

**SUPREME COURT MINUTES
WEDNESDAY, JULY 15, 2020
SAN FRANCISCO, CALIFORNIA**

S086234**PEOPLE v. MILES (JOHNNY
DUANE)**

Rehearing denied

S261747 F076295 Fifth Appellate District
Petition for review granted; issues limited**PEOPLE v. LOPEZ (PEDRO)**

The petition for review is granted. The issues to be briefed and argued are limited to the following: Did the trial court err by sentencing defendant to 15 years to life under the alternate penalty provision of the criminal street gang penalty statute (Pen. Code, § 186.22, subd. (b)(4)(B)) for his conviction of conspiracy to commit home invasion robbery, even though conspiracy is not an offense listed in the penalty provision?

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S262297 B292457 Second Appellate District, Div. 2**McHENRY (EDDY) v.
ASYLUM ENTERTAINMENT
DELAWARE, LLC**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *Brown v. USA Taekwondo*, S259216 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S262459 B297928 Second Appellate District, Div. 1**PEOPLE v. LEE (KENNY
INKWON)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lewis*, S260598 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S262575 B288298 Second Appellate District, Div. 2 **PEOPLE v. KING (SCOTT LEWIS)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lemcke*, S250108 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S262635 D075588 Fourth Appellate District, Div. 1 **PEOPLE v. HUYNH (PHILONG)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lewis*, S260598 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S262657 B299047 Second Appellate District, Div. 4 **PEOPLE v. BROWN (ANDRES MANNER)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lewis*, S260598 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S262660 C088072 Third Appellate District **PEOPLE v. FARRAJ (TAHER GHAZI)**

Petition for review granted; briefing deferred

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lemcke*, S250108 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: Cantil-Sakauye, C. J., Chin, Corrigan, Liu, Cuéllar, Kruger, and Groban, JJ.

S262108 D077443 Fourth Appellate District, Div. 1 **CALIFORNIA DEPARTMENT
OF JUSTICE v. S.C. (TEVA
PHARMACEUTICALS USA,
INC.)**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division One, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its order denying the petition for writ of mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Chin and Corrigan, JJ., were recused and did not participate.

Votes: Cantil-Sakauye, C. J., Liu, Cuéllar, Kruger, and Groban, JJ.

S262124 D077440 Fourth Appellate District, Div. 1 **CALIFORNIA STATE BOARD
OF REGISTERED NURSING
v. S.C. (JOHNSON &
JOHNSON)**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division One, with directions to issue an order to show cause

The petition for review is granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its order denying the petition for writ of mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Chin and Corrigan, JJ., were recused and did not participate.

Votes: Cantil-Sakauye, C. J., Liu, Cuéllar, Kruger, and Groban, JJ.

S262125 D077441 Fourth Appellate District, Div. 1 **CALIFORNIA STATE BOARD
OF PHARMACY v. S.C.
(JOHNSON & JOHNSON)**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division One, with directions to issue an order to show cause

The defendants' motion to strike is denied.

The petition for review is granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its order denying the petition for writ of mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Chin and Corrigan, JJ., were recused and did not participate.

Votes: Cantil-Sakauye, C. J., Liu, Cuéllar, Kruger, and Groban, JJ.

S262127 D077442 Fourth Appellate District, Div. 1 **MEDICAL BOARD OF
CALIFORNIA v. S.C.
(JOHNSON & JOHNSON)**

Petition for review granted; transferred to Court of Appeal, Fourth Appellate District, Division One, with directions to issue an order to show cause

The defendants' motion to strike is denied.

The petition for review is granted. The matter is transferred to the Court of Appeal, Fourth Appellate District, Division One, with directions to vacate its order denying the petition for writ of mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Chin and Corrigan, JJ., were recused and did not participate.

Votes: Cantil-Sakauye, C. J., Liu, Cuéllar, Kruger, and Groban, JJ.

S261695 B294046 Second Appellate District, Div. 7 **DOWLING (GREGORY) v.
URIOSTEGUI (DIANE)**

Petition for review denied

S261743 G056542/G057072 Fourth Appellate District, Div. 3 **KIM (ESTHER J.) v. ESTEP
(CHERYL)**

Petition for review denied

S261816 B279155/B280916 Second Appellate District, Div. 1 **ALEXANDER (JUDY) v.
COMMUNITY HOSPITAL OF
LONG BEACH**

Petition for review denied

S261830 H044982 Sixth Appellate District **BHARGAVA (SANGEETA) v.
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS,
INC.**

The request for judicial notice is denied.

The petition for review is denied.

Chin, J., was recused and did not participate.

S261885 H044904 Sixth Appellate District **HGST, INC. v. COUNTY OF
SANTA CLARA**

The petition for review is denied.

The request for an order directing partial depublication of the opinion is denied.

S261995 A155742 First Appellate District, Div. 2

Petition for review denied

**ROTH (MARK) v. JELLEY
(PHILIP M.)**

S262065 B297272 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HUERTA
(GUILLERMO)**

S262074 B292493 Second Appellate District, Div. 2

Petition for review denied

**SECRET RECIPES, INC. v.
LOPEZ (FELIX)**

S262150 E071053 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. HERNANDEZ
(BRIAN)**

S262188 A154853 First Appellate District, Div. 3

Petition for review denied

**PEOPLE v. DOWDY (DANNY
R.); BLUMIN (JEFFREY S.)**

S262193 A157408 First Appellate District, Div. 2

Petition for review denied

**RUBASHEVSKY (ILONA) v.
S.C. (RECHEVSKIY)**

S262203 F076538 Fifth Appellate District

Petition for review denied

**PEOPLE v. MONTES (ANGEL
A.)**

S262227

The request for judicial notice is denied.
The petition for a writ of mandate/prohibition is denied.

