

***[NO MINUTES WERE GENERATED FOR  
MONDAY, MAY 25, 2015,  
IN OBSERVANCE OF MEMORIAL DAY]***

860

**SUPREME COURT MINUTES  
TUESDAY, MAY 26, 2015  
SAN FRANCISCO, CALIFORNIA**

**S226589**

**HOVANSKI (THOMAS D.) ON  
H.C.**

Petition for writ of habeas corpus & application for stay denied

**S158112**

**PEOPLE v. HAMILTON  
(ALEXANDER RASHAD)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Hanna Chung's representation that the respondent's brief is anticipated to be filed by June 26, 2015, counsel's request for an extension of time in which to file that brief is granted to June 26, 2015. After that date, no further extension is contemplated.

**S175720**

**PEOPLE v. MARTINEZ  
(CARLOS)**

Extension of time granted

Good cause appearing, and based upon counsel Kathy Moreno's representation that the appellant's opening brief is anticipated to be filed by November 19, 2015, counsel's request for an extension of time in which to file that brief is granted to July 21, 2015. After that date, only two further extensions totaling about 120 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).)

**S197707**

**LOMAX (DARRELL LEE) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Federal Public Defenders Mark Yim's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by November 23, 2015, counsel's request for an extension of time in which to file that document is granted to July 24, 2015. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S213911****HAWTHORNE, JR.,  
(ANDERSON) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel James S. Thomson's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 28, 2015, counsel's request for an extension of time in which to file that brief is granted to July 30, 2015. After that date, only one further extension totaling about 60 additional days is contemplated.

**S222140****NGUYEN (HOANG TUONG)  
ON H.C.**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to informal response is extended to June 5, 2015.  
No further extensions of time will be contemplated.

**S223461****HENDERSON (PAUL  
NATHAN) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Jennifer A. Jadovitz's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by September 1, 2015, counsel's request for an extension of time in which to file that document is granted to July 28, 2015. After that date, only one further extension totaling about 35 additional days is contemplated.

**S223603**

D063288 Fourth Appellate District, Div. 1

**CLEVELAND NATIONAL  
FOREST FOUNDATION v.  
SAN DIEGO ASSOCIATION  
OF GOVERNMENTS  
(PEOPLE)**

Extension of time granted

On application of intervener and appellant and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to July 10, 2015.

**S223603** D063288 Fourth Appellate District, Div. 1**CLEVELAND NATIONAL  
FOREST FOUNDATION v.  
SAN DIEGO ASSOCIATION  
OF GOVERNMENTS  
(PEOPLE)**

Extension of time granted

On application of Cleveland National Forest Foundation and Sierra Club and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to July 10, 2015.

**S224853** B243788 Second Appellate District, Div. 1**AUGUSTUS (JENNIFER) v.  
ABM SECURITY SERVICES,  
INC.**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to June 29, 2015.

**S225090** B253620 Second Appellate District, Div. 1**BARAL (ROBERT C.) v.  
SCHNITT (DAVID)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to July 17, 2015.

**S225118** F067402 Fifth Appellate District**PEOPLE v. DOOLITTLE  
(TIMOTHY DANIEL)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on the appeal now pending in this court.

**S225197** C071249 Third Appellate District**PEOPLE v. CISNEROS  
(SABAS)**

Counsel appointment order filed

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

**S225198** C074342 Third Appellate District**PEOPLE v. CROCKETT  
(LEON WILSON)**

Counsel appointment order filed

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

**S208130** B236195 Second Appellate District, Div. 1**CORDOVA (ANTONIO) v.  
CITY OF LOS ANGELES**

The request for judicial notice, filed on June 20, 2013, is denied.

**S223698** A125542 First Appellate District, Div. 2**PEOPLE v. BUZA (MARK)**

Order filed

The application of respondent for permission to file an over-length opening brief on the merits is hereby granted.

