

08/20/2020

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Shamir R. Carter, Executive Officer / Clerk of Court
By: A. Daslaryan Deputy

VANESSA BRYANT, individually and as
Successor in Interest to KOBE BRYANT,
Deceased; VANESSA BRYANT as Successor in
Interest to GB, a minor, deceased; NB, a minor, by
her Natural Mother and Guardian Ad Litem,
VANESSA BRYANT; BB, a minor, by her Natural
Mother and Guardian Ad Litem, VANESSA
BRYANT; and CB, a minor, by her Natural Mother
and Guardian Ad Litem, VANESSA BRYANT,

Plaintiffs,

vs.

ISLAND EXPRESS HELICOPTERS, INC., a
California Corporation; ISLAND EXPRESS
HOLDING CORP., a California Corporation; and
BERGE ZOBAYAN as Personal Representative of
and/or Successor in Interest to ARA GEORGE
ZOBAYAN, a California Resident,

Defendants.

Hon. Virginia Keeny

Case No. 20STCV07492

**[PROPOSED] ORDER DENYING
DEFENDANT BERGE ZOBAYAN'S
MOTION TO TRANSFER VENUE**

Date: August 19, 2020

Time: 1:30 PM

Dept.: W

Van Nuys Courthouse East

6230 Sylmar Ave.

Van Nuys, CA 91401

Action Filed: 02/24/2020

Trial Date:

**[PROPOSED] ORDER DENYING DEFENDANT BERGE ZOBAYAN'S
MOTION TO TRANSFER VENUE**

Now before the Court is Defendant Berge Zobayan's, as Successor-In-Interest to Ara George
Zobayan ("Defendant"), Motion to Transfer Venue. After reviewing the parties' submissions, the
Court finds the applicable law is as follows:

1. A party may move for transfer of venue "[w]hen there is reason to believe that an
impartial trial cannot be had therein." (Code Civ. Proc. § 397(b).) The moving party
must further show that there is another "accessible county where the like objection or
cause for making [it] does not exist." (Code Civ. Proc. § 398(a).)
2. "The burden rests on the party seeking change of venue to defeat the plaintiff's
presumptively correct choice of court." (*Buran Equip. Co. v. Superior Court* (1987) 190
Cal.App.3d 1662, 1666.)
3. In a civil case, the party seeking to transfer venue must demonstrate that it would suffer
"actual prejudice" at trial in the plaintiff's chosen venue. (See *Ohio Casualty Ins. Grp.*

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v. *Superior Court* (1994) 30 Cal.App.4th 444, 452; *Taylor v. Schilling* (Super. Ct. Los Angeles County, 2018, No. MC026518).)

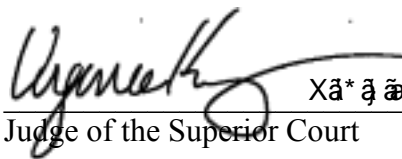
4. ~~The party seeking transfer must show actual prejudice against it, not favor for the opposing party. (See *People v. Ocean Shore R.R.* (1938) 24 Cal.App.2d 420, 427-28.)~~

NOW, THEREFORE, THE COURT FINDS THAT:

- 1. Defendant has not carried his burden to show that he could not receive an impartial trial in Los Angeles County;
- 2. Defendant has not carried his burden to show that he would suffer “actual prejudice” at trial in Los Angeles County;
- 3. Defendant has not carried his burden to show that there is any “accessible court where the like objection” does not exist; and
- 4. Defendant’s concerns about an impartial jury in Los Angeles County can be fully and adequately addressed through voir dire and this Court’s instructions to the jury.

IT IS HEREBY ORDERED that Defendant’s Motion to Transfer Venue is **DENIED**.

SO ORDERED THIS ^{G•c} **DAY OF** ^{CE*•c} **, 2020.**


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 Judge of the Superior Court

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PROOF OF SERVICE

STATE OF MISSOURI, COUNTY OF JACKSON

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Jackson, State of Missouri. My business address is One Kansas City Place, 1200 Main Street, Suite 3900, Kansas City, Missouri 64105.

On August 4, 2020, I served true copies of the following document(s) described as:

[PROPOSED] ORDER DENYING DEFENDANT BERGE ZOBAYAN’S MOTION TO TRANSFER VENUE

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION Pursuant to CRC 2.251: I caused a copy of the document(s) to be sent from e-mail address janello@robbrobb.com to the persons at the e-mail addresses listed on the attached Service List. 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 Missouri that the foregoing is true and correct.

Executed on August 4, 2020, at Kansas City, Missouri.

/s/ Jacie M. Anello

Jacie M. Anello

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