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ORIGINAL FILED  
Northwest District  
JUN 07 2011  
LOS ANGELES  
SUPERIOR COURT

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES – NORTHWEST

11 RABBI SAMUEL OHANA,

12 Plaintiff,

13 vs.

14 VALLEY MISHKAN ISRAEL  
15 CONGREGATION, a California  
16 Corporation; DOE REPOSSESSION  
17 ENTITIES 1 – 4; DOE REPOSSESSION  
18 AGENTS AND/OR EMPLOYEES 5 – 9;  
19 and DOES 10 – 50,

20 Defendants

Case No: LC093832

**VERIFIED COMPLAINT FOR REPLEVIN  
AND DAMAGES BASED UPON:**

- 1) TRESPASS TO PROPERTY;
- 2) TRESPASS TO CHATTELS;
- 3) CONSPIRACY TO COMMIT  
TRESPASS TO PROPERTY;
- 4) CONSPIRACY TO COMMIT  
TRESPASS TO CHATTELS;
- 5) CONVERSION;
- 6) NEGLIGENCE

(Application for Temporary Restraining Order  
Filed Separately Herewith)

21 Plaintiff alleges as follows:

22 **GENERAL ALLEGATIONS**

23 1. The events complained of herein occurred in the city of Sherman Oaks, County of Los  
24 Angeles, State of California.

25 2. Plaintiff RABBI SAMUEL OHANA is an adult, residing in North Hollywood, County  
26 of Los Angeles, California, and the Rabbi of the Synagogue known as Beth Midrash Mishkan  
27 Israel American Institute For Judaic Studies (“Beth Midrash”).  
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1           3. At all times complained of herein, Defendant VALLEY MISHKAN ISRAEL  
2 CONGREGATION (“Valley Mishkan”) is a California Corporation, with its principal place of  
3 business at 6254 Beeman Avenue, North Hollywood, CA 90024, and whose Agent for Service of  
4 Process is Rita Pauker.

5           4. At all times complained of herein, Defendant DOE REPOSSESSION ENTITIES 1 – 4,  
6 business forms unknown, were and are businesses located in California, Arizona, and or  
7 elsewhere in the United States.

8           5. At all times complained of herein, Defendant DOE REPOSSESSION  
9 AGENTS/EMPLOYEES 5 – 9, were and are individual agents, employees and/or contractors of  
10 Defendant DOE REPOSSESSION ENTITIES 1 – 4 or of other named or unnamed defendants  
11 herein. Plaintiff is currently without sufficient knowledge of the names and capacities of each  
12 such individual agent, employee and/or contractor, and therefore alleges each by fictitious name  
13 and alternative capacity upon information and belief that each said fictitiously-named defendant  
14 is responsible in some manner for the occurrences herein alleged, and that the injuries suffered by  
15 Plaintiff were proximately caused by their acts and/or omissions. Plaintiff will seek leave of court  
16 to amend this complaint to reflect said names when the same have been ascertained.  
17

18           6. Upon information and belief, any and all entity defendant(s) herein, whether currently  
19 known or not known, is (are) the alter ego(s) of unknown individual DOE defendant(s) herein.  
20

21           7. Plaintiff is currently without sufficient knowledge of the names and capacities of each of  
22 DOES 10 – 50, and therefore alleges each by fictitious name and alternative capacity upon  
23 information and belief that each said fictitiously-named defendant is responsible in some manner  
24 for the occurrences herein alleged, and that the injuries suffered by Plaintiff were proximately  
25 caused by their acts and/or omissions. Plaintiff will seek leave of court to amend this complaint  
26 to reflect said names when the same have been ascertained.  
27

28           8. Whenever in this Complaint reference is made to any act of a defendant, whether named



1 or unnamed, such allegation shall be deemed to mean that said defendant is and was acting with  
2 the knowledge and consent of his/her respective co-defendants as a principal and under express  
3 of implied agency, and/or with actual or ostensible authority to perform the acts alleged.

