Supreme Court No. S183372

IN THE SUPREME COURT

OF THE STATE OF CALIFORNIA

PORFIRIO SERRANO, et al., Plaintiffs and Appellants, v. STEFAN MERLI PLASTERING COMPANY, INC., et al., Defendants.	Appeal No. B215837 Superior Court No. BC324031
COAST COURT REPORTERS, INC., Real Party in Interest, Respondent.	

ANSWER TO PETITION FOR REVIEW

On Appeal from the Judgment of the Superior Court
of the State of California, County of Los Angeles

Hon. Aurelio Munoz, Judge

John L. Dodd, Esq., #126729
JOHN L. DODD & ASSOCIATES
17621 Irvine Blvd., Ste. 200
Tustin, CA 92680
(714) 731-5572
fax (714) 731-0833
JDodd@Apppellate-Law.com

Peter A. Noronha, Esq. #107088
CHAMBERS, NORONHA & KUBOTA
2070 N. Tustin Ave.
Santa Ana, CA 92705

Attorneys for Respondent/Real Party, Coast Court Reporters, Inc.

Supreme Court No. S183372

IN THE SUPREME COURT

OF THE STATE OF CALIFORNIA

PORFIRIO SERRANO, et al., Plaintiffs and Appellants, v. STEFAN MERLI PLASTERING COMPANY, INC., et al., Defendants. COAST COURT REPORTERS, INC., Real Party in Interest, Respondent.	)	Appeal No. B215837 Superior Court No. BC324031

ANSWER TO PETITION FOR REVIEW

On Appeal from the Judgment of the Superior Court
of the State of California, County of Los Angeles

Hon. Aurelio Munoz, Judge

John L. Dodd, Esq., #126729
JOHN L. DODD & ASSOCIATES
17621 Irvine Blvd., Ste. 200
Tustin, CA 92680
(714) 731-5572
fax (714) 731-0833
JDodd@Apppellate-Law.com

Peter A. Noronha, Esq. #107088
CHAMBERS, NORONHA & KUBOTA
2070 N. Tustin Ave.
Santa Ana, CA 92705

Attorneys for Respondent/Real Party, Coast Court Reporters, Inc.

TOPICAL INDEX

TABLE OF AUTHORITIES

California Supreme Court Cases

California Appellate Cases

Rules of Court

INTRODUCTION

This case began as a business dispute between the attorneys for the plaintiffs in a personal injury lawsuit (the "Bloom firm"), and a small court reporting service engaged by the defense to transcribe expert depositions prior to trial, Coast Court Reporters, Inc. ("Coast"), over a $261.56 fee Coast charged to expedite the processing of the Bloom firm's copy of an expert deposition. Coast and the Bloom firm agreed to submit the dispute to the trial judge. (1AA 175.) Moreover, "Coast waived its fees and delivered all of the deposition transcripts to plaintiffs pending the trial court's determination of the reasonableness of the expedited-service fee." (*Serrano v. Stefan Merli Plastering Company, Inc.* (2010) 184 Cal.App.4th 178, 189 ("*Serrano II*").) Coast argued that, under existing precedent, the trial court could not regulate the amount of the expedite fee. (1AA 182-190.) The Bloom firm contended the court could. (1AA 208.)

The trial court agreed with Coast. Despite the prior agreement, the Bloom firm attempted to delay payment on *all* Coast's invoices and, as a result, the trial court was required to order the Bloom firm to pay the outstanding transcript invoices. (2AA 293, 308.) The Bloom

firm appealed.

The Court of Appeal ruled the trial court *did* have the authority to rule on the reasonableness of the deposition reporter's expedite fee, but also explained a deposition reporter may charge "a reasonable fee for expediting the making, certification, and delivery of a copy." (*Serrano v. Stefan Merli Plastering Co., Inc.* (2008) 162 Cal.App.4th 1014, 1038 ("*Serrano I*").) On remand, apparently disagreeing with the Court of Appeal, the trial judge ruled Coast was not entitled to *any* expedite fee for processing the Bloom firm's deposition copies on an expedited basis. (2AA 566.) Wishing the entire matter to "go away," Coast did not appeal that ruling.

However, the case did not end there. Instead, the Bloom firm sought $50,000.00 from Coast in private attorney general fees pursuant to Code of Civil Procedure section 1021.5, which the trial court correctly denied. (RT D-3, 4AA 1002.) The Bloom firm appealed. The Court of Appeal affirmed, finding no abuse of discretion by the trial court and further ruling this Court's recent decision in *Adoption of Joshua S.* (2008) 42 Cal.4th 945 ("*Joshua S.*") governed. (*Serrano II,* at pp. 188-191.)

