

S214058

FEB -7 2014

Frank A. McGuire Clerk

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA ^{Deputy}

PATRICIA J. BARRY

Plaintiff and Appellant,

v.

THE STATE BAR OF CALIFORNIA,

Defendant and Respondent.

After a Published Decision by the Court of Appeal Second Appellate District, Division Two Case No. B242054, Reversing a Judgment Entered by the Superior Court for the County of Los Angeles, Case No. BC452239, The Honorable Deirdre Hill presiding

**OPPOSITION TO RESPONDENT PATRICIA BARRY'S
APPLICATION TO STRIKE THE PETITION FOR REVIEW AND
OPENING BRIEF**

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Attorneys for Defendant, Respondent, and Petitioner
THE STATE BAR OF CALIFORNIA

The State Bar's petition for review was filed on October 18, 2013. Plaintiff Patricia Barry did not oppose that petition, and the Court granted review on November 26, 2013. The State Bar's Opening Brief was filed on December 23, 2013.

Ms. Barry's answering brief was due on January 22, 2014 pursuant to Rule of Court 8.520. Ms. Barry did not file an answering brief at that time. Instead, on January 29, 2014 Ms. Barry telephoned counsel for the State Bar and, in addition to asking numerous irrelevant questions, inquired as to whether the State Bar would oppose an application to file a late answering brief. There was no opposition to that request.

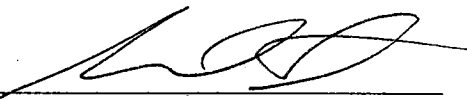
On February 3, 2014, instead of filing an application to file a late answering brief, Ms. Barry filed a discursive "Application To Strike The Bar's Petition For Review And Opening Brief." Counsel for the State Bar has reviewed this petition, and cannot discern within it any cognizable legal argument or lawful basis to strike the State Bar's brief or grant any of the other relief requested therein. We ask that the Court deny the application.

Ms. Barry is now more than two weeks late in filing her Answering Brief. To the extent this Court wants to extend additional time for Ms. Barry to file a brief discussing the actual issues under review, the State Bar has no objection to such an extension.

DATED: February 7, 2014

Respectfully submitted,

KERR & WAGSTAFFE LLP

By 

Michael von Loewenfeldt
*Attorneys for Defendant,
Respondent, and Petitioner*
**THE STATE BAR OF
CALIFORNIA**

PROOF OF SERVICE

I, Ginie Phan, declare that I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 100 Spear Street, 18th Floor, San Francisco, California 94105.

On February 7, 2014, I served the following document(s):

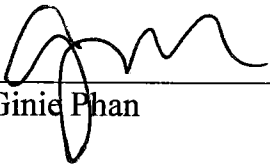
**OPPOSITION TO RESPONDENT PATRICIA BARRY'S
APPLICATION TO STRIKE THE PETITION FOR REVIEW
AND OPENING BRIEF**

on the parties listed below as follows:

| | |
|---|--|
| Patricia J. Barry 634 Spring Street, #823 Los Angeles, CA 90014 | Los Angeles Superior Court Stanley Mosk Courthouse 111 North Hill St. Los Angeles, CA 90012 |
| California Court of Appeal 2nd Appellate District, Division 2 Ronald Reagan State Building 300 S. Spring Street 2nd Floor, North Tower Los Angeles, CA 90013 <i>Via Electronic Submission to California Court of Appeal</i> | |

By first class mail by placing a true copy thereof in a sealed envelope with postage thereon fully prepaid and placing the envelope in the firm's daily mail processing center for mailing in the United States mail at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 7, 2014 at San Francisco, California.



Ginie Phan