4 9. Plaintiff is informed and believes and thereupon alleges that defendants and each of  
5 them were the agents, servants, associates, and/or employees of, and/or were the partners, and/or  
6 joint ventures with their co-defendants, and each of them, and in doing the things herein alleged,  
7 were acting within the courses and scope of their authority as such agents, servants, associates,  
8 and/or employees of, and/or as such joint ventures, and/or partners with, their co-defendants, and  
9 each of them.  
10

11 10. Plaintiff is informed and believes and thereupon alleges that each of the natural  
12 defendants was acting at all times within the course and scope of his or her employment and/or  
13 official duties and/or agency and/or contract, and that each entity-defendant is therefore liable for  
14 the acts and/or omissions of its respective natural defendants under the doctrine of Respondeat  
15 Superior.  
16

17 11. Plaintiff is informed and believes and thereupon alleges, that the acts and/or omissions  
18 of each of unknown natural DOE defendants was and were authorized, and/or ratified by the  
19 officers, directors, and/or managing agents of unknown DOE entity-defendants which may be  
20 named in this action, and that each of the acts and/or omissions of the entity-defendants, was and  
21 were authorized, and/or ratified by the officers, directors, and/or managing agents of other entity-  
22 defendants, and that each entity-defendant, ratified, and/or condoned, authorized, approved,  
23 and/or failed to repudiate, all of the wrongful conduct alleged herein.  
24

#### 25 **FACTUAL ALLEGATIONS**

26 12. Since 2002, there has been an ongoing dispute concerning the ownership of four scrolls  
27 of the Torah, the Five Books of Moses which were in the possession of Plaintiff until on or about  
28 May 25, 2011. Torah scrolls are the holiest objects in Judaism, each handwritten by an expert



1 scribe (“Sofer”) on parchment skins, all in the ancient Jewish tradition. Each of the four Torah  
2 scrolls is distinct, with individual handwriting, lettering style, size of parchment, age, and  
3 condition. Filed together with Plaintiff’s Application for Temporary Restraining Order is the  
4 Declaration of Rabbi David Rue, an expert Sofer (scribe), attached to which (as Exhibit 1) is a  
5 copy of Rabbi Rue’s expert evaluation report on the four Torah scrolls, detailing for each its  
6 identifying markers, age, size, style, condition and value. As indicated, the newest scroll is 49  
7 years and the oldest approximately 100 years, with appraised values of \$3,000, \$4,000, \$10,000,  
8 and \$12,000, varying by age and condition as of the appraisal date: December 15, 2009.

10 13. Since May 1997 the four disputed Torah scrolls have been safely housed exclusively  
11 and without interruption in Plaintiff’s synagogue, Beth Midrash Mishkan Israel American  
12 Institute For Judaic Studies, located at ~~12555 Huston, North Hollywood, California.~~  
13 *13312 BURBANK BLVD., SHERMAN OAKS,*

14 14. On or about May 25, 2011, after the daily morning prayer service, Rabbi Ohana closed  
15 the Synagogue, turned out the lights, and locked the door, all in his usual fashion. That morning,  
16 the Rabbi had a dental appointment. Rabbi Ohana has no assistant in the Synagogue. No other  
17 person regularly enters the Synagogue in his absence.

18 15. Upon returning to the Synagogue shortly after noon that date, Rabbi Ohana found the  
19 front door unlocked, ajar, and the lights on. Upon entering the open Synagogue, the Rabbi  
20 discovered that four Torah scrolls had been stolen from the cabinets housing the Torah scrolls.

21 16. Upon close examination, Rabbi Ohana discovered that two of the stolen Torah scrolls  
22 were from the group of four disputed scrolls, while the other two stolen Torah scrolls were from  
23 the Rabbi’s personal collection of four scrolls, purchased and owned exclusively by Rabbi  
24 Ohana.  
25

26 17. The age of Rabbi Ohana’s two stolen Torah scrolls is approximately 40 years each.  
27 The condition of each of the two stolen Torah scrolls is excellent. Rabbi Ohana estimates the  
28 value of his two stolen Torah scrolls at approximately \$20,000 each.

1 18. Rabbi Ohana immediately reported the burglary and theft to the Los Angeles Police  
2 Department, which took a report and began an investigation.