Review should be denied because the Court of Appeal's

Opinion was correct that this "private disagreement over an invoice" was not transformed into "public interest litigation" merely because that dispute eventually resulted in a published opinion. (*Serrano II, supra*, at p. 189.) More importantly, because the instant opinion is consistent with this Court's recent *Joshua S.* opinion, there is no lack of uniformity of decision or need to "settle" any important question of law (Cal. Rules of Court, rule 8.500(b)(1)) because this Court recently did just that in *Joshua S.* This petition should be denied.

STATEMENT OF CASE AND FACTS

The Court of Appeal filed its Opinion in *Serrano I* on May 7, 2008. (1AA 25.) Remittitur issued August 28, 2008. (1AA 18.)

The matter first came back on before the trial court on November 7, 2008, at which time the trial court indicated it believed appellants should "just pay whatever it cost for the first copy; whatever that cost is, as long as it's reasonable, that's all that's required." (RT A-3.) Even though that is what the Serranos had been requesting, their counsel desired to submit additional briefing on the matter. (*Ibid.*) The hearing was set for December 4, 2008. (1AA 63.)

Coast submitted further briefing, explaining how it had arrived at the expedite fee for the copies and why that fee was appropriate

and reasonable. (1AA 66-107.) The Serranos' counsel filed a brief arguing the charges were not reasonable (1AA 108-119), noting in a footnote they were "exploring whether there is statutory authority for an award of reasonable attorneys fees in this case . . . ." (1AA 109, fn. 1.) Counsel also sought to impose liability against Ms. Holly personally rather than the business entity, Coast Court Reporters, Inc. (1AA 120-126.) Coast and the Serranos both filed replies. (2AA 472A, 476.) Amicus Deposition Reporters Association of California also filed a brief correcting an assertion made by the Serranos (2AA 499), prompting the Serranos to file more paperwork. (2AA 505, 513.)

The tentative ruling for the December 4, 2008, hearing was:

> This matter was remanded from the court of appeal with orders for this court to determine if any of the fees charged the Serranos were unreasonable and, if so, to order the refund to the Serranos of that amount. The court is of the opinion that charging the Serranos for the expedited transcript was unreasonable. That amount was apparently $2,871.87. Coast Court Reporters is ordered to return that money to counsel for the Serranos. Additionally, because Coast has withheld that money from the date of the original payment, the Serranos are entitled to interest at the rate of 7% from the date of the original payment. (2AA 566.)

When the parties appeared on December 4, 2008, the trial court began by noting:

> "Okay. I'm not here to try and take over an industry. I'm not here to regulate an industry. I'm just concerned with this case and the expedited charges. And the Court of Appeal said you're not entitled to an expedited cost. You tried to reargue, basically, what you lost in the Court of Appeal. And if you think I'm wrong, go up there and tell Judge Croskey." (RT B-1.)

Coast's counsel pointed out the Opinion "did not say the expedited fees were unreasonable," but instead "this trial court is to determine what a reasonable expedite fee is for a certified copy." (RT B-2.) After further discussion, the court was not inclined to change its tentative ruling, and ruled none of the additional expedite charges were appropriate. (RT B-11.)

On December 22, 2008, Coast paid the full amount ordered. (2AA 569-570.) However, the parties could not agree on the language for the order after the December 4 hearing so on January 9, 2009, they submitted a joint request for the trial court to resolve that dispute. (3AA 573.) The Serranos' order included additional language not found by the trial court and sought to impose liability on Ms. Holly personally. (3AA 596.) At the hearing, the Serranos' counsel repeated he wanted the order to specify "Nancy Tressalt, also known as Nancy Holly DBA Coast Court Reporters," but Coast wanted the order to reflect the true status of Coast's corporate entity:

"Coast Court Reporters, Inc. DBA Coast Court Reporters." (RT C-1-C-2.) The Serranos' counsel was seeking to impose personal liability on Ms. Holly even though the full amount the trial court had ordered already had been paid. (RT C-3.)

When the trial court inquired as to why counsel cared whom the order specified if the amount had been paid, counsel admitted, "We have contemplated filing a motion for attorney's fees on Code of Civil Procedure section 1021.5 . . . ." (RT C-4-C-5.) Coast's counsel objected that the Serranos' order included additional "language that we feel the court has never considered, certainly has never said, and is an effort to suggest that the court is trying to enforce an important right affecting the public interest or benefitting the general public or a large class of persons." (RT C-5.) The court replied, "I'm not going to award attorney fees; so I'm going to go ahead and sign Mr. Noronha's [Coast's] . . . order." (RT C-5.)

