

1 Steven R. Friedman, Esq. (SBN 100748)  
2 Michael E. Friedman, Esq. (SBN 291694)  
3 LAW OFFICE OF STEVEN R. FRIEDMAN  
4 1880 Century Park East, Suite 1411  
5 Los Angeles, California 90067  
6 Telephone: (310) 273-2505  
7 Facsimile: (310) 278-1315

**CONFORMED COPY**  
**ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

DEC 05 2018

Sherril R. Carter, Executive Officer/Clerk  
By: K. Sandoval, Deputy

5 Attorneys for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

10 DAVIT GASPARYAN; )  
11 Plaintiff, )  
12 vs. )  
13 MARINA DEMIRCHYAN, an )  
14 individual, AKA MARINA )  
15 DEMIRCHIAN; GRIGOR )  
16 DEMIRCHYAN, an individual, )  
17 AKA GRIGOR DEMIRCHIAN; )  
18 and DOES 1 to 30, inclusive, )  
19 Defendants. )  
20 )  
21 )  
22 )  
23 )

Case No.: BC554306 – Lead Case  
[Consolidated with Case Nos. BC585895  
and BC585331]

Case Assigned to:  
Hon. Deirdre H. Hill Dept. 49

**ORDER ON POST JUDGMENT RESERVED  
MATTERS.**

Date: December 5, 2018  
Time: 1:30 pm  
Dept: 49

Complaint filed: August 8, 2014

24 This action is an action consolidated, consolidating case numbers BC554306,  
25 BC585331 and BC585895 for all purposes under the lead case number BC554306. Upon  
26 consolidation all filings were ordered to continue solely under the lead action case number  
27 designated as BC554306.

28 This consolidated action came on for regular trial by jury on August 2, 2018, in

1 Department 49 of the above-entitled court before the Honorable Deirdre Hill, Judge of the  
2 Superior Court presiding.

3 Jury Verdict was properly rendered and signed by the Jury Foreperson and was entered  
4 by the Clerk of the Court. The Court having entered Judgment thereupon on November 16,  
5 2018 and having reserved jurisdiction to make determinations, allocations as to funds  
6 interpleaded and further to make such orders or injunctions as the Court deems necessary to  
7 effectuate the Judgment and finally resolve the matters pending before the Court as between  
8 the parties.  
9

10 The Judgment of the Court duly entered specifically stated:

11 "IT IS FURTHER ORDERED, ADJUGED, AND DECREED BY THE COURT that it retains  
12 jurisdiction to determine all other issues including, but not limited to, the allocation of the funds  
13 interpleaded in the consolidated action, the amount of recoverable attorneys' fees, and costs  
14 pursuant to the contractual and statutory authority granted to the court. The court further reserves  
15 jurisdiction to grant equitable, injunctive and post judgment orders and relief to enforce and give  
16 effect to this Judgment, amend the judgment as well as to issue additional orders regarding the  
17 interpleaded funds."  
18

19 On December 5, 2018 at 1:30pm the above entitled matter was called for hearing.  
20 Attorney Richard Marker appeared on behalf of nonparty Encino Spectrum, LLC. and filed an  
21 "opposition to distribution of interpled monies in favor of shareholders versus judgment  
22 creditors." Plaintiff Davit Gasparyan and Defendant Dmitry Fomichev objected to any  
23 participation or argument by nonparty Encino Spectrum, LLC. The Court, after hearing oral  
24 argument, sustained the objection in its entirety.

25 The Court participated in, and is aware of, all of the evidence adduced in this matter  
26 and considers it related to the issuance of the instant order.  
27  
28

1           The Court having heard extensive evidence during the course of the trial and having  
2 provided the remaining parties Davit Gasparyan and Dmitry Fomichev with an opportunity to  
3 brief and present evidence regarding the remaining issue of the Court's equitable allocation  
4 of funds interpleaded before the Court now makes the following findings of fact and orders  
5 as follows:  
6

- 7       1. The Defendants Marina Demirchyan and Grigor Demirchyan looted D and D  
8       Marketing, Inc.
- 9       2. The funds interpleaded in the Court in case number BC585331 and BC630712 belong  
10       exclusively to the individuals Davit Gasparyan and Dmitry Fomichev.
- 11       3. The money held in the Wells Fargo account which was subsequently interpleaded into  
12       the Court was at all times and remains exclusively the individual property of Davit  
13       Gasparyan and Dmitry Fomichev equally.
- 14       4. The Demirchyans fraudulently disrupted the money belonging to Davit Gasparyan  
15       and Dmitry Fomichev.
- 16       5. Significant evidence was adduced of the substantial loans made by Davit Gasparyan  
17       and Dmitry Fomichev during the course of the trial from their personal moneys.  
18

19           The Court, having heard the history of the Encino Spectrum, LLC. judgment as presented  
20 by its Counsel, further finds that the obligations that Encino Spectrum is concerned about are  
21 the obligations of the person who conducted the fraud in the first place which is Grigor  
22 Demirchyan under the auspices of the corporate name of D and D Marketing, Inc. which  
23 Grigor Demirchyan should not have been using. As a consequence, the Court finds that the  
24 money interpleaded into the Court and identified in the order herein should have been  
25 returned to Davit Gasparyan and Dmitry Fomichev.  
26

27           The Court further finds and orders as follows:  
28

1 1. The Court views Davit Gasparyan and Dmitry Fomichev as having been the victims  
2 of the fraud and related wrongful actions of Marina Demirchyan and Grigor  
3 Demirchyan. The Court recognizes that the heavy burden of the case fell exclusively  
4 upon Davit Gasparyan both to fund and prosecute the case against the Demirchyans  
5 and to defend against the cross-complaint presented by Grigor Demirchyan  
6 improperly on behalf of D and D Marketing, Inc. which sought \$130 million against  
7 Davit Gasparyan.  
8

