

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): NICHOLAS S. CHRISOS, COUNTY COUNSEL and JAMES C. HARVEY, DEPUTY (State Bar No. 145394) 341 The City Drive, P.O. Box 4488 Orange, CA 92863		TELEPHONE AND FAX NOS.: (714) 935-7201 (714) 935-7299	FOR COURT USE ONLY
ATTORNEY FOR (Name): PUBLIC ADMINISTRATOR/GUARDIAN SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 341 The City Drive MAILING ADDRESS: P.O. Box 14171 CITY AND ZIP CODE: Orange 92863 BRANCH NAME: LAMOREAUX JUSTICE CENTER		FILED SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE LAMOREAUX JUSTICE CENTER APR 08 2009 <i>T. Boone</i> T. BOONE	
ESTATE OF (Name): CHARLES DAVID LEWIS, JR., aka CHARLES D. LEWIS, JR., aka CHARLES LEWIS, aka DAVID CHARLES		DECEDENT	
<input type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION WITH WILL ANNEXED		LETTERS <input type="checkbox"/> OF ADMINISTRATION <input checked="" type="checkbox"/> SPECIAL ADMINISTRATION	
		CASE NUMBER: 30-2009-00256639-PR-LS-LJC	

LETTERS

AFFIRMATION

1. ☐ The last will of the decedent named above having been proved, the court appoints (name):
- a. ☐ executor.
b. ☐ administrator with will annexed.
2. ☒ The court appoints (name):
JOHN S. WILLIAMS, PUBLIC ADMINISTRATOR
- a. ☐ administrator of the decedent's estate.
b. ☒ special administrator of decedent's estate
- (1) ☐ with the special powers specified in the Order for Probate.
(2) ☐ with the powers of a general administrator.
(3) ☒ letters will expire on (date):
May 07, 2009
3. ☐ The personal representative is authorized to administer the estate under the Independent Administration of Estates Act ☐ with full authority ☐ with limited authority (no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
4. ☐ The personal representative is not authorized to take possession of money or any other property without a specific court order.

1. ☒ PUBLIC ADMINISTRATOR: No affirmation required (Prob. Code, § 7621(c)).
2. ☐ INDIVIDUAL: I solemnly affirm that I will perform the duties of personal representative according to law.
3. ☐ INSTITUTIONAL FIDUCIARY (name):

I solemnly affirm that the institution will perform the duties of personal representative according to law. I make this affirmation for myself as an individual and on behalf of the institution as an officer.
(Name and title):

4. Executed on (date):
at (place): , California.

(SIGNATURE)

CERTIFICATION

I certify that this document is a correct copy of the original on file in my office and the letters issued the personal representative appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

WITNESS, clerk of the court, with seal of the court affixed.



Date: APR 08 2009
Clerk, by ALAN CARLSON
T. Boone
(DEPUTY)
T. BOONE



Date: APR 08 2009
Clerk, by ALAN CARLSON
T. Boone
(DEPUTY)
T. BOONE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): (714) 935-7202 NICHOLAS S. CHRISOS, COUNTY COUNSEL and ADRIENNE SAURO HECKMAN, DEPUTY PROBATE/LPS SECTION 341 The City Drive, P. O. Box 4488 Orange, CA 92863 ATTORNEY FOR (Name): PUBLIC ADMINISTRATOR		TELEPHONE AND FAX NOS.: (714) 935-7299		FOR COURT USE ONLY <div style="text-align: center; font-weight: bold; font-size: 1.2em;">FILED</div> SUPERIOR COURT OF CALIFORNIA COUNTY OF ORANGE LAMOREAUX JUSTICE CENTER <div style="text-align: center; font-weight: bold; font-size: 1.2em;">MAY 26 2009</div> ALAN CARLSON, Clerk of the Court BY: <u>T. BOONE</u> , DEPUTY	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE					
STREET ADDRESS: 341 The City Drive MAILING ADDRESS: P. O. Box 14171 CITY AND ZIP CODE: Orange, CA 92613-1571 BRANCH NAME: Lamoreaux Justice Center					
ESTATE OF (Name): CHARLES DAVID LEWIS, JR. aka CHARLES D. LEWIS, JR., aka CHARLES LEWIS, aka DAVID CHARLES DECEDENT					
ORDER FOR PROBATE ORDER <input type="checkbox"/> Executor APPOINTING <input type="checkbox"/> Administrator with Will Annexed <input type="checkbox"/> Administrator <input checked="" type="checkbox"/> Special Administrator <input type="checkbox"/> Order Authorizing Independent Administration of Estate <input type="checkbox"/> with full authority <input type="checkbox"/> with limited authority				CASE NUMBER: 30-2009-00256639-PR-LS-LJC	
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.					