Attorney Idell argued the trial court previously had stated the fee was unconscionable, but the court reiterated: "I'm not going to turn around and award a whole bunch of attorney's fees from all the reporters who were doing this. We now have uniformity and really the people that would be suffering would be the attorneys. No." (RT

C-6.) The trial court signed the order submitted by Coast. (3AA 600-601.)

Notwithstanding this clear statement of intent by the trial court, on January 22, 2009, the Bloom firm did file a motion seeking attorney fees pursuant to Code of Civil Procedure section 1021.5 (3AA 604)[1], which Coast opposed. (4AA 873, 890.) The hearing on the motion was held March 9, 2009. (RT D-1.) The Court's tentative ruling explained:

> The motion is denied. ". . . [S]ection 1021.5 does not authorize an award of attorney fees against an individual who has done nothing to adversely affect the rights of the public or a substantial class of people other than raise an issue in the course of private litigation that could establish legal precedent adverse to a portion of the public. . . ." (*Adoption of Joshua S.* (2008) 42 Cal.4th 945, 949.) Here that is exactly what occurred. Moving party was not trying to vindicate the public's interest. Rather, he was trying to protect his own interest and in so doing, by virtue of a published opinion, he conferred a benefit to litigants.

(4AA 1003.)

Notwithstanding *Joshua S.*, attorney Idell argued section 1021.5 attorney fees were appropriate because "the effect of the opinion was to affect the public interest." (RT D-1.) He also

---

[1] Those moving papers neglected to cite *Joshua S.* even though this Supreme Court had filed that opinion a year earlier.

contended Coast's policies "affected their other customers," "their actions were representative of industry standards," and "this was not a situation where the actions of the Serranos were solely to vindicate their own rights." (RT D-3.) He contended *Joshua S.* was distinguishable because that case "truly involved solely the rights between two parties. . . ." (*Ibid.*) The trial court declined to change its tentative ruling, denying the motion for attorney fees. (*Ibid.*, 4AA 1002.) The Serranos appealed on April 29, 2009. (4AA 1013.)

On April 28, 2010, the Court of Appeal filed its opinion, affirming the trial court's ruling. (Pet., App. A.)

//

DISCUSSION

1. There Are No Grounds for Review Because *Serrano II* Is Consistent with *Joshua S.* and Prior Precedent.

The Court of Appeal ruled: "The trial court here did not abuse its discretion in concluding that *Serrano I* was a private dispute, not public interest litigation, notwithstanding our decision to publish *Serrano I* did have, as plaintiffs characterize it: a 'public effect.'" (*Serrano II, supra,* at p. 188.) This position is consistent with this Court's decision in *Joshua S.* that private attorney general fees are not to be awarded against "an individual who has only engaged in litigation to adjudicate private rights from which important appellate precedent happens to emerge, but has otherwise done nothing to compromise the rights of the public or a significant class of people." (*Joshua S., supra*, 42 Cal.4th at p. 954.) Fees are not appropriate even if the litigation "did yield a substantial and widespread public benefit." (*Id.,* at p. 952.)

Serrano II also is consistent with this Court's prior decision in *Woodland Hills Residents Assn., Inc. v. City Council* (1979) 23 Cal.3d 917 ("*Woodland Hills*"), explaining the general effect of an appellate opinion does not transform a case into public interest

litigation. (*Id.*, at p. 946.)

Here, Coast was not acting contrary to the rights of "the public or a significant class of people." It was charging a fee for expediting a copy of a deposition transcript, which *Serrano I* ruled it could do (*Serrano I*, *supra*, at p. 1038), but in an amount the trial court believed – in this particular case – to be too much because this trial court believed there should be no expedite fee charged. The expedite fee affected no one other than the Bloom firm and the Serranos. As the Court of Appeal wrote: "The proceeding in *Serrano I* settled only plaintiffs' and Coast's private rights." (*Serrano II*, at p. 189.)

The fact the private business transaction took place in the context of a discovery proceeding in civil litigation does not change this private business transaction into a matter of "public interest." If that were the case, then private disputes over charges for blowups of courtroom exhibits, service of subpoenas or expert witness fees similarly could be transformed into "public interest" litigation if those disputes resulted in published opinions.

