything that has been submitted  
27 thus far.

28 MR. BOOKOUT: Your Honor, I'd like to submit my

1 evidence. I tried submitting it to court here.

2 THE COURT: Well, this is an evidentiary  
3 hearing which means that parties testify and they call  
4 witnesses, and if documentary evidence is going to be  
5 entered by other than stipulation, foundation would  
6 have to be laid in the appropriate manner.  
7 Mr. Forouzandeh, this is your request for contempt, any  
8 opening statement?

9 MR. FOROUZANDEH: Yes, your Honor. Thank you.  
10 The facts which give rise to this hearing are not in  
11 dispute. After Commissioner Motter issued her modified  
12 restraining order on February 5th prohibiting Mr.  
13 Bookout from contacting any employees or officers of  
14 Union Bank, Mr. Bookout proceeded to violate that order  
15 on seven different occasions by sending e-mails  
16 directly to Union Bank. Mr. Bookout continued do this  
17 even after my office contacted him directly and told  
18 him please cease this behavior, your behavior is  
19 violating the restraining order, and if you continue to  
20 do so, we'll bring this to the Court's attention.

21 To provide the Court with some background of  
22 this matter since it was transferred from Commissioner  
23 Motter's courtroom, this is now the third time that the  
24 petitioner has had to come before the Court seeking  
25 relief arising from Mr. Bookout's unlawful harassment.  
26 This isn't even the original restraining order that was  
27 issued. Going back to June 27th after many months of  
28 prolonged harassment of Santa Barbara Bank and Trust

1 employees, Commissioner Motter issued the original  
2 restraining order in this case. She ordered  
3 Mr. Bookout to cease all contact with any Santa Barbara  
4 Bank and Trust employees, officers, and directors, and  
5 to direct and all communications pertaining to his  
6 small business administration loan to my office only.

7           When Union Bank merged with Santa Barbara Bank  
8 and Trust, Mr. Bookout parentally saw this as some sort  
9 of legal loophole. He then commenced contacting Union  
10 Bank employees, officers, and directors using the exact  
11 same language, using the exact same questions, and  
12 conducting the same harassment. His behavior was  
13 brought to Commissioner Motter's direction; she modified  
14 the restraining order and advised Mr. Bookout that he  
15 was not to contact any employees, officers, or  
16 directors of Union Bank either. She then reiterated  
17 the order that Mr. Bookout was to direct all  
18 communication, and in her order, she added the word  
19 "solely" in emphasis and wrote "all communications  
20 regarding the loan were to be solely directed to my  
21 office."

22           For two months Mr. Bookout did follow those  
23 orders, but then all of a sudden April 4th, 2013,  
24 without any provocation and without any warning,  
25 Mr. Bookout began e-mailing Union Bank directly. After  
26 it was brought to my attention on that same day, I  
27 advised him that his e-mail to Union Bank was a direct  
28 violation of the restraining order. I asked him to

1 cease the act or petitioner would have to bring it to  
2 the Court's attention and seek contempt. Apparently  
3 Mr. Bookout interpreted this e-mail as a challenge; he  
4 then proceeded to send multiple e-mails on May 13th,  
5 May 16th, and May 23, 2013.

6 At that point it would have been well within  
7 the petitioner's right to bring the attention to the  
8 Court and seek a contempt citation. Instead I sent him  
9 another e-mail to Mr. Bookout again advising him that  
10 all of those prior e-mails were violations of the  
11 restraining order and that if he did not cease the  
12 contact with Union Bank directly, we would bring it to  
13 the Court's attention.

14 Within 31 minutes of that e-mail, Mr. Bookout  
15 then proceeded to send another e-mail to Union Bank and  
16 then he subsequently send more e-mails on May 28th,  
17 June 31st, and June 10th, which brings the total to  
18 seven separate instances of violations of the  
19 restraining order. Each of Mr. Bookout's violations  
20 were intentional and they were meant to harass the  
21 petitioner and the other protected persons who are  
22 covered.

23 As this Court is well aware by the stacks and  
24 stacks of paper in the file, Mr. Bookout's  
25 communications are repetitive, voluminous, and many of  
26 them are incoherent. The reoccurring theme is  
27 Mr. Bookout says he's asking questions, constantly  
28 asking questions in his e-mails. But then in those

1 e-mails directly below his questions he inserts the  
2 answers that have previously been provided by my office  
3 to his. He then highlights those answers and puts them  
4 in bold. So if he wants his question answered, they've  
5 already been answered; he just doesn't like the answer  
6 and he keeps asking it over and over and over again.  
7 This is why was it's simply harassment. He's harassing  
8 the employees of Union Bank over and over and over  
9 again with the same questions that have already been  
10 answered. And that's again what he has done and the  
11 exhibits demonstrate that.

