

**SUPREME COURT MINUTES
THURSDAY, MARCH 19, 2015
SAN FRANCISCO, CALIFORNIA**

S223730 E058829 Fourth Appellate District, Div. 2 **WARD (JAMES) v.
CALIFORNIA STATE
PERSONNEL BOARD
(CALIFORNIA
DEPARTMENT OF
CORRECTIONS &
REHABILITATION)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 24, 2015.

S224001 A135184 First Appellate District, Div. 4 **DUARTE (JOSE) v. STATE
TEACHERS' RETIREMENT
SYSTEM**

The time for granting or denying review in the above-entitled matter is hereby extended to April 24, 2015.

S224024 B249616 Second Appellate District, Div. 5 **SOUTHERN CALIFORNIA
GAS COMPANY v.
FLANNERY (PATRICK)**

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

S224029 B253705 Second Appellate District, Div. 3 **BIRNBAUM (MARC) v.
TARZANA ANESTHESIA
MEDICAL GROUP INC.**

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

S224032 F070532 Fifth Appellate District **TRW AUTOMOTIVE GMBH
v. S.C. (LEDUC)**

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

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

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

S224086 G049838 Fourth Appellate District, Div. 3 **McGILL (SHARON) v. CITIBANK, N.A.**

The time for granting or denying review in the above-entitled matter is hereby extended to April 28, 2015.

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

The time for granting or denying review in the above-entitled matter is hereby extended to April 29, 2015.

S224131 B256509 Second Appellate District, Div. 8 **SANKEY (LA TINA) v. AEROPOSTALE WEST, INC. (JONES, BELL, ABBOT, FLEMMING & FITGERALD, LLP)**

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

S224137 A143965 First Appellate District, Div. 4 **HAMILTON (PAUL C.) v. S.C. (TOOTELL)**

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

S093944**PEOPLE v. BERTSCH (JOHN
ANTHONY) & HRONIS
(JEFFERY LEE)**

Extension of time granted

Good cause appearing, and based upon counsel Thomas Lundy's representation that appellant John Anthony Bertsch's opening brief is anticipated to be filed by October 31, 2015, counsel's request for an extension of time in which to file that brief is granted to May 21, 2015. After that date, only three further extensions totaling about 158 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).)

S139702**PEOPLE v. BRACAMONTES
(MANUEL)**

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 22, 2015.

S140894**PEOPLE v. MIRACLE
(JOSHUA MARTIN)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Peggy Z. Huang's representation that the respondent's brief is anticipated to be filed by May 20, 2015, counsel's request for an extension of time in which to file that brief is granted to May 20, 2015. After that date, no further extension is contemplated.

S143531**PEOPLE v. LEON (JOSE
LUIS)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Andrea G. Asaro's representation that the appellant's reply brief is anticipated to be filed by May 22, 2015, counsel's request for an extension of time in which to file that brief is granted to May 22, 2015. After that date, no further extension is 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).)

S154459**PEOPLE v. TURNER
(CHESTER DEWAYNE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Blythe J. Leszkay's representation that the respondent's brief is anticipated to be filed by August 3, 2015, counsel's request for an extension of time in which to file that brief is granted to May 18, 2015. After that date, only two further extensions totaling about 77 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).)

S170293**PEOPLE v. DENNIS (CALVIN
JERMAINE) & INGRAM
(REYON TWAIN)**

Extension of time granted

On application of appellant Reyon T. Ingram and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to May 22, 2015.

S178464**PEOPLE v. MARTINEZ
(SANTIAGO)**

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 22, 2015.

S188067**PEOPLE v. WHITESIDE
(GREGORY C.)**

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 18, 2015.

S222578**RALEY (DAVID A.) ON H.C.**

Extension of time granted

The application of respondent for relief from default for the failure to timely file respondent's request for extension of time is granted.

Good cause appearing, and based upon Supervising Deputy Attorney General Glenn R. Pruden's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by May 1, 2015, counsel's request for an extension of time in which to file that document is granted to May 1, 2015. After that date, no further extension is contemplated.

S219534**KESNER, JR., (JOHNNY
BLAINE) v. S.C. (PNEUMO
ABEX LLC)**

Application to appear as counsel pro hac vice granted

The application of Mark A. Behrens for admission pro hac vice to appear on behalf of amicus curiae Coalition for Litigation Justice, et al. is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S029011**PEOPLE v. SOLOMON, JR.,
(MORRIS)**

Order appointing Habeas Corpus Resource Center filed

On the court's own motion, the order appointing Michael G. Millman, as Executive Director of the California Appellate Project in San Francisco, to serve as interim habeas corpus/executive clemency counsel of record for condemned inmate Morris Solomon, Jr., filed October 11, 2006, is hereby vacated.

The Habeas Corpus Resource Center is hereby appointed to represent condemned inmate Morris Solomon, Jr., for habeas corpus/executive clemency proceedings related to the above automatic appeal now final in this court.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std.1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior appellate and habeas corpus counsel Bruce E. Cohen's declaration, in support of his motion to withdraw as habeas corpus/executive clemency counsel, to the effect that he was unable to discharge his duty to investigate and, if appropriate, present a habeas corpus petition on behalf of condemned inmate Morris Solomon, Jr., and this court's delay in appointing replacement habeas corpus counsel.

