

1 to 663A.

2 So I've got to tell you, it's hard to imagine a
3 more unmeritorious motion than this case. They absolutely
4 were able to show no wrong whatsoever to give them any of
5 the relief that they requested in their complaint.

6 THE COURT: All right.

7 MR. ANZ: Your Honor, if I may clarify?

8 THE COURT: Surely.

9 MR. ANZ: We absolutely agree with counsel. We did
10 make the motion under 663. It's not a 473 motion. Our
11 moving papers say this is a 663 motion. The order was
12 entered on December 13th. This was filed in December,
13 shortly thereafter, well within the 15 days.

14 And the whole premise of that is exactly as he
15 stated. Once the judgment was delivered, once the
16 judgment -- and the transcript is here also before the
17 Court -- the nonsuit was based on the fact that no evidence
18 of damages was presented, therefore no accounting would be
19 ordered, which is not what we had sought.

20 And it is in our opening statement as the
21 transcripts will show; it is in our closing argument when
22 he made the motion for the nonsuit, that we merely had
23 asked for a declaration. And that's what this document
24 says also, that we asked for a declaration. We've laid out
25 the specific items. We've identified the documents that
26 pertain to the specific areas.

27 We're not asking the Court to do an
28 interpretation of anything which might run afoul of