

**SUPREME COURT MINUTES
TUESDAY, MAY 13, 2014
SAN FRANCISCO, CALIFORNIA**

S216821 F065514 Fifth Appellate District **LOPEZ (MILTON) v.
ALLSTATE INSURANCE
COMPANY**

The time for granting or denying review in the above-entitled matter is hereby extended to June 12, 2014.

S217123 F065656 Fifth Appellate District **BUI (HAO D.) v. 4901
CENTENNIAL PARTNERS
LLC**

The time for granting or denying review in the above-entitled matter is hereby extended to June 12, 2014.

S217128 A136655 First Appellate District, Div. 5 **PEOPLE v. SASSER
(DARREN DERAÉ)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 12, 2014.

S217130 B246561 Second Appellate District, Div. 2 **IN RE ALISHA A.**

The time for granting or denying review in the above-entitled matter is hereby extended to June 11, 2014.

S217132 H040702 Sixth Appellate District **ARTEAGA (RICHARD
TORRES) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 12, 2014.

S217141 B253900 Second Appellate District, Div. 2 **ANAHEIM, CITY OF v.
WORKERS'
COMPENSATION APPEALS
BOARD & WILLIS (JOEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 12, 2014.

S217142 A134607/A136180 First Appellate District, Div. 5 **PEOPLE v. PACHECO
(MARIO ALFREDO)**

The time for granting or denying review in the above-entitled matter is hereby extended to June 12, 2014.

S044739 **PEOPLE v. BANKSTON
(ANTHONY GEORGE)**

Extension of time granted

Good cause appearing, and based upon State Public Defender Michael J. Hersek's representation that the appellant's reply brief is anticipated to be filed by June 20, 2014, counsel's request for an extension of time in which to file that brief is granted to June 20, 2014. After that date, no further extension will be granted.

S095868 **PEOPLE v. DANIELS (DAVID
SCOTT)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Larenda R. Delaini's representation that the supplemental respondent's brief is anticipated to be filed by July 7, 2014, counsel's request for an extension of time in which to file that brief is granted to July 7, 2014. After that date, no further extension will be granted.

S142857 **PEOPLE v. DUNLAP (DEAN
ERIC)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Jessica K. McGuire's representation that the appellant's opening brief is anticipated to be filed by December 15, 2014, counsel's request for an extension of time in which to file that brief is granted to July 14, 2014. After that date, only three further extensions totaling about 155 additional days will be granted. 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).)

S152463**PEOPLE v. HILL (IVAN J.)**

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 July 15, 2014.

S162197**PEOPLE v. VICTORIANNE
(JAVIER WILLIAM)**

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 July 15, 2014.

S163417**PEOPLE v. DIXON, JR.,
(JAMES WINSLOW)**

Extension of time granted

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

Good cause appearing, and based upon counsel H. Mitchell Caldwell's representation that the appellant's reply brief is anticipated to be filed by December 30, 2014, counsel's request for an extension of time in which to file that brief is granted to July 2, 2014. After that date, only three further extensions totaling about 180 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).)

S166315**WILSON (ANDRE GERALD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney Keith H. Borjon's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 10, 2015, counsel's request for an extension of time in which to file that document is granted to July 8, 2014. After that date, only four further extensions totaling about 245 additional days are contemplated.

S170001**PEOPLE v. WATTA
(BENJAMIN WAYNE)**

Extension of time granted

Good cause appearing, and based upon counsel Jonathan P. Milberg's representation that the appellant's opening brief is anticipated to be filed by November 17, 2014, counsel's request for an extension of time in which to file that brief is granted to July 11, 2014. After that date, only two further extensions totaling about 120 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).)

S178123**BUTLER (RAYMOND
OSCAR) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Noah P. Hill's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by July 11, 2014, counsel's request for an extension of time in which to file that document is granted to July 11, 2014. After that date, no further extension is contemplated.

S214789**POLLOCK (MILTON RAY)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Linda M. Murphy's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by July 31, 2014, counsel's request for an extension of time in which to file that document is granted to July 8, 2014. After that date, only one further extension totaling about 23 additional days is contemplated.

S215614**KILBY (NYKEYA) v. CVS
PHARMACY, INC.**

Extension of time granted

On application of respondent CVS Pharmacy, Inc., and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to June 11, 2014.

S215614**KILBY (NYKEYA) v. CVS
PHARMACY, INC.**

Extension of time granted

On application of respondent JPMorgan Chase Bank, N.A., and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to June 11, 2014.

S217244**CHATMAN (ERIK SANFORD)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Brian Newman's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 20, 2014, counsel's request for an extension of time in which to file that document is granted to June 20, 2014. After that date, no further extension is contemplated.

S216253**PEOPLE v. UY (RATTANY)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Kyle Gee is hereby appointed to represent appellant Rattany Uy on the appeal now pending in this court.

S216253**PEOPLE v. UY (RATTANY)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Rebecca P. Jones is hereby appointed to represent appellant Chanreasmy Prum on the appeal now pending in this court.

S216782**HIRST ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WILLIAM A. HIRST, State Bar Number 36401, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

WILLIAM A. HIRST 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.

S216789**KERLAN, JR., ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MILTON KERLAN, JR., State Bar Number 39719, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MILTON KERLAN, 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.

