

**SUPREME COURT MINUTES  
FRIDAY, AUGUST 10, 2018  
SAN FRANCISCO, CALIFORNIA**

**S250475**      C087605 Third Appellate District

**EARLY (ERIC P.) v.  
BECERRA (XAVIER)**

Petition for review & application for stay denied

**S245203**      D072171 Fourth Appellate District, Div. 1

**FACEBOOK, INC. v. S.C.  
(TOUCHSTONE)**

Order filed

The application of amici curiae California Public Defenders Association and Public Defender of Ventura County for permission to file an untimely supplemental brief in support of real party in interest is hereby granted.

**S249123**

**HANNAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that M. FRANCESCA HANNAN, State Bar Number 139170, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys. M. FRANCESCA HANNAN 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.

**S249138**

**TANDEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that RAJ TANDEN, State Bar Number 160169, 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. RAJ TANDEN must comply with the conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on April 24, 2018; and
2. At the expiration of the period of probation, if RAJ TANDEN has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be

terminated.

RAJ TANDEN 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

**S249141****VIRGA ON DISCIPLINE**

Recommended discipline imposed

The court orders that PHILIP THOMAS VIRGA, State Bar Number 165324, 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. PHILIP THOMAS VIRGA is suspended from the practice of law for the first year of probation;
2. PHILIP THOMAS VIRGA 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 April 18, 2018; and
3. At the expiration of the period of probation, if PHILIP THOMAS VIRGA has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

PHILIP THOMAS VIRGA 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).)

PHILIP THOMAS VIRGA 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 2019 and 2020. If PHILIP THOMAS VIRGA 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.

**S249144****CASTRO ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ELISA ANN CASTRO, State Bar Number 171814, is disbarred from the

practice of law in California and that her name is stricken from the roll of attorneys.

ELISA ANN CASTRO 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.

**S249145****HARRIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that LaSHON HARRIS, State Bar Number 257578, 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. LaSHON HARRIS must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 16, 2018; and
2. At the expiration of the period of probation, if LaSHON HARRIS has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

LaSHON HARRIS 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.

**S249146****HICKS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GARY LEE HICKS, State Bar Number 239743, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

GARY LEE HICKS 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.

**S249152****HARMATA ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JOHN MICHAEL HARMATA, State Bar Number 131668, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. 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.

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.

**S249154****HOFFMANN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JOHANNA DANIELLE HOFFMANN, State Bar Number 239654, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and she is placed on probation for four years subject to the following conditions:

1. JOHANNA DANIELLE HOFFMANN is suspended from the practice of law for a minimum of the first two years of probation, and she will remain suspended until the following conditions are satisfied:
  - i. She 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) Jayne Woods in the amount of \$8,000 plus 10 percent interest per year from December 11, 2013; and
    - (2) Dana Novotny in the amount of \$3,226.13 plus 10 percent interest per year from January 21, 2013.
  - ii. She provides proof to the State Bar Court of her 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. JOHANNA DANIELLE HOFFMANN 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 April 20, 2018.
3. At the expiration of the period of probation, if JOHANNA DANIELLE HOFFMANN has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JOHANNA DANIELLE HOFFMANN must also take and pass the Multistate Professional Responsibility Examination during the period of her 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).)

JOHANNA DANIELLE HOFFMANN 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.

**S249231****Van DUSEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAN ELIZABETH Van DUSEN, State Bar Number 142700, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and she is placed on probation for five years subject to the following conditions:

1. JAN ELIZABETH Van DUSEN is suspended from the practice of law for a minimum of the first four years of probation (with credit given for the period of interim suspension which commenced on September 12, 2014), and she will remain suspended until she provides proof to the State Bar Court of her 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. JAN ELIZABETH Van DUSEN 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 April 26, 2018.
3. At the expiration of the period of probation, if JAN ELIZABETH Van DUSEN has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JAN ELIZABETH Van DUSEN 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.

**S249234****PACHECO, JR., ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that LAURO NICK PACHECO, JR., State Bar Number 173391, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. LAURO NICK PACHECO, 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.

**S249238****MILLIKEN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JERRY S. MILLIKEN, State Bar Number 45638, 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. JERRY S. MILLIKEN must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on April 23, 2018; and
2. At the expiration of the period of probation, if JERRY S. MILLIKEN has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JERRY S. MILLIKEN 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 2019 and 2020. If JERRY S. MILLIKEN 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.

**S249242****McDONALD87 ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that KELLY LEIGH McDONALD, State Bar Number 223579, 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. KELLY LEIGH McDONALD is suspended from the practice of law for the first six months of probation (with credit given for the period of interim suspension which commenced on September 5, 2017);
2. KELLY LEIGH McDONALD 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 April 30, 2018; and
3. At the expiration of the period of probation, if KELLY LEIGH McDONALD has complied

with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

KELLY LEIGH McDONALD 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).)

KELLY LEIGH McDONALD 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.

**S249276****PETROFF ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ALLEN M. PETROFF, State Bar Number 278382, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ALLEN M. PETROFF 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.

**S250477****BERNSTEIN ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of IRA PHILIP BERNSTEIN, State Bar Number 98501, as a member of the State Bar of California is accepted.

**S250478****BREW ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KEVIN MICHAEL BREW, State Bar Number 130602, as a member of the State Bar of California is accepted.

**S250479****GOLDSTEIN ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SAMUEL ELLIOT GOLDSTEIN, State Bar Number 76559, as a member of the State Bar of California is accepted.

**S250480****JACOBSON ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CATHERINE ANN JACOBSON, State Bar Number 107726, as a member of the State Bar of California is accepted.

**S250481****LOWARY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of FRED M. LOWARY, State Bar Number 82371, as a member of the State Bar of California is accepted.

**S250482****MANIWA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KAZUO CHRIS MANIWA, State Bar Number 66698, as a member of the State Bar of California is accepted.

**S250484****MILIS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ROBERT JAMES MILIS, State Bar Number 79316, as a member of the State Bar of California is accepted.

**S250485****MILLER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DEBRA ELISE MILLER, State Bar Number 102461, as a member of the State Bar of California is accepted.

**S250487**

**OWEN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KATHERINE HANSFORD OWEN, State Bar Number 209906, as a member of the State Bar of California is accepted.

**S250488**

**WHEELER ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of ELLEN DREW WHEELER, State Bar Number 159105, as a member of the State Bar of California is accepted.



**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SAN FRANCISCO SESSION  
SEPTEMBER 5, 2018**

**FIRST AMENDED**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald M. George State Office Complex, Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on September 5, 2018.

**WEDNESDAY, SEPTEMBER 5, 2018 — 9:00 A.M.**

- (1) County of San Diego et al. v. Commission on State Mandates et al., S239907  
(*Meehan, J., assigned justice pro tempore*)
- (2) People v. Miracle (Joshua Martin), [Automatic Appeal], S140894  
(*Ikola, J., assigned justice pro tempore*)

**1:30 P.M.**

- (3) People v. Rodas (Domingo), S237379  
(*Kline, P. J., assigned justice pro tempore*)
- (4) People v. Buenrostro (Dora), [Automatic Appeal], S073823  
(*Mauro, J., assigned justice pro tempore*)
- (5) People v. Gomez (Ruben Perez), [Automatic Appeal], S087773  
(*Lui, A. P. J., assigned justice pro tempore*)

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**CANTIL-SAKAUYE**  
*Chief Justice*

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)