12           Since -- and the Court may ask, "Well, what's  
13 the big deal, he's sending an e-mail." It's not that  
14 simple. First of all it's a violation of the  
15 restraining order; and clearly Union Bank is a large  
16 corporation, most of its employees do not know who  
17 Mr. Bookout is; they're not aware of his loan and his  
18 unique circumstances. This is why Union Bank has asked  
19 him to direct all correspondence directly to us, and  
20 this is why the Court ordered him to direct all  
21 correspondence directly to us.

22           When Mr. Bookout sends these e-mails to Union  
23 Bank, the employees know nothing about him, looks at  
24 it, and it's from a customer, and it has the words bank  
25 fraud splattered all over it. Well, they can't delete  
26 or ignore it. They have to escalate the e-mail to a  
27 supervisor, move it on to another department. Many of  
28 his e-mails are even addressed directly to the

1 company's CEO, so a copy also gets sent to the office  
2 of the CEO. All of a sudden now you have numerous  
3 employees who have wasted time and resources addressing  
4 nothing. And in something that Mr. Bookout has been  
5 directed by both the bank and by the Court to direct to  
6 my office. His conduct can't be deemed as anything but  
7 harassing.

8 Now Mr. Bookout might attempt today to defend  
9 his conduct on the ground that he received a form  
10 boiler plate letter from Union Bank, and that this  
11 somehow opened up an invitation to him invite the bank  
12 irrespective of the Court's restraining order. That  
13 argument fails for three different reasons; first,  
14 these were statutorily mandated form letters that were  
15 sent to all of Union Bank customers. They did not  
16 include any specific information, they didn't invite  
17 him to contact or discuss terms of his loan, they were  
18 simply form letters that all the clients received. In  
19 fact one of the letters was a letter from the corporate  
20 vice president advising customers at Santa Barbara Bank  
21 and Trust that Union Bank had merged with Santa Barbara  
22 Bank and Trust. To deem that that was an invitation to  
23 disregard a court order shall fall upon deaf ears.

24 And even if Mr. Bookout could make an argument  
25 that somehow he was in good faith relying on these  
26 letters, well that would only apply to the first one.  
27 He might have gotten that first letter and he said  
28 okay, I'm going to contact Union Bank. He sends the

1 first e-mail, what happens? On that very same day I  
2 contacted him and I said, "Mr. Bookout, this needs to  
3 stop. This is a violation of the restraining order."  
4 If he really believed that those letters were some sort  
5 of invitation, why didn't he respond and say, "Well,  
6 Mr. Forouzandeh, your client contacted me and told me I  
7 could contact him. Please clarify, is it okay to do  
8 that? What is up with the court order?" He failed to  
9 do so.

10 Now second, many of these e-mails were  
11 addressed earlier to the company's CEO. There's no  
12 question that whatever these letters may have said,  
13 they were not an open invitation to begin contacting  
14 the company's CEO. Again this argument as it presents  
15 itself is without merit.

16 Finally your Honor, since there is no dispute  
17 that Mr. Bookout has violated his restraining order on  
18 seven different occasions and the long history of his  
19 behavior in this matter, there's no question that he  
20 should be found guilty of seven counts of contempt.  
21 And because of the long history that Mr. Bookout has in  
22 this case, the petitioner is going to request by the  
23 maximum punishment allowed by Code of Civil Procedure  
24 section 1218, and that he be found guilty of seven  
25 counts which would entail 35 days in jail and \$7,000 in  
26 fines payable to the court along with the attorney's  
27 fees and costs incurred by the petitioner in this  
28 matter. Thank you.

1 THE COURT: Now Mr. Forouzandeh, your exhibits  
2 and so on are all in by way of declaration?

3 MR. FOROUZANDEH: Correct. Your Honor, if I  
4 may address that. Those exhibits, all the exhibits  
5 that are submitted in the declaration were addressed  
6 both to myself and to Union Bank directly, so I believe  
7 they could be authenticated by me and could go into  
8 evidence. If the Court would like I could put  
9 Ms. Sontag on the stand to further authenticate it.

10 THE COURT: I think your declaration is  
11 adequate.

12 MR. FOROUZANDEH: Thank you, your Honor.

13 THE COURT: Any opening remark, Mr. Bookout?

14 MR. BOOKOUT: Yes, your Honor. Union Bank's  
15 Exhibit K is to be a big part of my evidence to you,  
16 and all the correspondence I've done with Union  
17 Bank has only been where the --

18 THE COURT: Mr. Bookout, if you're just going  
19 to read me your brief I'd happily read it to myself.

20 MR. BOOKOUT: Could I get this into the record,  
21 the court transcript?

22 THE COURT: It's really difficult because I can  
23 tell already as you start to read, Mr. Bookout, that  
24 you read fast which is very difficult for the court  
25 reporter. It's also duplicative. I'm assuming you're  
26 going to want me to read it. How long is it?