1. Date of hearing: May 26, 2009 Time: 10:30 a.m. Dept./Room: L73 Judge:

THE COURT FINDS

2. a. All notices required by law have been given.
 b. Decedent died on (date):
 (1) ☐ a resident of the California county named above.
 (2) ☐ a nonresident of California and left an estate in the county named above.
 c. Decedent died
 (1) ☐ intestate
 (2) ☐ testate
 and decedent's will dated: _____ and each codicil dated: _____
 was admitted to probate by Minute Order on (date): _____

THE COURT ORDERS

3. (Name): JOHN S. WILLIAMS, PUBLIC ADMINISTRATOR
 is appointed **personal representative**:

- a. ☐ executor of the decedent's will
 b. ☐ administrator with will annexed
 c. ☐ administrator
 d. ☒ special administrator
 (1) ☒ with general powers
 (2) ☐ with special powers as specified in Attachment 3d(2)
 (3) ☐ without notice of hearing
 (4) ☐ letters will expire on (date): _____

and letters shall issue on qualification.

4. a. ☐ **Full Authority** is granted to administer the estate under the Independent Administration of Estates Act.
 b. ☐ **Limited authority** is granted to administer the estate under the Independent Administration of Estates Act (there is no authority, without court supervision, to (1) sell or exchange real property or (2) grant an option to purchase real property or (3) borrow money with the loan secured by an encumbrance upon real property).
5. a. ☐ Bond is not required.
 b. ☐ Bond is fixed at: \$ _____ to be furnished by an authorized surety company or as otherwise provided by law.
 c. ☐ Deposits of: \$ _____ are ordered to be placed in a blocked account at (specify institution and location): _____ and receipts shall be filed. No withdrawals shall be made without a court order. ☐ Additional orders in Attachment 5c.
 d. ☐ The personal representative is not authorized to take possession of money or any other property without a specific court order.
 6. ☐ (Name): _____ is appointed probate referee.

Date: _____

JUDGE OF THE SUPERIOR COURT

7. Number of pages attached: 1

☒ SIGNATURE FOLLOWS LAST ATTACHMENT

2014 11 20

A bond is not required of the Public Administrator in this proceeding as the Public Administrator is covered by the County of Orange multi-tiered crime insurance program with limits of not less than \$1,000,000. The Public Administrator and his agents are also covered under the County of Orange Self-Insurance and Commercial Insurance Program with limits not less than \$10,000,000 per occurrence in all cases involving errors and omissions.

MAY 26 2009

Judge of the Superior Court

ATTACHMENT 5a
to Order for Probate

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF ORANGE - LAMOREAUX JUSTICE CENTER

DEPARTMENT L72

ESTATE OF

CHARLES DAVID LEWIS, JR.,)
AKA CHARLES D. LEWIS, JR.,)
AKA CHARLES LEWIS, AKA)
DAVID CHARLES,)

DECEASED.)

