

**SUPREME COURT MINUTES
WEDNESDAY, FEBRUARY 1, 2023
SAN FRANCISCO, CALIFORNIA**

S265172 B298366 Second Appellate District, Div. 7 **PEOPLE v. HENDERSON
(LEVEL OMEGA)**

Request for modification granted

THE COURT:

The petition for rehearing is ordered refiled as a request for modification of the opinion. The opinion in this matter, filed on November 17, 2022, and appearing at 14 Cal.5th 34, is modified as follows:

1. On page 56, the seventh sentence of the first full paragraph stating, “The term for robbing the patron would be one-third of the midterm, doubled,” is deleted.
2. On page 56, in the first full paragraph, before the final sentence that begins, “As in the prior example,” insert the following:
If imposed consecutively, the term for robbing the patron would be one-third of the midterm, doubled. If the court runs the term concurrently, it would impose a full base term, doubled. (See §§ 669, subd. (a); 1170, subd. (a)(3).)

This modification does not affect the judgment.

S277518 H049033 Sixth Appellate District **CAMP (DELMER) v. HOME
DEPOT U.S.A., INC.**

Petition for review granted

The petition for review is granted.

Pending review, the opinion of the Court of Appeal, which is currently published at 84 Cal.App.5th 638, may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority that would in turn allow trial courts to exercise discretion under *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 456, to choose between sides of any such conflict. (See *Standing Order Exercising Authority Under California Rules of Court, Rule 8.1115(e)(3), Upon Grant of Review or Transfer of a Matter with an Underlying Published Court of Appeal Opinion*, Administrative Order 2021-04-21; Cal. Rules of Court, rule 8.1115(e)(3) and corresponding Comment, par. 2.)

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S277304 E073016 Fourth Appellate District, Div. 2 **PEOPLE v. LOPEZ, JR.,
(ANGEL ZACARIAS)**

Petition for review granted; briefing deferred

The People's petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Rojas*, S275835 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court. Defendants' petitions for review are denied.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S277547 B306275/B308339 Second Appellate District, Div. 6 **FIGUEROA (RAUL B.) v. FCA
US, LLC**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Niedermeier v. FCA US LLC*, S266034 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S277568 A162817 First Appellate District, Div. 4 **DHITAL (SOBITA) v. NISSAN
NORTH AMERICA, INC.**

Petition for review granted; briefing deferred

The request for judicial notice is granted.

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Rattagan v. Uber Techs., Inc.*, S272113 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

The request for an order directing depublication of the opinion is denied.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S277871 G059723 Fourth Appellate District, Div. 3 **PEOPLE v. DIAZ, SR.,
(MARIO ALBERTO)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lynch*, S274942 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S277872 B311683 Second Appellate District, Div. 5 **PEOPLE v. ARNOLD
(STEPHEN)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Needham v. Superior Court*, S276395 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S272257 **HAMBY (SCOTT D.) ON H.C.**

Order to show cause issued, returnable in Superior Court

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause before the Los Angeles County Superior Court, when ordered on calendar, why the relief sought should not be granted.

Votes: Guerrero, C. J., Corrigan, Liu, Kruger, Groban, Jenkins, and Evans, JJ.

S277250 **CONO (LEO) v. PREMTAJ
(MARY)**

The request for judicial notice is denied.

The petition for review is denied.

S277281 D080949 Fourth Appellate District, Div. 1 **GATES (WILLIAM C.) ON
H.C.**

Petition for review denied

Guerrero, C. J., was recused and did not participate.