27 MR. BOOKOUT: It's 21 pages.

28 THE COURT: How long?



1 MR. BOOKOUT: 21 pages.

2 THE COURT: No, you're not going to read a  
3 20-page file into the record.

4 MR. BOOKOUT: Okay. First off your Honor, I'll  
5 read my brief so I can highlight the points for you.  
6 I've been asking Union Bank in each one of these  
7 e-mails to the customer advocate --

8 THE COURT: We're not going back to deal with  
9 the underlying issues of the restraining order.

10 MR. BOOKOUT: Okay. I've been asking for the  
11 loan transaction history of Union Bank and they  
12 provided it to me on June 7th. That loan transaction  
13 history that was requested of the customer advocate was  
14 provided due to copying the customer advocate with my  
15 e-mail to Mr. Forouzandeh --

16 THE COURT: I'm going to ask you to pause here  
17 for a minute because I'm a little confused. I was  
18 asking for your opening remarks.

19 MR. BOOKOUT: Okay.

20 THE COURT: Are you intending to testify?

21 MR. BOOKOUT: I have my testimony right here.

22 THE COURT: Are you going to testify on the  
23 record orally here or do you want to submit a brief and  
24 have me read it?

25 MR. BOOKOUT: I'd like to read it to you.

26 THE COURT: You can't read it to me --

27 MR. BOOKOUT: Let me submit my brief to you,  
28 your Honor.

1           THE COURT: Sure, that's a good idea. But are  
2 you going to testify, tell me your side of the story?

3           MR. BOOKOUT: Yes.

4           THE COURT: Then stand and face the clerk and  
5 be sworn.

6           THE CLERK: Do you affirm under penalty of  
7 perjury that the testimony you shall give in the matter  
8 pending before this Court shall be the truth, the whole  
9 truth and nothing but the truth?

10          MR. BOOKOUT: I do.

11          MR. BOOKOUT: Your Honor, in communication with  
12 Union Bank I contacted the customer advocate. When I  
13 contacted the law firm that I was requested to contact,  
14 they were copied in the e-mails, the set of e-mails  
15 that Union Bank talks about. The customer advocate  
16 team in Union Bank's Exhibit I, made a response to me  
17 and says "Thank you for your message. This is to  
18 acknowledge that we have received your e-mail and will  
19 respond to your inquiry within the next business day.  
20 Your questions and comments are important to us and we  
21 look forward to assisting you."

22                 I've highlighted that in my brief to you, your  
23 Honor, and the only thing I was asking of Union Bank  
24 was for a loan transaction history and an accounting of  
25 my attorney fees and why they changed the IRS 1098  
26 forms from 2007 -- they actually have not changed them,  
27 but they've provided a loan transaction history and  
28 they say that they've changed my loan all the way back

1 to 2007, but I've been unable to get an accounting from  
2 them for those changes which is Exhibit 2 to you, your  
3 Honor. That's my Exhibit 2.

4 Exhibit 1, your Honor, that I've provide to the  
5 Court are many e-mails and letters from Union Bank.  
6 The last is 9-16-13 regarding business personal  
7 property and I cannot respond to the bank about my  
8 business personal property or my fire insurance without  
9 violation of the restraining order.

10 THE COURT: That's right. In other words  
11 you're supposed to communicate all your requests to  
12 Mr. Forouzandeh and then he'll pass them on to the  
13 correct person or persons. If a response was required,  
14 an answer will be provided.

15 MR. BOOKOUT: Your Honor, in Exhibit K Union  
16 Bank's page 1, June 13th e-mail I stated to  
17 Mr. Forouzandeh please have Union Bank cancel  
18 0100846187 and refund this money as seen in 4-22-13,  
19 6-5-13, Union Bank's statement. That date, if you look  
20 at Exhibit 2, that account show documents canceled by  
21 Union Bank. And Exhibit 2 at the back it shows a  
22 current statement for that account. And unfortunately  
23 I'm not able to get -- it's the very back page dated  
24 6-6-95 showing a balance of 3473. I've been unable to  
25 get a loan transaction history out of Union Bank's  
26 attorneys which they have provided to me on June 27th  
27 in an e-mail. And that e-mail is presented to you,  
28 your Honor, in -- from Robert Forouzandeh -- is

1 presented to your Honor as dated June 27th. And in  
2 this e-mail Union Bank acknowledges that all the prior  
3 documents that they have presented -- ultimately  
4 acknowledges that all the prior documents that they  
5 presented to you regarding the May 19th letter, which  
6 is highlighted in my transcript to you are false.

7 MR. FOROUZANDEH: Objection, your Honor.  
8 Assumes facts not in evidence. Documents speak for  
9 itself.

10 MR. BOOKOUT: Your Honor --

11 THE COURT: I'm going to interrupt you just for  
12 a moment because I think I can maybe redirect things  
13 here in a helpful way. Were you in court on --

14 MR. BOOKOUT: January 28th, 2013.

15 THE COURT: On February 5th, of 2013 and  
16 Commissioner Motter issued the civil harassment?

17 MR. BOOKOUT: Your Honor, I was in court on  
18 January 28th. I provided you a court transcript asking  
19 Commissioner Motter for that to be heard in front of a  
20 judge. Going back to Union Bank --

21 THE COURT: I don't want you to go back to  
22 that; I want you to stick with me for a minute.

23 MR. BOOKOUT: I was in court on January 28th;  
24 Union Bank had a signed declaration at that hearing and  
25 I presented my evidence asking for a judge with a  
26 dispute between Union Bank at that time and judge --  
27 Commissioner Motter refused that in this court  
28 transcript I've provided you in Exhibit 5.