CASE NO. 30-2009-00256639-PR-LS-LJC

MARY FINGAL SCHULTE, JUDGE PRESIDING

REPORTER'S TRANSCRIPT

THURSDAY, FEBRUARY 17, 2011

APPEARANCES OF COUNSEL:

FOR PETITIONER:

WEINSTOCK, MANION, REISMAN, SHORE & NEUMANN
BY: BLAKE A. RUMMEL

FOR PUBLIC ADMINISTRATOR/GUARDIAN:

NICHOLAS S. CHRISOS, COUNTY COUNSEL
BY: JAMES C. HARVEY, DEPUTY

LOIS PARDEE, CSR 5773
OFFICIAL COURT REPORTER

COPY

ORANGE, CALIFORNIA - THURSDAY, FEBRUARY 17, 2011

AFTERNOON SESSION

(THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT)

THE COURT: THE LARSON MATTER.

MR. HARVEY: JAMES HARVEY, DEPUTY ~~PUBLIC DEFENDER~~ ^{COUNTY COUNSEL}, ON
BEHALF OF PUBLIC ADMINISTRATOR.

MS. RUMMEL: GOOD AFTERNOON, YOUR HONOR. BLAKE RUMMEL FOR
WEINSTOCK, MANION, REISMAN, SHORE & NEUMANN ON BEHALF OF MOVING
PARTY, DIANE LARSON.

THE COURT: OKAY. WAS EVERYBODY HERE ON THAT DEMURRER
CASE?

OKAY. THIS IS A MOTION TO CHANGE VENUE. THERE WAS
AN OPPOSITION. SO I READ THE MOTION, I READ THE OPPOSITION. I
ALSO TOOK A LOOK AT THE COURT'S FILE BECAUSE IN THE MOTION THERE
WAS A PROCEDURAL HISTORY THAT WAS NOT QUITE ACCURATE. OKAY? SO
I DID, AND HERE'S THE ACCURATE VERSION OF THE PROCEDURAL HISTORY.
BECAUSE IT'S ALSO REPEATED IN, APPARENTLY, YOUR RESPONSE TO
THEIR -- THEIR, MEANING THE PUBLIC GUARDIAN'S -- ACCOUNTING.

ON APRIL 1, YOUR FIRM FILED, ON BEHALF OF DIANE
LARSON, A PETITION FOR LETTERS OF SPECIAL ADMINISTRATION AND
AUTHORIZATION TO ADMINISTER UNDER THE INDEPENDENT ADMINISTRATION
OF ESTATES ACT. WE, OBVIOUSLY, DON'T SET THEM FOR HEARING ON THE
DAY THAT IT'S FILED, SO IT WAS SET FOR HEARING MAY 7, 2009, AT
1:45 IN L73. THEN ON APRIL 7, THE PUBLIC ADMINISTRATOR FILED
THEIR PETITION FOR LETTERS OF ADMINISTRATION, AND THEN ON APRIL 8

1 THERE WAS A -- WAIT A MINUTE. APRIL 7, YES, THE PUBLIC
2 ADMINISTRATOR -- COUNTY COUNSEL ON BEHALF OF PUBLIC
3 ADMINISTRATOR/PUBLIC GUARDIAN FILED A COMPETING PETITION. THESE
4 PETITIONS WERE CALENDARED TO BE HEARD MAY 7, WHICH IS ABOUT --
5 NOT QUITE FIVE WEEKS OUT, WHICH IS ACTUALLY PRETTY GOOD SINCE,
6 WITH THE BIG BUDGET CRUNCH AND CUTBACKS IN THE PROBATE
7 DEPARTMENT, WE'RE NOW SETTING PETITIONS OUT BY A COUPLE MONTHS.
8 THEN EX PARTES -- COMPETING EX PARTES WERE FILED; BOTH WERE FILED
9 APRIL 8.