Concurring Statement by Justice Groban

In October 2017, petitioner William Gates committed an assault against a stranger at a homeless shelter and then resisted the officers who attempted to subdue him. Petitioner's counsel declared a doubt as to petitioner's competency to stand trial, and on the date of the competency hearing, petitioner moved to substitute his counsel pursuant to *People v. Marsden* (1970) 2 Cal.3d 118. The trial court, however, refused to hear petitioner's *Marsden* motion until after completing the competency hearing. As all parties concede and as the Court of Appeal correctly found, this was clear error. Following this error by the trial court, petitioner made a series of what later proved to be disastrous decisions. Specifically, after petitioner was declared competent to stand trial, he

withdrew his *Marsden* motion and successfully invoked his right to represent himself under *Faretta v. California* (1975) 422 U.S. 806. At the same time, petitioner rejected the prosecution's offer of probation. Shortly thereafter, the matter proceeded to a bench trial at which petitioner, representing himself, was convicted and sentenced not to probation, but to 17 years in prison. Though the Court of Appeal found that the trial court's failure to hear petitioner's *Marsden* motion prior to his competency proceeding was error, it found that petitioner was not prejudiced by the error because, "even if he was initially motivated to make the [*Faretta*] request because of the court's prior delay in hearing his *Marsden* motion," petitioner had a constitutional right to represent himself and he "knowingly and intelligently waived his right to counsel." Given the Court of Appeal's finding of no prejudice, I join my colleagues in voting to deny review. I am nevertheless troubled by the result here. Again, there is no dispute that an error occurred, one in which petitioner was denied the right to request new counsel at the appropriate time. Then, when petitioner was belatedly given the right to make his *Marsden* motion, he decided to withdraw the motion, represent himself, and reject an offer of probation. Petitioner is now in prison serving a 17-year sentence. I accordingly write separately to clarify that our denial of review of this petition for writ of habeas corpus is without prejudice to seeking other appropriate relief, including filing a renewed habeas petition should new, timely, material, and credible information become available demonstrating that counsel's performance was deficient or that petitioner was prejudiced by the trial court's delay in hearing his *Marsden* motion. (See Pen. Code, § 1473, subd. (b)(3)(A).) Our denial is also without prejudice to petitioner's ability to be referred for recall and resentencing. (Pen. Code, § 1172.1.)

GROBAN, J.

We Concur:

CORRIGAN, J.

LIU, J.

EVANS, J.

S277296 B321737 Second Appellate District, Div. 2

Petition for review denied

**NIEVES (SANDI DAWN) ON
H.C.**

S277448 A165860 First Appellate District, Div. 2

Petition for review denied

PEOPLE v. AYALA (ADAM)