**S225244****SMITH ON DISCIPLINE**

Recommended discipline imposed

The court orders that JEFFREY BRYAN SMITH, State Bar Number 150095, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for one year subject to the following conditions:

1. JEFFREY BRYAN SMITH must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 26, 2015; and
2. At the expiration of the period of probation, if JEFFREY BRYAN SMITH has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JEFFREY BRYAN SMITH must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2016, 2017, and 2018. If JEFFREY BRYAN SMITH fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

**S225246****LEWIS ON DISCIPLINE**

Recommended discipline imposed

The court orders that LOUISE A. LEWIS, State Bar Number 102792, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. LOUISE A. LEWIS is suspended from the practice of law for the first 30 days of probation;
2. LOUISE A. LEWIS 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 January 28, 2015; and
3. At the expiration of the period of probation, if LOUISE A. LEWIS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

LOUISE A. LEWIS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2016 and 2017. If LOUISE A. LEWIS 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.

**S225247****MORITZ-NETTO ON  
DISCIPLINE**

Recommended discipline imposed

The court orders that LOUISA MORITZ-NETTO, State Bar Number 232509, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. LOUISA MORITZ-NETTO is suspended from the practice of law for the first 60 days of probation;
2. LOUISA MORITZ-NETTO 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 January 28, 2015; and
3. At the expiration of the period of probation, if LOUISA MORITZ-NETTO has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

LOUISA MORITZ-NETTO 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.

**S225249****RUSCH ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CHRIS M. RUSCH, State Bar Number 210913, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

CHRIS M. RUSCH 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.

**S225250****SIMAS ON DISCIPLINE**

Recommended discipline imposed

The court orders that GINA MARIE SIMAS, State Bar Number 205367, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. GINA MARIE SIMAS is suspended from the practice of law for the first 30 days of probation;
2. GINA MARIE SIMAS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 7, 2015; and
3. At the expiration of the period of probation, if GINA MARIE SIMAS has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

GINA MARIE SIMAS 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.

**S225251****ANDREWS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WILLIAM MITCHELL ANDREWS, State Bar Number 141977, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

WILLIAM MITCHELL ANDREWS must make restitution to Rafael Morfin in the amount of \$395 plus 10 percent interest per year from October 1, 2011. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

WILLIAM MITCHELL ANDREWS 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.

**S225254****ESPOSITO ON DISCIPLINE**

Recommended discipline imposed

The court orders that EDWARD LOUIS ESPOSITO, State Bar Number 166089, 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. EDWARD LOUIS ESPOSITO is suspended from the practice of law for a minimum of the first two years of probation, 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. 1.2(c)(1).)
2. EDWARD LOUIS ESPOSITO must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its filed on January 27, 2015.
3. At the expiration of the period of probation, if EDWARD LOUIS ESPOSITO has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

EDWARD LOUIS ESPOSITO 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).)

EDWARD LOUIS ESPOSITO 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.

**S225258****FORBIS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROCHELLE ANN FORBIS, State Bar Number 231578, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

ROCHELLE ANN FORBIS must make restitution to Dana and Albert Copping in the amount of \$1,500 plus 10 percent interest per year from November 13, 2013. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

ROCHELLE ANN FORBIS 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.

**S225259****GALINSKY ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARSHA DEE GALINSKY, State Bar Number 117147, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for one year subject to the following conditions:

1. MARSHA DEE GALINSKY must comply with the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 21, 2015; and
2. At the expiration of the period of probation, if MARSHA DEE GALINSKY has complied with the terms of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARSHA DEE GALINSKY must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)



Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with her membership fees for each of the years 2016, 2017, and 2018. If MARSHA DEE GALINSKY 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.

**S225296****ARNOLD ON DISCIPLINE**

Recommended discipline imposed

The court orders that TARA JANE ARNOLD, State Bar Number 172917, 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. TARA JANE ARNOLD is suspended from the practice of law for the first 90 days of probation;
2. TARA JANE ARNOLD 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 3, 2015; and
3. At the expiration of the period of probation, if TARA JANE ARNOLD has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

TARA JANE ARNOLD 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).)

TARA JANE ARNOLD 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 2016 and 2017. If TARA JANE ARNOLD 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.

