

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 7, 2016
SAN FRANCISCO, CALIFORNIA
AMENDED***

S105403**PEOPLE v. CHHOUN (RUN
PETER) & PAN (SAMRETH
SAM)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Denise Anton's representation that the appellant Run Peter Chhoun's reply brief is anticipated to be filed by November 7, 2016, counsel's request for an extension of time in which to file that brief is granted to November 7, 2016. After that date, no further extension will be granted.

S152463**PEOPLE v. HILL (IVAN J.)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 14, 2016.

S162197**PEOPLE v. VICTORIANNE
(JAVIER WILLIAM)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Sara Theiss's representation that the appellant's opening brief is anticipated to be filed by June 28, 2017, counsel's request for an extension of time in which to file that brief is granted to November 14, 2016. After that date, only four further extensions totaling about 226 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S171393**PEOPLE v. McDANIEL
(DONTÉ LAMONT)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Elias Batchelder's representation that the appellant's reply brief is anticipated to be filed by March 10, 2017, counsel's request for an extension of time in which to file that brief is granted to November 7, 2016. After that date, only two further extensions totaling about 124 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).)

S171998**PEOPLE v. DELEON
(SKYLAR JULIUS)**

Extension of time granted

Good cause appearing, and based upon counsel Wesley A. Van Winkle's representation that the appellant's opening brief is anticipated to be filed by December 30, 2016, counsel's request for an extension of time in which to file that brief is granted to October 31, 2016. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S172432**PEOPLE v. CHEATHAM
(STEVEN DEWAYNE)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Nima Razfar's representation that the respondent's brief is anticipated to be filed by November 14, 2016, counsel's request for an extension of time in which to file that brief is granted to November 14, 2016. After that date, no further extension is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S174709**PEOPLE v. SARINANA
(CATHY LYNN) &
SARINANA (RAUL
RICARDO)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Anne W. Lackey's representation that the appellant Cathy Lynn Sariñana's opening brief is anticipated to be filed by March 23, 2017, counsel's request for an extension of time in which to file that brief is granted to November 3, 2016. After that date, only three further extensions totaling about 139 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).)

S182059**PEOPLE v. VARNER (SCOTT
PAUL)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 14, 2016.

S182278**PEOPLE v. NELSON (TANYA
JAIME)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 7, 2016.

S186271**PEOPLE v. JOHNSON (MILA)**

Extension of time granted

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

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 28, 2016.

S190636**PEOPLE v. HALVORSEN
(ARTHUR HANS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 7, 2016.

S199311**GARCIA (RANDY EUGENE)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Russell A. Lehman's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by March 7, 2017, counsel's request for an extension of time in which to file that document is granted to November 7, 2016. After that date, only two further extensions totaling about 120 additional days are contemplated.

S203514**PEOPLE v. HUGHES
(MICHAEL)**

Extension of time granted

Good cause appearing, and based upon counsel Randall Bookout's representation that the appellant's opening brief is anticipated to be filed by January 1, 2018, counsel's request for an extension of time in which to file that brief is granted to November 7, 2016. After that date, only seven further extensions totaling about 420 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).)

S221247**DELGADO (ANTHONY
GILBERT) 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 the informal response to the petition for writ of habeas corpus is extended to November 7, 2016.

S221519**CÁSARES (JOSÉ) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Fred Renfro's representation that the reply to the informal response to the petition for writ of habeas corpus is anticipated to be filed by June 27, 2017, counsel's request for an extension of time in which to file that document is granted to November 7, 2016. After that date, only four further extensions totaling about 231 additional days are contemplated.

S222737**JOHNSON (JOE EDWARD)
ON H.C.**

Extension of time granted

Good cause appearing, and 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 17, 2016, counsel's request for an extension of time in which to file that document is granted to October 17, 2016. After that date, no further extension will be granted.

S234954**CARRASCO (ROBERT) ON
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Roberta L. Davis's representation that the informal response to the petition for writ of habeas corpus is anticipated to be filed by December 5, 2016, counsel's request for an extension of time in which to file that document is granted to November 7, 2016. After that date, only one further extension totaling about 27 additional days is contemplated.

S236604

A134913 First Appellate District, Div. 4

**IN RE AUTOMOBILE
ANTITRUST CASES I & II**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the answer to the petition for review is extended to September 16, 2016.

