

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 21, 2023
SAN FRANCISCO, CALIFORNIA**

S279679 D079231 Fourth Appellate District, Div. 1 **PEOPLE v. CHAGOLLA, JR.,
(JAMES ANTHONY)**

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. Defendant’s petition for review is denied.

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

S279762 B318512 Second Appellate District, Div. 7 **PEOPLE v. MENDEZ
(GABRIEL)**

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. Reyes*, S270723 (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.

S264278 B304329 Second Appellate District, Div. 2 **PEOPLE v. COLE (FREDDIE)**
Transferred to Court of Appeal, Second Appellate District, Division Two, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

As explained in *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, and California Rules of Court, rule 8.1115(e)(3), corresponding comment, par. 3, the opinion is hereby rendered either “depublished” or “not citable.”

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

S265797 B301477 Second Appellate District, Div. 4 **PEOPLE v. RUIZ (ANTHONY)**
Transferred to Court of Appeal, Second Appellate District, Division Four, after hold

The above-captioned matter is transferred to the Court of Appeal, Second Appellate District, Division Four, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6 and *People v. Lewis* (2021) 11 Cal.5th 952. (Cal. Rules of Court, rule 8.528(d).)

The letter request that the denial of the resentencing petition be reversed, and the case remanded, filed February 28, 2023, is denied as moot.

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

S266853 E074939 Fourth Appellate District, Div. 2 **PEOPLE v. SCOTT
(DERRICK ANTHONY)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6 and Senate Bill No. 775 (stats. 2021, ch. 551). (Cal. Rules of Court, rule 8.528(d).)

The motion to expand review, filed November 16, 2021, is denied as moot.

As explained in *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, and California Rules of Court, rule 8.1115(e)(3), corresponding comment, par. 3, the opinion is hereby rendered either “depublished” or “not citable.”

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

S267735 B307031 Second Appellate District, Div. 7 **PEOPLE v. SANDERS
(FREDDIE LEE)**

Dismissed and remanded to Court of Appeal, Second Appellate District, Division Seven

Attorney John Dwyer’s “Motion to Withdraw as Attorney of Record,” filed June 30, 2021, is granted. The motion’s additional request to appoint new counsel is denied as moot.

Review in the above-captioned matter, which was granted and held for *People v. Delgadillo* (2022) 14 Cal.5th 216 and *People v. Lewis* (2021) 11 Cal.5th 952, is hereby dismissed. (Cal. Rules of Court, rule 8.528(b)(1).)

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

S268035 E074711 Fourth Appellate District, Div. 2 **PEOPLE v. CONTRERAS
(JOE DANIEL)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two, after hold

The above-captioned matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6 and *People v. Lewis* (2021) 11 Cal.5th 952. (Cal. Rules of Court, rule 8.528(d).)

The motion to expand the issues on review, filed February 2, 2023, is denied as moot.

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

S268865 C092416 Third Appellate District **PEOPLE v. COLEMAN III
(ROOSEVELT JERMAINE)**

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6 and Senate Bill No. 775 (stats. 2021, ch. 551). (Cal. Rules of Court, rule 8.528(d).)

The request to expand the scope of review and transfer the cause, filed January 24, 2022, is denied as moot.

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

S269401 **LOS ANGELES TIMES
COMMUNICATIONS LLC v.
STATE BAR OF
CALIFORNIA (GIRARDI)**

Dismissal order filed

The joint motion to dismiss filed June 13, 2023, is granted. Consistent with that motion, each side will bear its own fees and costs in this matter except as otherwise provided in the parties' agreement. (Cal. Rules of Court, rule 8.493(a)(2).) The order to show cause previously issued in this matter is discharged, and the petition for writ of mandate is hereby dismissed.

Kruger, J., was recused and did not participate.

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

S270605 H047865 Sixth Appellate District

**PEOPLE v. SAMAYOA, JR.,
(JOSE LUIS)**

Transferred to Court of Appeal, Sixth Appellate District, after hold

The motion to transfer this matter to the Court of Appeal, filed October 15, 2021, is granted. The motion's alternative request to expand the issues on review is denied as moot.

