

FILED

2017 JAN 26 P 1:37

CLERK OF SUPERIOR COURT
COUNTY OF CONTRA COSTA
JAN 26 2017

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2 Ilana Kohn, State Bar No. 203389
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7 Attorney for Defendants
8 CITY OF HERCULES, DAN ROMERO, MYRNA
9 DE VERA, DAVID BIGGS, JOHN PATRICK
10 TANG, KRISTINA GRIFFITH, PEDRO
11 JIMENEZ, GREGORY DWYER, JOHN
12 DELGADO, and JUDY YAMAMOTO SORIANO

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF CONTRA COSTA

13 PIL LEE ORBISON, Individually and as
14 Founder, President and CEO Bay Area
15 Diversified Tennis Foundation,

15 Plaintiff,

16 v.

17 CITY OF HERCULES; DAN ROMERO, VICE
18 MAYOR IN 2015 AND MAYOR IN 2016;
19 MYRNA DE VERA, MAYOR IN 2014 AND
20 VICE MAYOR IN 2016; FORMER MAYOR
21 JOHN DELGADO; PEDRO J. JIMENEZ,
22 PARKS & RECREATION DIRECTOR;
23 GREGORY DWYER, RECREATION
24 MANAGER; DAVID C. BIGGS, CITY
25 MANAGER; KRISTINA GRIFFITH, SENIOR
26 CENTER RECREATION LEADER; JOHN
27 PATRICK TANG, CITY ATTORNEY; AND
28 JUDY YAMAMOTO SORIANO, and Does 1
through 25, inclusive,

Defendants.

Case No. MSC16-00638

**NOTICE OF ENTRY OF ORDER DENYING
PLAINTIFF'S MOTION TO DISQUALIFY**

BY FAX

Hon. Steve Austin

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that attached hereto as **Exhibit A** is a true and correct copy of the ORDER DENYING PLAINTIFF'S MOTION TO DISQUALIFY, filed on January 19, 2017.

Dated: January 25, 2017

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

By: 

Gregory M. Fox
Ilana Kohn
Attorney for Defendants
CITY OF HERCULES, DAN ROMERO,
MYRNA DE VERA, DAVID BIGGS, JOHN
PATRICK TANG, KRISTINA GRIFFITH,
PEDRO JIMENEZ, GREGORY DWYER, JOHN
DELGADO, and JUDY YAMAMOTO
SORIANO

EXHIBIT A

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1 Gregory M. Fox, State Bar No. 070876
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7 Attorney for Defendants
8 CITY OF HERCULES, DAN ROMERO,
9 MYRNA DE VERA, DAVID BIGGS,
JOHN PATRICK TANG, KRISTINA GRIFFITH,
10 PEDRO JIMENEZ, GREGORY DWYER,
11 JOHN DELGADO and JUDY YAMAMOTO SORIANO

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF CONTRA COSTA

14 PIL LEE ORBISON, Individually and as
15 Founder, President and CEO Bay Area
Diversified Tennis Foundation,

16 Plaintiff,

17 v.

18 CITY OF HERCULES; DAN ROMERO, VICE
19 MAYOR IN 2015 AND MAYOR IN 2016;
20 MYRNA DE VERA, MAYOR IN 2014 AND
VICE MAYOR IN 2016; FORMER MAYOR
21 JOHN DELGADO; PEDRO J. JIMENEZ,
PARKS & RECREATION DIRECTOR;
22 GREGORY DWYER, RECREATION
MANAGER; DAVID C. BIGGS, CITY
23 MANAGER; KRISTINA GRIFFITH, SENIOR
CENTER RECREATION LEADER; JOHN
24 PATRICK TANG, CITY ATTORNEY; AND
25 JUDY YAMAMOTO SORIANO, and Does 1
through 25, inclusive,

26 Defendants.
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FILED
JAN 19 2017

STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____, Deputy Clerk

Case No. MSC16-00638

**[PROPOSED] ORDER DENYING PLAINTIFF'S
MOTION TO DISQUALIFY**

Hon. Jill Fannin

[PROPOSED] ORDER DENYING PLAINTIFF'S MOTION TO DISQUALIFY

COPY

1 On October 12, 2016, this Court issued a tentative ruling on Plaintiff's Motion to Disqualify
2 Opposing Counsel. The tentative ruling was not contested.

