ENDORSED
FILED

JUL 1 8 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SONOMA

Ronald and Victoria Hogan in Pro Per
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Windsor, CA 95492
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L&M TENTATIVE RULINGS are available after 2:00 p.m. on the court day prior to the scheduled hearing: http://www.SonomaSuperiorCourt.com Clk (707) 521-6551

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SONOMA

RONALD AND VICTORIA HOGAN Plaintiffs v. **DEANGELIS CONSTRUCTION, INC., a California corporation, MARVIN DEANGELIS, individually, SIGNATURE PROPERTIES, INC., a California Corporation, CLAYTON ENGSTROM, JR., individually, MARY C. ENGSTROM, individually, GARY POPE, individually and DOES 1 through 100, inclusive,** Defendants	**Case No.: SCV-230846** **NOTICE OF MOTION AND MOTION TO RECOVER FEES AND FOR SANCTIONS UNDER CIVIL CODE § 1692 AND CODE OF CIVIL PROCEDURE § 128.5** DATE: NOV - 9 2016 TIME: DEPT: 17 Hon. Gary Nadler

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that RONALD AND VICTORIA HOGAN ("Hogans") will and hereby do move the Court indicated in the caption above, located at 3035 Cleveland Avenue, Santa Rosa, on NOV - 9 2016 at 3:00 p.m. or as soon as the matter may be heard in Department 17 of this Court for an order recovering attorney fees and sanctions from defendants and debtors Clayton Engstrom, Jr. and Mary Engstrom ("Engstroms") both doing business as Signature Properties and their legal counsel Edward McCutchan. The motion will be made on the grounds that fees were part and parcel of the quasi contract for the rescission remedy deemed by Civil Code § 1691 which was confirmed by the trial court and affirmed by the First District Court of Appeal and recoverable under CC § 1692 which requires complete relief. The Hogan offer of rescission contained a fee provision and this Court denied the Engstroms motion to strike fees from the prayer in 2005. The fee provision contained in the offer of rescission remedy