To the extent petitioners argue *Serrano II* was decided incorrectly, that is an insufficient reason for review. (*People v. Davis* (1905) 147 Cal. 346, 348.) Because the *Serrano II* opinion is

consistent with recent – and earlier – precedent from this Supreme Court, there is neither a lack of uniformity of decision nor a need to "settle" any important question of law. (Cal. Rules of Court, rule 8.500(b)(1).) The petition for review should be denied.

2. None of Petitioners' Asserted Reasons for Review Is Persuasive.

Petitioners' statement of "Issues Presented for Review" at pages two through eight borders on the undecipherable but apparently is an attempt to convince this Court this case presents complex problems requiring resolution because the *Joshua S.* opinion was confusing.[2] *Joshua S.* was not confusing and needs no clarification. The trial court and the Court of Appeal correctly applied *Joshua S.'s* precedent to resolve the questions presented in this case.

At pages six through eight, petitioners also contend the question of the appropriate standard of review employed by the Court of Appeal merits review. (See also Pet., pp. 32-33.) This is irrelevant in the instant case because the Court of Appeal affirmed the trial

---

2

See also page 11: "Respectfully, *Joshua S.'s* opinion's structure and word selection is partly responsible for the present misinterpretation. Clarification is necessary . . . ."

court's ruling under *both* the de novo and abuse of discretion standards of review. (*Serrano II, supra,* at pp. 189-191.)

Petitioners also object to the opinion's "tone," apparently upset because *Serrano II* does not chastise all California court reporters sufficiently. (Pet. p. 8.) They cite no authority establishing that is a sufficient justification for review, however.

Petitioners claim *Serrano II* "forecloses" "public interest litigation" involving small sums of money. (Pet. p. 11.) Not so. First, this assertion is based on the false premise that the instant dispute was "public interest litigation." Moreover, true public interest litigation would not be foreclosed because a very large portion of class action cases involve small sums of money and provide for attorney fees under other statutes. Finally, if the dispute involves a small sum of money, and there is no other statute providing for attorney fees; it most probably is a dispute which the Legislature has seen fit to relegate to small claims court. Not every monetary dispute is meant to be a fee-generating vehicle for attorneys.

Similarly, the Bloom firm contends it is entitled to an attorney fee award because it achieved some "success against the entire

industry's standard." (Pet. p. 14.) Had the Bloom firm wanted to bring a class action against the court reporting profession as a whole, it should have done so. Instead, it contested one expedite fee charged by one court reporting agency in the context of one private case. That the dispute resulted in a published decision which may have affected others through the principle of stare decisis and the development of the common law is an insufficient basis to impose attorney fees on one court reporter.

Petitioners subsequently argue *Serrano II* was decided incorrectly because: "*Serrano #1* conferred a benefit on litigants by a published opinion." (Pet. p. 22.) Indeed, the "big, important case" rationale is the primary reason petitioners believe they are entitled to attorney fees. However, California law is consistent that the general effect of an appellate opinion does not transform a case into public interest litigation. (*Woodland Hills,* supra, at p. 946.) Petitioners rely on an assertion that the subject matter of *Serrano I* was important and of statewide interest, thereby meriting publication (Pet p. 23), as the basis for the claim this was "public interest litigation." This is directly contrary to *Woodland Hills*, demonstrating it is petitioners' claims which are contrary to settled law, not the opinion in *Serrano*

II.

Petitioners devote much of their petition to extolling the importance of *Serrano I* and the social utility of judicial scrutiny over court reporters' fees. (Pet. pp. 23-32.) However, that is irrelevant to the issue at hand. The question here is whether *Serrano II* conflicts with *Joshua S., Woodland Hills* and other relevant law so that there is demonstrably a lack of "uniformity of decision" and, therefore, a need "to settle an important question of law." (Cal. Rules of Court, rule 8.500(b)(1).) Whether or not *Serrano I* was a beneficial opinion is irrelevant to that question.

It is interesting to note attorney Idell's comments in his July 21, 2008, letter to this California Supreme Court, concerning the long-term effect of *Serrano I* when he was attempting to minimize that opinion:

> [T]rial courts have routinely had the power to rule on the reasonableness of deposition reporter fees charged to persons with whom the reporter has no contract and who did not choose the reporter. The Opinion has not changed the policy of this state. The scenario of wholesale disruption to the court reporting industry occasioned by the Opinion is contradicted by past conduct of the courts, litigants, their attorneys and reporters and amounts to gross speculation.

(AA 860)

The Bloom firm now, in this petition claims *Serrano I* changed

the world. It did not, nor did this litigation constitute "public interest litigation."

