

**SUPREME COURT MINUTES
MONDAY, FEBRUARY 23, 2015
SAN FRANCISCO, CALIFORNIA**

S223244 H038482 Sixth Appellate District **PACIFIC BUILDING
DEVELOPMENT, INC. v.
KENSINGTON-FAIR OAKS
ASSOCIATES JOINT
VENTURE/(TOPA
INSURANCE COMPANY)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223400 A139438 First Appellate District, Div. 2 **LUJAN (ROBERT M.) v.
PROFESSIONAL
COLLECTION
CONSULTANTS**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223468 D064271 Fourth Appellate District, Div. 1 **CALIFORNIA VALLEY
MIWOK TRIBE v.
CALIFORNIA GAMBLING
CONTROL COMMISSION
(CALIFORNIA VALLEY
MIWOK TRIBE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223472 H040852 Sixth Appellate District **TWELVES (AMBER) v. S.C.
(HCA, INC.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223476 C074280 Third Appellate District

**SPERBER (DAVID S.) v.
JPMORGAN CHASE BANK,
N.A.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223480 F068111 Fifth Appellate District

**ESPINOSA (ALDO) v. S.C.
(PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223483 A138758 First Appellate District, Div. 3

**PEOPLE v. MORENO (MARK
ANTHONY)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223488 H040944 Sixth Appellate District

**WHITE (JEFFREY) v.
WORKERS'
COMPENSATION APPEALS
BOARD & WATER CLARITY
PLUMBING COMPANY**

The time for granting or denying review in the above-entitled matter is hereby extended to March 27, 2015.

S223524 A135650 First Appellate District, Div. 5

**PEOPLE v. MILLER
(JARROD JOSEPH)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 30, 2015.

S137307

**PEOPLE v. MORALES
(JOHNNY)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 4, 2015.

S212110**ISAYEV (MAKSIM) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to March 12, 2015.

S218247**LANCASTER (MARCUS) ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the informal reply is extended to March 25, 2015.

S218400

B243800 Second Appellate District, Div. 2

**IN RE TRANSIENT
OCCUPANCY TAX CASES**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to March 18, 2015.

S219819

B249557 Second Appellate District, Div. 1

**PEOPLE v. MACHADO
(OSCAR)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to March 9, 2015.

No further extensions of time will be granted.

S221557**WINIARZ (JON) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the informal response is extended to March 19, 2015.

S222732

B249546 Second Appellate District, Div. 7

**DYNAMEX OPERATIONS
WEST, INC. v. S.C. (LEE)**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to April 13, 2015.

S224054 A137173/A137186 First Appellate District, Div. 2 **SOUTH SAN FRANCISCO, CITY OF v. BOARD OF EQUALIZATION/(CITY OF EL SEGUNDO)**

Extension of time granted

On application of petitioners and good cause appearing, it is ordered that the time to serve and file the joint reply to answer to petition for review is extended to March 13, 2015.

S224119 A137454 First Appellate District, Div. 4 **ALPAY (NADIA) v. MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer to petitioner for review is extended to March 4, 2015.

S221786 B253416 Second Appellate District, Div. 5 **PEOPLE v. ATKINS (GENE)**
Counsel appointment order filed

Upon request of appellant for appointment of counsel, The California Appellate Project is hereby appointed to represent appellant on the appeal now pending in this court.

S223731 **BASKERVILLE (BRUCE M.) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division One

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

S224025 **HEIM (MANUEL SORIA) v. S.C. (PEOPLE)**

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

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

S223121**MEHLER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that SCOTT STONE MEHLER, State Bar Number 190014, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

SCOTT STONE MEHLER must make restitution to Raymond Mayo, Salvatore Giuliano, Joshua Abel and Bruce Abel, collectively, in the amount of \$647,795.37 plus 10 percent interest per year from May 21, 2013. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

SCOTT STONE MEHLER 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 effective 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.

S223145**NETTY, JR., ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that NICHOLAS ANTHONY NETTY, JR., State Bar Number 69225, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

NICHOLAS ANTHONY NETTY, JR., must make restitution to the following payees:

- (1) Venkata Subrahmanyam Kasichainula in the amount of \$2,565 plus 10 percent interest per year from January 17, 2012;
- (2) Cindy and Reynaldo Rojas in the amount of \$3,330 plus 10 percent interest per year from May 15, 2013;
- (3) Salih Tileylioglu in the amount of:
 - (a) \$1,000 plus 10 percent interest per year from May 7, 2013; and
 - (b) \$2,875 plus 10 percent interest per year from October 23, 2012;
- (4) Prabjot Sarang in the amount of :
 - (a) \$1,915 plus 10 percent interest per year from May 31, 2012; and
 - (b) \$580 plus 10 percent interest per year from June 13, 2011;
- (5) Cruz and Teodora Cabrera in the amount of:
 - (a) \$2,325 plus 10 percent interest per year from December 3, 2012; and
 - (b) \$1,300 plus 10 percent interest per year from February 11, 2013;
- (6) Bashir Saiid in the amount of:
 - (a) \$1,235 plus 10 percent interest per year from May 10, 2013;
 - (b) \$580 plus 10 percent interest per year from March 30, 2011; and
 - (c) \$1,070 plus 10 percent interest per year from December 20, 2011;
- (7) Marisol Luvianos and Jorge Mendez in the amount of:
 - (a) \$2,365 plus 10 percent interest per year from May 7, 2013; and
 - (b) \$380 plus 10 percent interest per year from April 11, 2012.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

NICHOLAS ANTHONY NETTY, JR., 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 effective 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.