3 Plaintiff's motion to disqualify counsel representing the City from also representing defendants
4 who are current or former employees or officials of the City is denied. Plaintiff fails to identify the
5 claimed conflict of interest. Nor does she cite any legal authority in support of her motion. The court did
6 not consider the document plaintiff filed September 30, 2016, entitled "Request for Judiciary Review: 1.
7 In support of Plaintiff's Motion Opposing Counsel's representing individual defendants; 2. In opposition
8 of Opposing Counsels filing demurrer on First Amended Complaint; 3. Objection to Individual
9 Defendants sharing a private addresses/mailbox; 4) Objection to Exhibit A-B-C Demurrer, dated July 13,
10 2016; 5. Requests for Judiciary Review, Counter Claimant Soriano and Yamamoto; a. Objection/Denial
11 of Proof of Services dated May 4, 2016 and May 12, 2016; Transferring Debtors Statements (RSC15-
12 0331, two courts divisions and Counterclaimant names/Soriano/Yamamoto; b. Request for Judiciary
13 notice: Provocative false personation incident "Kammie Orbison" related to Plaintiff's Living Trust; 6.
14 Other relevant incident reports (ID Theft, Mail)." It does not appear that the document was served on the
15 opposing parties. The document on its face addresses much more than the pending motion. In fact, it
16 improperly attempts to re-litigate matters that have already been ruled on. Nor is the court considering
17 plaintiff's October 3, 2016 "Request for Judiciary Review: 1. In support of plaintiff's motion opposing
18 counsels representing individual defendants; Regarding: counter claimant "Judy Yamamoto aka Judy
19 Soriano filing a multiple counter claims at different court division with a request for hearing on
20 examination on Judgment Debtors Statement on plaintiff Pil Lee Orbison, and plaintiff's motion to
21 vacate the hearing, dated Nov. 4, 2016 (small claims case RSC15-0331, vacated July 24, 2015, counter
22 claim filed on July 17, 2015, by Judy Yamamoto, Judgment, Jan. 22, 2016, not mailed by the court."
23 Once again, it is not clear that this motion was served on all defendants and the document relates to much
24 more than the motion at issue. To the extent plaintiff seeks to continue a matter in another case, she must
25 file the motion in that other matter. Ms. Orbison is reminded that she can only communicate to the court
26 via properly noticed and served motions. She must keep in mind that defendant Judy Yamamoto Soriano
27 is self represented while defense counsel represents all other defendants. Notice of all motions must be
28 given to Ms. Soriano as well as defense counsel. The court will address plaintiff's opposition to

1 defendants' demurrer per the scheduled hearing date of December 8, 2016.

2 **IT IS SO ORDERED.**

3 **JAN 18 2017**

STEVEN K. AUSTIN

4 DATED: _____

Jill Eannin
JUDGE OF THE SUPERIOR COURT

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7 Approved as to form:

8 Date:

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10 _____
Pil Lee Orbison

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1 **PROOF OF SERVICE**

2 I, the undersigned, declare that I am employed in the County of San Francisco, California; I am
3 over the age of eighteen years and not a party to the within cause; and my business address is 2749 Hyde
4 Street, San Francisco, California 94109.

5 I am readily familiar with the practice of Bertrand, Fox, Elliot, Osman & Wenzel with respect to
6 the collection and processing of pleadings, discovery documents, motions and all other documents which
7 must be served upon opposing parties or other counsel in litigation. On the same day that
8 correspondence is placed for collection and mailing, it is deposited in the ordinary course of business
9 with the United States Postal Service in a sealed envelope with postage fully prepaid.

10 On **January 25, 2017**, I served the following document(s):

11 **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION TO DISQUALIFY**

12 on the following interested parties:

13 Pil Lee Orbison
14 1791 Solano Ave, #D06
15 Berkeley, CA 94707

Judy Yamamoto Soriano
121 Bluebird Court
Hercules, CA 94547

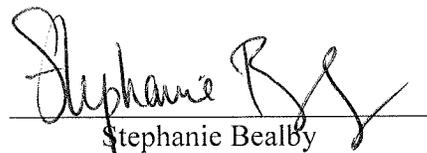
16 *In Pro Per*

Defendant

17 Said service was performed in the following manner:

- 18 (X) **BY E-MAIL or ELECTRONIC TRANSMISSION:** I sent a true copy via-email or electronic
19 transmission to the persons at the above e-mail addresses.
20 (X) **BY U.S. POSTAL SERVICE (Mail):** I placed each such document in a sealed envelope
21 addressed at noted above, with first-class mail postage thereon fully prepaid, for collection and
22 mailing at San Francisco, California, following the above-stated business practice, on this date.

23 I declare under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct. Executed **January 25, 2017**, at San Francisco, California.

25 
26 _____
27 Stephanie Bealby
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