

**SUPREME COURT MINUTES
THURSDAY, DECEMBER 20, 2018
SAN FRANCISCO, CALIFORNIA**

S252489**HADSELL (CHRISTOPHER)
v. S.C. (ISHAM)**

Vexatious litigant application denied

The application of petitioner for leave to file a petition for writ of mandate is hereby denied.

S252915

C082664 Third Appellate District

**WILDE (LESLIE T.) v. CITY
OF DUNSMUIR**

Time for ordering review extended on the court's own motion

The time for ordering review on the court's own motion is hereby extended to March 15, 2019.
(Cal. Rules of Court, rule 8.512(c).)

S112146**PEOPLE v. STAYNER (CARY
ANTHONY)**

Extension of time granted

Based upon counsel Andrew Parnes's representation that the appellant's reply brief is anticipated to be filed by March 10, 2019, an extension of time in which to file that brief is granted to February 13, 2019. After that date, only one further extension totaling about 25 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).)

S113962**PEOPLE v. PARKER
(CALVIN LAMONT)**

Extension of time granted

Based upon counsel Kathryn K. Andrews's representation that the appellant's reply brief is anticipated to be filed by April 16, 2019, an extension of time in which to file that brief is granted to February 15, 2019. After that date, only one further extension totaling about 59 additional days 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).)

S165649**PEOPLE v. COOK
(MICHAEL)**

Extension of time granted

Based upon counsel Marcia A. Morrissey's representation that the appellant's reply brief is anticipated to be filed by February 8, 2019, an extension of time in which to file that brief is granted to February 8, 2019. After that date, no further extension is contemplated.

S165998**PEOPLE v. PLATA (NOEL
JESSE) & TRAN (RONALD
TRI)**

Extension of time granted

Based upon counsel Catherine White's representation that the appellant Ronald Tri Tran's reply brief is anticipated to be filed by February 15, 2019, an extension of time in which to file that brief is granted to February 15, 2019. After that date, no further extension is contemplated.

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

Extension of time granted

Upon application of Deputy State Public Defender Alyssa Mellott, counsel for appellant Lorenzo Inez Arias, an extension of time in which to file appellant Arias's reply brief is granted to February 15, 2019. After that date, only five further extensions totaling about 276 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 ALONZO)**

Extension of time granted

Upon application of Michael S. Magnuson, counsel for appellant Luis Mendoza, an extension of time in which to file appellant Mendoza's reply brief is granted to February 15, 2019. After that date, only five further extensions totaling about 276 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).)

S169689**PEOPLE v. EVANS (STEVE
CARL)**

Extension of time granted

Based upon counsel Cliff Gardner's representation that the appellant's opening brief is anticipated to be filed by January 7, 2019, an extension of time in which to file that brief is granted to January 7, 2019. After that date, no further extension is contemplated.

S180217**PEOPLE v. HERNANDEZ
(GEORGE ANTHONY)**

Extension of time granted

Based upon Deputy Attorney General Ronald A. Jakob's representation that the respondent's brief is anticipated to be filed by April 18, 2019, an extension of time in which to file that brief is granted to February 13, 2019. After that date, only one further extension totaling about 64 additional days 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).)

S182341**PEOPLE v. BUETTNER
(JEFFREE JAY) & JONES
(GLEN JOSEPH)**

Extension of time granted

Upon application of Joanna McKim, counsel for appellant Glen Joseph Jones, an extension of time in which to file the appellant's opening brief is granted to January 3, 2019. After that date, no further extension will be granted.

S185640**PEOPLE v. KELLEY (JIMMY
DALE)**

Extension of time granted

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

Based upon counsel Diane E. Berley's representation that the appellant's opening brief is anticipated to be filed by March 15, 2019, an extension of time in which to file that brief is granted to January 15, 2019. After that date, only one further extension totaling 58 additional days will be granted. Counsel for appellant is ordered to inform her assisting entity of this schedule and to take all steps necessary to meet it.

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).)

S186162**PEOPLE v. MEJORADO
(JOSE SERGIO)**

Extension of time granted

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

Based upon counsel Eric S. Multhaup's representation that the appellant's reply brief is anticipated to be filed by February 8, 2019, an extension of time in which to file that brief is granted to February 8, 2019. After that date, no further extension is contemplated.

S187726**PEOPLE v. ROTTIERS
(BROOKE MARIE)**

Extension of time granted

Based upon counsel Allen G. Weinberg's representation that the appellant's opening brief is anticipated to be filed by December 15, 2019, an extension of time in which to file that brief is granted to February 13, 2019. After that date, only five further extensions totaling about 305 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).)