3. Petitioners Rely on Premises Which Are Contrary to, or Unsupported by, the Record.

Much of petitioners' assertions which provide the bases for their arguments are either directly contrary to the record or unsupported by that record. Their reliance on unestablished "facts" demonstrates this is an inappropriate case for review by this Court.

Importantly, the Bloom firm did not achieve the result in *Serrano I* which it claims because that court specifically ruled court reporters may charge "a reasonable fee for expediting the making, certification, and delivery of a copy." (*Serrano I, supra,* at p. 1038.) The *Serrano II* court reiterated this point: "We did not hold that expedition fees were per se unreasonable." (*Serrano II, supra,* at p. 183.) *Serrano I* merely "remanded the case to the trial court to exercise its discretion to determine whether Coast's fees were reasonable." (*Ibid.*) Therefore, the basic premise that the Bloom firm invalidated an industry-wide practice is simply incorrect. Judge Munoz was free to award Coast *all* its expedite fees if he chose to do

so.[3]

At pages 26 through 30 of the petition, the Bloom firm implies Coast committed various statutory violations in support of their "big case" theory. However, no court found any of Coast's conduct to be in violation of any California statute, which petitioners admit on page 29 of their petition. To the extent petitioners rely on comments by the dissenting justice in the *Serrano II* opinion reflecting concern of possible wrongdoing, that concern is unfounded. First, there was nothing indicating the expedite fee was "unreasonable" at the time it was requested. The Bloom firm even agreed to pay some expedite fee in the amount of $37.36, instead of the $261.56 billed. (1AA 144.)

Moreover, the Bloom firm ordered the transcript for the June 26, 2006, deposition by fax on June 28, a Wednesday. (1AA 93, 169.) The transcript was delivered to the Bloom firm three court days later in court on July 5, after the four-day 4th of July holiday weekend.

3

Judge Munoz apparently had accepted the "just push the print button again" theory (1AA 116), which is unsupported in the record because Coast explained the requirements to expedite a copy, such as working nights and weekends (1AA 84-86), but Coast already had expended far more than the $2,871.57 at issue and would expend more than that on another appeal, so it simply dropped the matter.

(*Serrano I, supra,* at p. 1021.) There was no improper conduct on Coast's part.

Also, it is irrelevant whether or not *Serrano I* was a "big case" and whether or not the parties should have proceeded differently in June 2006. The issue here is whether *Serrano II* conflicts with any established case law, thereby justifying review by this Court. As set forth above, it does not.

Petitioners' "really big case" theory is premised largely on their speculation as to the "estimated" total amount of expedite fees court reporters supposedly charge in California. (Pet. p. 5, fn. 11.) These assertions were based purely on counsel's assumptions and extrapolations, not evidence. (AA 626, 628, 641, 642, 646.) Coast objected to these calculations, which were not accepted by either the trial or appellate courts. (AA 959-973, RB 18-19.) Moreover, since *Serrano I* approved some amount of expedite fees, this argument has no basis in any event.

Petitioners assert their motive in pursuing the matter was "uncontradicted" (Pet. p. 5. fn. 13), and they continue to assert the reason for their appeal was "to stop a practice adversely affecting both the plaintiff and the public. . . ." (Pet. p. 11.) This is contrary to

the factual finding made by the trial court that: "Moving party was not trying to vindicate the public interest. Rather, he was trying to protect his own interest and in so doing, by virtue of a published opinion, he conferred a benefit to litigants." (AA 1003.) Moreover, Coast contends the Bloom firm's motive was to try and expand a small dispute over a minor amount of money into a "Federal case" precisely because it intended to seek an attorney fee award later, as is evidenced by its subsequent attempt to manipulate the language of the order *after Coast had refunded the expedite fee, with interest,* so as to attempt to justify a private attorney general fee award. (RT C-4-C-5.)

At various points in the petition, petitioners rely on asserted comments from oral argument. (Pet. p. 13, 21, 23.) This Court reviews the Opinion, not comments made at argument. These comments provide no basis for granting review.

Petitioners' central claim the expedite fees were "fictitious" and "already paid for by the standard copy fee" (RB 17), is unsupported by the record. Ms. Holly's unchallenged testimony explained the reason the expedite fees were *not* covered by the standard copy fee, such as working nights and weekends. (1AA 84-86.) Just because Judge Munoz believed the reporter was

compensated sufficiently and disagreed with the Court of Appeal's opinion, which explained that some expedite fees were permitted, this does not establish that fee was "fictitious." The underlying facts, as well as the Bloom firm's contention as to the amount of attorney fees it incurred, are not "undisputed." (Pet. 18.)