**TONG (SHONG-CHING) v.
S.C. (KIN)**

S262248 C088749 Third Appellate District

**PEOPLE v. HERNANDEZ
(CHRISTOPHER ZERR)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

S262328 C088413 Third Appellate District

**PEOPLE v. GOVEA
(RODRIGO MENDEZ)**

Petition for review denied

S262342 C091834 Third Appellate District

**HONE (DEVIN MYLES) ON
H.C.**

Petition for review denied

S262349 C080210/C080308/C080682
Third Appellate District

**PEOPLE v. LANDOWSKI
(LIBERTY DANIELLE)**

Petitions for review denied; CA opinion decertified

Defendants' petitions for review are denied.

On the court's own motion, the Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed April 23, 2020, which appears at 48 Cal.App.5th 26. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(2).)

S262378 B293721 Second Appellate District, Div. 7

**PEOPLE v. ROBLES
(JENIFER NOEMI)**

Petition for review denied

S262379 G059049 Fourth Appellate District, Div. 3

**GUERRY (WILLIAM) v. S.C.
(COLACO)**

Petition for review denied

S262380 C086493 Third Appellate District

**PEOPLE v. GARCIA
(DEMETRIO GALLARDO)**

Petition for review denied

S262386 A150546 First Appellate District, Div. 3

Petition for review & publication request(s) denied

**KHATRI (VIDYAGAURI
KANTILAL), ESTATE OF**

S262394 H044868 Sixth Appellate District
Petition for review denied

PEOPLE v. YANEZ (CELSON)

S262431 A155624 First Appellate District, Div. 5
Petition for review denied

PEOPLE v. WILKES (SADEL)

S262445 B295960 Second Appellate District, Div. 1

Petition for review denied
Liu, J., is of the opinion the petition should be granted.

**PEOPLE v. SANDERS
(ORLANDO DERELL)**

S262447 A157087 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. O'SULLIVAN
(VINCENT)**

S262454 C087658 Third Appellate District

Petition for review denied

**EVANS (YVONNE) v.
COUNTY OF NEVADA**

S262461 B294016 Second Appellate District, Div. 7

Petition for review denied

**REDONDO BEACH, CITY OF
v. PADILLA (ALEX)**

S262475 A155648 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MEDEIROS
(MICHAEL ANTHONY)**

S262491 G057348 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. PEREZ (SUSANO
RAMIREZ)**

S262492 F078353 Fifth Appellate District

Petition for review denied

**PEOPLE v. BOSOMBATH
(SOUVITH)**

S262500 B294400 Second Appellate District, Div. 2

Petition for review denied

**CALIFORNIA DEPARTMENT
OF TAX & FEE
ADMINISTRATION v. S.C.
(KINTNER)**

S262517 H045736 Sixth Appellate District

Petition for review denied

**SAUCEDO (LETICIA) v.
VICTORIA'S SECRET
STORES, LLC**

S262521 E071551 Fourth Appellate District, Div. 2

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

**PEOPLE v. SERRANO
(ONOFRE TOMMY)**

S262529 A155776 First Appellate District, Div. 5

Petition for review denied

**MOIA (CAROLINE) v.
WILLIAMS-SONOMA, INC.**

S262534 D077480 Fourth Appellate District, Div. 1

Petition for review denied

**ALATORRE (JOSE MAEL)
ON H.C.**

S262563 B297387 Second Appellate District, Div. 2

Petition for review denied

**SOUTHERN GLAZER'S
WINE & SPIRITS, LLC v. S.C.
(WISEMAN PARK, LLC)**

S262590 A155770 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. ELLIOTT
(JOSHUA)**

S262597 C086695 Third Appellate District

Petition for review denied

**PEOPLE v. MATTSON II
(JERRY ALLEN)**

S262601 G057114 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. GARCIA
(SALVADOR)**

S262603 A156064 First Appellate District, Div. 3

Petition for review denied

IN RE G.K.

S262606 B293509 Second Appellate District, Div. 4

Petition for review denied

**PEOPLE v. POWELL (ADAM
RANDOLPH)**

S262608 E071959 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. MAURICETTE
(EDWIN BEATTY)**

S262609 A155888 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BARD
(MARCELOUS)**

S262611 F076422 Fifth Appellate District

Petition for review denied

**PEOPLE v. CASTILLO
(JESUS ANGEL)**

S262622 A157274 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. RAMOS
(ROBERTO MIGUEL)**

S262625 D073429 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. WILLIAMS
(ALBERT GEORGE)**

S262631 E072340 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. BROWNE
(MARQUES ANTIONE)**

S262632 A158286 First Appellate District, Div. 5

Petition for review denied

**PEOPLE v. HOUSLEY
(ALTHEA L.)**

S262637 H045152 Sixth Appellate District

Petition for review denied

**PEOPLE v. KAVANAGH
(ANDREW MORRIS)**

S262638 A157233 First Appellate District, Div. 1

Petition for review denied

**PEOPLE v. BLAHUT
(MICHAEL EDWARD)**

S262640 H043496 Sixth Appellate District

Petition for review denied

**PEOPLE v. MANGUM (MARK
DONNELL)**

S262650 B296646 Second Appellate District, Div. 2

Petition for review denied

PEOPLE v. MARTIN (JAIME)

S262656 E072647 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SANCHEZ
(VICTOR SERRATO)**

S262669 H045361 Sixth Appellate District

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Kopp*, S257844.

**PEOPLE v. LINDLEY
(WILLIAM ROBERT)**

S262672 C082061 Third Appellate District

Petition for review denied

**PEOPLE v. RAMIREZ
(MIGUEL A.)**

S262675 B292041 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. HEINICKE, JR.,
(ALBERT CHARLES)**

S262676 B290793 Second Appellate District, Div. 2

Petition for review denied

**CORBI (LANA & AL),
MARRIAGE OF**

S262677 B291086 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. HRIANCIK
(JAROSLAV)**

S262682

Petition for writ of error *coram vobis* denied

**WERNICKE, JR., (TERRY
JOSEPH) v. COURT
OF APPEAL, THIRD
APPELLATE DISTRICT
(PEOPLE)**

S262700 B287079 Second Appellate District, Div. 8

Petition for review denied

**MOUNTAINLANDS
CONSERVANCY, LLC v.
CALIFORNIA COASTAL
COMMISSION (COUNTY OF
LOS ANGELES)**

S262703 F081031 Fifth Appellate District

Petition for review denied

**CARRILLO (HECTOR) v. S.C.
(PEOPLE)**

S262713 B294534 Second Appellate District, Div. 3

Petition for review denied

Liu, J., is of the opinion the petition should be granted.