S216882**NGUYEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that PAUL CONG NGUYEN, State Bar Number 204713, 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. PAUL CONG NGUYEN 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 requirements are satisfied:
 - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Carlton and Kendra Bargman in the amount of \$3,600 plus 10 percent interest per year from March 6, 2013;
 - (2) Carl and Mary Byrne in the amount of \$3,700 plus 10 percent interest per year from April 2, 2013;
 - (3) Vernon and Carol Girdy in the amount of \$3,700 plus 10 percent interest per year from December 17, 2012;
 - (4) David Gottwals in the amount of \$3,700 plus 10 percent interest per year from February 28, 2013;
 - (5) Yanelys Gracia in the amount of \$3,500 plus 10 percent interest per year from February 14, 2013;
 - (6) John and Katherine Castro in the amount of \$3,200 plus 10 percent interest per year from March 26, 2013;
 - (7) Dominique Garel in the amount of \$1,850 plus 10 percent interest per year from June 13, 2013;
 - (8) Dawood Gul in the amount of \$4,450 plus 10 percent interest per year from November 21, 2012;
 - (9) Ricky and Kimberly Gray in the amount of \$3,700 plus 10 percent interest per year from March 14, 2013;

- (10) Nancy Riley and Doreen Bishop in the amount of \$4,500 plus 10 percent interest per year from April 2, 2013;
 - (11) Victor Morales in the amount of \$5,250 plus 10 percent interest per year from December 3, 2012;
 - (12) Margie McManus in the amount of \$3,132 plus 10 percent interest per year from November 13, 2012;
 - (13) Shannan Kenihan in the amount of \$4,500 plus 10 percent interest per year from February 23, 2013;
 - (14) Detra Hardiman in the amount of \$2,850 plus 10 percent interest per year from May 13, 2013;
 - (15) Stephanie Ruiz in the amount of \$7,700 plus 10 percent interest per year from November 20, 2013;
 - (16) Patricia Stephenson in the amount of \$2,775 plus 10 percent interest per year from March 25, 2013;
 - (17) Lisa Perry in the amount of \$4,095 plus 10 percent interest per year from April 4, 2012;
 - (18) Betty Edwards in the amount of \$2,700 plus 10 percent interest per year from May 14, 2013;
 - (19) Michael Speer in the amount of \$3,504 plus 10 percent interest per year from February 26, 2013;
 - (20) Richard Questel in the amount of \$6,400 plus 10 percent interest per year from March 26, 2012; and
 - (21) Karen Creighton in the amount of \$3,500 plus 10 percent interest per year from March 25, 2013.
- ii. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. PAUL CONG NGUYEN 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 January 10, 2014.
 3. At the expiration of the period of probation, if PAUL CONG NGUYEN has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

PAUL CONG NGUYEN 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).)

PAUL CONG NGUYEN 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 2015 and 2016. If PAUL CONG NGUYEN 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.

S216883**O'BRIEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that GENE EDWIN O'BRIEN, State Bar Number 99524, 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. GENE EDWIN O'BRIEN is suspended from the practice of law for the first 30 days of probation;
2. GENE EDWIN O'BRIEN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 19, 2013; and
3. At the expiration of the period of probation, if GENE EDWIN O'BRIEN has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

GENE EDWIN O'BRIEN 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.

S216884**SAFRAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that NEAL RONALD SAFRAN, State Bar Number 72491, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

NEAL RONALD SAFRAN 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.

S216890**VanSICKLE ON DISCIPLINE**

Recommended discipline imposed

The court orders that BARRY L. VanSICKLE, State Bar Number 98645, 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. BARRY L. VanSICKLE must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on December 20, 2013; and
2. At the expiration of the period of probation, if BARRY L. VanSICKLE has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

BARRY L. VanSICKLE 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.

S216891**ZIMON ON DISCIPLINE**

Recommended discipline imposed

The court orders that TERI SUZANNE ZIMON, State Bar Number 213023, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. TERI SUZANNE ZIMON is suspended from the practice of law for the first 60 days of probation;
2. TERI SUZANNE ZIMON 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 January 7, 2014; and
3. At the expiration of the period of probation, if TERI SUZANNE ZIMON has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

TERI SUZANNE ZIMON 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 her membership fees for each of the years 2015, 2016, and 2017. If TERI SUZANNE ZIMON 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.

Fourth Appellate District, Div. 2 **TRANSFER ORDERS**

The following matters, now pending in the Court of Appeal, Fourth Appellate District, are transferred from Division Two to Division One:

1. E057986 People v. Jonathan Kohut
2. E057887 People v. Danny Louie
3. E057362 People v. Robert Quijano
4. E058598 People v. Albert Hernandez
5. E058231 People v. Richard Feflie
6. E057980 People v. Joshua Kruzik
7. E057008 Fairview Valley Fire, Inc. v. California Department of
Forestry
8. E056561 Alberto Saucedo Suarez v. City of Corona; Robinson
Calcagnie Robinson Shapiro Davis, Inc., et al.
9. E057898 Sondra Andrews v. Verizon California, Inc.
10. E057289 John Skordoulis v. Fidelity National Title Co., et al.; David
Salehinia et al.; Maureen Chodosh et al. v. James Miller et al.