S223168**TISHGART ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KENNETH BRUCE TISHGART, State Bar Number 96206, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KENNETH BRUCE TISHGART 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 effective 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.

S223200**ASCANO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JOHNNY SISON ASCANO, State Bar Number 166219, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JOHNNY SISON ASCANO 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 effective 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.

S223204**BEYRIES ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL KENNETH BEYRIES, State Bar Number 187562, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MICHAEL KENNETH BEYRIES must make restitution to Northbay Wellness Group, Inc. in the amount of \$13,438.50 plus 10 percent interest per year from September 18, 2008. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

MICHAEL KENNETH BEYRIES 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 effective 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.

S223206**FREDERICKSON ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DAVID HALL FREDERICKSON, State Bar Number 42810, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

DAVID HALL FREDERICKSON must make restitution to Nazar A. Dhahir in the amount of \$198,000 plus 10 percent interest per year from April 21, 2013. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DAVID HALL FREDERICKSON 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 effective 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.

S223207**BEERS ON DISCIPLINE**

Recommended discipline imposed

The court orders that EVERITT GEORGE BEERS, State Bar Number 92505, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. EVERITT GEORGE BEERS is suspended from the practice of law for the first six months of probation;
2. EVERITT GEORGE BEERS 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 28, 2014; and
3. At the expiration of the period of probation, if EVERITT GEORGE BEERS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

EVERITT GEORGE BEERS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

EVERITT GEORGE BEERS 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 effective date of this order. Failure to do so may result in disbarment or suspension.

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.

S223211**GALLAND ON DISCIPLINE**

Recommended discipline imposed

The court orders that SCOTT ANTHONY GALLAND, State Bar Number 211330, is suspended from the practice of law in California for four years, execution of that period of suspension is stayed, and he is placed on probation for four years subject to the following conditions:

1. SCOTT ANTHONY GALLAND is suspended from the practice of law for a minimum of three years of probation and he will remain suspended until the following conditions are satisfied:
 - i. He makes restitution to Juli Smith in the amount of \$15,000 plus 10 percent interest per year from April 1, 2011 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Juli Smith, 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; and
 - ii. SCOTT ANTHONY GALLAND provides proof to the State Bar Court of his rehabilitation, fitness to practice and 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. SCOTT ANTHONY GALLAND must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on October 31, 2014.
3. At the expiration of the period of probation, if SCOTT ANTHONY GALLAND has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

SCOTT ANTHONY GALLAND 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 effective date of this order. Failure to do so may result in disbarment or suspension.

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.

S223253**KIME ON DISCIPLINE**

Recommended discipline imposed

The court orders that KARL WESLEY KIME, State Bar Number 143696, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. KARL WESLEY KIME is suspended from the practice of law for the first one year of probation;
2. KARL WESLEY KIME 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 29, 2014; and
3. At the expiration of the period of probation, if KARL WESLEY KIME has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

KARL WESLEY KIME must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

KARL WESLEY KIME 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 effective date of this order. Failure to do so may result in disbarment or suspension.

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. One-half of the costs must be paid with his membership fees for each of the years 2016 and 2017. If KARL WESLEY KIME fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S224477**BADGER, JR., ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RAYMOND LOUIS BADGER, JR., State Bar Number 79584, as a member of the State Bar of California is accepted.

RAYMOND LOUIS BADGER, JR., must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224479**BALDWIN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANDREA KATHRYN BALDWIN, State Bar Number 234164, as a member of the State Bar of California is accepted.

ANDREA KATHRYN BALDWIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224480**HYMAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOYCE MADELINE HYMAN, State Bar Number 93990, as a member of the State Bar of California is accepted.

JOYCE MADELINE HYMAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224481**LUCK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GERHARD WILHELM LUCK, State Bar Number 110880, as a member of the State Bar of California is accepted.

GERHARD WILHELM LUCK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224482**BREWER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN CRAIG BREWER, State Bar Number 111192, as a member of the State Bar of California is accepted.

JOHN CRAIG BREWER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224484**CHI ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JUSTIN YUNGWEI CHI, State Bar Number 263727, as a member of the State Bar of California is accepted.

JUSTIN YUNGWEI CHI must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224485**DONOHUE ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BRIAN CHRISTOPHER DONOHUE, State Bar Number 84549, as a member of the State Bar of California is accepted.

BRIAN CHRISTOPHER DONOHUE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224491**ROBINSON ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LINDA SIMPKINS ROBINSON, State Bar Number 165189, as a member of the State Bar of California is accepted.

LINDA SIMPKINS ROBINSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224493**SCHILD ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PETER SCHILD, State Bar Number 75352, as a member of the State Bar of California is accepted.

PETER SCHILD must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224496**LEWIS-SOMERS ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SUSAN LEWIS-SOMERS, State Bar Number 121901, as a member of the State Bar of California is accepted.

SUSAN LEWIS-SOMERS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224497**MORRONE ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHARLES LOUIS MORRONE, State Bar Number 48371, as a member of the State Bar of California is accepted.

CHARLES LOUIS MORRONE must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224501**RUBIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ANDREA BETH RUBIN, State Bar Number 154673, as a member of the State Bar of California is accepted.

ANDREA BETH RUBIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224507**WOOLSEY ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DEAN FRANKLIN WOOLSEY, State Bar Number 58687, as a member of the State Bar of California is accepted.

DEAN FRANKLIN WOOLSEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

S224508**SHENK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MAURY DAVID SHENK, State Bar Number 163149, as a member of the State Bar of California is accepted.

MAURY DAVID SHENK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,191)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)