PEOPLE v. LEAL (GILBERT)

S262715 B294556 Second Appellate District, Div. 6

Petition for review denied

**PEOPLE v. SIRES (GLENN
WILLIAM)**

S262728 B296326 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. GREEN
(BERLINDA)****S262808** A160129 First Appellate District, Div. 4

Petition for review denied

LIVELY (ERIC J.) ON H.C.**S262985**

Petition for writ of mandate/prohibition & application for stay denied

**VICTORIAN (DONALD RAY)
v. COURT OF APPEAL,
SECOND APPELLATE
DISTRICT, DIVISION P
(GUIDRY)****S262988** A160331 First Appellate District, Div. 4

Petition for review & application for stay denied

**RAMIRES (UBALDO
DAVILA) v. S.C. (PEOPLE)****S263043**

Stay dissolved; petition denied

**MARSHALL (TAMERA) v.
S.C. (PEOPLE)**

The petition for writ of habeas corpus, or in the alternative, petition for writ of mandate is denied without prejudice pending the Sacramento County Superior Court's resolution of the petition filed in that court on May 26, 2020 (Nos. 20HC00342/20FE002482; 0HC00339/14F01112; 20HC00344/19FE00649; 20HC00345/20MI004882; 20HC00343/19FE019454; 20HC00347/20FE001556; 20HC00341/18FE021194), and stayed by that court on July 2, 2020.

This court has treated this petition with urgency, as it has treated other petitions raising similar time-sensitive issues concerning the welfare of individuals held in detention and at risk of infection during the COVID-19 pandemic. The superior court is directed to immediately lift its July 2, 2020 stay of proceedings and expedite the proceedings to ensure prompt and effective resolution of these time-sensitive issues, including by allowing for expedited discovery and conducting expedited hearings, as appropriate.

Given the dynamic nature of the pandemic and the Sheriff's ongoing effort to combat spread of the virus, petitioners are encouraged to file an amendment to their pending petition informing the superior court of any changes in the conditions in the Sacramento County Jail subsequent to the operative dates of the inmate declarations and outlining any measures the Sheriff has taken to protect the inmates' health and safety.

In ruling on the petition, the superior court should be mindful of the previous guidance we issued in *National Association of Criminal Defense Lawyers, et al. v. Newsom, et al.*, S261827, and use all the tools available to it to achieve prompt and effective resolution of the matter. Those tools include the authority to:

- join all parties necessary for full inquiry into the issues raised and for development and implementation of any appropriate relief (Code Civ. Proc., § 389, subd. (a));
- consolidate the action with any similar actions pending in the Sacramento County Superior Court, in the interest of efficiency and in light of public health concerns (Code Civ. Proc., § 1048, subd. (a));
- assign a single bench officer or appoint one or more referees or special masters to bring swift and focused attention to the issues raised (Cal. Rules of Court, rule 3.734; Code Civ. Proc., §§ 638, 639);
- facilitate discussion among all parties to achieve a negotiated resolution that is responsive to local conditions and avoids protracted litigation;
- order interim relief, as appropriate, during the pendency of the action; and
- give the matter expedited consideration for evidentiary hearings, briefing, and any joint discussions for resolution.

The denial of the petition is without prejudice to the filing of a new petition in this court raising similar claims if circumstances warrant. In addition to filing a new petition, petitioners may, by letter brief, provide this court with a case status update on July 31, 2020, or earlier, if the situation warrants. Petitioners may also provide this court with courtesy copies of any amendments to any pleadings filed in the superior court.

The petition is further denied without prejudice to any relief to which petitioners might be entitled after this court decides *In re Humphrey*, S247278.

Cantil-Sakauye, C.J.

(See concurring, and dissenting, statements.)

CONCURRING STATEMENT BY CUÉLLAR, J.

Though I join the court’s order today, I agree with Justice Liu that “petitioners’ factual showing in their May 26 petition” conveying disturbing allegations about the Sacramento County jails was

“specific, voluminous, and up-to-date.” The trial court has not found this showing is insufficient to address the concerns it raised on April 8, and neither does today’s order.

Like Justice Liu, I too am in accord with Justice Anthony Kennedy that the extent of “ ‘civilization in a society can be judged by entering its prisons.’ ” (*Davis v. Ayala* (2015) 576 U.S. 257, 290 (conc. Opn. Of Kennedy, J.). While the court’s order today dissolves the trial court stay and contemplates the expeditious resolution of this case in that court, I don’t see it as a mere affirmation of the status quo. It’s true that we restate some of what we wrote in our May 4 order in *National Association of Criminal Defense Lawyers, et al. v. Newsom, et al.*, S261827, emphasizing the relevance of procedural tools “to achieve prompt and effective resolution of the matter,” because those tools remain relevant to the swift and effective resolution of this matter. (Supreme Court Mins., May 4, 2020, p. 592.) Just as important is the language in today’s order that we didn’t use on May 4 — including the reference to a specific date. The challenges facing our jails and our trial courts are as enormous as they are consequential. But when lawyers and courts unduly delay resolution of credible claims about an unfolding disaster, they court disaster.

CUÉLLAR, J.

DISSENTING STATEMENT BY LIU, J.

On May 4, 2020, in response to a petition “rais[ing] urgent questions concerning the responsibility of state authorities to ensure the health and safety of individuals confined in county jails and juvenile facilities in light of the ongoing COVID-19 pandemic,” we issued the following order:

“The issues raised in the petition call for prompt attention in a manner that considers the diversity of local conditions throughout the state. In order to promote expeditious and tailored resolution of petitioners’ claims, and cognizant of the important questions raised concerning the balance of local and state responsibility for addressing conditions in jails and juvenile facilities, the court hereby orders the following:

“The petition for writ of mandate is denied without prejudice to the institution of actions raising similar claims against these respondents or other officials or entities in the superior courts of appropriate counties. [¶] For any such filing, the superior court should be mindful of a range of procedural tools to achieve prompt and effective resolution of the matter. . . . [¶] [¶] Given the dynamic nature of the pandemic, the denial of the petition is without prejudice to the filing of a new petition in this court raising similar claims if circumstances warrant.” (*National Association of Criminal Defense Lawyers v. Newsom*, S261827, Supreme Ct. Mins., May 4, 2020, pp. 592–593) (*NACDL*).