1 THE COURT: But were you in court on  
2 February 13th, was that an order that was issued  
3 subsequently.

4 MR. FOROUZANDEH: Your Honor, Mr. Bookout is  
5 correct. The hearing was in January Commissioner  
6 Motter took it under submission and issued the order on  
7 February 5th.

8 THE COURT: So the February 5th order, did you  
9 receive a copy of that order Mr. Bookout?

10 MR. BOOKOUT: I did, your Honor.

11 THE COURT: Okay, so you received it. And did  
12 you understand from reading that order that you were  
13 not to make direct contact with the individuals and  
14 entities identified therein?

15 MR. BOOKOUT: Your Honor, Union Bank --

16 THE COURT: It's a yes or no question. Were  
17 you aware that that is what the order said?

18 MR. BOOKOUT: Union Bank contacted me. I  
19 responded to Union Bank with their suggestion that I  
20 contact their customer advocate. I only responded  
21 after they made telephone contact with me. Other than  
22 that all my communications have been with Union Bank's  
23 attorneys who have refused to answer my questions until  
24 June 27th when they provided a loan transaction history  
25 showing the Court that their May 19th letter to the  
26 Court in their declaration is false and mistaken.

27 THE COURT: So you received a copy of the  
28 February order and you read it? That is, you read the

1 content, did you read the content?

2 MR. BOOKOUT: I read it, and Union Bank made  
3 contact with me.

4 THE COURT: I understand that, but I'm not  
5 there yet. Just answer the questions that I ask.

6 MR. BOOKOUT: Yes, your Honor.

7 THE COURT: So you received the order?

8 MR. BOOKOUT: Yes.

9 THE COURT: You read it?

10 MR. BOOKOUT: Yes.

11 THE COURT: Did you understand what you read?

12 MR. BOOKOUT: Not entirely, and I was confused  
13 when Union Bank made contact with me with the  
14 customer -- when they contacted me and they provided me  
15 the customer advocate.

16 Your Honor, I have no need to contact Union  
17 Bank any more as I've written up in my brief to you. I  
18 have no need to contact them; I've made that plenty  
19 aware to Union Bank in e-mails which are copied to you,  
20 your Honor. I have no need to contact them.

21 Everything from here on out with Union Bank's June 27th  
22 e-mail, as presented to you, is all a civil matter and  
23 a civil lawsuit against the bank. It does not -- I  
24 have no need to contact Union Bank. If Union Bank had  
25 provided me --

26 THE COURT: Let me rewind a little bit. So  
27 after you send that first e-mail you got a telephone  
28 call from Mr. Forouzandeh's office?

1           MR. BOOKOUT: I don't believe I've received a  
2 phone call from him.

3           MR. FOROUZANDEH: E-mail.

4           THE COURT: Did you receive e-mails from him?

5           MR. BOOKOUT: I've received e-mails from him,  
6 yes.

7           THE COURT: And in those e-mails did he tell  
8 you not to be in touch directly with the bank?

9           MR. BOOKOUT: Let me look at his e-mail here  
10 that he's provided in Exhibit K --

11           MR. FOROUZANDEH: C.

12           MR. BOOKOUT: On May 13th I sent an e-mail to  
13 Diana Lee and I did not copy the customer advocate in  
14 that e-mail. In that e-mail I asked Union Bank to  
15 please consider this e-mail to be a full RESPA of the  
16 Truth in Lending Act request of Union Bank. Union Bank  
17 then responded back to me stating that they were  
18 turning now my Truth in Lending -- full RESPA Truth in  
19 Lending Act request of Union Bank. And it says your  
20 May 13th letter sent directly to Union Bank the May  
21 16th and your May 23rd online correspondence sent to  
22 Union Bank all which were filed with false accusations  
23 constituted three additional violations of the  
24 restraining order entered in and above entitled matter.

25           There was no false accusations in my loan as  
26 seen in Union Bank's June 27th e-mail where they have  
27 admitted that they improperly amortized my loan. And  
28 they admitted that their May 19th letter originally in

1 their signed declarations to Commissioner Denise Motter  
2 were false.

3 MR. FOROUZANDEH: Objection, your Honor.  
4 Assumes facts not in evidence. Argumentative. And the  
5 only reason I'm objecting is because Mr. Bookout is  
6 trying to make a record and I want the record to be  
7 clear.