S277454 F082657 Fifth Appellate District

Petition for review & publication request(s) denied

**HOCH (CORY) v. AHLIN
(PAM)**

S277503 B313878 Second Appellate District, Div. 4

**IMMIGRANT RIGHTS
DEFENSE COUNCIL, LLC v.
HUDSON INSURANCE
COMPANY**

Petition for review & depublication request(s) denied

S277509 C093682 Third Appellate District

**SHEETZ (GEORGE) v.
COUNTY OF EL DORADO**

Petition for review denied

S277511 B324460 Second Appellate District, Div. 7

**WASSERMAN LAW GROUP
v. S.C. (SHAKIB)**

Petition for review denied

S277512 H047100 Sixth Appellate District

**BUSHANSKY (STEPHEN) v.
ALLIANCE FIBER OPTIC
PRODUCTS, INC.; ISAACSON
(ERIC ALAN)**

Petition for review denied

S277516 C096452 Third Appellate District

**PEOPLE v. ANDERSON
(HARLAN)**

Petition for review denied

S277530 H048128 Sixth Appellate District

**O'SULLIVAN (FLORENCE
MARTIN) v. WILLIAMS
(STEPHANIE)**

Petition for review denied

S277554 B311531 Second Appellate District, Div. 5

**HEFFERNAN (CURTIS) v.
BILZERIAN (DAN)**

Petitions for review denied

S277596 A162952 First Appellate District, Div. 4

**PEOPLE v. GOETTING
(CHARLES KYLE)**

Petition for review denied

- S277611** B311080 Second Appellate District, Div. 1 **JAISINGHANI (GUL) v. TER-OGANESIAN (ARMEN R.)**
Petition for review denied
- S277617** E075783 Fourth Appellate District, Div. 2 **PEOPLE v. REED (TAIWAN ORRAN)**
The petition for review and the supplemental petition for review are denied.
- S277620** B277750/B279009/B285904
Second Appellate District, Div. 2 **SIRY INVESTMENT, L.P. v. FARKHONDEHPOUR (SAEED)**
Petition for review denied
- S277624** A163674 First Appellate District, Div. 1 **PEOPLE v. ARLOV (GALINA ALEXANDRIA)**
Petition for review denied
- S277649** G059954 Fourth Appellate District, Div. 3 **D. II (JOHN), CONSERVATORSHIP OF**
Petition for review denied
- S277659** B317944 Second Appellate District, Div. 3 **IN RE LEYLANI J.**
Petition for review denied
- S277674** G061808 Fourth Appellate District, Div. 3 **THOMAS (DENISE) v. S.C. (McKEON)**
Petition for review denied
- S277685** C095418 Third Appellate District **PEOPLE v. SPEARS (TYSON PATRICK)**
Petition for review denied

S277694 C091102 Third Appellate District

Petition for review denied

**CAMROCK CO., INC. v.
SECURITY PAVING
COMPANY, INC.**

S277696 E077239 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SHERWOOD
(ROBIN LEE)**

S277697 E076975 Fourth Appellate District, Div. 2

Petition for review denied

**SHOUSE (ANDREW) v.
COUNTY OF RIVERSIDE**

S277755 B318174 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CASTRO
(PHILLIP)**

S277788 F082784 Fifth Appellate District

Petition for review denied

**PEOPLE v. HERNANDEZ
(STEVEN ADRIAN)**

S277804 A165202 First Appellate District, Div. 2

Petition for review & application for stay denied

**U.S. BANK v. ELSTEAD
(JOHN CLIFTON)**

S277805 C094322 Third Appellate District

Petition for review denied

**PEOPLE v. SEVCHUK
(GENADIY)**

S277817 B324096 Second Appellate District, Div. 2

Petition for review denied

**CAMOU (ROBERT
ANTHONY) v. S.C. (PEOPLE)**

S277830 B325108 Second Appellate District, Div. 7

Petition for review denied

TYLER (JUAN T.) ON H.C.

S277836 F085271 Fifth Appellate District

Petition for review denied

**MARTINEZ (CARLOS) ON
H.C.**

S277843 C093921 Third Appellate District

Petition for review denied

**PEOPLE v. HOUSEMAN
(RANDALL)**

S277852 B320070 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GARCES (EDWIN
DAVID)**

S277857 B322559 Second Appellate District, Div. 7

Petition for review denied

**LOUDON (CLAYTON) v.
DHSE, INC.**

S277861 H048362 Sixth Appellate District

Petition for review denied

**PEOPLE v. LARRABURU
(PAUL GABRIEL)**

S277865 F081961 Fifth Appellate District

Petition for review denied

**PEOPLE v. TAPORCO
(TINYAMOR)**

S277866 F083083 Fifth Appellate District

Petition for review denied

**PEOPLE v. PACHECO
(ARIEL ROBERTO CHIC)**

S277869 A165847 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MORAN (JUNIOR
ANTONIO)**

S277870 B306784 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. BATHUM
(CHRISTOPHER J.)**

S277874 G060115 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. DUMBRAVA
(SEBASTIAN BOGDAN)**

S277885 B314146 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. STEWART
(CARLETHA ANN)**

S277886 B307561 Second Appellate District, Div. 8

Petition for review denied

**MIN (BYUNG OK), ESTATE
OF**

S277891 G061928 Fourth Appellate District, Div. 3

Petition for review denied

**GRAYBILL III (FORREST G.)
v. S.C. (GRAYBILL)**

S277898 G059403 Fourth Appellate District, Div. 3

Petition for review denied

**THOMPSON (NANCY) v. ITO
(THOMAS YOSHIO)**

S277901 F081568 Fifth Appellate District

Petition for review denied

PEOPLE v. MEJIA (DANIEL)