S223418**FOTOUHI ON DISCIPLINE**

Recommended discipline imposed

The court orders that SHAHAB EDDIN FOTOUHI, State Bar Number 168301, 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. SHAHAB EDDIN FOTOUHI is suspended from the practice of law for six months (with credit given for the period of interim suspension, which commenced on May 21, 2014).
2. SHAHAB EDDIN FOTOUHI 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 30, 2014.
3. At the expiration of the period of probation, if SHAHAB EDDIN FOTOUHI has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

SHAHAB EDDIN FOTOUHI 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).)

SHAHAB EDDIN FOTOUHI 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 SHAHAB EDDIN FOTOUHI 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.

S223448**GOSECO ON DISCIPLINE**

Recommended discipline imposed

The court orders that FRANK EDWARD GOSECO, State Bar Number 132732, 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 four years subject to the following conditions:

1. FRANK EDWARD GOSECO is suspended from the practice of law for the first six months of probation;
2. FRANK EDWARD GOSECO 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 November 12, 2014; and
3. At the expiration of the period of probation, if FRANK EDWARD GOSECO has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

FRANK EDWARD GOSECO 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).)

FRANK EDWARD GOSECO 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 FRANK EDWARD GOSECO 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.

S223450**DING ON DISCIPLINE**

Recommended discipline imposed

The court orders that DANIEL DING, State Bar Number 280836, 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. DANIEL DING must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 3, 2014; and
2. At the expiration of the period of probation, if DANIEL DING has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DANIEL DING 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.

S223463**YOUNGER ON DISCIPLINE**

Recommended discipline imposed

The court orders that CONNIE LEE YOUNGER, State Bar Number 224357, 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. CONNIE LEE YOUNGER is suspended from the practice of law for a minimum of the first year of probation, and she will remain suspended until the following requirements are satisfied:
 - i. She makes restitution to John William Shepherd in the amount of \$5,000 plus 10 percent interest per year from November 1, 2011 (or reimburses the Client Security Fund, to the extent of any payment from the fund to John William Shepherd, 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. If she remains suspended for two years or more as a result of not satisfying the preceding condition, she must also provide proof to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law before her suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. CONNIE LEE YOUNGER must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 4, 2013.

3. At the expiration of the period of probation, if CONNIE LEE YOUNGER has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

CONNIE LEE YOUNGER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of her suspension, whichever is longer 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).)

CONNIE LEE YOUNGER 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.

S223467**NO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that LEE SIK NO, State Bar Number 249092, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

LEE SIK NO 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.

S223469**PALM ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that SHELLEY FERRIS PALM, State Bar Number 74879, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

SHELLEY FERRIS PALM 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.

S223471**PORTALES ON DISCIPLINE**

Recommended discipline imposed

The court orders that ALEJANDRO PORTALES, State Bar Number 202992, 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. ALEJANDRO PORTALES must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 20, 2014; and
2. At the expiration of the period of probation, if ALEJANDRO PORTALES has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

ALEJANDRO PORTALES 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.

S223506**MASUDA ON DISCIPLINE**

Recommended discipline imposed

The court orders that DONALD MASUDA, State Bar Number 96560, 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. DONALD MASUDA must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 10, 2014; and
2. At the expiration of the period of probation, if DONALD MASUDA has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

DONALD MASUDA 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.

S223514**BRANDELLI ON DISCIPLINE**

Recommended discipline imposed

The court orders that RANDOLPH JOSEPH BRANDELLI, State Bar Number 224633, 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. RANDOLPH JOSEPH BRANDELLI must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 20, 2014; and
2. At the expiration of the period of probation, if RANDOLPH JOSEPH BRANDELLI has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

RANDOLPH JOSEPH BRANDELLI 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-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If RANDOLPH JOSEPH BRANDELLI 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.

S223516**MANAGO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that OLLIE PEARL MANAGO, State Bar Number 140135, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

OLLIE PEARL MANAGO 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.

S223534**CUMMINGS ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEVEN RANDALL CUMMINGS, State Bar Number 150518, 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. STEVEN RANDALL CUMMINGS is suspended from the practice of law for the first six months of probation;
2. STEVEN RANDALL CUMMINGS 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 November 14, 2014; and
3. At the expiration of the period of probation, if STEVEN RANDALL CUMMINGS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

STEVEN RANDALL CUMMINGS 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).)

STEVEN RANDALL CUMMINGS 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 STEVEN RANDALL CUMMINGS 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.

S223538**BOKOVOY ON DISCIPLINE**

Recommended discipline imposed

The court orders that DON EDWARD BOKOVOY, State Bar Number 81496, 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. DON EDWARD BOKOVOY is suspended from the practice of law for the first 30 days of probation;
2. DON EDWARD BOKOVOY 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 November 18, 2014; and
3. At the expiration of the period of probation, if DON EDWARD BOKOVOY has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DON EDWARD BOKOVOY 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 third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If DON EDWARD BOKOVOY 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.

S223539**DeFRANK ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL LAWRENCE DeFRANK, State Bar Number 187888, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MICHAEL LAWRENCE DeFRANK 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.