S264419

IN THE SUPREME COURT OF CALIFORNIA

BARBARA FRANKLIN,
Petitioner,

v.

SUPERIOR COURT OF CALIFORNIA FOR THE COUNTY OF LOS ANGELES,
Respondent.

DAIMLER TRUCKS NORTH AMERICA, LLC, MACK TRUCKS, INC., HENNESSY INDUSTRIES, INC., KAISER GYPSUM COMPANY, INC., FORD MOTOR COMPANY, FEDERAL MOGUL ASBESTOS PERSONAL INJURY TRUST, PERFECTION HY-TEST COMPANY, and PACCAR, INC.,
Real Parties in Interest.

AFTER A SUMMARY DENIAL OF A PETITION FOR WRIT OF MANDATE BY THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT, DIVISION ONE, CASE NO. B306827
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES • CASE NO. 19STCV36610
DAVID CUNNINGHAM III, JUDGE • TELEPHONE NO. (213) 310-7015

ANSWER TO PETITION FOR REVIEW BY REAL PARTIES IN INTEREST

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ANSWER TO PETITION FOR REVIEW

INTRODUCTION: WHY REVIEW SHOULD BE DENIED

In the face of unprecedented challenges posed by the ongoing pandemic, and guided by public health officials, the Los Angeles Superior Court (respondent here) made the rational decision to pause civil jury trials until they can be conducted safely and fairly. Other Southern California courts facing similar challenges have made the same decision to pause, including the San Bernardino Superior Court and the United States District Court for the Central District of California. Evolving circumstances in different locations have required each county to exercise discretion to account for variations in local circumstances.

Amidst the extraordinary challenges faced by courts and litigants, plaintiff Barbara Franklin demanded an immediate jury trial by any means available. Her case is afforded preference and her trial was originally scheduled for March 2020. When the superior court continued the trial date because of the pandemic, Franklin filed a writ petition to challenge the continuance. The Court of Appeal's summary denial of extraordinary relief—in which Franklin sought to upend the Los Angeles Superior Court's evaluation of safe and fair jury trial practices—presents no ground for review by this Court.

Franklin's demand for a quick trial is understandable, and all parties are sympathetic to her plight. She is 90 years old. Her case is entitled to preference, yet her trial date has been continued because the pandemic battering Southern California

led the superior court (guided by public health officials) to shutter courthouses and limit court operations.

But the Los Angeles Superior Court merits sympathy—and deference—as well. The court must protect the health of bench officers, court employees, jurors, litigants, and witnesses while providing timely access to justice for all litigants. Striking that balance has yielded regrettable (yet necessary) consequences, including delaying civil and criminal jury trials. (See *Lerma v. County of Orange* (2004) 120 Cal.App.4th 709, 711 ["There are times when respect for the human condition dictates a compassionate response to a request for a continuance"].) Writ relief is not designed to micromanage the types of difficult, discretionary decisions made by the superior court during this pandemic.

Franklin's petition for review repeats the arguments she made in the Court of Appeal. Those arguments fall well short of showing a clear abuse of discretion warranting Court of Appeal involvement, much less this Court's review after the summary denial of writ relief. She bears an especially high burden in seeking review of the respondent court's administrative decisions about how best to deploy its resources to fulfill its mission. Those are matters on which the court's discretion is at its zenith. For these and other reasons discussed below, her case is unsuitable for review by this Court.

First, Franklin's position that this Court should intervene to prioritize her statutory right to a preference in trial scheduling, regardless of the effect on other litigants and whether

it can reasonably be done safely, is misplaced. The Los Angeles Superior Court did not violate Franklin's statutory rights by continuing her trial. A preference case like hers may be continued repeatedly for "good cause" under Code of Civil Procedure section 36, subdivision (f) (hereafter "section 36(f)"). The trial court did not abuse its discretion in finding that the spread of a virulent pandemic in the county hosting the trial is sufficient "cause." By insisting on an immediate trial *as a matter of law*, Franklin disregards others' safety. A court has reminded us that this pandemic poses "grave risks to court personnel, jurors, attorneys, and the defendant himself that would be created by proceeding [to trial] in accordance with the normal timeline." (*Stanley v. Superior Court of Contra Costa County* (2020) 50 Cal.App.5th 164, 170 (*Stanley*), review den. Sept. 9, 2020, S263392.)