S277902 C090890 Third Appellate District

Petition for review denied

**PEOPLE v. ZAMORA-
CANADA (GERMAN)**

S277903 C090713 Third Appellate District

Petition for review denied

**PEOPLE v. CARR
(RADARRYL)**

S277911 H047146 Sixth Appellate District

Petition for review denied

**PEOPLE v. CALVERT
(ADRIAN RODRIGUEZ)**

S277924 B317007 Second Appellate District, Div. 6
Petition for review denied

IN RE A.J.

S277929 A163788 First Appellate District, Div. 5
Petition for review denied

**PEOPLE v. BATES (FRED
ANDRE)**

S277931 E079895 Fourth Appellate District, Div. 2
Petition for review denied

**COSTANZA (JOSEPH
MICHAEL) v. S.C. (PEOPLE)**

S277945 B322499 Second Appellate District, Div. 2

**PEOPLE v. STELLE III
(STANFORD JAMES)**

Defendant's application to file the unredacted petition for review under seal is granted. (Cal. Rules of Court, rule 8.47.) The clerk of this court is directed to file the unredacted petition for review under seal.
The petition for review is denied.

S277996 D080923 Fourth Appellate District, Div. 1
Petition for review denied

**PEOPLE v. JIMENEZ
(ANTHONY DAVID)**

S278073

**LISTER (JOSEPH EMANUEL)
v. COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION ONE
(PEOPLE)**

Petition for writ of mandate/prohibition denied

S278142 A166901 First Appellate District, Div. 3

**BAKHTJOU (BITA) v. S.C.
(CALIFORNIA
DEPARTMENT OF PUBLIC
HEALTH)**

Petition for review & application for stay denied

S278177 G061477/G061594 Fourth Appellate District, Div. 3 **LOPEZ (ARTHUR & CHERYL), MARRIAGE OF**
Petition for review & application for stay denied

S278179 G061431 Fourth Appellate District, Div. 3 **LOPEZ (ARTHUR & CHERYL), MARRIAGE OF**
Petition for review & application for stay denied

S278180 G061591 Fourth Appellate District, Div. 3 **LOPEZ (ARTHUR & CHERYL), MARRIAGE OF**
Petition for review & application for stay denied

S278182 G061473 Fourth Appellate District, Div. 3 **LOPEZ (ARTHUR & CHERYL), MARRIAGE OF**
Petition for review & application for stay denied

S278185 G061482 Fourth Appellate District, Div. 3 **LOPEZ (ARTHUR & CHERYL), MARRIAGE OF**
Petition for review & application for stay denied

S278214 **FRIEDMAN (SHOSHANA) v. S.C. (DIENGOTT)**

The request for judicial notice is denied.
The petition for writ of mandate and application for stay are denied.

S272451 **SOTO (ANTONIO) ON H.C.**
Petitioner's "Application to File Appendices E & F, Exhibits 5, 21, 28, 31, and 42, and Petition for Writ of Habeas Corpus Under Seal" filed on December 27, 2021, is granted. (See Cal. Rules of Court, rules 2.550(d), 8.46(d)(6).) The clerk of this court is directed to file appendices E & F, exhibits 5, 21, 28, 31, and 42, and the petition for writ of habeas corpus under seal.
The petition for writ of habeas corpus is denied.

S276295 **WOLINSKI (KRZYSZTOF) ON H.C.**
Petition for writ of habeas corpus denied

S276299

The request for judicial notice is denied.
The petition for writ of habeas corpus is denied.