The Bloom firm also continues to misrepresent Coast's underlying legal contentions from *Serrano I* and, therefore, the impact of that case, when it contends *Serrano I* upheld "important rights" against "determined individual and industry opposition seeking to condition delivery of transcript copies" "on unconscionable monopolistic unregulated rates. . . ." (Pet, p. 28.) Coast's basic argument was the trial court *did* have inherent authority to order the reporter to deliver the transcript, but not to set the amount of the expedite fee. (Resp. Brief B193502, pp. 24-25.) In Respondent's Supplemental Brief in B193502, Coast again argued:

> It continues to be Coast's contention that a trial court may order the reporter to deliver a copy of the transcript in order to ensure that the progress of litigation is not impeded. However, the court may *not* intrude into the business relation between the reporter and the attorney. (RSB 6.)

Coast consistently has argued the trial court has the authority to order the deposition reporter to deliver copies of the depositions *prior*

to receiving any payment at all and, indeed, delivered the expedited copy of the first transcript to the Bloom firm within three court days of the faxed request and agreed to submit this whole controversy to the trial judge. (1AA 169, 175.) Therefore, the Bloom firm's central premise that its efforts achieved great deeds for the benefit of the public and litigants who had been impeded in their litigation efforts because court reporters withheld transcripts is unsupported by the facts in this case. If the Bloom firm believes that is occurring – or had it believed that at the time – then it could have filed a class action lawsuit against the court reporting industry and sought to right that perceived wrong. However, it did not do so, instead seeking to conflate this minor dispute into a major one so as to attempt to justify its request for attorney fees.

CONCLUSION

Serrano I was neither an earth-shattering decision, nor litigation in the public interest. *Serrano II* is consistent with *Joshua S.* and *Woodland Hills* and presents no unsettled issues of law justifying review. This case began as a private dispute between an attorney and a court reporter over $261.56 and never was public interest litigation. The trial court and the Court of Appeal correctly

applied *Joshua S.* There is no lack of uniformity in the law requiring review by this Court. The petition for review should be denied so that this vendetta intended to extract substantial attorney fees from a small court reporting firm will end.

//

//

Finally, if this Court were to grant review, it should specify and limit the issues (Cal. Rules of Court, rule 8.516(a)(1)) because petitioners' statement of issues presented is so confusing and open-ended.

Respectfully submitted,

Peter A. Noronha, Esq.
CHAMBERS, NORONA & KUBOTA

John L. Dodd, Esq.
JOHN L. DODD & ASSOCIATES

Dated: June 14, 2010

by: _____
John L. Dodd, attorneys for
Coast Court Reporters, Inc.

CERTIFICATION OF LENGTH

I, John L. Dodd, counsel for respondent herein, certify pursuant to the California Rules of Court, that the word count for this document is 4,190 words, excluding tables, this certificate, and any attachment permitted under rule 14(d). This document was prepared in WordPerfect word-processing program, and this is the word count generated by the program for this document. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: June 14, 2010

John L. Dodd, attorney for Respondent

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is: 17621 Irvine Blvd., Ste. 200, Tustin, CA 92780.

On June 16, 2010, I served the foregoing document described as **Answer to Petition for Review** on the interested parties in this action.

(X) by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:

( ) by placing ( ) the original ( ) a true copy thereof enclosed in sealed envelopes addressed as follows:

(X) BY MAIL
(x) I deposited such envelope in the mail at Tustin, California. The envelope was mailed with postage thereon fully prepaid.

( ) BY PERSONAL SERVICE
I delivered such envelope by hand to the offices of the addressee.

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

Executed this 16th day of June, 2010, at Tustin, California.

John L. Dodd

MAILING LIST

Stephen S. Monroe, Esq.
Law Offices of David B. Bloom
3699 Wilshire Blvd., 10th Fl.
Los Angeles, CA 90010

Peter A. Noronha, Esq.
CHAMBERS, NORONA & KUBOTA
2070 N. Tustin Ave.
Santa Ana, CA 92705

Coast Court Reporters, Inc.
(address omitted)

Hon. Aurelio Munoz, Judge
c/o Clerk, Los Angeles Superior Court
111 N. Hill St.
Los Angeles, CA 90012

Court of Appeal
2nd Dist., Div. 3
300 S. Spring St.
Fl. 2, N. Tower
Los Angeles, CA 90013