10 SO TO SAY THAT THE COURT REPEATEDLY TRAILED THE
11 MATTER TO ALLOW JOHN WILLIAMS TO FILE HIS OWN PETITION IS NOT
12 ACCURATE, AND IT'S NOT IN THE RECORD; I DIDN'T FIND ANY MINUTE
13 ORDERS TO THAT EFFECT. WHAT DID HAPPEN WAS THE EX PARTES CAME TO
14 ME. JUDGE SHERMAN USUALLY DOES THE EX PARTES, BUT HE WASN'T EVEN
15 IN PROBATE AT THE TIME; IT WAS ME, AND IT WAS JUDGE JOHNSTON.
16 AND I HAD JUST COME OVER TO PROBATE, NOT ONLY AS THE TRIAL JUDGE
17 BUT THE SUPERVISING JUDGE. SO AT THE TIME, I WAS DOING ALL THE
18 EX PARTES.

19 SO HERE'S WHAT HAPPENS AT THE EX PARTES. THERE'S NO
20 HEARING. 'CAUSE AN EX PARTE IS BASICALLY TELLING THE COURT YOU
21 GOTTA STOP EVERYTHING YOU'RE DOING 'CAUSE THIS IS MORE IMPORTANT,
22 AND GENERALLY THAT'S NOT THE CASE. IT'S NOT AN EMERGENCY LIKE WE
23 HAVE SOMETIMES IN CONSERVATORSHIPS AND GUARDIANSHIPS. BUT IT WAS
24 SOMEWHAT OF AN EMERGENCY BECAUSE WHAT WE HAD IN THE TWO
25 PETITIONS -- COMPETING PETITIONS WAS SOMEBODY HAD DIED, SADLY,
26 MR. LEWIS, AND THERE WAS AN ESTATE THAT NEEDED TO BE

1 ADMINISTERED, AND -- AND ON A TEMPORARY BASIS, THAT WAS MY ORDER,
2 A TEMPORARY ORDER HAD TO BE MADE SO THAT ASSETS COULD START TO
3 GET MARSHALED. OKAY? AND SO THE COURT HAD COMPETING PETITIONS
4 OF THE PUBLIC ADMINISTRATOR, WHO HAS SOME STATUTORY OBLIGATIONS,
5 AND THEN MS. LARSON, WHO THE COURT'S ONLY INFORMATION ON HER IS
6 SHE LIVED OUT OF STATE WITH THE CHILDREN. THE CHILDREN WERE
7 MR. LEWIS' CHILDREN, BUT SHE WAS NOT MR. LEWIS' WIFE AT THE TIME.
8 SHE HAD NOT YET BEEN APPOINTED GUARDIAN OF THE ESTATE. MY
9 UNDERSTANDING IS SUBSEQUENTLY SHE WAS. SO ON A TEMPORARY BASIS,
10 THIS COURT GRANTED THE EX PARTE RELIEF PENDING A FULL HEARING,
11 WHICH WAS TO BE CONDUCTED PURSUANT TO THE PETITION THAT WAS
12 INITIATED BY MS. LARSON, ON MAY 7. AS I LOOKED AT THE MINUTE
13 ORDER, THAT APPARENTLY WAS CONTINUED BY A WEEK, BUT THAT WAS MY
14 ONLY INVOLVEMENT AT THE TIME. SO TO SAY THAT THIS COURT
15 REPEATEDLY TRAILS SO THEY CAN DO SOMETHING IS JUST FLAT-OUT WRONG
16 AND INCORRECT. IT'S NOT FAIR TO THE COURT.

17 SO JUDGE JOHNSTON MADE HIS ORDERS, AND IT'S NOT UP
18 TO ME -- I'M NOT THE APPELLATE COURT, IT'S NOT UP TO ME TO
19 COMMENT ON THEM OR SAY HOW I WOULD HAVE RULED, BUT HE MADE THE
20 ORDERS HE MADE. HE WAS REVERSED ON APPEAL. NOT CHASTISED,
21 APPARENTLY, AS SOME PEOPLE HAVE SUGGESTED. 'CAUSE I READ THE
22 OPINION AGAIN. IT WAS A REVERSAL. THEY SAY YOU'RE NOT -- YOU
23 HAVEN'T JUDGED ENOUGH CASES OR JUDGED ENOUGH DIFFICULT CASES IF
24 ONCE IN AWHILE YOU DON'T GET REVERSED, BUT IN THAT ONE THEY FOUND
25 ABUSE OF DISCRETION.