GIBBS (ROBERT A.) ON H.C.**S276304**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

**KENNEDY (JOHN
FITZGERALD) ON H.C.****S276316**

Petition for writ of habeas corpus denied

**ZEIGLER (ANCHALLA
ANDRE) ON H.C.****S276402**

Petition for writ of habeas corpus denied

**McKENNA (TIMOTHY
PATRICK) ON H.C.****S276865**

Petition for writ of habeas corpus denied

**LOPEZ (REY CORONEL) ON
H.C.****S276915**

The petition for writ of habeas corpus is denied. Individual claims are denied, as applicable. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal].)

**ALHIMIDI (KASSIM) ON
H.C.****S276920**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

**WEIBEL (MICHAEL LEE)
ON H.C.**

S276999**McGEE (JAMES COREY) ON
H.C.**

Petition for writ of habeas corpus denied

S277005**MAREZ (CARLOS
ALBERTO) ON H.C.**

Petition for writ of habeas corpus denied

S277008**AGUILAR (STEVEN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

S277045**THRELKELD (JOSHUA
DAVID) ON H.C.**

Petition for writ of habeas corpus denied

S277053**COX (EVERETT) ON H.C.**

Petition for writ of habeas corpus denied

S277081**DAVALL (JOSEPH) ON H.C.**

Petition for writ of habeas corpus denied

S277089**TRAN (HUY TRONG) ON
H.C.**

Petition for writ of habeas corpus denied

S277641**McDOWELL (GIOVANNI
ALEXANDER) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S277749**WILSON (DAVID WAYNE)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S277933**VANWINKLE (TYLER
BRYCE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely].)

S277934**CALDERON (JUAN CARLOS)
ON H.C.**

The petition for writ of habeas corpus is denied. Individual claims are denied, as applicable. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S276925**FLEIDMAN (PETER) v. CA 6
(SHAH)**

Vexatious litigant application denied

The application of petitioner for leave to file a petition for writ of mandate is hereby denied.

S277026**RICHARDS (ALICIA MARIE)
v. CA 4/3 (RICHARDS)**

Vexatious litigant application denied

The application of petitioner for leave to file a petition for writ of mandate is hereby denied.

S277254**THOMAS (KEITH PERZELL)
v. S.C. (CHABOLLA)**

Vexatious litigant application denied

The application of petitioner for leave to file a petition for writ of mandate is hereby denied.

S278324 A165607 First Appellate District, Div. 2

K. (SARAH) v. S.C. (SONOMA COUNTY HUMAN SERVICES DEPARTMENT)

Stay order filed

To permit consideration of the petition for review filed herein, the Welfare and Institutions Code section 366.26 hearing, currently scheduled for February 6, 2023, is hereby stayed pending further order of this court.

Sonoma County Human Services Department is directed to file an answer to the petition for review. The answer must be served upon petitioner and filed in this court by 3:00 p.m. on Friday, February 10, 2023. The answer should address all issues raised in the petition for review. Petitioner must file and serve a reply to the answer by 3:00 p.m. on Friday, February 17, 2023. The court does not contemplate granting any request for an extension of time.

S277077 B302770 Second Appellate District, Div. 7

POTE (PATRICK) v. HANDY TECHNOLOGIES, INC.

Publication request denied (case closed)

S277340 C080550 Third Appellate District

WEIMER, JR., (ROBERT) v. NATIONSTAR MORTGAGE, LLC

Publication requests denied (case closed)

S277440 B310701 Second Appellate District, Div. 4

LeMONS (DAMIAN) v. CITY OF LOS ANGELES

Publication request denied (case closed)

S277520 B311451 Second Appellate District, Div. 3

ABELAR (DEE ANN) v. MORA (JEFFREY)

Publication request denied (case closed)

S277534 H048453 Sixth Appellate District

L. (Y.) v. T. (L.)

Publication requests denied (case closed)

S277625 B304970 Second Appellate District, Div. 8 **RANDLE (JUDY) v.
FARMERS NEW WORLD
LIFE INSURANCE
COMPANY**

The request for an order directing depublication of the opinion in the above-entitled appeal is denied. The court declines to review this matter on its own motion. The matter is now final.

