

**SUPREME COURT MINUTES  
MONDAY, FEBRUARY 24, 2014  
SAN FRANCISCO, CALIFORNIA**

**S189577**      B222784 Second Appellate District, Div. 1      **ENNABE (FAIEZ) v. MANOSA  
(CARLOS)**

Opinion filed: Judgment reversed

The decision of the Court of Appeal is reversed and the case is remanded for further proceedings consistent with our opinion.

Majority Opinion by Werdegarr, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Chin, Corrigan, and Liu, JJ.

**S205145**      H036414 Sixth Appellate District      **PEOPLE v. DIAZ (DORA)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the supplemental opening brief is extended to March 7, 2014.

**S214648**      E055009 Fourth Appellate District, Div. 2      **PEOPLE v. LESTER  
(NICHOLAS DEMARCO)**

Counsel appointment order filed

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

**S214682**      D061668 Fourth Appellate District, Div. 1      **PEOPLE v. WATSON (JULIE  
ANN)**

Counsel appointment order filed

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

**S200872**

B231245 Second Appellate District, Div. 2

**LONG BEACH POLICE  
OFFICERS ASSOCIATION v.  
CITY OF LONG BEACH (LOS  
ANGELES TIMES  
COMMUNICATIONS LLC)**

Order filed

The request of counsel for appellants in the above-referenced cause to allow two counsel and amicus curie Los Angeles County Police Chiefs' Association to argue on behalf of appellants at oral argument is hereby granted.

Long Beach Police Officers Association, City of Long Beach et al., and amicus curiae Los Angeles County Police Chiefs' Association, each will have 10 minutes of appellants' 30 minute allotted time for oral argument.

**S216085****BURTON (ERIC W.) v. S.C.  
(PEOPLE)**

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

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

**S216173****BETENCOURT (BENJAMIN)  
v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S216260****CIOTTA (STEVEN) v. S.C.  
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

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

**S216556****REED (CRAIG L.) v. S.C.  
(DEPARTMENT OF  
CORRECTIONS &  
REHABILITATION)**

Transferred to Court of Appeal, First Appellate District

The above-entitled matter is transferred to the Court of Appeal, First Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

**S201236****BAKER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that GREGORY ALAN BAKER, State Bar Number 194654, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

GREGORY ALAN BAKER must make restitution to the following payees:

- (1) Yvonne and Christopher Bailey in the amount of \$11,000.00 plus 10 percent interest per year from May 31, 2010;
- (2) Rosa Salvador in the amount of \$5,000.00 plus 10 percent interest per year from November 25, 2009;
- (3) Ian and Tammy Deacon in the amount of \$3,000.00 plus 10 percent interest per year from April 24, 2010;
- (4) Tonita Doss in the amount of \$6,000.00 plus 10 percent interest per year from February 17, 2011;
- (5) Steve Hoxmeier in the amount of \$1,500.00 plus 10 percent interest per year from November 18, 2009;
- (6) Melinda Johnson in the amount of \$5,000.00 plus 10 percent interest per year from October 31, 2009;
- (7) Jerry Bucher in the amount of \$1,500.00 plus 10 percent interest per year from March 19, 2010;
- (8) Brandon Drake in the amount of \$3,000.00 plus 10 percent interest per year from November 19, 2009;
- (9) Lynn Barr in the amount of \$6,000.00 plus 10 percent interest per year from May 31, 2011;
- (10) Yolanda Peralta-Cruz in the amount of \$2,000.00 plus 10 percent interest per year from June 7, 2010;
- (11) Larry Bartlett, Sr., in the amount of \$3,500.00 plus 10 percent interest per year from January 27, 2010;
- (12) Maurena Montemayor in the amount of \$1,500.00 plus 10 percent interest per year from March 19, 2010; and
- (13) Jorge Leiva in the amount of \$3,500.00 plus 10 percent interest per year from July 7, 2010.

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

GREGORY ALAN BAKER 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.

**S215188****BOAG ON DISCIPLINE**

Recommended discipline imposed

The court orders that PATRICIA MARLENE BOAG, State Bar Number 174680, 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. PATRICIA MARLENE BOAG is suspended from the practice of law for the first 90 days of probation;
2. PATRICIA MARLENE BOAG 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 November 6, 2013; and
3. At the expiration of the period of probation, if PATRICIA MARLENE BOAG has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

PATRICIA MARLENE BOAG 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 her membership fees for each of the years 2015 and 2016. If PATRICIA MARLENE BOAG 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.

**S215192****BRUSH ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL ALAN BRUSH, State Bar Number 46576, 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 three years subject to the following conditions:

1. MICHAEL ALAN BRUSH is suspended from the practice of law for the first 60 days of probation;
2. MICHAEL ALAN BRUSH 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 October 29, 2013; and
3. At the expiration of the period of probation, if MICHAEL ALAN BRUSH has complied

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

MICHAEL ALAN BRUSH 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.

**S215195****BURKE ON DISCIPLINE**

Recommended discipline imposed

The court orders that KIMBERLY RENAE BURKE, State Bar Number 248051, 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. KIMBERLY RENAE BURKE is suspended from the practice of law for the first one year of probation;
2. KIMBERLY RENAE BURKE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 21, 2013; and
3. At the expiration of the period of probation, if KIMBERLY RENAE BURKE has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

KIMBERLY RENAE BURKE 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).)