The *NACDL* order recognizes that superior courts are well positioned to conduct factfinding in the first instance, but in doing so, they must “proceed as expeditiously as possible.” (*NACDL, supra*,

S261827, Supreme Ct. Mins., at p. 593.) Because of the evolving nature of the pandemic, we denied the petition without prejudice, signaling to litigants that these petitions might eventually warrant this court's intervention.

That time has come. On March 20, 2020, the Sacramento County Public Defender filed several habeas corpus petitions in the Sacramento County Superior Court that sought release of similarly situated pretrial detainees and convicted inmates. Petitioners attached various COVID-19 policy statements from law enforcement groups as well as letters in support of release from medical professionals. On April 8, the superior court denied the petitions without prejudice. The superior court gave petitioner Tamera Marshall and the other petitioning inmates leave to amend within 30 days to provide specific facts relating to their conditions of confinement in the county jails. On May 7, petitioners requested an extension of the 30-day deadline in order to further develop those facts through inmate interviews. The trial court granted the extension request and set a new deadline of June 4. On May 26, several weeks after this court issued its guidance in *NACDL*, petitioners filed an amended habeas corpus petition in the superior court. The amended petition and exhibits, spanning hundreds of pages, included declarations from 44 inmates and four medical professionals as well as community letters in support of release. This petition asked the trial court to use the procedural tools enumerated in the *NACDL* order, including joining all essential parties to determine conditions in the two facilities and holding a hearing with medical experts, prison officials, and other stakeholders. The superior court took no action, and on July 2, 2020, it stayed the proceedings in its court pending resolution of the matter now before us. In the meantime, petitioners have provided an additional 10 inmate declarations taken after they filed the May 26 petition.

It has now been seven weeks since petitioners filed their May 26 petition in superior court, and despite having done everything this court and the superior court directed, petitioners are still waiting for a hearing. The record does not indicate the reason for the superior court's inaction, though I recognize that our superior courts are deluged with emergency requests every day while struggling to conduct virtual hearings as well as arraignments, jury selection, trials, and other proceedings with appropriate safety measures. (Cal. Jud. Branch, Court Emergency Orders <<https://newsroom.courts.ca.gov/news/court-emergency-orders-6794321>> [as of July 15, 2020].) Even so, this petition is categorically different from other matters confronting our courts. It concerns the underlying condition at the root of many of the other problems: the spread of COVID-19 itself.

To the extent that the health risks involved in bringing inmates, witnesses, and jurors to court are a substantial part of the current challenges and delays facing trial courts, there are compelling reasons to prioritize the issues posed by this petition. Determining what must be done to protect inmates will also benefit correctional staff, sheriff's deputies, court staff, jurors, witnesses, and all other people who may come into the same space as inmates. Reducing the spread of COVID-19 will ameliorate the other challenges facing our courts. On the other hand, if COVID-19 spreads in the jails, the coming and going of correctional staff as well as the treatment of inmates in local hospitals will create new opportunities for transmission. This will put the broader community at risk, which in turn will make all the other problems worse. (See, e.g., Maxmen, *California's San*

Quentin prison declined free coronavirus tests and urgent advice — now it has a massive outbreak, Nature (July 7, 2020) (hereafter Maxmen).) Indeed, there is some irony (an unfortunate one for petitioners) that the superior court’s delay in acting on their petition may be due to implementation of appropriate health and safety measures to keep court personnel safe — the very measures that petitioners seek in the jails to keep themselves safe.

At this juncture, in light of the trial court’s inaction, we should issue an order to show cause, appoint a special master, and resolve this matter ourselves on an expedited basis. We have not hesitated to expedite other urgent matters (see, e.g., *Patterson v. Padilla* (2019) 8 Cal.5th 220, 225; *Vandermost v. Bowen* (2012) 53 Cal.4th 421, 438; *California Redevelopment Assn. v. Matosantos* (2011) 53 Cal.4th 231, 242; *In re E.J.* (2010) 47 Cal.4th 1258, 1264), and the issues raised by this petition are no less urgent. Moreover, unlike our trial courts that are having to triage an array of time-sensitive matters, we do not lack the capacity to quickly resolve this case.

Based on the allegations contained in the 54 inmate declarations before us, petitioners have made a prima facie case that the Sacramento County Sheriff is acting with deliberate indifference to the health and safety of the inmates in violation of the Eighth Amendment to the federal Constitution. (*Lemire v. Cal. Dept. of Corrections and Rehabilitation* (9th Cir. 2013) 726 F.3d 1062, 1075; see *Farmer v. Brennan* (1994) 511 U.S. 825, 843.) The declarations paint a grim picture of the inmates’ conditions of confinement. Feverish and coughing inmates linger in the communal dormitories, where inmates sleep, eat, and congregate with no distancing protocols in place. Requests for hand sanitizer, masks, soap, and medical care go unheeded. When symptomatic inmates are medically isolated, they are forced to remain in the same clothes and denied shower and telephone access for up to a week. Tellingly, respondent Sacramento County Sheriff Scott Jones — the official who is the best positioned to know current conditions — has provided no indication that these conditions have changed.

In issuing an order to show cause returnable in this court, we should appoint a special master to determine the current conditions in the jails and any efforts that the Sheriff has made to slow or stop the spread of COVID-19. Backed by the authority of this court, the special master, consistent with proper procedure, can cut through unnecessary obstacles, quickly ascertain the facts, and examine what safety measures are practically available. Unlike the allegations involving multiple counties that we considered in *NACDL*, the allegations here concern one county and are amenable to a single centralized factfinding process. Once the special master has made findings, we would then solicit expedited briefing from the parties, argue the case, and render a decision. Here, as in another recent matter related to inmate safety, “in light of current public health conditions and the urgency of petitioners’ claims, I am doubtful that the superior courts, which have been heavily impacted and burdened by the pandemic, are better positioned than this court to resolve the matter now before us.” (*California Attorneys for Criminal Justice v. Newsom* (May 13, 2020, S261829) 2020 Cal. Lexis 3220, p. *23 (dis. stmt. of Liu, J.).)

