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November 27, 2017

**By E-Submission & Federal Express**

Clerk of Court  
California Supreme Court  
355 McAllister Street  
San Francisco, CA 94102-4797

SUPREME COURT  
**FILED**

NOV 28 2017

Jorge Navarrete Clerk

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Deputy

**Re: Supplemental Reply in *Jameson v. Desta*, No. S230899**

Dear Chief Justice and Justices of the Supreme Court:

As explained in Mr. Jameson's supplemental letter brief, Mr. Jameson does not dispute that the 2015 amendments to Rules of Court, rule 3.55(7) do not themselves require superior courts to provide an official court reporter at every hearing at which a fee waiver recipient appears. That point, however, is neither relevant to the disposition of the question before the Court nor the remedy sought by Mr. Jameson.

Dr. Desta's supplemental brief certainly offers no explanation for why it would. Dr. Desta does not argue that Rule 3.55(7) in any way *limits* a superior court's obligation to exercise its discretion to protect the rights of indigent litigants to access the appellate process. Nor does he contend that Rule 3.55(7) somehow authorizes superior courts to abdicate their well-settled obligation to exercise their discretion to protect the right to access.

Thus, Dr. Desta's supplemental brief does not materially disagree with Mr. Jameson's brief about the issue on which this Court ordered supplemental briefing. Rule 3.55(7), including its 2015 Amendments, has no meaningful effect on the disposition of any issue essential to Mr. Jameson's appeal.

Finally, Dr. Desta's assertions about transcription fees have no bearing on the question on which the Court sought supplemental briefing. Nor, as explained in Mr. Jameson's merits reply, do they have any significance to the issues by Mr. Jameson's appeal, or for that matter, any support in the record in this case.

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Should the Court have any further questions on any issue bearing on the merits of Mr. Jameson's appeal, Mr. Jameson stands ready to address them.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Shipley', written in a cursive style.

Michael Shipley

MJS

Enclosure

cc: Service List (By Federal Express & U.S. Mail)

**PROOF OF SERVICE**

I, Amy D. Palafox, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Kirkland & Ellis LLP, 333 South Hope St., 29th Floor, Los Angeles, California 90071.

On November 27, 2017, I served the documents listed below on the interested parties in this action as follows:

**PETITIONER BARRY S. JAMESON'S  
SUPPLEMENTAL REPLY LETTER BRIEF**

**[Federal Express]** By placing the document(s) listed above in a sealed overnight courier envelope and taking such packages to the nearest Federal Express office located at 333 S. Hope Street, Los Angeles, California 90071, with charges thereon fully prepaid in the ordinary course of business.

**[U.S. Mail]** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth herein. I am familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid in the ordinary course of business.

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By Federal Express:  Service of 1 Paper Copy	James J. Wallace II Russell M. Mortyn David J. Ozeran LA FOLLETTE, JOHNSON, DE HAAS, FESLER & AMES 501 W. Broadway, Suite 800 San Diego, CA 92101 Telephone: (619) 400-4977 Facsimile: (619) 400-4979  <i>Counsel for Respondent Taddese Desta, M.D.</i>
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<p><b>By U.S. Mail:</b></p> <p>Service of 1 Paper Copy</p>	<p>Michele Leigh Maryott  Blaine Hill Evanson  Carolyn S. Small  Gibson Dunn &amp; Crutcher LLP  3161 Michelson Drive  Irvine, CA 92612</p> <p><i>California Academy of Appellate Lawyers  (Amicus curiae)</i></p>
<p><b>By U.S. Mail:</b></p> <p>Service of 1 Paper Copy</p>	<p>Michael Joseph Levy  California Department of Insurance  300 Capitol Mall, Floor 17  Sacramento, CA 95814</p> <p><i>Amicus Curiae Committee of the California  Commission on Access to Justice  (Amicus curiae)</i></p>
<p><b>By U.S. Mail:</b></p> <p>Service of 1 Paper Copy</p>	<p>Catherine J. Blakemore  Attorney at Law  1831 K Street  Sacramento, CA 95811</p> <p><i>Amicus Curiae Committee of the California  Commission on Access to Justice  (Amicus curiae)</i></p>

(STATE) I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 27, 2017, at Los Angeles, California.

  


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 Amy D. Palafox