

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 4, 2024
SAN FRANCISCO, CALIFORNIA**

S212030**PEOPLE v. PEREZ (JOHN
MICHAEL) & RUIZ (RUDY
ANTHONY)**

Extension of time granted

Based upon counsel Supervising Deputy State Public Defender C. Delaine Renard's representation that appellant John Michael Perez's reply brief is anticipated to be filed by February 15, 2025, an extension of time in which to serve and file that brief is granted to November 12, 2024. After that date, only two further extensions totaling about 97 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(B)(ii).)

S226653**PEOPLE v. DUNSON
(ROBERT L.)**

Extension of time granted

Based upon counsel Wayne C. Tobin's representation that the appellant's opening brief is anticipated to be filed by January 27, 2025, an extension of time in which to serve and file that brief is granted to November 4, 2024. After that date, only two further extensions totaling about 84 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S239714**PEOPLE v. LOPEZ (ELIAS
CARMONA)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to November 12, 2024.

S283639 C095446 Third Appellate District

**JOHN HR DOE v.
MARYSVILLE JOINT
UNIFIED SCHOOL DISTRICT**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to October 14, 2024.

S283128 H049983 Sixth Appellate District

**GUTIERREZ (FRANCISCO)
v. TOSTADO (URIEL)**

Order filed

The Insurance Commissioner is invited to serve and file an amicus curiae brief in this matter, addressing the issues presented. (See *Gutierrez v. Tostado* (2023) 97 Cal.App.5th 786, 795 and 798 (dis. opn. of Bromberg, J.) [addressing potential insurance impacts].) The Insurance Commissioner's amicus curiae brief should be served and filed no later than the deadline for the service and filing of amicus curiae briefing in this case. (See Cal. Rules of Court, rule 8.520(f)(2).)

S286514

**JHINGAN (ANIL) v. S.C.
(BYERS)**

Transferred to Court of Appeal, First Appellate District

The above-entitled matter is transferred to the Court of Appeal, First Appellate District.

S278772

BIRD ON DISCIPLINE

Probation revoked

The court orders that the probation of BRIAN R. BIRD (Respondent), State Bar Number 257565, is revoked. The court further orders that:

1. Respondent is suspended from the practice of law for one year.
2. Respondent is given credit towards the one-year suspension for the period of involuntary inactive enrollment which commenced on May 13, 2024.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in (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.

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.

S285684**SCHEIRER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MARC ANDRE SCHEIRER (Respondent), State Bar Number 182772, 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.

S285685**ARDITE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DANTE SEAN ARDITE (Respondent), State Bar Number 207039, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to Monique Plata, or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$1,500 plus 10 percent interest per year from February 5, 2019 (or reimburse the Client Security Fund, to the extent of any payment from the Fund to such payee, in accordance with Business and Professions Code section 6140.5). Reimbursement to the Fund is enforceable as a money judgment and may be collected by the State Bar through any means permitted by law.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in (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.

S285687**GANONG ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PHILIP WILLIAM GANONG (Respondent), State Bar Number 88414, is summarily disbarred from the practice of law 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.

S285688**HERNANDEZ ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ERICK G. GARCIA HERNANDEZ (Respondent), State Bar Number 278603, is disbarred from the practice of law and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court (or reimburse 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). Reimbursement to the Fund is enforceable as a money judgment and may be collected by the State Bar through any means permitted by law:

- (1) Martha Ramirez in the amount of \$2,625 plus 10 percent interest per year from July 13, 2016;
- (2) Josefina Guaraj-Ixtos in the amount of \$3,800 plus 10 percent interest per year from

November 8, 2022;

- (3) Ever Chavarria Caceros in the amount of \$3,500 plus 10 percent interest per year from April 21, 2023.

Respondent must comply with California Rules of Court, rule 9.20, and perform the acts specified in (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.

S285691

GURLEY ON DISCIPLINE

Recommended discipline imposed

The court orders that ADAM NATHAN GURLEY (Respondent), State Bar Number 178656, 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 May 31, 2024; 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 May 31, 2024. 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 (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 \$1,250 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.