3 19. Later that afternoon (May 25, 2011), Rabbi Ohana telephoned Stuart Zimmermann, a  
4 close associate of Rita Pauker. Upon asking Zimmermann about the four Torah scrolls and  
5 identifying two as belonging personally to Rabbi Ohana, Zimmermann responded with words to  
6 the effect of: "If you want your Torah scrolls back, have your attorney call Rita's attorney and  
7 dismiss the appeal."  
8

9 20. LAPD Detective Yip has confirmed to Plaintiff's counsel, Attorney Steven R.  
10 Friedman, that repossession agents from Arizona were in possession of the four Torah scrolls. To  
11 date, LAPD detective Yip has declined to take action to recover the scrolls or to refer the case for  
12 prosecution.

13 **URGENCY TO RETURN STOLEN PROPERTY TO PLAINTIFF**

14 21. Rita Pauker has told Rabbi Ohana that the four disputed Torah scrolls constitute her  
15 "pension." Rita Pauker has told Rabbi Ohana that she needs the income from the Torah scrolls to  
16 survive. Rita Pauker has told Rabbi Ohana that she intends to send one or more of the Torah  
17 scrolls to persons in Florida.  
18

19 **FIRST CAUSE OF ACTION**

20 **TRESPASS TO PROPERTY**

21 (As against each and every Defendant named herein)

22 22. Plaintiff incorporates by reference Paragraphs 1 –21 inclusive as though fully set forth  
23 herein.  
24

25 23. Defendants, and each of them, intentionally entered upon the property of Plaintiff as  
26 described hereinabove with the unlawful intent to take property in the rightful possession of  
27 Plaintiff, and/or belonging to Plaintiff.  
28



1 24. Defendants, and each of them, intentionally entered upon the property of Plaintiff as  
2 described hereinabove with the unlawful intent to take property belonging to Plaintiff.

3 25. Plaintiff thereby suffered and continues to suffer damages in an amount to be proven at  
4 the time of trial.

5 **SECOND CAUSE OF ACTION**

6 **TRESPASS TO CHATTELS**

7  
8 (As against each and every Defendant named herein)

9 26. Plaintiff incorporates by reference Paragraphs 1 – 25 inclusive as though fully set forth  
10 herein.

11 27. Defendants, and each of them, intentionally interfered with Plaintiff's lawful  
12 possession of Torah scrolls as described hereinabove.

13 28. Plaintiff thereby suffered and continues to suffer damages in an amount to be proven at  
14 the time of trial.

15 **THIRD CAUSE OF ACTION**

16 **CONSPIRACY TO COMMIT TRESPASS TO PROPERTY**

17  
18 (As against each and every individual Defendant named herein)

19 29. Plaintiff incorporates by reference Paragraphs 1 – 28 inclusive as though fully set forth  
20 herein.

21 30. Defendants, and each of them, agreed to commit trespass against Plaintiff's property in  
22 order to unlawfully take Plaintiff's Torah scrolls and/or Torah scrolls in the rightful possession of  
23 Plaintiff from Plaintiff's property by unlawful means as described hereinabove.

24 31. Plaintiff thereby suffered and continues to suffer damages in an amount to be proven at  
25 the time of trial.

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**FOURTH CAUSE OF ACTION**

**CONSPIRACY TO COMMIT TRESPASS TO CHATTELS**

(As against each and every natural Defendant named herein)

32. Plaintiff incorporates by reference Paragraphs 1 – 31 inclusive as though fully set forth herein.

33. Defendants, and each of them, agreed to commit trespass against Plaintiff's Torah scrolls in order to unlawfully take Plaintiff's Torah scrolls, as described hereinabove and/or

34. Defendants, and each of them, agreed to commit trespass against Torah scrolls in the rightful possession of Plaintiff and/or Torah scrolls belonging to Plaintiff from Plaintiff's property by unlawful means as described hereinabove.

35. Plaintiff thereby suffered and continues to suffer damages in an amount to be proven at the time of trial.

**FIFTH CAUSE OF ACTION**

**CONVERSION**

33. Plaintiff incorporates by reference Paragraphs 1 – 32 inclusive as though fully set forth herein.

34. Defendants, and each of them, without any lawful claim, right, or authorization, took two Torah scrolls owned by Plaintiff from Plaintiff's possession.

35. Plaintiff has demanded return of Plaintiff's two Torah scrolls.

36. Defendants have refused to return Plaintiff's two Torah scrolls.

37. Plaintiff thereby suffered and continues to suffer damages in an amount to be proven at the time of trial.

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1 **SIXTH CAUSE OF ACTION**

2 **NEGLIGENCE**

3 (As against each and every Defendant named herein)

4 38. Plaintiff incorporates by reference Paragraphs 1 – 37 inclusive as though fully set  
5 forth herein.

