



PLAINTIFF/PETITIONER: Transportation Agency for Monterey County

CASE NUMBER:

DEFENDANT/RESPONDENT: MWM Investments, LLC, et al.

17CV001231

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF ENTRY OF JUDGMENT OR ORDER**

**(NOTE: You cannot serve the Notice of Entry of Judgment or Order if you are a party in the action. The person who served the notice must complete this proof of service.)**

1. I am at least 18 years old and **not a party to this action**. I am a resident of or employed in the county where the mailing took place, and my residence or business address is (*specify*): 848 The Alameda, San Jose, CA 95126
  
2. I served a copy of the *Notice of Entry of Judgment or Order* by enclosing it in a sealed envelope with postage fully prepaid and (*check one*):
  - a. ☐ deposited the sealed envelope with the United States Postal Service.
  - b. ☒ placed the sealed envelope for collection and processing for mailing, following this business's usual practices, with which I am readily familiar. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.
  
3. The *Notice of Entry of Judgment or Order* was mailed:
  - a. on (*date*): May 21, 2018
  - b. from (*city and state*): San Jose, CA
  
4. The envelope was addressed and mailed as follows:
 

<ol style="list-style-type: none"> <li>a. Name of person served: Brenda Aguilar-Guerrero; Meyers, Nave, Riback, et al. Street address: 555 12th Street, Suite 1500 City: Oakland State and zip code: CA 94607-4095</li> </ol>	<ol style="list-style-type: none"> <li>c. Name of person served:  Street address: City: State and zip code:</li> </ol>
<ol style="list-style-type: none"> <li>b. Name of person served:  Street address: City: State and zip code:</li> </ol>	<ol style="list-style-type: none"> <li>d. Name of person served:  Street address: City: State and zip code:</li> </ol>

☐ Names and addresses of additional persons served are attached. (*You may use form POS-030(P).*)

5. Number of pages attached 2.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 21, 2018

Carol Ann Bianco-Webb

(TYPE OR PRINT NAME OF DECLARANT)

► Carol Ann Bianco-Webb

(SIGNATURE OF DECLARANT)

1 NORMAN E. MATTEONI (SBN 34724)  
2 MATTEONI, O'LAUGHLIN & HECHTMAN  
3 848 The Alameda  
4 San Jose, CA 95126  
5 Telephone: (408) 293-4300  
6 Facsimile: (408) 293-4004  
7 Email: [norm@matteoni.com](mailto:norm@matteoni.com)

8 Attorneys for Defendants  
9 MWM Investments, LLC, Molinari Supply, Inc.  
10 and American Supply Company

ELECTRONICALLY FILED BY  
Superior Court of California,  
County of Monterey  
On 5/14/2018  
By Deputy: Cummings, Loriele

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF MONTEREY**

TRANSPORTATION AGENCY FOR  
MONTEREY COUNTY,

Plaintiff,

v.

MWM INVESTMENTS, LLC, a  
California limited liability company;  
PRLAP, INC.; BANK OF AMERICA,  
N.A. a national banking association;  
MOLINARI SUPPLY, INC., AMERICAN  
SUPPLY, INC., et al.

Defendants.

Case No. 17CV001231  
*Assigned for All Purposes to  
Honorable Susan J. Matcham, Dept. 15*

**~~PROPOSED~~ ORDER GRANTING  
MOTION TO INCREASE DEPOSIT**

APNs: 002-031-030 and 002-171-028

**Hearing Date: April 20, 2018**

**Time: 9:00 a.m.**

**Dept.: 15, Hon. Susan J. Matcham**

Action Filed: April 6, 2017

The Motion of Defendants MWM INVESTMENTS, LLC, MOLINARI SUPPLY, INC. dba AMERICAN SUPPLY COMPANY ("Defendants") for an Order to Increase Deposit of probable compensation under Code of Civil Procedure section 1255.030 came on for hearing on April 20, 2018 before the Honorable Judge Susan J. Matcham in Department 15 of the above-referenced court. Appearances were noted for the record.

The Court, having considered all pleadings and declarations filed in connection with the Motion, and having allowed all parties the opportunity to appear at the hearing,

1 and good cause appearing, the Court rules that the Motion is HEREBY GRANTED.

2 IT IS HEREBY ORDERED AND DETERMINED THAT:

3 1. Plaintiff TRANSPORTATION AGENCY FOR MONTEREY COUNTY'S  
4 ("TAMC") summary appraisal statement, the basis for the total deposit of probable  
5 compensation of \$722,000.00, did not include the amount to compensate Defendants  
6 for their costs to restore on the remainder property the warehouse space being  
7 condemned by TAMC;

8 2. Defendants are entitled to be compensated in the eminent domain action  
9 for these costs to mitigate the severance damages to the remainder property and to  
10 keep the warehouse functioning at a level equivalent to that before TAMC's take;

11 3. The deposit of probable compensation should be increased in the amount  
12 of \$1,277,560.00; and

13 4. TAMC shall make the deposit into the State Treasury no later than thirty  
14 (30) days from the date of this Order pursuant to Code of Civil Procedure section  
15 1255.030(b).

16 IT IS SO ORDERED.

17  
18 Dated: May 14, 2018



19  
20 HON. SUSAN J. MATCHAM  
21 JUDGE OF THE SUPERIOR COURT  
22

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