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6 and Assembly Bill No. 518 (stats. 2021, ch. 441). (Cal. Rules of Court, rule 8.528(d).)

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

S270925 H047776 Sixth Appellate District

**PEOPLE v. JIMENEZ
(ROBERT CHRISTOPHER)**

Transferred to Court of Appeal, Sixth Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

Petitioner's request to relieve appointed counsel, filed with the court in propria persona on April 18, 2022, is denied without prejudice to the submission of the request in the Court of Appeal.

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

S271473 C093086 Third Appellate District

**PEOPLE v. PERRY
(JONATHAN LAMAR)**

Transferred to Court of Appeal, Third Appellate District, after hold

The above-captioned matter is transferred to the Court of Appeal, Third Appellate District, with directions to vacate its decision and reconsider whether to exercise its discretion to conduct an independent review of the record or provide any other relief in light of *People v. Delgadillo* (2022) 14 Cal.5th 216, 232-233 & fn. 6. (Cal. Rules of Court, rule 8.528(d).)

Petitioner's request to relieve appointed counsel and to appoint different counsel, filed with the court in propria persona on December 27, 2021, is denied without prejudice to the submission of the request in the Court of Appeal.

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

S280003 G062594 Fourth Appellate District, Div. 3

**FINNEGAN (JACK R.) v. S.C.
(PICKFORD REAL ESTATE,
INC.)**

Petition stricken (case closed)

The petition for review filed on May 15, 2023, is ordered stricken for failure to pay the statutory filling fee. (Cal. Rules of Court, Rule 8.100(c)(3).)

S279327 B302686 Second Appellate District, Div. 6

**PEOPLE v. VAZQUEZ (JOSE
ALBERTO ALCANTAR)**

Petition for review denied

Evans, J., is of the opinion the petition should be granted.

S279381 F082233 Fifth Appellate District

**RAFFERTY (AMANDA) v.
DEL MONTE FOODS, INC.**

Petition for review & publication request(s) denied

S279497 G062371 Fourth Appellate District, Div. 3

**COOPER (TAWANA JEAN) v.
S.C. (OPTUM SERVICES,
INC.)**

Petition for review denied

S279520 H050925 Sixth Appellate District

**LU (KAI) v. S.C. (VIVENTE 1,
INC.)**

Petition for review & application for stay denied

S279537 B327571 Second Appellate District, Div. 3

**DION (CHRISTOPHER) S.C.
(CENTURY-NATIONAL
INSURANCE COMPANY)**

Petition for review denied

S279578 A163682 First Appellate District, Div. 1

**CENTER FOR
ENVIRONMENTAL HEALTH
v. PERRIGO COMPANY**

Petition for review & depublication request(s) denied

S279581 A163003 First Appellate District, Div. 3

Petition for review denied

**NCR PROPERTIES, LLC v.
CITY OF BERKELEY (LEE)**

S279598 B303094/B306070 Second Appellate District, Div. 3

Petition for review denied

**FIRST MOTOR GROUP OF
ENCINO, LLC v. ENCINO
MOTORCARS, LLC**

S279667 E078193 Fourth Appellate District, Div. 2

Petition for review denied

IN RE D.C.

S279740 A165817 First Appellate District, Div. 2

Petition for review denied

**SPIELBAUER LAW OFFICE
v. MIDLAND FUNDING, LLC**

S279747 H048484 Sixth Appellate District

Petition for review denied

PEOPLE v. CHAVEZ (IRVIN)

S279760 F082849 Fifth Appellate District

Petition for review denied

**PEOPLE v. AVALOS
(BENJAMIN)**

S279763 G060532 Fourth Appellate District, Div. 3

Petition for review denied

**CALIFORNIA CAPITAL
INSURANCE COMPANY v.
EMPLOYERS
COMPENSATION
INSURANCE COMPANY**

S279766 F084345 Fifth Appellate District

Appellant's "Motion to Supplement Petition for Review," filed on June 14, 2023, is granted.
The petition for review is denied.

**PEOPLE v. DICKEY (COLIN
RAKER)**

S279773 D081958 Fourth Appellate District, Div. 1

Petition for review denied

**BENNETT (MONICA A.) v.
S.C. (BENNETT)**

S279779 F082727 Fifth Appellate District

Petition for review denied

**PEOPLE v. PADRON
(CRUZITO)**

S279790 C093351 Third Appellate District

Petition for review & depublication request(s) denied
The request for judicial notice is granted.