6 39. While engaging in “self help” to repossess disputed Torah scrolls, Defendants owed a  
7 duty to Plaintiff to properly identify those Torah scrolls which were subject to the dispute, and  
8 not to take Torah scrolls belonging to Plaintiff and not subject to the dispute.

9 40. Defendants, and each of them, negligently committed trespass against Plaintiff’s Torah  
10 scrolls, as described hereinabove.

11 41. Plaintiff thereby suffered and continues to suffer damages in an amount to be proven at  
12 the time of trial.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, based upon the foregoing, Plaintiff prays as follows:

15 **FOR THE FIRST CAUSE OF ACTION FOR TRESPASS TO PROPERTY:**

- 16
- 17 1. For Plaintiff’s general pain and suffering damages according to proof at trial;
  - 18 2. For special damages according to proof at trial;
  - 19 3. For Punitive Damages to punish defendants and deter future wrongful conduct according  
20 to the findings of the jury or the court sitting without a jury;
  - 21 4. For Plaintiff’s costs of suit herein;
  - 22 5. For such other relief the court finds just and proper.

23 **FOR THE SECOND CAUSE OF ACTION FOR TRESPASS TO CHATTELS:**

- 24
- 25 6. Replevin;
  - 26 7. Plaintiff’s general pain and suffering damages according to proof at trial;
  - 27 8. Special damages according to proof at trial;



- 1 9. Punitive Damages to punish defendants and deter future wrongful conduct according to  
2 the findings of the jury or the court sitting without a jury;  
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4 10. Plaintiff's costs of suit herein;  
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6 11. such other relief the court finds just and proper.

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14 FOR THE THIRD CAUSE OF ACTION FOR CONSPIRACY TO COMMIT TRESPASS  
15 TO PROPERTY:

- 16 12. Plaintiff's general pain and suffering damages according to proof at trial;  
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18 13. Special damages according to proof at trial;  
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20 14. Punitive Damages to punish defendants and deter future wrongful conduct according to  
21 the findings of the jury or the court sitting without a jury;  
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23 15. Plaintiff's costs of suit herein;  
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25 16. Such other relief the court finds just and proper.

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29 FOR THE FOURTH CAUSE OF ACTION FOR CONSPIRACY TO COMMIT  
30 TRESPASS TO CHATTELS:

- 31 17. Plaintiff's general pain and suffering damages according to proof at trial;  
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33 18. Special damages according to proof at trial;  
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35 19. Punitive Damages to punish defendants and deter future wrongful conduct according to  
36 the findings of the jury or the court sitting without a jury;  
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38 20. Plaintiff's costs of suit herein;  
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40 21. Such other relief the court finds just and proper.

41 FOR THE FIFTH CAUSE OF ACTION FOR CONVERSION:

- 42 22. Replevin;  
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44 23. Plaintiff's general pain and suffering damages according to proof at trial;  
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46 24. Special damages according to proof at trial;  
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48 25. Punitive Damages to punish defendants and deter future wrongful conduct according to  
49 the findings of the jury or the court sitting without a jury;

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26. Plaintiff's costs of suit herein;

FOR THE SIXTH CAUSE OF ACTION FOR NEGLIGENCE:

27. Replevin;

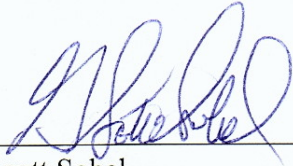
28. Plaintiff's general pain and suffering damages according to proof at trial;

29. Special damages according to proof at trial;

30. Plaintiff's costs of suit herein;

31. Such other relief the court finds just and proper.

DATED: June 6, 2011



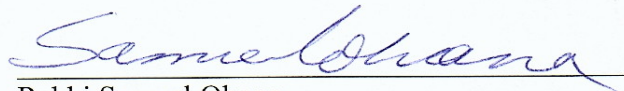
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G. Scott Sobel  
Attorney for Rabbi Samuel Ohana

VERIFICATION

I have read the foregoing and know its contents. I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters, I believe them to be true.

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

Executed on June 7, 2011, at North Hollywood, California.



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Rabbi Samuel Ohana