

to relate to the incomplete sentence to which reference is above made in #2, Respondent is unable to ascertain with certainty the truth or falsity of said statement, and therefore denies the same.

II.

1. For answer to #1 of the "Facts Supporting Complaint", Respondent admits the same.

2. For answer to #2 of the "Facts Supporting Complaint", Respondent admits the facts therein stated, but alleges that additional relevant facts have been omitted, to-wit:

A. When the Plaintiff's counsel filed his motion for reconsideration, he did not note the matter up for hearing, but requested that the Court rule on the matter on the written materials.

B. When the Court was presented the letter of the Plaintiff's attorney, the Court advised the Clerk that when someone properly noted the motion for hearing, the Court would rule on it.

C. The clerk wrote a letter advising the Plaintiff's attorney to note the motion for hearing any Monday at 1:30P.M.

D. Defendant, who was then pro-se, wrote a letter to the Court, asked for more time to answer, and to see an attorney, inquiring about time limits to respond.

E. Plaintiff's counsel subsequently noted the case for hearing on May 4, 1987, and the parties appeared for

argument on that date, and arguments were held..

F. At the May 4, 1987 hearing, the Court indicated its inclination to deny the Plaintiff's motion at that time, but at the request of Plaintiff's attorney, the case was continued for hearing to a date certain, June 15, 1987, for the submission of additional briefing.

G. At the time the case was continued on May 4, 1987, counsel inquired if appearance would be required on the date to which the hearing was continued. The Respondent Judge stated that appearance would not be required if the only thing to be submitted for the continued hearing was additional briefing.

3. For answer to #3 of the "Facts Supporting Complaint", Respondent admits the facts therein stated but alleges that additional relevant facts have been omitted, to-wit:

A. Defendant's attorney responded to the Plaintiff's request for entry of written Findings of Fact and Conclusion by "strenuous objection" to the entry of (i) ANY written Findings and Conclusions and (ii) the Findings and Conclusions presented by Plaintiff's attorney.

B. Defendant's attorney further responded to Plaintiff's attorney's request for entry of written Findings and Conclusions by requesting further time to present his own if the Court decided to allow entry of written Findings and Conclusions.

4. For answer to #4 of the "Facts Supporting Complaint",

Respondent admits the facts therein state, but alleges that additional relevant facts have been omitted, to-wit:

A. On June 15, 1987, neither party nor their attorneys appeared on the regular motion calendar to argue about the requested entry of written Findings and Conclusions.

5. For answer to #5 of the "Facts Supporting Complaint", Respondent admits the same.

6. For answer to #6 of the "Facts supporting Complaint", Respondent admits the facts therein stated, but alleges additional relevant facts have been omitted, to-wit:

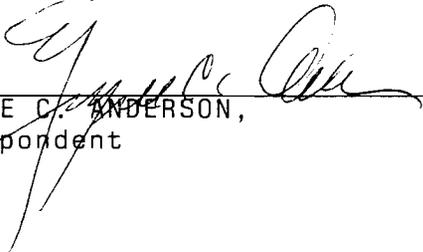
A. The hearing on December 11, 1989 was held on the sua-sponte order of the Respondent for resolution of the issued of whether or not written Findings of Fact and Conclusions of Law should be entered and if so, in what form.

B. In the notice to the parties that the hearing would be held, the parties were given the opportunity to appear or not, with the admonition that if no one appeared, the Court would make a decision on the basis of what was in the file.

C. On the date of the Court-scheduled hearing, December 11, 1989, Plaintiff's counsel appeared, having on December 4, 1989 previously filed a "Response to Court's Letter of October 23, 1989". Defendant appeared pro-se, his attorney having meanwhile withdrawn, and both parties argued their respective viewpoints. A decision on all of the matters before the Court was immediately made orally on the

record (pursuant to RALJ 5.2), confirming in most respects the prior decision made by the Respondent on March 17, 1987, but awarding certain attorneys fees to both parties. The Court then wrote a letter to the parties confirming entry of the decision as of December 11, 1989.

Dated this 4th day of February, 1990.



EUGENE C. ANDERSON,
Respondent