Nor did continuing Franklin's trial violate due process. There is no constitutional right to a speedy civil trial. Criminal defendants, who *have* such a right, have not had their days in court, yet Franklin seeks to prioritize her claims over theirs. In any event, Franklin had notice and an opportunity to object to the continuance and to seek writ review—more than adequate procedures to challenge the deprivation she alleges.

Second, Franklin's fallback position is untenable. She suggests the superior court's safety concerns would vanish if fully remote jury trials were ordered. But the Los Angeles Superior Court has said it lacks the capability to administer fully remote jury trials at this time. Franklin has not produced evidence that

would allow an appellate court to find that conclusion erroneous as a matter of law.

Even if the respondent court could convene fully remote jury trials, those trials would create new and worse problems. Fully remote jury trials skew the jury pool against the elderly and the ill. They exacerbate the "digital divide." They foreclose meaningful voir dire in which court and counsel can effectively observe juror demeanor and body language. They disrupt the orderly presentation of evidence through recurring technical glitches. And they squarely violate California law requiring juries to deliberate together in one place. These and other problems quickly emerged in the Northern California remote trials that Franklin mentions. Far from demonstrating that the Los Angeles Superior Court is acting arbitrarily and abusing its discretion, those cases establish that a fully remote jury trial cannot occur fairly in today's environment of dropped connections and distracted jurors.

Videoconferencing technology may one day progress to the point that remote proceedings properly preserve the rights of all parties and jurors. But that day is not today. For now, in-person trials (or at least key phases of trials) remain essential.

Third, Franklin's case is a shifting target that presents a poor vehicle for this Court to review. Since Franklin filed her writ petition, the Los Angeles Superior Court has twice revised its general order addressing the pandemic. The latest version anticipates resuming preference jury trials *next week* (by October 5, 2020), obviating any need for review or writ relief here. Also,

the statute that Franklin cites most frequently, Government Code section 68115, was amended two weeks ago when Governor Newsom signed Assembly Bill No. 3366 (2019-2020 Reg. Sess.) (hereafter AB 3366). The new law prioritizes criminal cases over civil (even preference) cases and diminishes the likelihood of transferring a case to another county for trial. This Court should not intercede by granting review while lower courts are hashing through new rules and developing new protocols.

Finally, Franklin's petition lavishes attention on a different pending case, *Gillum v. Superior Court* (B307239, writ pending) (*Gillum*), to which she asks her case to be "consolidated." But her Court of Appeal case has been finally adjudicated, so there is nothing left of Franklin's writ petition to "consolidate" or transfer, and she has ignored pertinent procedures for accomplishing those aims in the Court of Appeal.

This Court should deny review.

LEGAL ARGUMENT

I. Franklin has not demonstrated that the respondent superior court abused its discretion in continuing her trial. This Court's review of the summary denial of Franklin's writ petition challenging the continuance is unnecessary.

A. The superior court had authority under Code of Civil Procedure section 36, subdivision (f), to continue Franklin's preference trial date.

Litigants older than 70 may obtain a "preference," an expedited trial date. (See Code Civ. Proc., § 36, subd. (a)(2).) The statute allows for 15-day continuances of that trial date for

multiple reasons. (*Id.*, § 36, subd. (f).) A continuance due to physical disability is available, but "no more than one . . . may be granted to any party." (*Ibid.*) A continuance for any other reason may be sought based "upon a showing of good cause stated in the record." (*Ibid.*) Section 36(f) omits the "no more than one" qualifier in describing good-cause continuances, meaning that multiple 15-day continuances are available.

