

**SUPREME COURT MINUTES  
THURSDAY, JULY 13, 2017  
SAN FRANCISCO, CALIFORNIA**

**S223603**      D063288 Fourth Appellate District, Div. 1      **CLEVELAND NATIONAL  
FOREST FOUNDATION v.  
SAN DIEGO ASSOCIATION  
OF GOVERNMENTS  
(PEOPLE)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal insofar as it determined that the 2011 EIR's analysis of greenhouse gas emission impacts rendered the EIR inadequate and required revision. As noted, the Court of Appeal also affirmed the trial court's judgment that the 2011 EIR's analysis of greenhouse gas emission mitigation measures was inadequate, identified other deficiencies in the EIR, and affirmed the issuance of a writ of mandate setting aside the EIR's certification on these grounds. We did not grant review on these issues and express no view on how, if at all, today's opinion affects their disposition. We remand to the Court of Appeal for proceedings consistent with this opinion.

Majority Opinion by Liu, J.

-- joined by Cantil-Sakauye, C. J., Werdegarr, Chin, Corrigan, and Kruger, JJ.

Dissenting Opinion by Cuéllar, J.

**S227228**      B259967 Second Appellate District, Div. 1      **WILLIAMS (MICHAEL) v.  
S.C. (MARSHALLS OF CA,  
LLC)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand for further proceedings not inconsistent with this opinion.

Majority Opinion by Werdegarr, J.

-- joined by Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

**S222329**      B248536 Second Appellate District, Div. 7      **926 NORTH ARDMORE  
AVENUE, LLC v. COUNTY  
OF LOS ANGELES**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to September 27, 2017 or the date upon which rehearing is either granted or denied, whichever occurs first.

**S242522****SERMENO (LARRY A.) v.  
CALIFORNIA DEPARTMENT  
OF CORRECTIONS &  
REHABILITATION  
(KERNAN)**

Transferred to Court of Appeal, Fifth Appellate District

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

**S242537****SERMENO (LARRY A.) v. S.C.  
(PEOPLE)**

Transferred to Court of Appeal, Sixth Appellate District

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

**S242863****POSLOF, JR., (LONNIE LEE)  
v. S.C. (MORSE II)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S241509****NIA ON DISCIPLINE**

Recommended discipline imposed

The court orders that TINA AMOUEI NIA, State Bar Number 237610, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. TINA AMOUEI NIA is suspended from the practice of law for the first year of probation;
2. TINA AMOUEI NIA must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on February 24, 2017; and
3. At the expiration of the period of probation, if TINA AMOUEI NIA has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

TINA AMOUEI NIA 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).)

TINA AMOUEI NIA 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.

**S241511****GRUBAUGH, JR., ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that BRUCE EDWARD GRUBAUGH, JR., State Bar Number 74503, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. BRUCE EDWARD GRUBAUGH, JR., is suspended from the practice of law for the first 30 days of probation;
2. BRUCE EDWARD GRUBAUGH, JR., 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 9, 2017; and
3. At the expiration of the period of probation, if BRUCE EDWARD GRUBAUGH, JR., has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

BRUCE EDWARD GRUBAUGH, JR., 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).) 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 2018 and 2019. If BRUCE EDWARD GRUBAUGH, JR., 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.

**S241516****AKHKASHIAN ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that KHACHIK AKHKASHIAN, State Bar Number 213607, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. KHACHIK AKHKASHIAN must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 10, 2017; and
2. At the expiration of the period of probation, if KHACHIK AKHKASHIAN has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

KHACHIK AKHKASHIAN 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 within the same period. 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. One-half of the costs must be paid with his membership fees for each of the years 2018 and 2019. If KHACHIK AKHKASHIAN 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.

**S241521****HARTSON II ON DISCIPLINE**

Recommended discipline imposed

The court orders that GEORG DAVID HARTSON II, State Bar Number 119812, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. GEORG DAVID HARTSON II is suspended from the practice of law for the first 90 days of probation (with credit given for inactive enrollment, which was effective August 13, 2015, through November 10, 2015 (Bus. & Prof. Code, § 6233));
2. GEORG DAVID HARTSON II must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on March 6, 2017.
3. At the expiration of the period of probation, if GEORG DAVID HARTSON II has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

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. The costs must be paid in full with his membership fees for the year 2018. If GEORG DAVID HARTSON II fails to pay the costs as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S241522****McCARTHY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEVEN MICHAEL McCARTHY, State Bar Number 85433, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. STEVEN MICHAEL McCARTHY 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.