9 2. The Court is holding by way of interpleader in case BC585331 money interpleaded  
10 by Wells Fargo Bank in LASC Case Number BC585331 which is \$1,704,368.01  
11 which has been consolidated for all purposed with LASC Case Number BC554306 as  
12 well as money interpleaded by ASV International in LASC Case Number BC630712  
13 which is \$114,486.67 for a total of \$1,818,854.68 plus any accrued interest.  
14

15  
16 The Court exercising its equitable powers to fully resolve all the matters pending  
17 before the Court further finds and orders as follows:

- 18 1. The Clerk of the Court is directed and ordered forthwith to disburse \$909,427.34  
19 representing 50% of the total sum held by the Court as interpleaded funds to Davit  
20 Gasparyan and the payee of the funds shall be Davit Gasparyan.
- 21 2. The Clerk of the Court is directed and ordered forthwith to disburse \$909,427.34  
22 representing 50% of the total sum held by the Court as interpleaded funds to Dmitry  
23 Fomichev and the payee of the funds shall be Soltman, Levitt, Flaherty & Wattles  
24 client trust account for the benefit of Dmitry Fomichev.
- 25 3. All accrued interest for the amounts held by the Court and any additional sums being  
26 held as a result of the interpleader actions in case numbers BC585331, BC554306 and  
27  
28

1 BC630712 shall be equally divided and disbursed to Davit Gasparyan and Dmitry  
2 Fomichev in equal portions. Therefore, the Clerk of the Court is directed and ordered  
3 forthwith to disburse 50% of the total remaining funds to Davit Gasparyan, payable to  
4 Davit Gasparyan. Therefore, the Clerk of the Court is directed and ordered forthwith  
5 to disburse 50% of the total remaining funds to Dmitry Fomichev, payable to  
6 Soltman, Levitt, Flaherty & Wattles client trust account for the benefit of Dmitry  
7 Fomichev.  
8

- 9 4. When the funds are ready to be disbursed by the Clerk of the Court, the Clerk is  
10 ordered to notify counsel for Davit Gasparyan, either Steven R. Friedman, Esq. or  
11 Michael E. Friedman, Esq. telephonically at (310) 273-2505 and by mail at Law  
12 Office of Steven R. Friedman 1880 Century Park East, Suite 1411 Los Angeles, CA  
13 90067 and shall notify counsel for Dmitry Fomichev, Philip E. Black, Esq.  
14 telephonically at (805) 497-7706, extension 111 and by mail at Soltman, Levitt,  
15 Flaherty & Wattles 90 East Thousand Oaks Blvd. Suite 300, Thousand Oaks, CA  
16 91360 so that each counsel can arrange to have the funds retrieved in person by the  
17 above counsel or messenger for the counsel.  
18

19 The evidence established that D and D Marketing, Inc. was looted by the  
20 Demirchyans and the Company is no longer viable and is insolvent. The Court finds that  
21 the business of D and D Marketing, Inc. needs to be wound up.  
22

23 The Court orders that Davit Gasparyan, or a person or entity designated by Davit  
24 Gasparyan, is hereby authorized to assume exclusive control of D and D Marketing, Inc. and  
25 shall have exclusive authority and discretion to make all necessary decisions, or undertake  
26 actions which Davit Gasparyan or his designee deems necessary to winding up the business  
27 of D and D Marketing, Inc.  
28

1           Should questions arise in the process the Court reserves its jurisdiction to make such  
2 determinations and orders related to the wind up upon application of Davit Gasparyan or his  
3 designee engaged by him to take control and wind up the business of D and D Marketing,  
4 Inc. and permits such relief to be sought ex parte as necessary.  
5

6           The Defendants Marina Demirchyan and Grigor Demirchyan and all persons, entities,  
7 partnerships, trusts, webmasters, telephone companies, banks, accountants, or landholders of  
8 whatever kind are, upon service of this order, directed and ordered to immediately identify all  
9 property of D and D Marketing, Inc. or T3 Leads and to transfer control of said property and  
10 all records related to D and D Marketing, Inc. to Davit Gasparyan or any person or entity  
11 designated by Davit Gasparyan. This shall include identifying and providing all information  
12 regarding all bank accounts, stock accounts, bonds, negotiable instruments, real property,  
13 personal property, all software, all web sites, all trade names, all contracts, all accounting  
14 records without withholding any accounting records of any kind or for any reason, all  
15 passwords and account access, all lists of information, all servers, email records, tax records,  
16 financial records, internet domains, phone numbers, employment records, contracts as well as  
17 any and all other documents or items of information related to D and D Marketing, Inc.'s  
18 conducting of any business. All current and former employees, agents, officers, and  
19 contractors of D and D Marketing, Inc. are also hereby ordered to cease taking any direction  
20 from Marina Demirchyan or Grigor Demirchyan and are instead ordered to follow the  
21 exclusive direction of Davit Gasparyan or any person or entity designated by Davit  
22 Gasparyan. All current and former employees, agents, officers, and contractors of D and D  
23 Marketing, Inc. are further ordered to disclose and provide forthwith the above enumerated  
24 information and all other information in their possession regarding D and D Marketing, Inc.  
25  
26  
27  
28

1 to Davit Gasparyan or his designee without limitation and without requiring any further  
2 Court Order.

3 Plaintiff's Counsel is ordered to give notice.

4 DATED: Dec 5, 2018

5 

6 Honorable Judge Deirdre Hill  
7 Judge of the Superior Court

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28