

**SUPREME COURT MINUTES
WEDNESDAY, DECEMBER 7, 2016
SAN FRANCISCO, CALIFORNIA**

S237517 B267529 Second Appellate District, Div. 5 **PEOPLE v. WHITE (ROBERT EARL)**

The time for granting or denying review in the above-entitled matter is hereby extended to January 18, 2017.

S167010 **PEOPLE v. ARIAS
(LORENZO INEZ) &
MENDOZA (LUIS ALONZO)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Alison Bernstein's representation that Lorenzo Inez Arias's opening brief is anticipated to be filed by February 21, 2017, counsel's request for an extension of time in which to file that brief is granted to January 30, 2017. After that date, only one further extension totaling about 22 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).)

S167010 **PEOPLE v. ARIAS
(LORENZO INEZ) &
MENDOZA (LUIS A.)**

Extension of time granted

Good cause appearing, and based upon counsel Michael S. Magnuson's representation that Luis A Mendoza's opening brief is anticipated to be filed by February 21, 2017, counsel's request for an extension of time in which to file that brief is granted to January 30, 2017. After that date, only one further extension totaling about 22 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).)

S185810 **PEOPLE v. THREATS
(DERLYN RAY)**

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 February 6, 2017.

S237394 G051525 Fourth Appellate District, Div. 3 **PEOPLE v. LEYVA (ANDRES ISAIAH)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Robert L. S. Angres is hereby appointed to represent appellant on the appeal now pending in this court.

S237494 E064325 Fourth Appellate District, Div. 2 **PEOPLE v. MEDINA (ALEJANDRO)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Erica Gambale is hereby appointed to represent appellant on the appeal now pending in this court.

S238311 B265771/B266939 Second Appellate District, Div. 1 **COLEMAN (COL. ARTHUR) v. PASADENA CITY**

Order filed

The application of respondents to file the untimely answer to petition for review is hereby denied.

S237419 **SHOEMAKER ON DISCIPLINE**

Recommended discipline imposed

The court orders that DOUGLAS ROBERT SHOEMAKER, State Bar Number 230379, 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. DOUGLAS ROBERT SHOEMAKER is suspended from the practice of law for the first 60 days of probation;
2. DOUGLAS ROBERT SHOEMAKER 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 August 4, 2016; and
3. At the expiration of the period of probation, if DOUGLAS ROBERT SHOEMAKER has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

DOUGLAS ROBERT SHOEMAKER 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 DOUGLAS ROBERT SHOEMAKER 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.

S237422**SMITH ON DISCIPLINE**

Recommended discipline imposed

The court orders that JENNIFER SUSAN SMITH, State Bar Number 75056, 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 one year subject to the following conditions:

1. JENNIFER SUSAN SMITH is suspended from the practice of law for the first 30 days of probation;
2. JENNIFER SUSAN SMITH 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 August 9, 2016; and
3. At the expiration of the period of probation, if JENNIFER SUSAN SMITH has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JENNIFER SUSAN SMITH 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 2018, 2019, and 2020. If JENNIFER SUSAN SMITH 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.

S237435**BALL ON DISCIPLINE**

Recommended discipline imposed

The court orders that BYRON TALBOT BALL, State Bar Number 150195, 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. BYRON TALBOT BALL must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 10, 2016; and
2. At the expiration of the period of probation, if BYRON TALBOT BALL has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

BYRON TALBOT BALL 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.

S237438**COLLINS ON DISCIPLINE**

Recommended discipline imposed

The court orders that TARA JEAN COLLINS, State Bar Number 232561, 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 one year subject to the following conditions:

1. TARA JEAN COLLINS must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 3, 2016; and
2. At the expiration of the period of probation, if TARA JEAN COLLINS has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

TARA JEAN COLLINS 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 her membership fees for each of the years 2018, 2019, and 2020. If TARA JEAN COLLINS 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.

S237442**DAVIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that ERIKSON McDONNELL DAVIS, State Bar Number 197841, 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. ERIKSON McDONNELL DAVIS 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 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) Grace Hermenegildo in the amount of \$5,368 plus 10 percent interest per year from December 19, 2014;
 - (2) Shelia Roberts in the amount of \$25,157.34 plus 10 percent interest per year from June 5, 2015;
 - (3) David Schmidt in the amount of \$4,206 plus 10 percent interest per year from

- August 10, 2015;
- (4) Earl Kennedy in the amount of \$21,000 plus 10 percent interest per year from May 21, 2014;
 - (5) Gayle Ulshafer in the amount of \$12,504 plus 10 percent interest per year from September 30, 2015 ;
 - (6) Patrick Thompson in the amount of \$23,000 plus 10 percent interest per year from May 1, 2015;
 - (7) Hope Hoffman in the amount of \$5,419.65 plus 10 percent interest per year from June 21, 2015;
 - (8) Bo McCarthy in the amount of \$5,000 plus 10 percent interest per year from September 17, 2015;
 - (9) Alejandro Tobias in the amount of \$20,248.80 plus 10 percent interest per year from June 25, 2014;
 - (10) Deborah Chieppa in the amount of \$5,000 plus 10 percent interest per year from July 17, 2013;
 - (11) John and LaTonya Hicks in the amount of \$6,000 plus 10 percent interest per year from December 16, 2014.
- ii. He 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. ERIKSON McDONNELL DAVIS 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 July 21, 2016.
3. At the expiration of the period of probation, if ERIKSON McDONNELL DAVIS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

ERIKSON McDONNELL DAVIS 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).)

ERIKSON McDONNELL DAVIS 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 ERIKSON McDONNELL DAVIS 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.