The Attorney General warns that if we decide to resolve this case, we risk becoming entangled in overseeing the jails in all 58 counties in California. This concern is overstated. For one thing, the pandemic has not affected all 58 counties in California evenly; there are many counties with

sparse populations that have not reported serious COVID-19 problems. As to other counties, it is speculative to say that this court will receive similar petitions from all of them. Advocates have limited time and resources; they focus their energies on the most serious problems, appropriately so. And if the most serious problems come to this court, I do not see why that would be inappropriate. Further, a major reason for issuing an order to show cause in the present matter is the superior court's lengthy period of inaction, a circumstance that I would not expect to arise in courts in every county. In short, this court has ample ways of controlling its docket and managing litigants' expectations.

I recognize it is unusual for this court to exercise its original jurisdiction. But we are living in unusual times, and this is an unusual case. Just consider what has happened in the 10 weeks since our *NACDL* order. On May 4, 2020, we observed that “there were 53,616 confirmed cases and 2,138 deaths in California associated with COVID-19. . . . County-level data indicate several hundred confirmed cases of COVID-19 infection among inmates and staff in jails and juvenile detention facilities.” (*NACDL*, *supra*, S261827, Supreme Ct. Mins., at p. 591.) As of today, July 15, 2020, according to the State Department of Public Health, there have been 336,508 confirmed cases and 7,087 deaths in California associated with COVID-19. (Cal. Dept. of Public Health, COVID-19 Updates <<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/ncov2019.aspx>> [as of July 15, 2020].) In Sacramento County, confirmed cases and deaths from COVID-19 are increasing. As of May 4, there were 1,156 confirmed cases and 47 deaths in the county; today, the county has 5,938 confirmed cases and 91 deaths. (Sac. County Pub. Health, COVID-19 Dashboards <<https://sac-epidemiology.maps.arcgis.com/apps/MapSeries/index.html?appid=e11bc926165742ab99f834079f618dad>> [as of July 15, 2020].) In 10 weeks, we have seen a six-fold increase in confirmed COVID-19 cases statewide and a five-fold increase in Sacramento County.

In that same timeframe, our prisons have seen a sixteen-fold increase in confirmed COVID-19 cases. As of May 4, 2020, there were 396 confirmed cases among prison inmates; as of today, there have been 6,565 confirmed cases and 35 deaths associated with COVID-19. (California Department of Corrections and Rehabilitation (CDCR), Population COVID-19 Tracking <<https://www.cdcr.ca.gov/covid19/population-status-tracking/>> [as of July 15, 2020].) The CDCR has confirmed an additional 1,291 cases of COVID-19 among state prison employees and three confirmed COVID-19-related deaths. (CDCR, CDCR/CCHS COVID-19 Employee Status <<https://www.cdcr.ca.gov/covid19/cdcr-cchcs-covid-19-status/>> [as of July 15, 2020].) Researchers at Johns Hopkins and the University of California at Los Angeles have found that prisoners are 5.5 times more likely to get COVID-19 and three times more likely to die from it. (Saloner et al., *COVID-19 Cases and Deaths in Federal and State Prisons*, JAMA (July 8, 2020).) Last week, the World Health Organization issued new COVID-19 guidance on “aerosol transmission, particularly in . . . indoor locations where there are crowded and inadequately ventilated spaces where infected persons spend long periods of time with others.” (World Health Organization, Q&A: How is COVID-19 transmitted? <<https://www.who.int/news-room/q-a-detail/q-a-how-is-covid-19-transmitted>> [as of July 15, 2020].) The virus has already spread in several California prisons and jails. As of today, more than one-third of the inmates at San Quentin State Prison have tested positive for COVID-19, and the outbreak now threatens the

surrounding community. (Maxmen, *supra*.) Other outbreaks have been reported at county jails in Monterey, Fresno, and, Los Angeles. (Duan, *Covid-19 sweeps through Monterey County Jail, wide scale testing of prisoners and staff to start*, Monterey County Now (July 10, 2020); Guy, *507 inmates test positive for COVID-19 in Fresno Jail, 25 officers as well*, Fresno Bee (June 29, 2020); Tchekmedyan, *As officials ramp up testing in L.A. County jails, first inmate with COVID-19 dies*, L.A. Times (June 2, 2020).)

As to the Sacramento County jails, we do not have much information beyond the disturbing allegations contained in declarations from 54 inmates of these facilities. The state is not tracking COVID-19 data in county jails (see Pohl, *'A moral failure': California not tracking jail inmates and staff infected with coronavirus*, Sacramento Bee (June 23, 2020)), and Sacramento County does not make data on rates of COVID-19-positive inmates in its jails publicly available.

It has been said that “[t]he degree of civilization in a society can be judged by entering its prisons” and jails. (*Davis v. Ayala* (2015) 576 U.S. 257, 290 (conc. opn. of Kennedy, J.).) I imagine none of us would even consider entering a prison or jail right now for fear of endangering our own health and safety — and *that is very point of the petition before us*. Some have suggested that inmates have themselves to blame for the conditions they face. (See, e.g., Damien, *Coronavirus stokes fears in crowded Riverside County jails*, Palm Springs Desert Sun (Apr. 6, 2020) [quoting Riverside County Sheriff as saying, “If you don’t want to contract this virus while you are in custody, don’t break the law.”].) But that cannot be the answer in a society that guarantees constitutional rights, including the right to be free from cruel and unusual punishment. With respect to this petition, it must be noted that many (though not all) jail inmates are being detained pre-trial, without any adjudication of guilt. A substantial share of these inmates will never be prosecuted or convicted of the charges that are the basis of their detention. (See *People v. Buza* (2018) 4 Cal.5th 658, 695 (dis. opn. of Liu, J.) [citing California Department of Justice statewide “data show[ing] that from 2009 to 2016, nearly one in five felony arrests did not result in prosecution, and almost one in three . . . did not result in a conviction”].)