S235529 B265609 Second Appellate District, Div. 2 **PEOPLE v. WALKER**
(MARICE B.)

Counsel appointment order filed

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

S235918 B262383 Second Appellate District, Div. 7 **PEOPLE v. SHIRLEY**
(GAYLON RAY)

Counsel appointment order filed

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

S236012 H041927 Sixth Appellate District **PEOPLE v. GARRETT (RYAN**
JAMES)

Counsel appointment order filed

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

S233773 **FARKAS ON DISCIPLINE**

Order filed

Due to clerical error on the part of the State Bar of California. The order of this court filed June 23, 2016, suspending JOEL SAMUEL FARKAS, is hereby amended to read in its entirety: "The court orders that JOEL SAMUEL FARKAS, State Bar Number 244032, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JOEL SAMUEL FARKAS is actually suspended from the practice of law for the first six months of probation;
2. JOEL SAMUEL FARKAS 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 11, 2016; and
3. At the expiration of the period of probation, if JOEL SAMUEL FARKAS has complied with the terms of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

JOEL SAMUEL FARKAS 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).)

JOEL SAMUEL FARKAS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivision (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2017 and 2018. If JOEL SAMUEL FARKAS 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.

This order is entered nunc pro tunc to June 23, 2016.”

S236208

**HELLER EHRMAN LLP v.
DAVIS WRIGHT TREMAINE
LLP**

Order filed

The order filed on September 2, 2016, amending the title is amended as to the 9th Circuit’s case numbers to read as follows:

9th Circuit Nos. 14-16314/14-16315/14-16317/14-16318

S236787

AIROLA ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of CATHERINE AIROLA, State Bar Number 114320, as a member of the State Bar of California is accepted.

CATHERINE AIROLA must also comply with rule 9.20 of the California Rules of Court 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.

S236788

CLARK ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of DONALD LELAND CLARK, State Bar Number 65454, as a member of the State Bar of California is accepted.

DONALD LELAND CLARK must also comply with rule 9.20 of the California Rules of Court 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.

S236789

HUGHES ON RESIGNATION

Voluntary resignation accepted

The court orders that the voluntary resignation of CHRISTOPHER WALLACE HUGHES, State Bar Number 284200, as a member of the State Bar of California is accepted.

CHRISTOPHER WALLACE HUGHES must also comply with rule 9.20 of the California Rules of Court 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.

S236790**HULTENG ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RICHARD JOHN HULTENG, State Bar Number 100909, as a member of the State Bar of California is accepted.

RICHARD JOHN HULTENG must also comply with rule 9.20 of the California Rules of Court 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.

S236791**MAUNZ ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CHARLES ALAN MAUNZ, State Bar Number 46973, as a member of the State Bar of California is accepted.

CHARLES ALAN MAUNZ must also comply with rule 9.20 of the California Rules of Court 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.

S236811**McCLAIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DEENA P. McCLAIN, State Bar Number 83940, as a member of the State Bar of California is accepted.

DEENA P. McCLAIN must also comply with rule 9.20 of the California Rules of Court 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.

S236812**NOLAN IV ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DANIEL ANDREW NOLAN IV, State Bar Number 284970, as a member of the State Bar of California is accepted.

DANIEL ANDREW NOLAN IV must also comply with rule 9.20 of the California Rules of Court 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.

S236813**PETRICK ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JAMES BRINLEY PETRICK, State Bar Number 79329, as a member of the State Bar of California is accepted.

JAMES BRINLEY PETRICK must also comply with rule 9.20 of the California Rules of Court 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.

S236814**STOECKLEIN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DONALD JOHN STOECKLEIN, State Bar Number 75091, as a member of the State Bar of California is accepted.

DONALD JOHN STOECKLEIN must also comply with rule 9.20 of the California Rules of Court 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.

S236815**TAYLOR ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RIVIAN FAY TAYLOR, State Bar Number 96654, as a member of the State Bar of California is accepted.

RIVIAN FAY TAYLOR must also comply with rule 9.20 of the California Rules of Court 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.

S236867**AUCOIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LOUIS MITCHELL AUCOIN, State Bar Number 87100, as a member of the State Bar of California is accepted.