S277784 A163767 First Appellate District, Div. 4 **AMY'S KITCHEN, INC. v.
FIREMAN'S FUND
INSURANCE COMPANY**

Depublication request denied (case closed)

S278420 D079001 Fourth Appellate District, Div. 1 **PEOPLE v. HENLEY
(HEATHER LEATRICE)**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to April 4, 2023. (Cal. Rules of Court, rule 8.512(c).)

S266344 F079811 Fifth Appellate District **DAVIS (STEPHEN K.) v.
FRESNO UNIFIED SCHOOL
DISTRICT**

Order filed

Amicus curiae California School Boards Association's Education Legal Alliance's request for judicial notice, filed September 22, 2021, is denied.

S266344 F079811 Fifth Appellate District **DAVIS (STEPHEN K.) v.
FRESNO UNIFIED SCHOOL
DISTRICT**

Motion denied

Plaintiff Stephen K. Davis's Motion to Strike Portions of Petitioners' Opening Briefs, filed July 2, 2021, is denied. Our denial of plaintiff's motion should not be interpreted as broadening the issue we granted review to decide.

S266344 F079811 Fifth Appellate District

**DAVIS (STEPHEN K.) v.
FRESNO UNIFIED SCHOOL
DISTRICT**

Motion granted

Plaintiff Stephen K. Davis's Motion that Reviewing Court Take Fresno Unified School District's Supplemental Evidence, filed July 2, 2021, is granted. (See Evid. Code § 452, subd. (c); *Physicians Committee for Responsible Medicine v. Los Angeles Unified School Dis.* (2019) 43 Cal.App.5th 175, 183.)

S278061

HART ON RESIGNATION

Motion granted

On January 11, 2023, the court filed an order accepting the voluntary resignation of DANIEL ALLEN HART, State Bar Number 100867, as an attorney of the State Bar of California. On January 24, 2023, DANIEL ALLEN HART filed a motion to withdraw his request to voluntarily resign. Good cause being shown, the court grants his motion. The prior order accepting his voluntary resignation as an attorney of the State Bar of California is hereby vacated.

S269401

**LOS ANGELES TIMES
COMMUNICATIONS LLC v.
STATE BAR OF
CALIFORNIA (GIRARDI)**

Order filed

The application of Peyman Roshan filed November 17, 2022, is hereby denied. Kruger, J., was recused and did not participate.

S277601

ACCUSATION OF GABRILL

Petition denied (accusation)

S277728

ACCUSATION OF COLLINS

Petition denied (accusation)

S277895

ACCUSATION OF HIDAKA

Petition denied (accusation)

S277459**COWAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that KEVIN MICHAEL COWAN (Respondent), State Bar Number 284271, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 26, 2022; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on October 26, 2022. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment, and may be collected by the State Bar through any means permitted by law. One-half of the costs must be paid with Respondent's annual fees for each of the years 2024 and 2025. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S277460**JAMES ON DISCIPLINE**

Recommended discipline imposed

The court orders that DAVID ALDEN JAMES (Respondent), State Bar Number 193907, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 20, 2022; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be

terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on October 20, 2022. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$1,500 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions must be paid in installments of one-third per year, with Respondent's annual fees for each of the years 2024, 2025, 2026. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment and may be collected by the State Bar through any means permitted by law.

S277461

**OGANESYAN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that GEVORK OGANESYAN (Respondent), State Bar Number 293466, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and Respondent is placed on probation for three years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first 18 months of probation, and Respondent will remain suspended until Respondent provides proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.2(c)(1).)
2. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 25, 2022.
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in

the amount of \$1,500 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Respondent must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment and may be collected by the State Bar through any means permitted by law. One-half of the costs must be paid with Respondent's annual fees for each of the years 2024 and 2025. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S277489**WHITE ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES P. WHITE (Respondent), State Bar Number 278756, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 20, 2022; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on October 20, 2022. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$1,000 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions must be paid in installments of one-half per year, with Respondent's annual fees for each of the years 2024 and 2025. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Respondent must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after

the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment, and may be collected by the State Bar through any means permitted by law.