Today’s order essentially sends petitioners back to square one. While expressing no view on whether petitioners’ May 26 filing in the superior court establishes a *prima facie* case for relief, this court “encourages” petitioners to amend that petition to include any updated information on conditions in the Sacramento County Jail — even though petitioners’ factual showing in their May 26 petition was specific, voluminous, and up-to-date. Today’s order restates the language in our May 4 order in *NACDL* advising the superior court to use a range of procedural tools “to achieve prompt and effective resolution of the matter” — even though petitioners have already asked the superior court (to no avail) to use those very tools. And today’s order says, “The denial of the petition is without prejudice to the filing of a new petition in this court raising similar claims if circumstances warrant” — even though this language appeared verbatim in our May 4 order and, in light of the superior court’s inaction, presumably led petitioners to file the petition now before us. Litigants may reasonably wonder what we mean by such language if following this court’s directions simply results in a circular loop.

The lawful treatment of inmates during this pandemic is not an issue that any court would relish taking on. But petitioners have come to this court on the reasonable expectation that the buck stops with us. Because petitioners have made a prima facie case for relief, this court should issue an order to show cause, appoint a special master, and set this matter for expedited resolution.

LIU, J.

S263243 C092146 Third Appellate District

**SMITH (SHAUN) v. S.C.
(PEOPLE)**

Petition for review & application for stay denied

Cantil-Sakauye, C. J., and Chin, J., were recused and did not participate.

S261819

**HERNANDEZ (FRANCISCO
RENE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S261857

**ROBBEN (TODD
CHRISTIAN) ON H.C.**

The petition for writ of habeas corpus is denied. Individual claims are denied, as applicable. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal]; *In re Dixon* (1953) 41 Cal.2d 756, 759 [courts will not entertain habeas corpus claims that could have been, but were not, raised on appeal]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity]; *In re Lindley* (1947) 29 Cal.2d 709, 723 [courts will not entertain habeas corpus claims that attack the sufficiency of the evidence]; *In re Miller* (1941) 17 Cal.2d 734, 735 [courts will not entertain habeas corpus claims that are repetitive].)

S261860

**KAKOWSKI (BRIAN
EUGENE) ON H.C.**

Petition for writ of habeas corpus denied

S261861

WOOTEN (TAJARI) ON H.C.

Petition for writ of habeas corpus denied

S261868**PALACIO (MICHAEL EARL)
ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Mohammad*, S259999.

S261919**CLOUD (JOEL JAMES) ON
H.C.**

Petition for writ of habeas corpus denied

S261988**ENRIQUEZ (EDUARDO
GARCIA) ON H.C.**

Petition for writ of habeas corpus denied

S261991**CASTRO (MANUEL) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Mohammad*, S259999.

S262016**BROOKINS (BARRY L.) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *In re Clark* (1993) 5 Cal.4th 750, 767-769 [courts will not entertain habeas corpus claims that are successive].)

S262018**WARE (MARCUS LEROY)
ON H.C.**

Petition for writ of habeas corpus denied

S262022**HOLLOWAY (ANTONIO
VON) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *In re Palmer*, S256149.

S262025**NEUHART (RICHARD M.)
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218, 225 [courts will not entertain habeas corpus claims that were rejected on appeal].)

S262027**GERAY (JASON) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence].)

S262030**UNDERDAHL (GEOFFREY ANTHONY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S262031**DUGGER (PHILIP GRAHAM) ON H.C.**

Petition for writ of habeas corpus denied

S262053**RICHARD (OLAIJUWON De'SHUN) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Raybon*, S256978

S262056**CHAVEZ (EDWIN ANTHONY) ON H.C.**

Petition for writ of habeas corpus denied

S262080**SHAW (JOHNNY) ON H.C.**

Petition for writ of habeas corpus denied

S262088**RICHARD (OLAIJUWON De'SHUN) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Raybon*, S256978.

S262091**RIOS (LUIS ALONZO) ON
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780 [courts will not entertain habeas corpus claims that are untimely]; *People v. Duvall* (1995) 9 Cal.4th 464, 474 [a petition for writ of habeas corpus must include copies of reasonably available documentary evidence]; *In re Swain* (1949) 34 Cal.2d 300, 304 [a petition for writ of habeas corpus must allege sufficient facts with particularity].)

S262096**LOPEZ (MARIO) ON H.C.**

Petition for writ of habeas corpus denied

S262109**RICHARD (OLAIJUWON
De'SHUN) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Raybon*, S256978.

S262295**TAFOLLA, JR., (RAYMOND)
ON H.C.**

Petition for writ of habeas corpus denied

S262296**XIONG (JOHN) ON H.C.**

Petition for writ of habeas corpus denied

S262300**SMITH (CHAD JUSTIN) ON
H.C.**

Petition for writ of habeas corpus denied

S262301**HARPER (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

S262312**ONLEY (RONNIE
FRANKLIN) ON H.C.**

Petition for writ of habeas corpus denied

S262313

Petition for writ of habeas corpus denied

**GALLARDO (JOSEPH
LEONARDO) ON H.C.****S262314**

Petition for writ of habeas corpus denied

**MACKRILL (ROGER JOEL)
ON H.C.****S262316**

Petition for writ of habeas corpus denied

**BREWER (CURTIS
ANDREW) ON H.C.****S262493**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926 [a habeas corpus petitioner must exhaust available administrative remedies].)

HARPER (DANIEL) ON H.C.**S261613**

C086056 Third Appellate District

Publication request denied (case closed)

**RYBOLT (COURTNEY E.) v.
RILEY IV (JAMES E.)****S262161**

B295350 Second Appellate District, Div. 8

Depublication request denied (case closed)

**DENNISON (WILLIAM) v.
ROSLAND CAPITAL LLC**

The request for an order directing depublication of the opinion in the above-entitled appeal is denied. The court declines to review this matter on its own motion. The matter is now final.