26 SO THE CASE HAS NOW COME BACK TO ME BECAUSE OF THE

1 HEARING, MORE OFTEN THAN NOT I DON'T GET THE REPLIES. I'M HERE
2 AT THE HEARING, AND THE ATTORNEYS ARE SAYING, "WELL, YOUR HONOR,
3 AS I MENTIONED IN MY REPLY...", AND I'M GOING, "THERE'S A REPLY?"
4 SO NOW MY OWN PERSONAL HABIT IS JUST AT THE VERY LAST MINUTE,
5 CHECK TO SEE IF THERE'S A REPLY.

6 YOU NOT ONLY FILED YOUR REPLY, BUT I THINK IT WAS
7 MORE THAN TIMELY BECAUSE YOU FILED IT FEBRUARY 9, AND YOUR REPLY
8 WASN'T DUE TILL MAYBE A FEW DAYS AGO. BUT IT WAS, INDEED, FILED
9 IN THE CLERK'S OFFICE. SO IT SITS IN THE STACK WITH -- JUST FOR
10 FUTURE REFERENCE, OKAY? -- WITH A LOT OF PAPERWORK, 'CAUSE YOU
11 KNOW HOW PAPER-INTENSIVE PROBATE IS. SO APPARENTLY IT DIDN'T GET
12 IMAGED UNTIL MONDAY, VALENTINE'S DAY, AND BY THEN MY RESEARCH
13 ATTORNEY HAD DONE HER WORKUP AND HER NOTES. AND I START READING
14 ALL THIS STUFF THE WEEK BEFORE. SO I SAW YOUR REPLY, AND IT'S
15 KIND OF LONG ON FACTS BUT SHORT ON THE LAW; THERE WAS NO LAW
16 CITED.

17 AND THEN I THOUGHT, YOU KNOW, I DON'T KNOW WHICH
18 ATTORNEY FROM THE FIRM WROTE THE REPLY, AND WE CAN TALK ABOUT IT
19 WHEN WE GET TO ARGUMENT, BUT IT CLEARLY ISN'T A LAWYER WHO KNOWS
20 ME OR MY REPUTATION 'CAUSE FOR THE FIRST TIME IN THE REPLY YOU
21 ARE RAISING AN ISSUE THAT YOU DON'T BELIEVE THE TRIAL COURT CAN
22 BE IMPARTIAL.

23 AND THEN YOU TALK ABOUT THE REVERSAL, WHICH WAS
24 ANOTHER JUDGE, WHO'S NO LONGER EVEN SITTING IN PROBATE, AND I
25 HAVEN'T DISCUSSED THE CASE WITH HIM. AND YOU ACCUSE HIM OF
26 DIRECTLY CONTRAVENING A LAW. AND I'M THINKING -- I TRY TO ASSUME

1 THE BEST OF ATTORNEYS 'CAUSE I KNOW WHAT A HARD JOB IT IS; I DID
2 IT FOR 20 YEARS AND KNOW ABOUT DEALING WITH CLIENTS AND ALL THAT,
3 SO -- BUT I'M KIND OF A STICKLER ABOUT WHAT'S IN THE WRITTEN
4 PAPERS. I THOUGHT, YOU KNOW, MAYBE SHE WASN'T ACCUSING,
5 HOPEFULLY, BECAUSE THERE'S SOME PROFESSIONAL CODE OF CONDUCT AS
6 TO ATTORNEYS ON ACCUSING JUDGES OF DELIBERATELY VIOLATING THE
7 LAW. IF YOU DON'T HAVE A BASIS FOR IT, YOU CAN BE REPORTED TO
8 THE STATE BAR. SO I'M KIND OF THINKING THAT WAS OVERZEALOUS
9 ARGUMENT.