S277493

**WATERMAN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN ROBERT WATERMAN (Respondent), State Bar Number 215378, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 30 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 18, 2022; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on October 18, 2022. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$2,500 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Respondent must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment and may be collected by the State Bar through any means permitted by law. One-half of the costs must be paid with Respondent's annual fees for each of the years 2024 and 2025. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S277494**MANOCK ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHARLES KENDALL MANOCK (Respondent), State Bar Number 161633, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 60 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 21, 2022; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on October 21, 2022. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$2,500 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Respondent must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment, and may be collected by the State Bar through any means permitted by law

S277496**SILVA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID REY SILVA (Respondent), State Bar Number 152690, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the date this order is filed. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45 [the operative date for identification of clients being represented in pending matters and others to be notified is the filing date of this order].)

Respondent must pay monetary sanctions to the State Bar of California Client Security Fund in the amount of \$5,000 in accordance with Business and Professions Code section 6086.13 and rule 5.137 of the Rules of Procedure of the State Bar. Monetary sanctions are enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment, and may be collected by the State Bar through any means permitted by law.

S278367**AUWARTER ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of NEIL FREDERICK AUWARTER, State Bar Number 109576, as an attorney of the State Bar of California is accepted.

S278368**BURDICK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KEVIN J. BURDICK, State Bar Number 115501, as an attorney of the State Bar of California is accepted.

S278369**DENHAM ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RENA BELLE DENHAM, State Bar Number 107011, as an attorney of the State Bar of California is accepted.

S278372**HENNELLY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of VICTORIA J. HENNELLY, State Bar Number 112657, as an attorney of the State Bar of California is accepted.

S278373**HIRSCH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOEL G. HIRSCH, State Bar Number 71225, as an attorney of the State Bar of California is accepted.

S278376**KEEFE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RICHARD ALAN KEEFE, State Bar Number 88516, as an attorney of the State Bar of California is accepted.

S278377**McKONE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHAEL MAX McKONE, State Bar Number 127310, as an attorney of the State Bar of California is accepted.

S278378**MURPHY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARJORIE E. MURPHY, State Bar Number 154115, as an attorney of the State Bar of California is accepted.

S278379**ROWLEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GLENN ALAN ROWLEY, State Bar Number 172557, as an attorney of the State Bar of California is accepted.

S278380**WADE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TODD NEIL WADE, State Bar Number 268748, as an attorney of the State Bar of California is accepted.

S278381**COLEMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PATRICIA A. COLEMAN, State Bar Number 39026, as an attorney of the State Bar of California is accepted.

S278390**CONNELLY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBIN McGINNITY CONNELLY, State Bar Number 98069, as an attorney of the State Bar of California is accepted.

S278401**EVANS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JENNIFER MARIE EVANS, State Bar Number 305605, as an attorney of the State Bar of California is accepted.

S278404**LOO ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of NAOMI S. LOO, State Bar Number 283530, as an attorney of the State Bar of California is accepted.

S278407**MEISEL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JODY ANN MEISEL, State Bar Number 109610, as an attorney of the State Bar of California is accepted.

S278408**PIACENTE ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ADAM J. PIACENTE, State Bar Number 250222, as an attorney of the State Bar of California is accepted.

S278409

**SCHWARTZ ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RICHARD HOWARD SCHWARTZ, State Bar Number 127318, as an attorney of the State Bar of California is accepted.

S278410

**SCOVILLE ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARK R. SCOVILLE, State Bar Number 295468, as an attorney of the State Bar of California is accepted.

S278411

**ZIMMERMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JACLYN MARIE ZIMMERMAN, State Bar Number 265931, as an attorney of the State Bar of California is accepted.