8 THE COURT: And you'll have an opportunity to  
9 cross-examination. Go ahead, Mr. Bookout.

10 MR. BOOKOUT: So later in the thing I would  
11 like to bring Christine Sontag up to clarify this to  
12 you. So they turned down my full RESPA request. They  
13 will not provide me the answers that I've been asking  
14 for or the documents that they told the Court that they  
15 would provide me and they will not do that. So it  
16 looked like then I sent an e-mail on May 27th to Diana  
17 Jessup Lee, Robert, and the PTRUJILLO which is the  
18 Chapter 13 trustee. And that one right there has the  
19 customer advocate copied under CCed. At this point I'm  
20 feeling that that needs to be copied to the Court. So  
21 in their Exhibit K, I then clarified to Union Bank a  
22 loan transaction history in an e-mail to Union Bank --  
23 no no, an e-mail to Robert and Diana Lee, I copied  
24 Karen Grant, Diana Lee, Dan Hill of the District  
25 Attorney in San Luis Obispo, who is involved in this.  
26 But I copied that and I provided a loan transaction  
27 history that had previously been provided by Union  
28 Bank. And that loan transaction history is in Union



1 Bank's exhibits or my exhibits to you -- or actually in  
2 Union Bank's exhibits to you -- so in a few places  
3 showing mistakes made by Union Bank.

4 Then I did not copy -- letting the bankruptcy  
5 court knowing what's happening, I sent an e-mail  
6 May 31st, but I do not see the customer advocate copied  
7 in that e-mail. June 10th was the last copy of the  
8 customer advocate that I copied and I sent an e-mail to  
9 Robert and Diana Jessup Lee along with the bankruptcy,  
10 P Trujillo. And in that June 10th I'm asking to close  
11 an account which still has not been closed. I'm not  
12 getting the response out of Union Bank nor am I getting  
13 the answers with my RESPA request being denied by Union  
14 Bank. I'm not getting any of the answers. This is the  
15 last e-mail that I've sent to the customer advocate and  
16 it would be the last e-mail I send to the customer  
17 advocate. I no longer need to contact Union Bank's  
18 attorneys nor do I need to contact Union Bank.  
19 Everything from here forward needs to go directly  
20 through a civil lawsuit for Union Bank and there are  
21 mistakes that have been made in the Court.

22 THE COURT: So what it is you're saying to me  
23 is that you did send these seven e-mails that have been  
24 identified, but in your opinion they were justified and  
25 you plan never to ever send one ever again?

26 MR. BOOKOUT: Yes, your Honor.

27 THE COURT: Cross-examination.

28 MR. FOROUZANDEH: Yes, your Honor.

1 Q (BY MR. FOROUZANDEH) Mr. Bookout, you have our  
2 exhibits that were filed before you; is that correct?

3 A I do.

4 Q Could you please look at Exhibit B. Actually  
5 before we go there, you haven't filed any lawsuits  
6 against Union Bank have you?

7 A Immediately proceeding this I will be filing a  
8 lawsuit against Union Bank.

9 Q Move to strike as nonresponsive. As of today  
10 have you file aid lawsuit against Union Bank?

11 A I paid my attorney Richard Rossi \$3,000 to do  
12 an adversary hearing lawsuit in the bankruptcy court.  
13 I paid him a total of \$7,500. Richard Rossi has not  
14 done the adversary, but I've paid for \$3,000 to do the  
15 adversary and I've yet to file a lawsuit. But as soon  
16 as I leave here I will be filing a lawsuit.

17 Q So the answer is no?

18 A Yes.

19 Q Do you have Exhibit B in front of you?

20 A Yes.

21 Q Mr. Bookout, you sent the e-mail marked as  
22 Exhibit B; is that correct?

23 A Which one.

24 Q The very top one that says from Bill Bookout  
25 dated April 14th, 2013, at 12:49 p.m?

26 A Yes.

27 Q And one of the recipients was the e-mail  
28 customeradvocateteam@Union Bank.com; is that correct?

1           A       That's correct. It's my understanding that  
2 customer advocates are to represent people with a  
3 dispute. And a customer advocate as mentioned by Union  
4 Bank on the phone when they contacted me, they told me  
5 if I had a problem with them to contact the customer  
6 advocate. They provided the e-mail, I then copied the  
7 customer advocate because your law firm was not  
8 answering any of my questions nor was your law firm  
9 providing me a loan transaction history as I had  
10 requested of Union Bank, which later in June I believe  
11 you provided a loan transaction history --

12                   MR. FOROUZANDEH: Your Honor, move to strike  
13 everything after yes.

14                   THE COURT: Sustained. You need to focus,  
15 Mr. Bookout, and just answer the question that is posed  
16 please. Thank you.

17                   MR. BOOKOUT: Yes, your Honor.

18           Q       (BY MR. FOROUZANDEH) Please turn to Exhibit C.

19           A       Okay.

20           Q       This is an e-mail that I sent to you on  
21 April 4th, 2013, at 3:02 p.m. isn't it?

22           A       Yes.

23           Q       And you received this e-mail?

24           A       Yes.

25           Q       And in this e-mail, I told you that you're  
26 April 4th, 2013 e-mail that was below was a direct  
27 violation of the modified restraining order entered on  
28 February 5th, 2013; isn't that right?

