

# Mariposa County Bar Association

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[www.MariposaBar.org](http://www.MariposaBar.org)

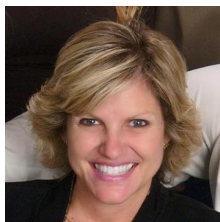
[Newsletter@MariposaBar.org](mailto:Newsletter@MariposaBar.org)

March 2020

## President's Column

Casey Aitchison, MCBA President

The Mariposa County Bar Association ("MCBA") extends a huge thanks to Judge Michael Fagalde for his March 12, 2020 presentation "Ethics-A Perspective After Crossing the Divide from Attorney to Judge." The presentation was heavily attended and well received, with all attendees thoroughly enjoying Judge Fagalde's insight and sense of humor. The presentation was approved by the California State Bar Association for .5 MCLE credit.



Our meetings are usually held on the second Thursday of each month at the Miner's Roadhouse 140. However, they are temporarily suspended until further notice, in conformance with the Governor's order issued in light of the COVID-19 pandemic.

MCBA Membership is \$35.00 and includes access to several MCLE credits throughout the year as well as a listing on the MCBA website at [www.MariposaBar.org](http://www.MariposaBar.org). An application is attached hereto. Those who are renewing their membership may forego the application and simply send in their dues to MCBA, PO Box 628, Mariposa, CA 95338.



## Mariposa County Superior Court Issues Notice of Limited Operations

The Mariposa County Superior Court has issued the following Notice:

Due to the Coronavirus Emergency (COVID-19) issued by the Governor and County of Mariposa, Mariposa Superior Court has substantially closed through April 19, 2020. This closure may continue as determined by the Court.

### **YOU WILL NOT BE ALLOWED ENTRY INTO THE COURTHOUSE WITHOUT PRIOR APPROVAL**

Please follow these instructions:

1. If you have a need for emergency orders, contact the court at (209) 966-2005, and the court staff will give you directions.
2. If you need to file documents with the court, contact us at (209) 966-2005, and the court staff will give you directions.
3. If you have a hearing scheduled during this time and do not have a new date to appear, contact your attorney or the court at (209) 966-2005.
4. If you have an immediate need for documents or forms, contact the court at (209) 966-2005. You may also obtain forms through the following websites: [courts.ca.gov](http://courts.ca.gov) and [mariposacourt.org](http://mariposacourt.org).
5. If you want to make a payment on a fine you may mail it to Mariposa Superior Court, P.O. Box 28, Mariposa, CA 95338 (DO NOT MAIL CASH), or pay online at [mariposacourt.org](http://mariposacourt.org).
6. If you are a witness in a case set for today, contact the person who requested you to appear or contact the court at (209) 966-2005.
7. If you have general questions, please email the court at: [covid19@mariposacourt.org](mailto:covid19@mariposacourt.org) or call (209) 966-2005 between the hours of 8:00am and 5:00pm, Monday through Friday (excluding any court holidays).

## MCBA 2020 Meetings

The MCBA meetings are usually held on the second Thursday of each month at the Miner's Roadhouse 140 banquet room. However, in conformance with the order issued by the Governor, our meetings are suspended until further notice. The following are the meetings planned for 2020:

### January 9, 2020

Luncheon meeting: Strategic Planning Meeting for 2020

### February 13, 2020

Luncheon meeting: Speaker, Dr. Eric Sergienko, Mariposa County Public Health Officer, regarding Public Health Law

### March 12, 2020

Luncheon meeting: Speaker, Judge Michael Fagalde, .5 MCLE credit in Ethics with his presentation "Ethics-A Perspective After Crossing the Divide from Attorney to Judge"

### April 9, 2020

Luncheon meeting rescheduled due to COVID-19 shelter in place directives.

### May 14, 2020

Subject to rescheduling: Law Day - Speaker, Judge Michael Fagalde "Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100"

### June 11, 2020

Subject to rescheduling: Luncheon Meeting: Speaker, Miles Menetrey, Chairman of the Mariposa County Board of Supervisors

### July 9, 2020

Subject to rescheduling: Luncheon meeting: Speaker, Chevon Kothari, Director of Mariposa County HHS, regarding the homeless situation in Mariposa County and the applicable laws the County must navigate to address the problem

### August 13, 2020

Luncheon meeting: Speaker, Russell Cook, Mediating the Hatfield-McCoy Dispute, approved for 1 hour MCLE credit by the State Bar

### September 10, 2020

Luncheon meeting: Speaker To Be Announced

### October 8, 2020

Luncheon meeting: Speaker To Be Announced

### November 12, 2020

Luncheon meeting: Speaker To Be Announced

### December 10, 2020

Luncheon meeting: Holiday Luncheon and Judges Appreciation Day

## Family Law News

by Casey Aitchison, President, Merced County Bar Association Family Law Section

The featured case this month is *Siry Investment v. Farkhondehpour*, issued March 3, 2020. Although *Siry* is not a family law case, it deals with discovery sanctions which are applicable in family law as well as all other civil cases. Almost every family law attorney has been on the receiving end of opposing counsel refusing to provide good faith responses to discovery. In family law, this is particularly egregious in light of the parties' fiduciary duty to disclose all information even without a discovery request, per the California Family Code.