**CALIFORNIA
MANUFACTURERS &
TECHNOLOGY
ASSOCIATION v. OFFICE OF
ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT**

S279793 C094488 Third Appellate District

Petition for review denied

**PEOPLE v. NIXON
(BRANDON ANDRE KEITH)**

S279796 E078771 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CRESS (ROBERT
WILLIAM)**

S279823 C095988 Third Appellate District

Petition for review denied

**PEOPLE v. JACKSON
(STEPHEN RENEE)**

S279849 D072515 Fourth Appellate District, Div. 1

Petition for review denied

PEOPLE v. WARE (VICTOR)

S279860 B327786 Second Appellate District, Div. 7

Petition for review denied

**DAVIS (DARRYL LYNN) ON
H.C.**

S279876 G062500 Fourth Appellate District, Div. 3

Petition for review denied

**CLARK (MILTON CREWS) v.
S.C. (GOLDEN TICKET
REAL ESTATE II, INC.)**

S279882

Petition for writ of mandate/prohibition denied

**EBERLY (GARY ALAN) v.
STATE BAR OF
CALIFORNIA**

S279901 F083591 Fifth Appellate District

Petition for review denied

**PEOPLE v. WALTZ
(WILLIAM LEROY)**

S279909

Petition for writ of mandate/prohibition denied

**DUMBRAVA (SEBASTIAN) v.
S.C. (PEOPLE)**

S279935 H050180 Sixth Appellate District

Petition for review denied

**DUMOV (ANATOLY &
DARYA), MARRIAGE OF**

S279951 B315920 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. GOBIN (BRYAN
CHRISTOPHER)**

S279962 F083479 Fifth Appellate District

Petition for review denied

**PEOPLE v. BARNES
(ADAM)**

S279970 B314600 Second Appellate District, Div. 8

Petition for review denied

IN RE JACOB Z.

S279971 C093607 Third Appellate District

Petition for review denied

**PEOPLE v. CUADRAS
(ARMANDO ARIAS)**

S279972 F084020 Fifth Appellate District

Petition for review denied

**PEOPLE v. HERNANDEZ
(VICTOR ALFONSO)**

S279979 D080374 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. KAMINSKI
(TIMOTHY JAMES)**

S279981 F082285 Fifth Appellate District

Petition for review denied

**PEOPLE v. PEREZ
(ARMANDO MARCELO)**

S279983 B313908 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BATRES
(ANDREW)**

S279989 E079518 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. ALFEREZ
(ROBERTO PEREZ)**

S279990 B321035 Second Appellate District, Div. 7

Petition for review denied

**PEOPLE v. POWELL
(MICHAEL ANTHONY)**

S279993 C098414 Third Appellate District

Petition for review denied

GODINEZ (ULISES) ON H.C.

S280004 A163690 First Appellate District, Div. 5

Petition for review denied

**FUGFUGOSH (MAHDI) v.
TRUSTEES OF THE
CALIFORNIA STATE
UNIVERSITY**

S280013 B323279/B323290 Second Appellate District, Div. 4 **ROBINSON (RAYMOND) v.
S.C. (VISTA LAND, LLC)**

Petition for review denied

S280020 C094511 Third Appellate District

Petition for review denied

**PEOPLE v. SANCHEZ
(AVERY ELIJAH)**

S280040 C098449 Third Appellate District

Petition for review denied

**HARDIN, JR., (JEFFREY T.)
ON H.C.**

S280058 C098394 Third Appellate District

Petition for review denied

**SHIPPEN (KALEN) v. S.C.
(PAUL FRANCO TRUCKING,
INC.)**

S280062 C097032 Third Appellate District

Petition for review denied

**PEOPLE v. HARRIS
(CLARENCE EDWARD)**

S280082 B316374 Second Appellate District, Div. 3

The applications to appear as counsel pro hac vice are granted. The petition for review is denied.