1           A     It appears that way.

2           Q     And I also advised that you you were not  
3 authorized to send any other e-mails to Union Bank, is  
4 that true?

5           A     It doesn't say that there.

6           Q     Any additional violation of the restraining  
7 order will be reported to the court and will subject  
8 you to contempt proceedings?

9           A     Okay.

10          Q     Does it say that?

11          A     Yes, it does.

12          Q     Please turn to Exhibit D. Are you there?

13          A     Yes.

14          Q     This is an e-mail that you sent on May 16th,  
15 2013, at 12:12 p.m. isn't that right?

16          A     Yes, and it says here re Union Bank February  
17 28th e-mail per the full RESPA and Truth in Lending Act  
18 request of Union Bank on May 13th, 2013. It also says  
19 --

20               MR. FOROUZANDEH: Okay. Move to strike as  
21 nonresponsive after yes.

22               THE COURT: It will be stricken.

23               MR. FOROUZANDEH: Mr. Bookout, one the  
24 recipients of this e-mail was the e-mail address  
25 identified as customeradvocateteam@UnionBank.com; is  
26 that correct?

27          A     Yes.

28          Q     And you sent this e-mail after you had received

1 the e-mail that I sent to you in Exhibit C; isn't that  
2 correct?

3 A Regarding the full RESPA and the loan  
4 transaction history requested of Union Bank, yes that  
5 is correct.

6 MR. FOROUZANDEH: Move to strike as  
7 nonresponsive and incoherent. Simply yes or no --

8 THE COURT: When you make these motions, do you  
9 want me to rule on them?

10 MR. FOROUZANDEH: I'm sorry, I forgot. It's  
11 the first time I've questioned Mr. Bookout. It feels  
12 like I'm in a deposition.

13 THE COURT: It will be stricken.

14 MR. FOROUZANDEH: Thank you.

15 Q (BY MR. FOROUZANDEH) Mr. Bookout, you  
16 received -- you sent Exhibit D after you received  
17 Exhibit C; isn't that right?

18 A Is this -- Exhibit C, Exhibit D. Again, I sent  
19 this and I'm requesting a full RESPA, which Union Bank  
20 turned down. I'm also requesting a loan transaction  
21 history which Union Bank refused to provide.

22 MR. FOROUZANDEH: Same objection, your Honor,  
23 move to strike as nonresponsive.

24 THE COURT: Granted.

25 MR. FOROUZANDEH: Mr. Bookout, it's simply a  
26 yes-or-no question. Did you send the e-mail identified  
27 as Exhibit D after you received the e-mail identified  
28 as Exhibit C?

1           A     I did for the explanation I provided to you.

2           Q     Thank you. Please turn to Exhibit E. Are you  
3 there?

4           A     I am.

5           Q     Exhibit E is an e-mail that you sent on  
6 May 23rd, 2013, at 4:44 p.m. isn't that right?

7           A     It is.

8           Q     And one of the recipients of this e-mail is the  
9 e-mail address identified as  
10 customeradvocateteam@UnionBank.com?

11          A     That's correct.

12          Q     And you sent this e-mail identified as Exhibit  
13 E after you had received the e-mail described as  
14 Exhibit C; isn't that correct?

15          A     That's right.

16          Q     Please turn to Exhibit F, are you there?

17          A     Yes.

18          Q     Exhibit F is an e-mail that I sent to you on  
19 May 2nd, 2013, at 5:30 p.m., isn't it?

20          A     Uh-huh.

21          Q     And you were received this e-mail?

22          A     Yes, I did.

23          Q     And did you read it?

24          A     I did read this, and if I may read the  
25 top sentence, the Truth in Lending Act requires the  
26 lender to disclose certain pieces of information to the  
27 borrower prior to extending the credit. Your SBA loan  
28 was funded in 2003; therefore, your full RESPA and

1 Truth in Lending Act request is unintelligible. Your  
2 May 13th --

3 MR. FOROUZANDEH: Your Honor, move to strike  
4 everything beginning with "let me read."

5 THE COURT: Granted.

6 Q (BY MR. FOROUZANDEH) In the e-mail described  
7 as Exhibit F, I asked you to stop contacting Union  
8 Bank, didn't I?

9 A You did.

10 Q Okay. And you didn't respond to me -- you  
11 didn't respond to this e-mail by stating that Union  
12 Bank had invited you to contact them, did you?

13 A I'm sure I provided that information in my  
14 documents that you had -- I've provided you their  
15 letters sent to me, yes I have provided you letters  
16 send to me.

17 Q Let me ask you --

18 A Exhibit 2.

19 Q I'm asking the questions. Let me ask you this:  
20 Are you referring to Exhibit 1 in the pleading that you  
21 filed today?