In *Siry*, after the defendants committed multiple discovery abuses, the Trial Court issued a terminating sanction and allowed the matter to proceed by default prove-up, resulting in a \$7 million default Judgment. The defendants appealed, contending that because the discovery they failed to respond to did not address all the issues in the case, a terminating sanction was not appropriate. In affirmation, the Appellate Court states: "We conclude that a trial court is not foreclosed from issuing terminating sanctions just because the underlying discovery encompasses only a subset of the issues in the case." The Court found that although terminating sanctions are the most drastic penalty and are typically a last resort to be used sparingly, the defendants obstinately refused to provide discovery responses, had a profuse history of discovery abuse, and engaged in willful and calculated conduct intended to frustrate and evade the discovery process. As best stated by the Court: "Defendants have a fulsome history of discovery abuse: They ignored *Siry's* two rounds of post-remand discovery and then flouted multiple court orders to provide documents and responses without objection, preferring instead to make multiple motions for clarification and reconsideration, to bury *Siry* and the court with "document dump[s]," and then to try to avoid the consequences of their discovery misconduct by making feckless, last-minute offers to rummage through their files for responsive documents. Defendants' conduct was both willful and, worse yet, calculated".

The Family Law Section of the Merced County Bar Association usually meets for lunch on the second Tuesday of each month. However, due to the COVID-19 pandemic, our meetings are suspended until further notice. For more information, please email the Merced County Bar Association Family Law Section President, Casey Aitchison at [Casey@MercedDivorce.com](mailto:Casey@MercedDivorce.com).

# Merced Superior Court

## News

The Court has issued a statement that it has started its transition to essential cases only as noted in the General Order available at this link:

<https://www.mercedcourt.org/COVID-19.shtml>.

The Court will be operating reduced Courtrooms as indicated below through April 17, 2020 unless otherwise communicated. Staff are continuing cases that are not deemed essential under the General Order and will be noticing parties. The portal information will be updated as the cases are moved.

Telephonic appearances are strongly encouraged to maintain social distancing and limit physical interactions.

### Criminal Schedule: CR1 with Judge Slocum presiding – Effective 3/26/20

- 8:30 Criminal matters not continued, prelims scheduled by Judge Slocum
- 10:00 Emergency Orders, Writs, Mental Health (any hearing related to essential functions)
- 11:00 Video Arraignment calendar – Complaints to be filed with the Clerk’s Office by 9:30 a.m.
- 1:30 Time Not Waived preliminary hearings – Mondays only

### Civil Schedule: CR10 with Judge TBA presiding – Effective 3/26/20

- 8:15 Juvenile Delinquency Detentions – telephonic appearances for attorneys will be scheduled by email using Zoom. The juvenile will appear remotely from Juvenile Hall.
- 9:00 Juvenile Dependency Detentions – telephonic appearances for attorneys are scheduled. Civil/Probate Ex Parte, TRO, Emergency Petitions, Tentative Rulings Small Claims Exemption hearings (any hearings related to essential functions)

### Family Law (CR7): Wednesday and Thursday only with Judge Seymour presiding – Effective March 30, 2020

- 8:45 Domestic Violence
- 8:45 Ex Parte (hearings related to essential functions)

### Los Banos (CR12): Friday only with Judge Moranda presiding – Effective March 30, 2020

- 8:30 Ex Parte, Restraining Order Emergency Orders, Writs (hearings related to essential functions)
- 9:30 Essential Criminal Hearings (Time not waived Prelims, misdemeanor DV, etc.)
- 1:30 Carryover from 9:30 a.m. as needed”

# MCBA Membership List

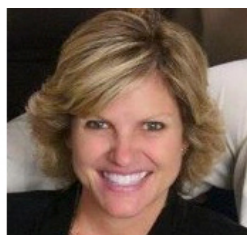
It’s time to renew your membership for 2020! The following is our current list of 2020 members:

- Casey Aitchison
- Nanette M. Beaumont
- Kevin Briggs
- Marvin Brown (retired)
- Anita Starchman Bryant
- Aaron Castleton
- Jeffrey Castleton
- Thomas K. Cooke
- Steven W. Dahlem
- Skye Emery
- Edward J. Johnson
- Andrew Kucera
- Robert B. Lindley
- Brent Richardson
- Elizabeth E. Waldow
- Walter Wall

If your name is not on the list and you would like to renew your membership, no application is needed, just send in your payment to our PO Box. For new members who wish to have their information listed on the MCBA website, you may fill out the attached application and mail it with your dues to MCBA, PO Box 628, Mariposa, CA 95338.

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## 2020 MCBA Officers



Casey Aitchison  
President



Ed Johnson  
Vice-President



Anita Starchman Bryant  
Secretary



Skye Emery  
Treasurer

# MARIPOSA COUNTY BAR ASSOCIATION

## Membership Application – 2020

2020 dues: \$35.00

Please mail the completed application and dues payable to:

Mariposa County Bar Association

P.O. Box 628

Mariposa, CA 95338

The following data will be used for your Member Information of the MCBA records. Please indicate what information you would like included on the public web site.

	Include on Website?	
	Yes	No
Name: _____	<input type="checkbox"/>	<input type="checkbox"/>
Bar#: _____	<input type="checkbox"/>	<input type="checkbox"/>
Firm Name: _____	<input type="checkbox"/>	<input type="checkbox"/>
Address: _____	<input type="checkbox"/>	<input type="checkbox"/>
Phone: _____	<input type="checkbox"/>	<input type="checkbox"/>
Fax: _____	<input type="checkbox"/>	<input type="checkbox"/>
Email: _____	<input type="checkbox"/>	<input type="checkbox"/>
Website: _____	<input type="checkbox"/>	<input type="checkbox"/>
Areas of Practice: _____	<input type="checkbox"/>	<input type="checkbox"/>
Law School: _____	<input type="checkbox"/>	<input type="checkbox"/>
Languages: _____	<input type="checkbox"/>	<input type="checkbox"/>
Free Consultations: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>

Dues Enclosed: \_\_\_\_\_