**HACALA (SARA) v. BIRD
RIDES, INC.**

S280222

The petition for writ of certiorari and/or mandate and application for stay are denied.

**NELSON (MICHAEL) v.
COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION FIVE
(BUSSELL)**

S278708

Petition for writ of habeas corpus denied

**STEPP (JASSON MICHAEL)
ON H.C.**

S278794

Petition for writ of habeas corpus denied

BROWN (TRAVIS J.) ON H.C.

S279333

Petition for writ of habeas corpus denied

WRIGHT (CURTIS) ON H.C.**S279356**

Petition for writ of habeas corpus denied

**FOSTER (TYQUAN
MARKISE) ON H.C.****S279358**

Petition for writ of habeas corpus denied

SANTIAGO (ERIK) ON H.C.**S279360**

Petition for writ of habeas corpus denied

**THOMAS (MELINDA KAY)
ON H.C.****S280016**

Petition for writ of habeas corpus denied

**MOHAMMED (CAMRAN
ABBAS) ON H.C.****S280103**

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].)

FORD (KIRK) ON H.C.**S279158** A163061 First Appellate District, Div. 1

Publication request denied (case closed)

**PLATT, LLC v. OPTUM RX,
INC.****S279300** A163406 First Appellate District, Div. 2

Publication request denied (case closed)

**TAN (REGLITA C.) v.
MERRILL (MICHAEL)****S279621** G060607 Fourth Appellate District, Div. 3

Publication request denied (case closed)

**PEOPLE v. ADDISON
(DERRICK)**

S279745 B306974 Second Appellate District, Div. 3 **PEOPLE v. WILLIAMS
(EDWARD CHARLES)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 31, 2023.

S279827 G062431 Fourth Appellate District, Div. 3 **LOPEZ (ARTHUR) v. OUR
LADY QUEEN OF ANGELS
CATHOLIC CHURCH**

The time for granting or denying review in the above-entitled matter is hereby extended to August 4, 2023.

S279857 A164045 First Appellate District, Div. 2 **SHENSON (BRIAN) v.
COUNTY OF CONTRA
COSTA**

The time for granting or denying review in the above-entitled matter is hereby extended to August 3, 2023.

S279883 B313852 Second Appellate District, Div. 1 **GREENWOOD (ELIZABETH)
v. CITY OF LOS ANGELES**

The time for granting or denying review in the above-entitled matter is hereby extended to August 4, 2023.

S279891 D081998 Fourth Appellate District, Div. 1 **ROTH (DEBRA A.) v. S.C.
(PLIKAYTIS)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 4, 2023.

S279928 A163240 First Appellate District, Div. 3 **BERNUY (RONALD) v.
BRIDGE PROPERTY
MANAGEMENT COMPANY**

The time for granting or denying review in the above-entitled matter is hereby extended to August 7, 2023.

S279930 B317886 Second Appellate District, Div. 5 **IN RE L.L.**

The time for granting or denying review in the above-entitled matter is hereby extended to August 7, 2023.

S279954 C093627 Third Appellate District

**SCACCIA (BRIAN) v.
KENNEDY (DANIEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to August 10, 2023.

S279956 C098393 Third Appellate District

**LACKEY-GARCIA (MARTIN)
ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to August 9, 2023.

S279969 B312261/B312345/B312350/B312356/B312360
Second Appellate District, Div. 8

**FORD MOTOR WARRANTY
CASES**

The time for granting or denying review in the above-entitled matter is hereby extended to August 10, 2023.

S052210

**PEOPLE v. RODRIGUEZ
(JERRY)**

Order filed

Appellant's "Application for Order Staying Appeal to Permit Defendant to Litigate Penal Code Section 1172.6 Application for Relief in Superior Court," filed on November 29, 2022, is granted. The court hereby remands this case to the Superior Court of Fresno County for further proceedings regarding appellant's petition for resentencing under Penal Code section 1172.6. Appellant shall serve and file monthly status updates with this court regarding the status of these proceedings in the superior court. The first such report is due no later than July 31, 2023. Proceedings in this appeal are otherwise stayed pending further order of this court.