Section 36(f) empowered the superior court to do what it has done in Franklin's case—continue the trial date repeatedly for "good cause." The trial judge referenced the impact of the pandemic in Los Angeles County (facts well-known to all parties and their counsel) and found that continuances were justified by " 'the public health emergency.' " (PWM 28-31.) Postponing Franklin's trial until 2021 was therefore a sound exercise of the court's authority to continue trials for "good cause" under section 36(f). (Cf. *Stanley*, *supra*, 50 Cal.App.5th at p. 170 ["the trial court unquestionably was justified in finding that the COVID-19 pandemic constitutes good cause to continue defendant's trial"].)

Franklin's petition does not address the availability of multiple continuances to justify the superior court's postponement, making this case a poor vehicle for review. She simply argues that postponing her trial was improper under *Sprowl v. Superior Court* (1990) 219 Cal.App.3d 777 and *Miller v. Superior Court* (1990) 221 Cal.App.3d 1200. (PFR 24-27, 31.) Neither case helps her. *Sprowl* holds that a busy superior court may not postpone *lengthy* preference trials in favor of proceeding with *shorter* non-preference trials. That is not the situation here.

The pandemic currently prevents *all* civil jury trials—short or long—from proceeding in Los Angeles Superior Court. (Cal. Super. Ct., County of L.A., Admin. Order of the Presiding Judge re COVID-19 Pandemic (Sept. 10, 2020) pp. 3-4 <http://www.lacourt.org/newsmedia/uploads/1420209101856192020-GEN-021-00AdministrativeOrderofPJreCOVID-19091020.pdf> [as of Sept. 24, 2020] (hereafter 9/10 General Order).) *Miller* holds that Code of Civil Procedure section 36, subdivision (a), "prevails over" other statutes. (*Miller*, at pp. 1204-1205.) But *Miller* did not address continuances under section 36(f), the issue here.

B. Other statutes support, or do not undermine, the continuance of Franklin's trial date.

Franklin contends that postponing civil jury trials until 2021 exceeds the authority conferred by the Chief Justice under Government Code section 68115. (PFR 31-35.) But compliance with the Government Code is beside the point because the superior court had authority to continue Franklin's trial date under Code of Civil Procedure section 36, subdivision (f).

The superior court also had authority to continue Franklin's trial date because it is part of a coordinated proceeding. Under coordination rules—which trump contrary procedural statutes (Code Civ. Proc., § 404.7; Cal. Rules of Court, rule 3.504(b); see *Industrial Indemnity Co. v. Superior Court* (1989) 214 Cal.App.3d 259, 263)—a judge enjoys vast authority to extend deadlines and manage trial proceedings (Cal. Rules of Court, rules 3.503(a), 3.541(b)). Franklin's action is one of many

asbestos cases collected in a coordinated proceeding in Los Angeles County. (See PFR 1 [cover page indicating that this Petition for Review is taken from Los Angeles County, Case No. JCCP4674].) Franklin's rigid view that (no matter the pandemic) she is entitled to an immediate trial is inconsistent with courts' sweeping discretion in coordinated proceedings. Taking Franklin's approach risks prioritizing section 36 over the coordination rules, creating tension with (or even a violation of) section 404.7.

In sum, Franklin has not demonstrated that the superior court had no good reason—and therefore lacked statutory authority—to continue Franklin's trial until 2021 in light of the burgeoning pandemic.

C. Franklin has not met her high burden of demonstrating a due process violation in the trial court's administration of its calendar.

Franklin argues that the postponement of her trial violates her due process rights. (PFR 35-40.) She is mistaken.

Neither the federal nor the state Constitution provides a right to a quick civil trial. Both Constitutions provide for speedy *criminal* trials, yet they are silent about speedy *civil* trials. (Compare U.S. Const., 6th Amend. and Cal. Const., art. I, §§ 15, 28, subd. (b)(9), 29 [speedy trial rights for the criminally accused] with U.S. Const., 7th Amend. and Cal. Const., art. I, § 16 [lacking a similar provision for civil trials].)