S195828**PEOPLE v. VILLA
(RICARDO)**

Extension of time granted

Based upon Deputy Attorney General Dana M. Ali's representation that the respondent's brief is anticipated to be filed by April 26, 2019, an extension of time in which to file that brief is granted to February 22, 2019. After that date, only one further extension totaling about 62 additional days 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).)

S208209**PEOPLE v. BURRIS
(NATHAN)**

Extension of time granted

Based upon Senior Deputy State Public Defender Elias Batchelder's representation that the appellant's opening brief is anticipated to be filed by May 15, 2019, an extension of time in which to file that brief is granted to February 19, 2019. After that date, only two further extensions totaling about 84 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).)

S212161

**PEOPLE v. WALTERS
(MICHAEL J.)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to February 19, 2019.

S212477

**PEOPLE v. FRAZIER
(TRAVIS) & NOWLIN
(KENNETH LEE)**

Extension of time granted

On application of appellant Travis Frazier, it is ordered that the time to serve and file appellant's opening brief is extended to February 22, 2019.

S212477

**PEOPLE v. FRAZIER
(TRAVIS) & NOWLIN
(KENNETH LEE)**

Extension of time granted

On application of appellant Kenneth Nowlin, it is ordered that the time to serve and file appellant's opening brief is extended to February 22, 2019.

S221227

**RODRIGUEZ (ANGELINA)
ON H.C.**

Extension of time granted

Upon application of counsel for petitioner Karen Kelly, an extension of time in which to file the reply to the informal response to the petition for habeas corpus is granted to February 1, 2019. After that date, no further extension will be granted.

S224393

**PEOPLE v. HARTS (TYRONE
LEVOID)**

Extension of time granted

On application of appellant, it is ordered that the time to serve and file appellant's opening brief is extended to February 13, 2019.

S245783**EWING (CHRISTOPHER) ON
H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the supplemental informal response is extended to January 16, 2019.

S247677

B272344 Second Appellate District, Div. 7

**GONZALEZ (LUIS) v.
MATHIS (JOHN R.)**

Extension of time granted

On application of amicus curiae Associated General Contractors of California, and good cause appearing, it is ordered that the time to serve and file the application to file amicus curiae is extended to January 9, 2019.

S248520

B276040 Second Appellate District, Div. 5

**PEOPLE v. PARTEE
(STARLETTA)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to January 25, 2019.

S249593

A149918 First Appellate District, Div. 2

**REILLY (KERRIE) v. MARIN
HOUSING AUTHORITY**

Extension of time granted

On application of amicus curiae U.S. Department of Housing and Urban Development and good cause appearing, it is ordered that the time to serve and file the amicus curiae brief is extended to February 15, 2019.

S249923

B272170 Second Appellate District, Div. 3

**ROCKEFELLER
TECHNOLOGY
INVESTMENTS (ASIA) VII v.
CHANGZHOU SINOTYPE
TECHNOLOGY CO., LTD.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 22, 2019.

S251135**BUSKER (JOHN) v. WABTEC
CORPORATION; MARTIN
(MARK); DOES, 1 THROUGH
100**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 22, 2019.

S251333

F073942 Fifth Appellate District

**PEOPLE v. McKENZIE
(DOUGLAS EDWARD)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 22, 2019.

S252517

D072265 Fourth Appellate District, Div. 1

**IN RE CERTIFIED TIRE &
SERVICE CENTERS WAGE
& HOUR CASES**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to December 24, 2018.

S252567

H043902 Sixth Appellate District

**AG LAND TRUST v. MARINA
COAST WATER DISTRICT**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply to answer to petition for review is extended to January 3, 2019.

S252914

F077970 Fifth Appellate District

**HAMILTON (PAUL C.) v.
YATES (JAMES)**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the answer to petition for review is extended to January 9, 2019.

S251706 F073594 Fifth Appellate District**PEOPLE v. RODRIGUEZ
(DAVID PHILLIP)**

Order filed

The order filed December 12, 2018, appointing Lauren E. Dodge as counsel for appellant is hereby amended to read in its entirety:

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

Appellant's brief on the merits must be serve and filed on or before thirty (30) days from the date appellant's opening brief on the merits is filed.