22 A Exhibit 1 are the documents that I'm providing  
23 to you.

24 Q So Exhibit 1, let's take a look. Are you  
25 there?

26 A I am.

27 Q What is the date of Exhibit 1?

28 A March 18th, 2013.

1 Q What Exhibit 1 are you looking at?

2 A Oh, 9-16-2013, 9-14- 2013 the letter that you  
3 had previously presented to the Court March 18th, 2013,  
4 by George S. Lease/ and there's many communications  
5 from Union Bank in here regarding insurance, regarding  
6 online account statements, there's a courtesy reminder  
7 on 5-16-2013 for personal properties which Union Bank  
8 foreclosed on. There's a May 21st document from Union  
9 Bank, and it states we recently updated your primary  
10 contact number --

11 MR. FOROUZANDEH: I'd move to strike everything  
12 other than the dates in that response.

13 MR. BOOKOUT: I would like to have this  
14 presented to the Court as contact from Union Bank as it  
15 states here please contact us immediately if the change  
16 reflected is incorrect.

17 THE COURT: Well --

18 MR. BOOKOUT: Union Bank is saying --

19 THE COURT: I'm going to pause the hearing at  
20 this point because I have a concern. You know  
21 Mr. Bookout, you are entitled to be represented by a  
22 lawyer. Are you intending to represent yourself?

23 MR. BOOKOUT: I would prefer to have a  
24 court-appointed attorney here. I asked for one  
25 upstairs and they would not provide me one.

26 THE COURT: Well --

27 MR. BOOKOUT: I have no further need to contact  
28 Union Bank, your Honor. I would like this issue here



1 to go away so that I may contact the bankruptcy court  
2 and let them know what --

3 THE COURT: Well, it doesn't just go away. And  
4 I know that you were admonished by Commissioner Motter  
5 not to send stuff to the Court sua sponte. I don't  
6 know whether the bankruptcy court and Judge Riblet have  
7 made similar orders or what the situation is over  
8 there; I wouldn't presume.

9 I think that technically there is clear and  
10 convincing evidence that the order was violated on its  
11 face. However, even if I were to make that finding  
12 today and I don't think I am, I would be deferring  
13 sentencing. Thing may be -- you know, I went back  
14 through the file and I saw that Commissioner Motter  
15 essentially arraigned you on the contempt and gave you  
16 the appropriate admonishments. Violation of court  
17 orders is no small thing. Even when one disagrees with  
18 court orders, they have to be followed, and you have to  
19 take your relief from other avenues because it may  
20 result in very serious consequences including  
21 deprivation of liberty. So for that reason you must  
22 follow the court orders and pursue your other avenues.

23 What I'm going to do today is suspend this  
24 hearing and give Mr. Bookout the opportunity to prove  
25 his word which is that you're not going to be  
26 contacting these institutions and individuals anymore,  
27 because you're in the land of serious consequences now.

28 MR. BOOKOUT: Thank you, your Honor.

1           THE COURT:  And this kind of conduct, it's just  
2 not appropriate.  You're clearly in violation of court  
3 orders.  You must not be in contact with them.  And  
4 there isn't a justification in your mind that will  
5 allow it.  The order is clear.  You can contact -- and  
6 it hasn't shut down your communication altogether -- I  
7 know you don't think they're responsive enough, but any  
8 communication you have with them is pursuant to the  
9 Commissioner's order to go through counsel, period.  
10 It's not a question of receiving a form letter and  
11 saying I wonder if this would qualify.  If you're  
12 asking yourself the question, it means yes, it  
13 qualifies.  Your communication with this institution  
14 and its personnel is through counsel only.

15           And the reason why I asked the questions at the  
16 beginning that I did is that -- it was pretty clear to  
17 me that you had awareness of the order, that you  
18 understood what it said, and that you went ahead and  
19 made e-mail contact anyway, which you aren't allowed to  
20 do under that restraining order.  And I'm not changing  
21 the terms of it at all; that order stands.  These seven  
22 communications are a problem, and so I'm reserving  
23 ruling and reserving sentencing, because the bank and  
24 its counsel have asked for attorney's fees for having  
25 to come back to court yet again to deal with this.  It  
26 costs every single time they come.

27           So you tell me you're going to file a lawsuit  
28 and not be in contact anymore.  I strongly urge you to

1 get legal counsel. I'm continuing this hearing to  
2 December 2nd at 1:30 p.m. and the Court will take into  
3 consideration if there is no communications between now  
4 and that time. If there are, again I strongly urge  
5 that you seek out counsel, Mr. Bookout.

6 MR. BOOKOUT: That was December 2nd, 1:30 p.m.?

7 THE COURT: Correct.

8 MR. BOOKOUT: And thank you, your Honor.

9 THE COURT: And you understand that the terms  
10 of that order require you to not be in contact with the  
11 bank or its personnel. You're to go through counsel  
12 only.