10 SO YOU -- BUT, YOU KNOW, AT THE VERY END, YOU TALK
11 ABOUT THIS SHOULDN'T BE HEARD ON -- BECAUSE THIS IS -- I WANT TO
12 TALK ABOUT THE MERITS OF THE MOTION, NOT POLEMICS -- ON HIS HOME
13 COURT, LITERALLY AND FIGURATIVELY. THAT IS SUGGESTING TO THIS
14 COURT THAT BECAUSE THE PUBLIC GUARDIAN APPEARS THROUGH COUNTY
15 COUNSEL IN THIS COURT, AND SO DOES THE PUBLIC DEFENDER AND OTHER
16 AGENCIES, BECAUSE OF THAT, I'M IMMEDIATELY CONSIDERED TO BE
17 BIASED, OR THE ENTIRE ORANGE COUNTY BENCH? 'CAUSE THIS WAS
18 SENT -- THIS WAS ASSIGNED TO ME OUT OF 73 OVER A MONTH AGO. YOU
19 DIDN'T FILE A 170.6, WHICH IS YOUR RIGHT, TO AUTOMATICALLY
20 CHALLENGE ONE JUDGE FOR NO REASON, DON'T HAVE TO HAVE ANY REASON.
21 AND THERE'S 170.1, WHICH IS REALLY HARD TO PROVE 'CAUSE YOU HAVE
22 TO PROVE FACTS TO SHOW THAT A JUDGE HAS BIAS. SO, YOU KNOW, I
23 JUST HAVE TO -- I HAVE TO JUST SAY THAT I WAS NOT UPSET 'CAUSE I
24 DON'T GET UPSET ABOUT LEGAL WRITING ANYMORE, BUT I WAS
25 DISAPPOINTED IN -- 'CAUSE YOUR FIRM IS A GOOD FIRM, A BIG FIRM.
26 THE CHIEF JUSTICE OF OUR SUPREME COURT, THE OUTGOING ONE, PUT ME

1 ON THE PROBATE ADVISORY COMMITTEE FOR THE ENTIRE STATE BACK IN
2 OCTOBER. I AM ON PANELS WITH L.A. JUDGES, WITH SAN BERNARDINO
3 JUDGES, RIVERSIDE JUDGES. WHEN I WAS A LAWYER, I PRACTICED ALL
4 OVER THE STATE, TOO. SO TO SUGGEST THAT JUST BECAUSE THERE IS A
5 COUNTY AGENCY, I CAN'T BE FAIR, THAT'S NOT QUITE GOING TO FLY.

6 AND MR. HARVEY WILL PROBABLY TELL THAT YOU HIS DEPUTIES LOSE IN
7 FRONT OF ME -- MAYBE NOT A REGULAR BASIS, NOBODY DOES, BUT THEY
8 SURE DON'T WIN EVERYTHING.

9 SO THE MERITS OF THE CASE -- SO WE'LL TALK ABOUT
10 THAT. IT'S A MOTION TO CHANGE VENUE BASED ON YOUR ARGUMENT THAT
11 THEIR FILING OF AN ACCOUNTING AND REQUESTING, I THINK, THE LEGAL
12 FEES -- 'CAUSE I WENT BACK TO LOOK AT THEIR ACCOUNTING. THE
13 LEGAL FEES AND THE COSTS ARE SOMEWHERE IN THE NEIGHBORHOOD OF
14 \$20,000. IS THAT THE CLAIM?

15 MR. HARVEY: WHAT WAS REQUESTED ACTUALLY BE PAID AT THIS
16 TIME WAS ABOUT \$17,000 --

17 THE COURT: OKAY.

18 MR. HARVEY: -- OF EXTRAORDINARY COMPENSATION --

19 THE COURT: RIGHT.

20 MR. HARVEY: -- AS TO BOTH THE PUBLIC ADMINISTRATOR AND TO
21 COUNTY COUNSEL. WE ~~CLAIMED~~ ^{CALCULATED} THE STATUTORY FEE BUT DID NOT REQUEST
22 ANY PORTION OF IT BE PAID AT THIS TIME.