S263208

C087283 Third Appellate District

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

**PETROVICH
DEVELOPMENT COMPANY,
LLC v. CITY OF
SACRAMENTO (JOHNSON)**

The time for ordering review on the court's own motion is hereby extended to September 8, 2020. (Cal. Rules of Court, rule 8.512(c).)

S263322 A147525 First Appellate District, Div. 1

**ENTREPRENEUR MEDIA,
INC. v. SMITH (SCOTT)**

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

Having received the petition for review within the Court's original jurisdiction, the time for ordering review on the court's own motion is hereby extended to September 14, 2020. (Cal. Rules of Court, rule 8.512(c).)

S262276 G057043/G057380 Fourth Appellate District, Div. 3 **MORALES (CHRISTIAN) v.
BRIDGESTONE RETAIL
OPERATIONS, LLC**

The time for granting or denying review in the above-entitled matter is hereby extended to August 18, 2020.

S171393

**PEOPLE v. McDANIEL
(DONTÉ LAMONT)**

Extension of time granted

Based upon Deputy Attorney General Kathy S. Pomerantz's representation that the supplemental respondent's brief is anticipated to be filed by August 7, 2020, an extension of time in which to serve and file that brief is granted to August 7, 2020. After that date, no further extension is contemplated.

S174455

**PEOPLE v. RIVERA
(SAMUEL RAMON)**

Extension of time granted

Based upon Deputy Attorney General Kari Ricci Mueller's representation that the respondent's brief is anticipated to be filed by December 29, 2020, an extension of time in which to serve and file that brief is granted to August 3, 2020. After that date, only three further extensions totaling about 149 additional days are 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).)

S212477**PEOPLE v. FRAIZER
(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 August 21, 2020.

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 August 21, 2020.

S214433**ROUNTREE (CHARLES F.)
ON H.C.**

Extension of time granted

Upon application of counsel E. Anne Hawkins, an extension of time in which to file the reply to the informal response to the petition for writ of habeas corpus is granted to August 24, 2020. After that date, only two further extensions totaling about 94 additional days are contemplated.

S214917**PEOPLE v. NASO (JOSEPH)**

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 August 21, 2020.

S220097**PEOPLE v. WEST (ERRAN
LANE)**

Extension of time granted

Based upon counsel Michael Clough's representation that the appellant's opening brief is anticipated to be filed by August 14, 2020, an extension of time in which to serve and file that brief is granted to August 14, 2020. After that date, no further extension is contemplated.

S222615**PEOPLE v. BELTRAN
(FRANCISCO)**

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 August 21, 2020.

S225017**PEOPLE v. KING (COREY
LYNN)**

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 August 21, 2020.

S229645**CUNNINGHAM (JOHN LEE)
ON H.C.**

Extension of time granted

Based upon counsel Margo Hunter's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by October 15, 2020, an extension of time in which to serve and file that document is granted to August 21, 2020. After that date, only one further extension totaling about 54 additional days is contemplated.

S239963**PEOPLE v. MEZA
(HERACLIO)**

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 August 14, 2020.

S256698

E069088 Fourth Appellate District, Div. 2

**PEOPLE v. GENTILE, JR.,
(JOSEPH)**

Extension of time granted

On application of amicus curiae - Populi and good cause appearing, it is ordered that the time to serve and file the amicus curiae is extended to July 31, 2020.

S262917**PHEA (MALANJE
MANENKO) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third 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.

S262967**BETTENCOURT (GARY
RAY) v. S.C. (PEOPLE)**

Transferred to Court of Appeal, Fifth Appellate District

The above-entitled matter is transferred to the Court of Appeal, Fifth 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.

S262969**BENDER (FLOYD EUGENE)
v. LOS ANGELES SHERIFF'S
DEPARTMENT (PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

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

S262983**WATERS (MICHAEL LYNN)
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

S263103**LINTHECOME (MARCUS) 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, 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.

S262278**ACCUSATION OF DUBUNI**

Petition denied (accusation)

S262343**ACCUSATION OF BRUDAL**

Petition denied (accusation)

S262344**ACCUSATION OF BRUDAL**

Petition denied (accusation)

S261523**GAITERI ON DISCIPLINE**

Recommended discipline imposed

The court orders that GUIDO ENRICO GAITERI (Respondent), State Bar Number 250447, 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 Decision filed on December 20, 2019, as modified on February 7, 2020; 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 Decision filed on December 20, 2019. 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.

S261531**BICKENBACH ON
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PAUL H. BICKENBACH (Respondent), State Bar Number 59145, 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) Seta Mikaelian in the amount of \$2,942.50 plus 10 percent interest per year from June 5, 2018; and
- (2) Mary Sisney in the amount of \$2,400 plus 10 percent interest per year from September 5, 2018.

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.

S261533**BROWN ON DISCIPLINE**

Recommended discipline imposed

The court orders that GRADY MICHAEL BROWN (Respondent), State Bar Number 85997, 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 February 19, 2020; 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 February 19, 2020. 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.

S261535**KNIGHTON ON DISCIPLINE**

Recommended discipline imposed

The court orders that KAREN ANN KNIGHTON (Respondent), State Bar Number 224005, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and Respondent is placed on probation for five years subject to the following conditions:

1. Respondent is suspended from the practice of law for a minimum of the first two years of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent makes restitution to the Estate of Lloyd Gross or such other recipient as may be designated by the Office of Probation or the State Bar Court, in the amount of \$380,260 plus 10 percent interest per year from August 22, 2017 (or reimburses the Client Security Fund, to the extent of any payment from the Fund to such payee, 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. Respondent provides proof to the State Bar Court of 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. 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 February 28, 2020.
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 February 28, 2020. 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. One-third of the costs must be paid with Respondent's annual fees for each of the years 2021, 2022, and 2023. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S261580**ROSATI ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHIARA ROSATI (Respondent), State Bar Number 221197, 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 February 25, 2020; 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 February 25, 2020. 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 Respondent's annual fees for each of the years 2021 and 2022. If Respondent fails to pay any installment as described above, or as may be modified in writing by the State Bar or the State Bar Court, the remaining balance is due and payable immediately.