LOUIS MITCHELL AUCOIN must also comply with rule 9.20 of the California Rules of Court 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.

S236868**CASKEY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GREGORY MOSS CASKEY, State Bar Number 70411, as a member of the State Bar of California is accepted.

GREGORY MOSS CASKEY must also comply with rule 9.20 of the California Rules of Court 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.

S236869**COOKE ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of RANDOLPH COOKE, State Bar Number 53330, as a member of the State Bar of California is accepted.

RANDOLPH COOKE must also comply with rule 9.20 of the California Rules of Court 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.

S236871**FRANKLIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DAVID MICHAEL FRANKLIN, State Bar Number 68288, as a member of the State Bar of California is accepted.

DAVID MICHAEL FRANKLIN must also comply with rule 9.20 of the California Rules of Court 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.

S236873**GERBER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of PAULA GERBER, State Bar Number 152315, as a member of the State Bar of California is accepted.

PAULA GERBER must also comply with rule 9.20 of the California Rules of Court 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.

S236879**HOFFMAN ON
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KERRY CLARKE HOFFMAN, State Bar Number 126672, as a member of the State Bar of California is accepted.

KERRY CLARKE HOFFMAN must also comply with rule 9.20 of the California Rules of Court 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.

S236880**HROMA ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CATHERINE LINN HROMA, State Bar Number 125165, as a member of the State Bar of California is accepted.

CATHERINE LINN HROMA must also comply with rule 9.20 of the California Rules of Court 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.

S236881**LITMAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CRAIG A. LITMAN, State Bar Number 64342, as a member of the State Bar of California is accepted.

CRAIG A. LITMAN must also comply with rule 9.20 of the California Rules of Court 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.

***AMENDED**
SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 7, 2016
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 Wednesday, September 7, 2016, 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.

S219534 Johnny Blaine Kesner, Jr., Petitioner,
 v.
 Superior Court of Alameda County, Respondent;
 Pneumo Abex LLC, Real Party in Interest.

S219919 Joshua Haver et al., Plaintiffs and Appellants,
 v.
 BNSF Railway Company, Defendant and Respondent.

CONSOLIDATED CASES

Cause called. Lisa Perrochet argued for Real Party in Interest, Pneumo Abex LLC.

Ted W. Pelletier argued for Petitioner, Johnny Kesner, Jr.

Michael B. Gurien argued for Appellants, Joshua Haver et al.

Theodore J. Boutrous, Jr., argued for Respondent, BNSF Railway Company.

Ms. Perrochet replied.

Cause submitted.

S224853 Jennifer Augustus et al., Plaintiffs and Respondents,
 v.
 ABM Security Services, Inc., Defendant and Appellant.

[TO BE CALLED AND CONTINUED TO THE SEPTEMBER 29, 2016 CALENDAR]

S225109 Michael Eugene Maas, Petitioner,
 v.
 Superior Court of San Diego County, Respondent;
 The People, Real Party in Interest.

Cause called. Russell Babcock, Court-appointed Counsel,
argued for Petitioner.
Steven T. Oetting, Office of the Attorney General,
argued for Real Party in Interest.

Mr. Babcock replied.
Cause submitted.

S218734 Hiroshi Horiike, Plaintiff and Appellant,
 v.
 Coldwell Banker Residential Brokerage Company et al.,
 Defendants and Respondents.

Cause called. Edward L. Xanders argued for Respondents.
Frederic D. Cohen argued for Appellant.

Mr. Xanders 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.

S033901

The People, Plaintiff and Respondent,
v.
Catherine Thompson, Defendant and Appellant.

Cause called. Denise Kendall, Office of the State Public Defender,
argued for Appellant.
A. Scott Hayward, Office of the Attorney General, argued for Respondent.

Ms. Kendall replied.
Cause submitted.

S131819

The People, Plaintiff and Respondent,
v.
George Williams, Defendant and Appellant.

Cause called. Paul J. Spiegelman, Court-appointed Counsel,
argued for Appellant.
Scott C. Taylor, Office of the Attorney General, argued for Respondent.

Mr. Spiegelman replied.
Cause submitted.

Court recessed until Thursday, September 8, 2016, at 9:00 a.m.