S285692**KUMAR ON DISCIPLINE**

Recommended discipline imposed

The court orders that MATTHEW J. KUMAR (Respondent), State Bar Number 283521, 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 90 days of probation;
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 May 21, 2024; 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 May 21, 2024. 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 (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.

S286601**BAGGA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RAJESH BAGGA, State Bar Number 248837, as an attorney of the State Bar of California is accepted.

S286602**FOOSE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LYNNE MARIE FOOSE, State Bar Number 189000, as an attorney of the State Bar of California is accepted.

S286603**HAJIMIRI ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ASHLEY ANNE HAJIMIRI, State Bar Number 309016, as an attorney of the State Bar of California is accepted.

S286604**HALL ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ALICE LOUISE HALL, State Bar Number 133813, as an attorney of the State Bar of California is accepted.

S286605**HERZOG ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PETER ALAN HERZOG, State Bar Number 100922, as an attorney of the State Bar of California is accepted.

S286606**JAEB ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANITA LOUISE JAEB, State Bar Number 155124, as an attorney of the State Bar of California is accepted.

S286609**KERBY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID CHRISTOPHER KERBY, State Bar Number 124546, as an attorney of the State Bar of California is accepted.

S286610**KESSLER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHANAN ELLIOT KESSLER, State Bar Number 111678, as an attorney of the State Bar of California is accepted.

S286611**LEHTOLA ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PATRICIA B. LEHTOLA, State Bar Number 115424, as an attorney of the State Bar of California is accepted.

S286615**MITCHELL ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SANDRA LINEAE MITCHELL, State Bar Number 123388, as an attorney of the State Bar of California is accepted.

S286617**O'KEEFE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of HEATHER MARIE O'KEEFE, State Bar Number 224414, as an attorney of the State Bar of California is accepted.

S286618**ROTH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RONALD MAURICE ROTH, State Bar Number 93370, as an attorney of the State Bar of California is accepted.

S286619**SELF ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LEISHA ANN SELF, State Bar Number 130725, as an attorney of the State Bar of California is accepted.

S286620**SIMPSON ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of STEVEN PHILLIP SIMPSON, State Bar Number 119349, as an attorney of the State Bar of California is accepted.

S286621**SLATTUM ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KEVIN JAMES SLATTUM, State Bar Number 199040, as an attorney of the State Bar of California is accepted.

S286622**STEVENS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of TIMOTHY JOHN STEVENS, State Bar Number 154738, as an attorney of the State Bar of California is accepted.

S286623**TRAFICANTE ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PAUL ANTHONY TRAFICANTE, State Bar Number 96224, as an attorney of the State Bar of California is accepted.

S286624**WELCH ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of HARRIET M. WELCH, State Bar Number 135430, as an attorney of the State Bar of California is accepted.

S286625

YEE ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of MICHELLE SHUK YEE, State Bar Number 156073, as an attorney of the State Bar of California is accepted.

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 4, 2024
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 4, 2024, at 10:00 a.m.

Present: Chief Justice Guerrero, presiding, and Associate Justices Corrigan, Liu, Kruger, Groban, Jenkins, and Evans.

Officer present: Jorge Navarrete, Clerk and Executive Officer.

S277510 California Capital Insurance Company et al., Plaintiffs and Respondents,
v.
Cory Michael Hoehn, Defendant and Appellant.

Cause called. Denyse Clancy argued for Appellant.
Steven J. Horn argued for Respondents (**VIA VIDEOCONFERENCE**).

Ms. Clancy replied.
Cause submitted.

S274625 Everardo Rodriguez et al., Plaintiffs and Appellants,
v.
FCA US LLC, Defendant and Respondent.

Cause called. Cynthia E. Tobisman argued for Appellants.
Shane H. McKenzie argued for Respondent.

Ms. Tobisman replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the court and officer present as first shown.

S280752

North American Title Company et al., Petitioners,
v.
Superior Court of Fresno County, Respondent;
Carolyn Cortina et al., Real Parties in Interest.

Cause called. Lawrence M. Artenian argued for Real Parties in Interest.
Patrick D. Toole argued for Real Parties in Interest.
Barbara J. Miller argued for Petitioners.

Mr. Artenian replied.
Cause submitted.

Court adjourned.