And if Franklin were correct that due process entitles her to an immediate trial, it would follow that federal courts have

operated in violation of due process for generations. The federal system has no counterpart to section 36 that mandates quick trials for elderly litigants. (See *Wakefield v. Global Financial Private Capital, LLC* (S.D.Cal., Sept. 17, 2015, No. 15cv0451 JM(JMA)) 2015 WL 12699870, at p. *2 [nonpub. opn.]; cf., 28 U.S.C. § 1657 [general priority statute].) Indeed, the federal court in Los Angeles (like the superior court here) has postponed all civil jury trials in light of the worsening pandemic. (U.S. Dist. Ct., C.D.Cal., General Order No. 20-09, In Re: Coronavirus Public Emergency, Order Concerning Phased Reopening of the Court (Aug. 6, 2020) p. 2 <https://www.cacd.uscourts.gov/sites/default/files/general-orders/GO%2020-09.pdf> [as of Sept. 24, 2020] ["Until further notice, no jury trials will be conducted in civil cases"]; accord, Cal. Super. Ct., County of San Bernardino, General Order of the Presiding Judge, In Re: Civil Jury Trials (Sept. 9, 2020) p. 5 <https://www.sb-court.org/sites/default/files/News%20Notices/GOCivilJuryTrials.pdf> [as of Sept. 24, 2020] ["The court will not set any civil jury trials to commence before January 2021"]; Cal. Super. Ct., County of San Diego, General Order of the Presiding Department, In Re: Prioritization of Jury Trials Due to the COVID-19 Pandemic (Sept. 9, 2020) <https://bit.ly/33UvSx2> [as of Sept. 24, 2020] [describing numerous legal and logistical challenges to conducting criminal jury trials that must be prioritized].)

It also makes no sense that Franklin could be constitutionally entitled to a quicker trial than a criminal defendant. Criminal cases receive priority over civil cases, and *they* may be continued during this pandemic without offending due process. (*Stanley*, *supra*, 50 Cal.App.5th at p. 170 ["We reject defendant's contention that the continuance has violated his constitutional right to access the courts and to due process"].)

The precise contours of Franklin's due process argument are hazy. She appears to argue that Code of Civil Procedure section 36 confers a right to go to trial quickly and that she has been denied that right without being afforded adequate procedural protections. (See PFR 40.) This argument is incorrect in two respects.

First, on her account, the reason the Legislature has provided elderly litigants with a quick pathway to trial is to enable them to participate at trial and to recover damages. (PFR 22.) But those reasons don't support Franklin's position here. She won't be participating at trial; she informed the superior court that she will not testify at deposition or at trial. (Opp. to PWM 22.) And through survival statutes, the Legislature has provided remedies when plaintiffs do not survive until the entry of judgment in their cases. (See *Quiroz v. Seventh Ave. Center* (2006) 140 Cal.App.4th 1256, 1265.) If (as Franklin suggests) she does not survive, her claims will pass to her estate, which may seek the full measure of damages made available by the Legislature in that situation. (*Ibid.*) This statutory scheme is constitutional

(*Garcia v. Superior Court* (1996) 42 Cal.App.4th 177), thus Franklin has not been improperly deprived of any right.

Second, even if Franklin were deprived of a right, she was properly provided notice and an opportunity to be heard. She argued against the continuances ordered by the trial judge under section 36(f). (See PWM 28, 30-31.) And she later sought writ relief from the Court of Appeal. Those are adequate means of vindicating her claimed right to a quick trial. The fact she has not obtained relief is a result of the weakness of her legal position, not the absence of an opportunity to be heard.

II. Franklin has not demonstrated that she is entitled (as a matter of law) to an immediate, fully remote jury trial on Zoom.

Without offering any details or specifics, Franklin asserts that Northern California counties are conducting fully remote jury trials, so Los Angeles County can *and must* do so too. (PFR 15-17.) Two flawed assumptions undergird this assertion.

