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FILED
ALAMEDA COUNTY

APR 15 2019

CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

A-1 SEPTIC TANK SERVICE, INC.,

Plaintiff,

v.

A-1 READY MIX, INC. & JACK ALBERT SHANE, III,

Defendants.

Case No.: HG-16-833246

**~~PROPOSED~~ FINAL JUDGMENT
NUNC PRO TUNC AFTER TRIAL BY
COURT**

LAW OFFICES OF BOB CAMORS
1501 THE ALAMEDA, SUITE 210
SAN JOSE, CA 95128

The First Amended Complaint for Breach of Fiduciary Duty, Conversion, and Declaratory Relief by Plaintiff A-1 Septic Tank Service, Inc. against Defendant Jack Albert Shane III came on regularly for trial on September 14, 2018, in the above-entitled court, the Honorable Michael M. Markman, Judge of the Superior Court, presiding, sitting without a jury, a jury having been duly waived. Plaintiff appeared by its attorney, Robert E. Camors, Jr. Defendant appeared by his attorney Gerard Launay.

The case against Defendant A-1 Ready Mix, Inc. was severed and stayed due to a bankruptcy filing by said defendant prior to trial, and the claims against it alleging constructive trust, declaratory

1 relief and common counts were not part of the trial. The complaint against Defendant A-1 Ready
2 Mix, Inc. was subsequently dismissed without prejudice by plaintiff.

3 Evidence, both oral and documentary, having been produced by both parties, the cause having
4 been argued, briefed, and submitted for decision, and the court having filed its Final Statement of
5 Decision,

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

7
8 1. On its cause of action for conversion Plaintiff A-1 Septic Tank Service, Inc. is awarded
9 the sum of \$1,645,009.00 against Defendant Jack Albert Shane III for damages caused by said
10 defendant's willful, intentional, and malicious conversion of plaintiff's property. Plaintiff A-1 Septic
11 Tank Service, Inc. is the prevailing party on its cause of action for conversion against Defendant Jack
12 A. Shane III.

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14 2. On its cause of action for breach of fiduciary duty Plaintiff A-1 Septic Tank Service,
15 Inc. is awarded the sum of \$1,645,009.00 against Defendant Jack Albert Shane III for damages caused
16 by said defendant's fraud and defalcation while acting in a fiduciary capacity with A-1 Septic Tank
17 Service, Inc. Plaintiff A-1 Septic Tank Service, Inc. is the prevailing party on its cause of action for
18 breach of fiduciary duty against Defendant Jack A. Shane III.

19
20 3. On its cause of action for declaratory relief Plaintiff A-1 Septic Tank Service, Inc. is
21 granted declaratory relief against Defendant Jack Albert Shane III, namely: the following documents
22 are null and void, and of no force or effect whatsoever, as they were created fraudulently by
23 Defendant Jack Albert Shane III: the stock certificate reflecting the transfer of 72 shares of stock of A-
24 1 Septic Tank Service, Inc. to Defendant Jack Albert Shane III; and all of the shareholder and director
25 consents found in the corporate book of Plaintiff A-1 Septic Tank Service, Inc. from 1992 through
26 March 13, 2013. Plaintiff A-1 Septic Tank Service, Inc. is the prevailing party on its cause of action
27 for declaratory relief against Defendant Jack A. Shane III.


28 4. The total monetary judgment for Plaintiff A-1 Septic Tank Service, Inc. and against

1 Defendant Jack Albert Shane III, not including costs, hereunder is \$1,645,009.00. Plaintiff A-1 Septic
2 Tank Service, Inc. is awarded its costs.

3 5. After entry of judgment, Plaintiff Septic Tank Service, Inc. filed a timely memorandum
4 of costs under Code Civ. Proc. §1032 requesting an award of cost in the amount of \$40,236.37 which
5 was reduced to the amount of \$39,373.74 by agreement with counsel for Defendant. No motion to tax
6 costs was filed by Defendant within the time required by law. Costs in the amount of \$39,373.74 are
7 therefore awarded to Plaintiff as the prevailing party. The total amount of the judgment awarded to
8 Plaintiff and against Defendant is therefore the amount of \$1,645,009.00 plus costs in the amount of
9 \$39,373.74 for a total amount of \$1,684,382.74
10

11 SO ORDERED, ADJUDGED AND DECREED.

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13 Dated: April 15, 2019


14 _____
15 The Honorable Michael M. Markman
16 Judge of the Superior Court
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