S279377

**WONG (ELAINE) ON
CLEMENCY**

Motion to file document under seal granted

The Governor's "Motion to Seal Clemency Record" is granted. The Clerk of this court is directed to file under seal the unredacted version of the Commutation File of Elaine Wong, lodged conditionally under seal in this court on June 2, 2023, and to file the redacted / public version of the Commutation File of Elaine Wong, as received by the court on that date. (Cal. Rules of Court, rule 8.46.)

The court hereby finds that on the facts of this case overriding interests exist that overcome the right of public access to these records, to wit, interests as set forth in this court's Administrative Order 2021-05-26; these overriding interests support sealing the records; a substantial probability

exists that the overriding interests will be prejudiced if the records are not sealed; the proposed sealing is narrowly tailored; and no less restrictive means exist to achieve the overriding interests. (Cal. Rules of Court, rules 2.550(d)-(e), 8.46(d)(6).) The Clerk shall make the redacted / public version of the record available for public inspection upon request.

Groban and Evans, JJ., were recused and did not participate.

S279501

Petition denied

(accusation)

ACCUSATION OF CHEN**S279506**

Petition denied

(accusation)

ACCUSATION OF CHEN**S275926**

Recommended discipline imposed

SARIOL ON DISCIPLINE

The court orders that FRANK R. SARIOL (Respondent), State Bar Number 140406, is suspended from the practice of law in California for two years, 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 six months of probation;
2. Respondent must also comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its modified Opinion filed on March 20, 2023; 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 Review Department in its modified Opinion filed on March 20, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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 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].) Failure to do so may result in disbarment or suspension. Respondent must also maintain the records of compliance as required by the conditions of probation.

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.

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.

S279671**COOK ON DISCIPLINE**

Recommended discipline imposed

The court orders that PETER LOUIS COOK (Respondent), State Bar Number 232742, 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 two years of probation, and Respondent will remain suspended until providing 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 March 16, 2023.
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 March 16, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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].) Failure to do so may result in disbarment or suspension. Respondent must also maintain the records of compliance as required by the conditions of probation.

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.

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.

S279672**KERNS ON DISCIPLINE**

Recommended discipline imposed

The court orders that EDWARD PATRICK KERNS (Respondent), State Bar Number 100719, 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 a minimum of the first 60 days of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent makes restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court (or reimburses the Client Security Fund, to the extent of any payment from the Fund to such payees, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles. Reimbursement to the Fund is enforceable as a money judgment and may be collected by the State Bar through any means permitted by law:
 - a. Doug Michie and Jose Castellanos in the amount of \$7,547.50 plus 10 percent interest per year from May 27, 2018;
 - b. Doug Michie and Jose Castellanos in the amount of \$1,000 plus 10 percent interest per year from July 1, 2018; and
 - c. Doug Michie and Jose Castellanos in the amount of \$10,045 plus 10 percent interest per year from June 29, 2019.
 - ii. If Respondent remains suspended for two years or longer as a result of not satisfying the preceding requirement, Respondent must also provide proof to the State Bar Court of rehabilitation, fitness to practice and present learning and ability in the general law before the suspension will be terminated. (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 March 7, 2023.
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 March 7, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

If Respondent remains suspended for 90 days or more, 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 120 and 130 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].) Failure to do so may result in disbarment or suspension. Respondent must also maintain the records of

compliance as required by the conditions of probation.

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.

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.

S279753**LICHTER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KATIE R. J. LICHTER (Respondent), State Bar Number 314441, 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.

S279754**MOTALLEBI ON
DISCIPLINE**

Recommended discipline imposed

The court orders that SHAHIN MOTALLEBI (Respondent), State Bar Number 210870, 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 eight years 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 March 16, 2023; 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 March 16, 2023. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

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-third of the costs must be paid with Respondent's annual fees for each of the years 2024, 2025, and 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.

S280290

STATE BAR RULE 8.3

ADMIN. ORDER 2023-06-21-02

On June 2, 2023, the court received a request from the State Bar of California to approve a version of rule 8.3 of the California Rules of Professional Conduct. The request is granted.

Proposed Alternative 2 of rule 8.3 of the California Rules of Professional Conduct is approved as modified by the court.

The approved rule is set forth in the Attachment and is effective August 1, 2023.

It is so ordered.

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