13 MR. BOOKOUT: Yeah.

14 THE COURT: Are we clear on that?

15 MR. BOOKOUT: Your Honor, I'm clear on that.

16 THE COURT: Because now that you've looked me  
17 in the eye and I've told you that if you come back and  
18 violate the order again, I'm going to take a dim view.

19 MR. BOOKOUT: I'm going to file a lawsuit  
20 against Union Bank and the testimony is part of that.

21 THE COURT: But understand that that means you  
22 do that through the normal channels for litigation.  
23 Just because you file a lawsuit doesn't mean you can  
24 contact them directly about the lawsuit matters.

25 MR. BOOKOUT: I do have concern which was  
26 brought to me by a friend of mine, how do I go about  
27 getting Union Bank to correct my IRS 1098 forms? They  
28 will not answer my questions.

1           THE COURT: I can't give you legal advice from  
2 the bench. If I help you out then the bank will think  
3 that I can't be fair. And if I helped the bank out,  
4 then you would think I can't be fair. So I don't give  
5 legal advice. If you have issues especially  
6 complicated tax issues, you need to take advice from  
7 appropriate professionals who understand that sort of  
8 thing.

9           You know, you strike me as an individual who is  
10 capable of understanding the Court's orders, and I  
11 understand your disillusion with this process, but  
12 you're required follow the court orders. And from this  
13 point forward, because you've demonstrated you have  
14 knowledge of the order and that you pretty much  
15 violated it willfully, I will take that into  
16 consideration. And while I'm not quite sure about the  
17 issues surrounding incarceration, we're talking serious  
18 financial consequences here, significant amounts of  
19 money which is probably the last thing you want.

20           MR. BOOKOUT: I'm in bankruptcy now, your  
21 Honor. I can barely make my payments with --

22           THE COURT: Again the facts of the underlying  
23 case are not something that I'm dealing with here  
24 today. I'm dealing with the court order. So I'm  
25 suspending the hearing and continuing it to  
26 December 2nd. I'm encouraging Mr. Bookout to get  
27 counsel, and I'm considering this sort of an informal  
28 monitoring period, wherein the Court will give

1 Mr. Bookout an opportunity to refrain from engaging in  
2 the complained of behavior. And if he does so again,  
3 the Court will take that into serious consideration.

4 This is the first time you have talked to me,  
5 Mr. Bookout, and I wanted to give you a full  
6 opportunity for you and me to understand each other. I  
7 take the issuance of court orders very seriously.  
8 Because when people -- they are abridge to sanity,  
9 that's the thing that keeps us from walking around and  
10 knocking each other over with clubs. This is where the  
11 law acts. And so even if you don't agree with a court  
12 order, the way to attack a court order is through the  
13 legal channels, not by disobeying it. So I'm giving  
14 you the opportunity to obey Commissioner Motter's order  
15 and demonstrate that you can and will. And if you do,  
16 then you will probably not be troubled any further by  
17 this contempt. But if you violate it, I really can  
18 think that the bank has no choice but to take it all  
19 away. Because you know, it would be one thing if we  
20 were litigating the underlying issue, but we're not.  
21 There's already a court order in good standing and  
22 you're required to follow it until it's lifted. You're  
23 excused.

24  
25 (Whereupon proceedings in the  
26 above-entitled matter were concluded.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA

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CHRISTINE SONTAG, )  
 )  
Plaintiff, )  
 )  
-vs- ) Case No. 1381216  
 )  
WILLIAM BOOKOUT, )  
 )  
Defendant. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT OF ORAL PROCEEDINGS

BEFORE HON. COLLEEN K. STERNE, JUDGE

DEPARTMENT 5  
SANTA BARBARA, CALIFORNIA  
Monday, September 23, 2013

APPEARANCES:

For the Plaintiff: ROBERT FOROUZANDEH, ESQ.  
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For the Defendant: IN PROPRIA PERSONA

Reported by: SHELLEY COCKRELL, CSR  
Official Reporter  
CSR. No. 13227

REPORTER'S CERTIFICATE

|                   |   |                  |
|-------------------|---|------------------|
| CHRISTINE SONTAG, | ) |                  |
| Plaintiff,        | ) |                  |
| -vs-              | ) | Case No. 1381216 |
| WILLIAM BOOKOUT,  | ) |                  |
| Defendant.        | ) |                  |
| _____             | ) |                  |

I, SHELLEY COCKRELL, CSR, Official Reporter of the above-entitled court, do hereby certify:

That I am a Certified Shorthand Reporter of the State of California, duly licensed to practice; that I did report in Stenotype oral proceedings had upon hearing of the aforementioned cause at the time and place hereinbefore set forth; that the foregoing pages numbered 1 through 29, inclusive, constitute to the best of my knowledge and belief a full, true, and correct computer-aided transcription from my said shorthand notes so taken for the date of Monday, September 23, 2013.

Dated at Santa Barbara, California, this 16th day of October, 2013.

\_\_\_\_\_CSR  
Official Reporter, CSR No. 13227