S237448

FEHR ON DISCIPLINE

Recommended discipline imposed: disbarred

The court orders that BRUCE CHARLES FEHR, State Bar Number 122297, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys. BRUCE CHARLES FEHR 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.

S237471**NEWCOMB ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL WILLIAM NEWCOMB, State Bar Number 188321, 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. MICHAEL WILLIAM NEWCOMB must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 9, 2016; and
2. At the expiration of the period of probation, if MICHAEL WILLIAM NEWCOMB has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL WILLIAM NEWCOMB 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 2018, 2019, and 2020. If MICHAEL WILLIAM NEWCOMB 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.

S237729**CALLOW ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that EDWARD JOSEPH CALLOW, State Bar Number 228834, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys. EDWARD JOSEPH CALLOW 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.

S237731**KIM ON DISCIPLINE**

Recommended discipline imposed

The court orders that ESTHER M. KIM, State Bar Number 271155, 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. ESTHER M. KIM is suspended from the practice of law for the first 30 days of probation;
2. ESTHER M. KIM 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 August 15, 2016; and
3. At the expiration of the period of probation, if ESTHER M. KIM has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

ESTHER M. KIM 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 2018, 2019, and 2020. If ESTHER M. KIM 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.

S237732**GHOEICHICH ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAY A. GHOEICHICH, State Bar Number 177274, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JAY A. GHOEICHICH 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.

S237741**STEINER ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL STEPHEN STEINER, State Bar Number 262189, 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. MICHAEL STEPHEN STEINER must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 23, 2016; and

2. At the expiration of the period of probation, if MICHAEL STEPHEN STEINER has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL STEPHEN STEINER 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 2018, 2019, and 2020. If MICHAEL STEPHEN STEINER 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.

S237742**WRIGHT ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MICHAEL VANCE WRIGHT, State Bar Number 162159, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

MICHAEL VANCE WRIGHT must make restitution to Uche Virginia Inno-Igwe in the amount of \$100,000 plus 10 percent interest per year from May 16, 2014. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

MICHAEL VANCE WRIGHT 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.

S237743**TAYLOR ON DISCIPLINE**

Recommended discipline imposed

The court orders that KEVIN RENARD TAYLOR, State Bar Number 218711, 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. KEVIN RENARD TAYLOR is suspended from the practice of law for the first year of probation;
2. KEVIN RENARD TAYLOR 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 August 25, 2016; and
3. At the expiration of the period of probation, if KEVIN RENARD TAYLOR has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

KEVIN RENARD TAYLOR 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 KEVIN RENARD TAYLOR 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.

S237744**REID ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RUTH ANN REID, State Bar Number 116119, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

RUTH ANN REID 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.

S237745**NOLAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that MARY ALICE NOLAN, State Bar Number 108907, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

MARY ALICE NOLAN 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.

**SUPREME COURT MINUTES
WEDNESDAY DECEMBER 7, 2016
LOS ANGELES, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Ronald Reagan State Office Building, Third Floor, South Tower, 300 South Spring Street, Los Angeles, California, on Wednesday, December 7, 2016, at 9:00 a.m.

Present: Chief Justice Tani Cantil-Sakauye, presiding, and Associate Justices Werdegarr, Chin, Corrigan, Liu, Cuéllar, and Kruger.

Officers present: Jorge Navarrete, Clerk Administrator, and Gail Gray, Calendar Coordinator.

S218066 City of San Jose et al., Petitioners,
 v.
 Superior Court of Santa Clara County, Respondent;
 Ted Smith, Real Party in Interest.

Cause called. James McManis argued for Real Party in Interest.
Karl Olsen argued for Amici Curiae, California Newspaper Publishers Association et al.
Nora Frimann, Office of the City Attorney, argued for Petitioners.

Mr. McManis replied.
Cause submitted.

S208181 Central Coast Forest Association et al., Plaintiffs and Respondents,
 v.
 California Fish and Game Commission, Defendant and Appellant.

Cause called. James L. Buchal argued for Respondents.
Tara L. Mueller, Office of the Attorney General, argued for Appellant.

Mr. Buchal replied.
Cause submitted.

S230510 J.M., a Minor, etc., Plaintiff and Appellant,
 v.
 Huntington Beach Union High School District, Defendant and Respondent.

Cause called. Janet Gusdorff argued for Appellant.
Stephen M. Harber argued for Respondent.

Ms. Gusdorff replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

The Honorable Judith L Haller, Associate Justice, Court of Appeal, Fourth Appellate District, Division One, sitting on the following case, under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S224086 Sharon McGill, Plaintiff and Respondent,
v.
Citibank, N.A., Defendant and Appellant.

Cause called. Glenn A. Danas argued for Respondent.
Julia B. Strickland argued for Appellant.

Mr. Danas replied.
Cause submitted.

Justice Judith L Haller departed the bench. The court is now joined at the bench by the Honorable Carol Corrigan, Associate Justice.

S225398 Roy Allan Slurry Seal, Inc., et al., Plaintiffs and Appellants,
v.
American Asphalt South Inc., Defendant and Respondent.

Cause called. Paul Szumiak argued for Respondent.
David Klehm argued for Appellants.
Stacey M. Leyton argued for Amicus Curiae, State Building and Construction Trades Council of California.

Mr. Szumiak replied.
Cause submitted.

S227193

The People, Plaintiff and Respondent,
v.
LaQuincy Hall, Defendant and Appellant.

Cause called. Patrick McKenna, Court-appointed Counsel, argued for Appellant.
Julia Y. Je, Office of the Attorney General, argued for Respondent.

Mr. McKenna replied.
Cause submitted.

Court adjourned.