KIMBERLY RENAE BURKE 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.

**S215197****CHO ON DISCIPLINE**

Recommended discipline imposed

The court orders that YOUNG SIK CHO, State Bar Number 239773, 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. YOUNG SIK CHO is suspended from the practice of law for a minimum of the first two years of probation (with credit given for the period of interim suspension which commenced on June 24, 2013), and he will remain suspended until he provides proof to the State Bar Court of his 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. 1.4(c)(ii).)
2. YOUNG SIK CHO 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 October 24, 2013.
3. At the expiration of the period of probation, if YOUNG SIK CHO has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

YOUNG SIK CHO 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).)

YOUNG SIK CHO 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.

**S215199****CHOI ON DISCIPLINE**

Recommended discipline imposed

The court orders that RAYMOND FAULKNER CHOI, State Bar Number 227132, 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. RAYMOND FAULKNER CHOI is suspended from the practice of law for a minimum of the first 90 days of probation, and he will remain suspended until the following requirements are satisfied:
  - i. He pays sanctions as ordered by the Orange County Superior Court in the amount of \$700 and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
  - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also 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. RAYMOND FAULKNER CHOI 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 November 6, 2013.
3. At the expiration of the period of probation, if RAYMOND FAULKNER CHOI has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

RAYMOND FAULKNER CHOI must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer 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).)

RAYMOND FAULKNER CHOI 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 RAYMOND FAULKNER CHOI 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.

## **S215202**

## **ESTES ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARK DOUGLAS ESTES, State Bar Number 110518, 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 three years subject to the following conditions:

1. MARK DOUGLAS ESTES is suspended from the practice of law for a minimum of the first year of probation, and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Frank Faulkenberg in the amount of \$87,771.06 plus 10 percent interest per year from August 8, 2013 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Frank Faulkenberg, in accordance with Business and Professions Code section 6140.5) and furnishes satisfactory proof to the State Bar's Office of Probation in Los Angeles; and
  - ii. If he remains suspended for two years or more as a result of not satisfying the preceding condition, he must also 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. MARK DOUGLAS ESTES must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 16, 2013.
3. At the expiration of the period of probation, if MARK DOUGLAS ESTES has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARK DOUGLAS ESTES must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order, or during the period of his suspension, whichever is longer 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).)

MARK DOUGLAS ESTES 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.

**S215203****GILES ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KELLY EINSTEIN DARWIN GILES, State Bar Number 144113, is summarily disbarred from the practice of law and that his name is stricken from the roll of attorneys.

KELLY EINSTEIN DARWIN GILES 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.

**S215204****HOFFMAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that NATHAN V. HOFFMAN, State Bar Number 135155, 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. NATHAN V. HOFFMAN is suspended from the practice of law for the first 30 days of probation;
2. NATHAN V. HOFFMAN 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 October 22, 2013; and



3. At the expiration of the period of probation, if NATHAN V. HOFFMAN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

NATHAN V. HOFFMAN 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.

**S215210****RAMIREZ ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAVIER BALCORTA RAMIREZ, State Bar Number 58075, 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. JAVIER BALCORTA RAMIREZ must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 30, 2013; and
2. At the expiration of the period of probation, if JAVIER BALCORTA RAMIREZ has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAVIER BALCORTA RAMIREZ 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 2015 and 2016. If JAVIER BALCORTA RAMIREZ 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.

**S215212****STATHAKIS-COOK ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that ROSEMARY STATHAKIS-COOK, State Bar Number 104143, 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. ROSEMARY STATHAKIS-COOK is suspended from the practice of law for a minimum of

the first two years of probation, and she will remain suspended until 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. 1.4(c)(ii).)

2. ROSEMARY STATHAKIS-COOK must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 22, 2013.
3. At the expiration of the period of probation, if ROSEMARY STATHAKIS-COOK has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

ROSEMARY STATHAKIS-COOK 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).)

ROSEMARY STATHAKIS-COOK 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.

**S215213****STERWERF ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ALBERT MARK STERWERF, State Bar Number 175454, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ALBERT MARK STERWERF 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.

**S215215****WAINER ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEPHEN PAUL WAINER, State Bar Number 156197, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STEPHEN PAUL WAINER 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.

**B248731**

Second Appellate District, Div. 1

**KENNEDY (RUTH) v. NUTRO  
PRODUCTS, INC.**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division One to Division Five.

**B248973**

Second Appellate District, Div. 5

**BANK OF AMERICA, N.A. v.  
WORLD TRADING, INC.**

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Five to Division One.

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.  | E056832 | People v. Chalen Winters  |
| 2.  | E057181 | People v. Brandon Wilson  |
| 3.  | E057198 | People v. Maico Duarte  |
| 4.  | E055583 | People v. Loretta Acevedo et al.  |
| 5.  | E057029 | People v. Jose Galvan   |
| 6.  | E056466 | People v. Manuel O'Rourke   |
| 7.  | E057312 | PWPG LLC v. Primerica Life Insurance Company                                  |
| 8.  | E056479 | Carl McIntyre et al. v. The Colonies-Pacific LLC                              |
| 9.  | E055701 | Monterra Homeowners Association v. Thomas McCullough et al.                   |
| 10. | E055666 | Moorefield Construction, Inc. v. Intervest-Mortgage Investment Company et al. |

**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. 1,130)**

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.)