23 THE COURT: RIGHT, BUT YOU WANTED IT PAID OUT OF THE
24 ESTATE.

25 SO THE ARGUMENT IS, BY THEM FILING WHAT'S A PRETTY
26 ROUTINE ACCOUNTING AND ASKING FOR PAYMENT -- MAYBE IT'S BEING

1 DEFERRED, BUT AT SOME POINT THAT THE COURT MAKE A DETERMINATION
2 OF WHAT FEES THEY'RE ENTITLED TO BASED ON THIS EVIDENCE -- THAT
3 THAT IS A CLAIM PERSONALLY AGAINST YOUR CLIENT. DO YOU HAVE ANY
4 CASES IN THE ENTIRE HISTORY OF JURIS PRUDENCE FOR CALIFORNIA AND
5 IN PROBATE CASES WHERE AN ACCOUNTING SUCH AS WHAT THEY FILED IS
6 CONSIDERED A CLAIM SUCH AS, YOU KNOW, A LAWSUIT AGAINST SOMEONE
7 ELSE? I COULDN'T FIND ANY CASES. MY RESEARCH ATTORNEY COULDN'T
8 FIND ANY CASES. SO DID YOU HAVE ANY, OR ARE YOU ASKING THE COURT
9 TO ANALOGIZE IT -- BECAUSE YOU ALSO FILED OBJECTIONS IN WHICH
10 YOU'RE ASKING TO SURCHARGE THE PUBLIC GUARDIAN, THE PUBLIC
11 ADMINISTRATOR, AND I DON'T KNOW IF THERE'S A CIVIL SUIT PENDING
12 OR NOT. I -- BUT ANYWAY, YOU'RE ASKING IN YOUR CLAIM -- THERE'S
13 A CLAIM, COUNTERCLAIM NOW AGAINST THEM, SO THAT WOULD MILITATE IN
14 FAVOR, BY STATUTE, OF KEEPING IT HERE.

15 SO THAT'S MY ANALYSIS OF IT. AGAIN, I DIDN'T HAVE A
16 TENTATIVE BECAUSE I WANTED TO HEAR ORAL ARGUMENT BECAUSE IT SEEMS
17 LIKE IT'S A REALLY NOVEL ARGUMENT, AND THAT'S ONE OF THE THINGS I
18 LIKE ABOUT THE JOB, AMONG MANY, IS THE INTERESTING ARGUMENTS WE
19 GET. SO GO AHEAD. YOU'RE MOVING PARTY.

20 MS. RUMMEL: YES, YOUR HONOR.

21 JUST TO COMMENT BRIEFLY ON A FEW THINGS THAT THE
22 COURT RAISED, I HOPE THE COURT, WHEN READING THE PAPERS AND THE
23 REFERENCES TO THIS COURT, DOESN'T THINK THAT WE WERE REFERRING TO
24 YOU PERSONALLY.

25 THE COURT: I DIDN'T. I REALIZED IT WAS JUDGE JOHNSTON'S
26 ORDER. BUT -- BUT I -- THEN I LOOKED -- I THOUGHT, OH, I DID .

1 BE TRANSFERRED TO ANOTHER COUNTY.

2 AND THEN THE ISSUE OF THE 397, WHICH WAS ONLY RAISED
3 IN THE REPLY, OF COURSE, WAS NOT IN THE ORIGINAL MOVING PAPERS,
4 WAS NOT A BASIS FOR THE MOTION. THE IDEA THAT SOMEHOW THE COURT
5 IS BIASED, I JUST THINK THE COURT ADDRESSED THAT ON ITS OWN.
6 THERE'S NO EVIDENCE THAT THE COURT HAS ANY PREJUDICE AGAINST
7 MS. LARSON, AND SO I JUST DON'T THINK THERE'S ANY -- ANY REASON
8 FOR THE COURT TO DO THAT.

