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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **NORTHERN DIVISION**

11 **In re**) Case No. ND-01-11549-RR
12 **REED E. SLATKIN,**) Chapter 11
13 **Debtor.**) **A.P. No. ND-02-1164-RR**
14) Judge: Hon. Robin L. Riblet
15 **R. TODD NEILSON, Trustee Of The Chapter**) **DECLARATION OF HOWARD**
16 **11 Bankruptcy Estate Of Reed E. Slaktin,**) **KOLLITZ IN SUPPORT OF**
17 **Plaintiff,**) **OPPOSITION TO APPLICATION FOR**
18) **RIGHT TO ATTACH ORDER AND**
19) **ORDER FOR ISSUANCE OF WRIT OF**
20) **ATTACHMENT**
21)
22) Date: October 25, 2002
23) Time: 10:00 a.m.
24) Place: 1415 State Street
25) Courtroom 201
26) Santa Barbara, California

21 I, Howard Kollitz, declare as follows:

22 1. I am the principal of a professional corporation which is a partner in the law firm of
23 Danning, Gill, Diamond & Kollitz, LLP ("DGD&K"), the attorneys of record herein for
24 Defendants William W. Hutchins and Anne Hutchins. I make this Declaration in support of
25 Defendants' Opposition To Application For Right To Attach Order And Order For Writ Of
26 Attachment. The facts set forth herein are true of my own personal knowledge. If called upon to
27 testify thereto, I could and would competently do so.
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DECLARATION OF HOWARD KOLLITZ IN SUPPORT OF OPPOSITION TO APPLICATION FOR RIGHT
TO ATTACH ORDER AND ORDER FOR ISSUANCE OF WRIT OF ATTACHMENT

1 2. On September 10, 2002, I sent a letter to Timothy B. Jafek of Kirkland & Ellis,
2 counsel for Plaintiff, R. Todd Neilson, as trustee ("Trustee") in the pending Chapter 11 Bankruptcy
3 Case for Reed E. Slatkin, as debtor ("the Debtor"), informing him that Defendants, Anthony and
4 Margaret Hitchman ("the Hitchmans") intended to depose the Debtor in the adversary proceeding
5 entitled, Neilson, etc., v. Hitchman, etc., et al., and designated number AD-02-01111-RR ("the
6 Hitchman Litigation"). I requested that Mr. Jafek advise me as to any dates which would be
7 inconvenient for him during a specified three (3) week period. A true and correct copy of my
8 September 10, 2002 letter to Mr. Jafek is attached hereto as **Exhibit "1"** and, by this reference,
9 incorporated herein.

10 3. On September 13, 2002, I received a letter from R. Alexander Pilmer, another
11 lawyer with Kirkland & Ellis, in response to my September 10, 2002 letter to Mr. Jafek. Mr.
12 Pilmer advised that the Trustee took the position that the Hitchmans were not entitled to take the
13 Debtor's deposition. A true and correct copy of Mr. Pilmer's September 13, 2002 letter to me is
14 attached hereto as **Exhibit "2"** and, by this reference, incorporated herein.

15 4. On September 13, 2002, I sent a letter to Mr. Pilmer in connection with arranging
16 for a conference to discuss a deposition of the Debtor, pursuant to Rule 30(a)(2) of the Federal
17 Rules of Civil Procedure, in the Hitchman Litigation. A true and correct copy of my September 13,
18 2002 letter to Mr. Pilmer is attached hereto as **Exhibit "3"** and, by this reference, incorporated
19 herein.

20 5. On September 19, 2002, Mr. Pilmer sent me an email proposing October 2, 2002 for
21 the "meet and confer" regarding the Hitchmans' disputed right to take the Debtor's deposition.

22 6. On September 23, 2002, I responded to Mr. Pilmer's September 19, 2002 email
23 stating that, on October 2, 2002, we would meet and confer regarding, *inter alia*, the Hitchmans'
24 deposition of the Debtor in the Hitchman Litigation. A true and correct copy of my September 23,
25 2002 email to Mr. Pilmer and Mr. Pilmer's September 19, 2002 email to me are attached hereto as
26 **Exhibit "4"** and, by this reference, incorporated herein.

27 7. On October 2, 2002, John R. Reitman, Andrew S. Rotter and Timothy B. Jafek (all
28 lawyers representing the Trustee) and I, along with other lawyers of DGD&K, had a telephone

1 conference to discuss, *inter alia*, taking the deposition of the Debtor in the Hitchman Litigation.
2 During the course of our telephone conference, Mr. Reitman informed me that the Trustee's
3 counsel was not prepared on October 2, 2002 to agree that the Hitchmans could seek to depose the
4 Debtor, and that the Trustee was not willing to produce any of the Debtor's documents until after
5 the Trustee had copied all of those documents which task was then estimated to take another two
6 (2) weeks.

7 I declare, under penalty of perjury and subject to the laws of the United States of America,
8 that the foregoing is true and correct to the best of my knowledge, information and belief.

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10 Executed, on this ____ day of October, 2002, at Los Angeles, California.

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14 HOWARD KOLLITZ
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