S252262**MARTINEZ (JIMMY) v.
CALIFORNIA DEPARTMENT
OF CORRECTIONS &
REHABILITATION**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

S252792**MALONE (ALBERT C.) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Fourth Appellate District, Division Two

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two.

S251917**SHIRER ON DISCIPLINE**

Recommended discipline imposed

The court orders that RAE DIANE SHIRER (Respondent), State Bar Number 167137, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for three years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first year of probation;
2. Respondent must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on August 9, 2018; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent 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. Respondent must also maintain the records of compliance as required by the conditions of probation.

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.

S251923**TACKOWIAK ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that BRUCE JOSEPH TACKOWIAK (Respondent), State Bar Number 146700, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- (1) Santiago Temores in the amount of \$12,104.49 plus 10 percent interest per year from July 13, 2016; and
- (2) Mark Cacatian, Michael Cacatian, and Mariano Cacatian, collectively, in the amount of \$2,250 plus 10 percent interest per year from April 28, 2016.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Respondent 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.

S251926**WEISBERG ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL CHARLES WEISBERG (Respondent), State Bar Number 78537, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent is suspended from the practice of law for the first 30 days of probation;
2. Respondent 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 23, 2018; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be

terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 23, 2018. 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.

S251927**TURNER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GEORGE MASON TURNER (Respondent), State Bar Number 44669, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to Jan Meiswinkel, or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$16,760.49 plus 10 percent interest per year from May 14, 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).

Respondent 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.

S251928**ROBERTS ON DISCIPLINE**

Recommended discipline imposed

The court orders that JONATHAN EDWARD ROBERTS (Respondent), State Bar Number 166043, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent is suspended from the practice of law for the first six months of probation;
2. Respondent 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 September 5, 2018; and
3. At the expiration of the period of probation, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the

Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on September 5, 2018. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Respondent 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.

Respondent must also maintain the records of compliance as required by the conditions of probation.

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.

S251945**MILLER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JEFFREY ANTHONY MILLER (Respondent), State Bar Number 144120, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must make restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court:

- (1) Peggy Donely and Reza Golshani, collectively, in the amount of \$67,800 plus 10 percent interest per year from September 15, 2015;
- (2) Tanner Gish in the amount of \$24,997.65 plus 10 percent interest per year from September 14, 2015;
- (3) Laura Hernandez, Salvador Hernandez, Ricardo Hernandez, Maurilia Renteria, Francisco Hernandez, Narcisco Hernandez, Arturo Hernandez, Maria Hernandez, and Maria Bueno, collectively, in the amount of \$140,894.84 plus 10 percent interest per year from January 25, 2016;

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

Respondent 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.

S251949**DRAGE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that NATHAN WHITNEY DRAGE, State Bar Number 130448, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

NATHAN WHITNEY DRAGE 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.

S251950**HEISEY ON RESIGNATION**

Recommended discipline imposed

The court orders that JAMES RICHARD HEISEY (Respondent), State Bar Number 104526, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for two years subject to the following conditions:

1. Respondent 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 30, 2018; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 30, 2018. 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.

S251984**O'CONNELL ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DENNIS PATRICK O'CONNELL (Respondent), State Bar Number 97769, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S251989**LEVINE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that HOWARD STEPHEN LEVINE (Respondent), State Bar Number 61881, is disbarred from the practice of law in California and that Respondent's name is stricken from the roll of attorneys.

Respondent must 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.

S251991**LIANG ON DISCIPLINE**

Recommended discipline imposed

The court orders that WONDER JEN-HWA LIANG (Respondent), State Bar Number 184357, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and Respondent is placed on probation for one year subject to the following conditions:

1. Respondent 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 21, 2018; and
2. At the expiration of the period of probation, if Respondent has complied with the terms of probation, the period of stayed suspension will be satisfied, and that suspension will be terminated.

Respondent must provide to the State Bar's Office of Probation proof of taking and passing the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on August 21, 2018. 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.

**BAR MISC. 4186 IN THE MATTER OF THE APPLICATION OF THE COMMITTEE
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA
FOR ADMISSION OF ATTORNEYS (MOTION NO. 1,397)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

1059952-18

THE HONORABLE MARTIN J. JENKINS, Associate Justice of the Court of Appeal, First Appellate District, Division Three, is hereby assigned to assist the California Supreme Court, as a justice thereof, on *December 20, 2018, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

Dated: December 20, 2018

* This order is made pursuant to the request for assignment until completion in the matter of *Meza v. Portfolio Recovery Associates, S242799*.