9 AND IN THE REPLY, MISS LARSON ARGUED THAT SOMEHOW
10 THE COURT WOULD BE AWARDED -- AS A COUNTY AGENCY WOULD BE
11 AWARDED FEES TO ANOTHER COUNTY AGENCY. THE COURT'S NOT A COUNTY
12 AGENCY.

13 THE COURT: I WAS GOING TO, FOR THE RECORD --

14 MR. HARVEY: THE COURT'S A STATE AGENCY.

15 THE COURT: -- STATE, I AM AN ELECTED OFFICIAL; I DO NOT
16 WORK FOR THE COURT.

17 MR. HARVEY: THE COURTS ARE NOT ARMS OF THE COUNTY. SO
18 THAT'S -- AND AGAIN, IF THAT WAS THE ARGUMENT, IF THAT ARGUMENT
19 WOULD FLY, THEN THE LITERALLY HUNDREDS AND HUNDREDS OF TIMES A
20 YEAR THE PUBLIC ADMINISTRATOR/GUARDIAN FILES A FEE REQUEST, WELL
21 THAT MATTER WOULD HAVE TO BE SENT TO SOME OTHER COUNTY BECAUSE WE
22 CAN'T HAVE A LOCAL COURT RULING ON IT. THE CONSTRUCTION THEY'RE
23 URGING IS JUST ABSURD, AND THE IS THE MOTION SHOULD JUST BE
24 DENIED.

25 THE COURT: OKAY. BRIEF REPLY.

26 MS. RUMMEL: YOUR HONOR, THE REFERENCE TO THE -- FURTHER

1 THE COURT: OKAY.

2 MS. RUMMEL: AND IF FOR SOME REASON THE PUBLIC
3 ADMINISTRATOR NEEDED ADDITIONAL TIME TO DO LEGAL BRIEFS AND
4 RESEARCH, THAT CERTAINLY WOULD BE SOMETHING THAT I WOULD GRANT
5 THE REQUEST, AND I'M SURE THE COURT WOULD, TOO, BUT I DIDN'T GET
6 ANY REQUEST THAT THERE WAS ADDITIONAL TIME NEEDED TO LOOK UP
7 ADDITIONAL LAW.

8 THE COURT: OKAY. WELL, I RESEARCHED IT PRETTY CAREFULLY
9 AND THOROUGHLY, AS YOU CAN, HOPEFULLY, TELL, AS DID A VERY
10 SEASONED RESEARCH ATTORNEY, AND OUR CONCLUSION IS THAT THE MOTION
11 TO CHANGE VENUE DOES NOT HAVE MERIT. THIS IS A DECEDENT'S
12 ESTATE. I DON'T THINK -- I DON'T FIND THAT THE ACCOUNTING IS A
13 CLAIM AGAINST YOUR CLIENT. YOUR CLIENT'S THE ADMINISTRATOR OF
14 THE ESTATE. THEY'RE NOT SUING HER FOR DAMAGES. AND SO ON THAT
15 BASIS, THE MOTION IS DENIED.

16 → AND I GUARANTEE YOU, SHE WILL GET A FAIR TRIAL IN
17 THIS COURT. OKAY? ←

18 MAYBE TO SAVE ON A LITTLE BIT OF ATTORNEY TIME
19 BECAUSE I DO KNOW YOU HAVE A TRIAL SETTING CONFERENCE COMING UP
20 FEBRUARY 28, YOU WANT TO ADVANCE IT TO NOW, OR DO YOU JUST WANT
21 TO WAIT TILL THE 28TH?

22 MS. RUMMEL: WE SHOULD WAIT TILL THE 28TH.

23 MR. HARVEY: I THINK LEAVE IT.

24 THE COURT: ALL RIGHT. NOTICE WAIVED?

25 MS. RUMMEL: I'LL GIVE NOTICE, YOUR HONOR.

26 THE COURT: OKAY.