**S225297****ANDERSON, JR., ON  
DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that CLAYTON MARLOW ANDERSON, JR., State Bar Number 69988, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

CLAYTON MARLOW ANDERSON, JR., must make restitution to Jefferson Point Professional Center Property Owners Association in the amount of \$748,265.62 plus 10 percent interest per year from September 9, 2014. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

CLAYTON MARLOW ANDERSON, JR., must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S225299****HUBER ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARK EUGENE HUBER, State Bar Number 179183, 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 four years subject to the following conditions:

1. MARK EUGENE HUBER is suspended from the practice of law for a minimum of the first two years of probation and he will remain suspended until the following conditions are satisfied:
  - i. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
    - (1) Carole Orlando in the amount of \$2,200 plus 10 percent interest per year from June 21, 2010; and
    - (2) Michelle Donley Bonomolo in the amount of \$1,195 plus 10 percent interest per year from June 21, 2011; and
  - ii. 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. 1.2(c)(1).)
2. MARK EUGENE HUBER must comply with the other conditions of probation recommended by the Review Department of the State Bar Court in its Opinion filed on February 5, 2015.
3. At the expiration of the period of probation, if MARK EUGENE HUBER has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

MARK EUGENE HUBER 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).)

MARK EUGENE HUBER 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.

**SUPREME COURT MINUTES  
TUESDAY, MAY 26, 2015  
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California convened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on Tuesday, May 26, 2015, at 9:00 a.m.

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

Officers present: Frank A. McGuire, Clerk, Jorge Navarrete, Assistant Clerk Administrator, and Gail Gray, Calendar Coordinator.

S205889            Fluor Corporation, Petitioner,  
                         v.  
                         Superior Court of Orange County, Respondent;  
                         Hartford Accident and Indemnity Company, Real Party in Interest.

Cause called. John M. Wilson argued for Petitioner.  
John A. Taylor, Jr., argued for Real Party in Interest.

Mr. Wilson replied.  
Cause submitted.

S199557            City of San Diego et al., Plaintiffs and Appellants,  
                         v.  
                         Board of Trustees of the California State University, Defendant  
                         and Respondent.

Cause called. Jeremy B. Rosen argued for Respondent.  
Christine M. Leone, Office of the City Attorney, argued for Appellants.  
Philip A. Seymour argued for Appellants.

Mr. Rosen replied.  
Cause submitted.

S218597                    DKN Holdings LLC, Plaintiff and Appellant,  
                                  v.  
                                  Wade Faerber, Defendant and Respondent.

Cause called. Michael G. Dawe argued for Appellant.  
Michael S. LeBoff argued for Respondent.

Mr. Dawe replied.  
Cause submitted.

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

Court reconvened pursuant to recess.  
Members of the court and officers present as first shown.

S199435                    Estate of Irving Duke, Deceased.

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Seymour Radin et al., Petitioners and Respondents,  
v.  
Jewish National Fund et al., Claimants and Appellants.

Cause called. Robin Meadow argued for Appellants.  
Mary-Christine Sungaila argued for Respondents.

Mr. Meadow replied.  
Cause submitted.

S220775                    Nancy F. Lee, Plaintiff and Appellant,  
                                  v.  
                                  William B. Hanley, Defendant and Respondent.

Cause called. Dimitri Gross argued for Respondent.  
Harry W. R. Chamberlain argued for Amicus Curiae, Association of  
Southern California Defense Counsel.  
Walter J. Wilson argued for Appellant.

Mr. Gross replied.  
Cause submitted.

S139103            The People, Plaintiff and Respondent,  
                         v.  
                         Bailey Jackson, Defendant and Appellant.

***[TO BE CALLED AND CONTINUED TO A FUTURE ORAL ARGUMENT CALENDAR]***

The Honorable Dennis M. Perluss, Presiding Justice, Court of Appeal, Second Appellate District, Division Seven, sitting on the following case, under assignment by the Chairperson of the Judicial Council, joined the court at the bench. The Honorable Carol A. Corrigan, not participating.

S093803            The People, Plaintiff and Respondent,  
                         v.  
                         Ropati Seumanu, Defendant and Appellant.

Cause called. Mark D. Greenberg, Court-appointed Counsel, argued  
for Appellant.

Nanette Winaker, Office of the Attorney General, argued for Respondent.

Mr. Greenberg replied.  
Cause submitted.

Court recessed until Wednesday, May 27, 2015, at 9:00 a.m.