S261837**McVAY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DONALD WILLIAM McVAY (Respondent), State Bar Number 103882, 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.

S261839**HARRIS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JARED ANTHONY HUSBAND HARRIS (Respondent), State Bar Number 299300, is summarily disbarred from the practice of law 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.

S261840**SUOJANEN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WAYNE WILLIAM SUOJANEN (Respondent), State Bar Number 193627, 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.

S261843**TOMASI ON DISCIPLINE**

Recommended discipline imposed

The court orders that WILLIAM STEPHEN TOMASI (Respondent), State Bar Number 139518, is suspended from the practice of law in California for three 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 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 Decision filed on February 19, 2020; 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.

S261937

CHULAK ON DISCIPLINE

Recommended discipline imposed

The court orders that MICHAEL T. CHULAK (Respondent), State Bar Number 194744, is suspended from the practice of law in California for three 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 a minimum of the first two years of probation, and Respondent will remain suspended until the following requirements are satisfied:
 - i. Respondent makes restitution to the following payees or such other recipient as may be designated by the Office of Probation or the State Bar Court (or reimburses the Client Security Fund, to the extent of any payment from the Fund to such payee, 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:
 - (1) Michael Garetti in the amount of \$5,363 plus 10 percent interest per year from April 18, 2017;
 - (2) Eugene and Gail Flaum in the amount of \$5,000 plus 10 percent interest per year from December 8, 2016;
 - (3) Eugene and Gail Flaum in the amount of \$5,000 plus 10 percent interest per year from October 26, 2017;
 - (4) Daniel Vicario in the amount of \$4,000 plus 10 percent interest per year from November 6, 2018;
 - (5) Michelle A. Baum in the amount of \$11,000 plus 10 percent interest per year from February 28, 2018; and
 - (6) Michelle A. Baum in the amount of \$2,000 plus 10 percent interest per year from March 14, 2018.
 - ii. Respondent provides proof to the State Bar Court of 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. 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 March 4, 2020.
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 March 4, 2020. 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.

S261968**FOSTER ON DISCIPLINE**

Recommended discipline imposed

The court orders that RICHARD JAMES FOSTER (Respondent), State Bar Number 100710, 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 is suspended from the practice of law for the first 60 days of probation;
2. Respondent must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on March 16, 2020; 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 Review Department in its Opinion filed on March 16, 2020. 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.

S261969**LIU ON DISCIPLINE**

Recommended discipline imposed

The court orders that KEVIN LIU (Respondent), State Bar Number 280454, 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 a minimum of the first year of probation, and Respondent will remain suspended until Respondent provides proof to the State Bar Court of 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. Respondent 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 March 12, 2020.
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 March 12, 2020. 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.

S262162**ROTHMAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAY STUART ROTHMAN (Respondent), State Bar Number 49739, 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 March 3, 2020; 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 March 3, 2020. 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.

S262163**PARK ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that PETER SUK PARK (Respondent), State Bar Number 152619, 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 recipients as may be designated by the Office of Probation or the State Bar Court:

- (1) Dr. Jung Hoon Lee in the amount of \$109,977.74 plus 10 percent interest per year from September 26, 2016; and
- (2) Jae Eun Roh in the amount of \$100,000 plus 10 percent interest per year from January 31, 2018.

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.

S262164**WALDMAN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROBERT LEE WALDMAN (Respondent), State Bar Number 120397, 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.

S262166**WILLIS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that RICHARD LEE WILLIS (Respondent), State Bar Number 188239, 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.

S262168**RODRIGUEZ ON
DISCIPLINE**

Recommended discipline imposed

The court orders that RANDO ANTHONY RODRIGUEZ (Respondent), State Bar Number 221417, 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 March 18, 2020; 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 March 18, 2020. 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.

S262169**BROCK ON DISCIPLINE**

Recommended discipline imposed

The court orders that KENNETH BRYAN BROCK (Respondent), State Bar Number 158311, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and Respondent is placed on probation for five years subject to the following conditions:

1. Respondent 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 April 17, 2017), and Respondent will remain suspended until providing 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. Respondent must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on March 9, 2020.
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 Decision filed on March 9, 2020. 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.

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.

S262170**FINIGAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that JAMES PAUL FINIGAN (Respondent), State Bar Number 290324, 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 60 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 March 25, 2020; 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 March 25, 2020. 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.

S262176**HARDY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DEL L. HARDY (Respondent), State Bar Number 108926, is summarily disbarred from the practice of law 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.

S262234**HINKLE ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that LARRY CHRISTOPHER HINKLE (Respondent), State Bar Number 225302, 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.

S262242**LAWRENCE-HUGHES ON DISCIPLINE**

Recommended discipline imposed

The court orders that LISA M. LAWRENCE-HUGHES (Respondent), State Bar Number 240375, 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 March 24, 2020; 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 March 24, 2020. 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.

S262243**LITHGOW ON DISCIPLINE**

Recommended discipline imposed

The court orders that TIMOTHY JOHN LITHGOW (Respondent), State Bar Number 154347, is suspended from the practice of law in California for three 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 a minimum of the first 18 months of probation, and Respondent will remain suspended until providing proof to the State Bar Court of 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. Respondent 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 March 23, 2020.
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 March 23, 2020. 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.

S261970**WEN ON RESIGNATION**

Resignation declined

This court, having considered the request, declines to accept the voluntary resignation with charges pending of Kaine Wen, State Bar Number 255420, as a member of the State Bar of California. (Cal. Rules of Court, rule 9.21(d).) Kaine Wen remains on inactive status. (Cal. Rules of Court, rule 9.21(a).) He may move the State Bar Court to be restored to active status, at which time the Office of the Chief Trial Counsel may demonstrate any basis for his continued ineligibility to practice law. The State Bar Court will expedite the resolution of any request by Kaine Wen to be restored to active status. Any return to active status will be conditioned on Kaine Wen's payment of any dues, penalty payments, and restitution owed by him. The underlying disciplinary matter should proceed promptly.