**S241526****PARKS, JR., ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES LOUIS PARKS, JR., State Bar Number 202571, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. JAMES LOUIS PARKS, JR., is suspended from the practice of law for the first 90 days of probation;
2. JAMES LOUIS PARKS, JR., 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 9, 2017; and
3. At the expiration of the period of probation, if JAMES LOUIS PARKS, JR., has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JAMES LOUIS PARKS, JR., 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).)

JAMES LOUIS PARKS, 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. 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.

**S241530****MESSER ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARLON BRENT MESSER, State Bar Number 230984, 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. MARLON BRENT MESSER is suspended from the practice of law for the first one year of probation;
2. MARLON BRENT MESSER 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 9, 2017; and
3. At the expiration of the period of probation, if MARLON BRENT MESSER has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

MARLON BRENT MESSER 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).)

MARLON BRENT MESSER 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-third of the costs must be paid with his membership fees for each of the years 2018, 2019, and 2020. If MARLON BRENT MESSER 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.

**S241532****METTIAS ON DISCIPLINE**

Recommended discipline imposed

The court orders that JIMMY PHILIP METTIAS, State Bar Number 269572, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. JIMMY PHILIP METTIAS is suspended from the practice of law for the first 90 days of probation;
2. JIMMY PHILIP METTIAS 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 3, 2017; and
3. At the expiration of the period of probation, if JIMMY PHILIP METTIAS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JIMMY PHILIP METTIAS 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).)

JIMMY PHILIP METTIAS 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.

**S241618****HARMATA ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHN MICHAEL HARMATA, State Bar Number 131668, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. JOHN MICHAEL HARMATA is suspended from the practice of law for a minimum of the first two years of probation and he will remain suspended until the following conditions are

satisfied:

- i. He makes restitution to Glenda Rolle in the amount of \$1,200 plus 10 percent interest per year from July 30, 2015 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to Glenda Rolle, 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. JOHN MICHAEL HARMATA provides proof to the State Bar Court of his 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. JOHN MICHAEL HARMATA 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 9, 2017.
  3. At the expiration of the period of probation, if JOHN MICHAEL HARMATA has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JOHN MICHAEL HARMATA must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension 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).)

JOHN MICHAEL HARMATA 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-third of the costs must be paid with his membership fees for each of the years 2018, 2019, and 2020. If JOHN MICHAEL HARMATA 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.

## **S241619**

## **EPSTEIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that FRANK EPSTEIN, State Bar Number 97325, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

FRANK EPSTEIN 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.

**S241622****CHESBRO ON DISCIPLINE**

Recommended discipline imposed

The court orders that EVE SUSAN CHESBRO, State Bar Number 145698, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. EVE SUSAN CHESBRO is suspended from the practice of law for the first six months of probation;
2. EVE SUSAN CHESBRO 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 3, 2017; and
3. At the expiration of the period of probation, if EVE SUSAN CHESBRO has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

EVE SUSAN CHESBRO 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).)

EVE SUSAN CHESBRO 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-third of the costs must be paid with her membership fees for each of the years 2018, 2019, and 2020 . If EVE SUSAN CHESBRO 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.

**S241709****BECKKER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BERNARD BECKKER, State Bar Number 103386, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BERNARD BECKKER 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.



**S241713****LAOTEPPITAKS ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that THEERA LAOTEPPITAKS, State Bar Number 269201, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

THEERA LAOTEPPITAKS must make restitution to Edward Lanz in the amount of \$10,000 plus 10 percent interest per year from September 9, 2015. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

THEERA LAOTEPPITAKS 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.

**S241720****ALBORZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that MEHRDAD ALBORZ, State Bar Number 188790, 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. MEHRDAD ALBORZ is suspended from the practice of law for the first 30 days of probation;
2. MEHRDAD ALBORZ 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 15, 2017; and
3. At the expiration of the period of probation, if MEHRDAD ALBORZ has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

MEHRDAD ALBORZ 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).)

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 2018 and 2019. If MEHRDAD ALBORZ 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.

**S241721****TAHIR ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JEFFREY LEMASTERS TAHIR, State Bar Number 216412, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

JEFFREY LEMASTERS TAHIR 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.

**S241722****JOHNSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KELLY SCOTT JOHNSON, State Bar Number 134520, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

KELLY SCOTT JOHNSON 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.

**S241724****van SICKLE ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BARRY L. van SICKLE, State Bar Number 98645, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

BARRY L. van SICKLE 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.

**S242956****GENEREUX ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CAROLYN JEANNE GENEREUX, State Bar Number 199717, as a member of the State Bar of California is accepted.