First, Franklin presumes to know, and asks this Court to conclude for itself, that the Los Angeles Superior Court is capable of conducting fully remote jury trials today. But that court has said otherwise, and it knows best its resources, its capabilities, and the challenges faced by its jurors and litigants. That court's difficult decision to pause civil jury trials deserves deference, not criticism. That court, not this or any appellate court, should develop and refine any procedures for conducting jury trials in the pandemic era.

Second, Franklin glosses over serious problems with fully remote jury trials. In opposing writ relief in the Court of Appeal, the real parties noted that numerous judges, academics, and lawyers have been studying how to conduct a safe and fair jury trial amidst the pandemic. (Opp. to PWM 46-48.) They have produced creative suggestions and an array of protocols. But one feature appears to unite these studies. *None recommends fully remote jury trials over Zoom or a comparable online platform*. That omission speaks volumes.

Indeed, fully remote jury trials are inconsistent with key aspects of California law. And the experience in other superior courts that have tried fully remote jury trials reveals their perils.

- Obtaining a representative jury pool is unlikely. Forcing jurors to participate remotely requires them to own or borrow advanced technology and to have access to a quiet place where they can observe the trial without disruption. Only a fraction of today's society could qualify.

- Assuming remote voir dire is lawful (contra, Code Civ. Proc., §§ 194, subd. (q), 219, subd. (a)), the process requires close scrutiny of verbal and non-verbal reactions. Working from limited camera angles focused on faces obstructs perception of overall demeanor and body language. And unless the video quality is nearly perfect, viewers will not fully capture subtle facial expressions.

- Trial judges shoulder too many responsibilities during trial to become "system administrators." They cannot rule on legal issues and evidentiary objections while also monitoring the attention span of a dozen or more jurors visible only through tiny on-screen boxes. When glitches occur—as inevitably they do—trying to reconstruct what jurors did (or didn't) hear and see becomes impossible.

- Remote deliberations are unlawful; jurors must be together in a secure room. (See Code Civ. Proc., §§ 216, subd. (a), 613.) Jurors may not deliberate when they are physically apart. (See, e.g., CACI No. 5009.)

These and other thorny legal issues caused by the use of remote technology are real, not theoretical. The trial judge *in this case* experienced problems while conducting remote pretrial hearings. (See Opp. to PWM 26.) The few fully remote jury trials in Northern California have revealed insuperable problems. Jurors have lost connectivity due to neighborhood power outages or accidentally disconnected their laptops for minutes at a time. (See Opp. to PWM 45-46.) Less innocently, jurors have engaged in prohibited activities during trial—sleeping, eating, exercising, reading a textbook, conversing with someone in their room, viewing other devices and screens, and typing on keyboards. (*Ibid*.) In one case, the plaintiff communicated directly with jurors while the judge and the lawyers conducted a sidebar in a separate online " 'break out room.' " (Opp. to PWM 45.)

Fully remote jury trials are mistrials waiting to happen. They are not proceedings that any appellate court should *require* over the objection of a local trial court's considered view.

III. This case is an exceptionally poor vehicle for review.

A. Franklin's petition aims at a moving target—pertinent circumstances are changing rapidly.

Guidance from public health officials is constantly shifting and trial courts across the state are regularly reevaluating their protocols in light of that guidance. Courts that had reopened have scaled back, and vice versa. Because the scientific data changes,

and because the geographical impact of the pandemic varies, there is no statewide consensus—nor could there be—about how and when superior courts should convene civil jury trials.

This ever-changing landscape is reflected in a range of new legal developments that would frustrate this Court's review. In this case, for example, the parties are building and revising a record on the fly. Both sides filed voluminous judicial notice requests in the Court of Appeal. In this Court, Franklin relies heavily on a new, pending writ proceeding in a different court.

Several developments warrant particular emphasis.

The Los Angeles Superior Court had earlier postponed civil jury trials until 2021. (See PFR 13, 15.) But its latest guidance (in a September 10 general order) provides that certain preference trials (like Franklin's) could resume as early as next week:

> Except as noted below, the Court will not set any civil jury trials to commence before January 2021.
>
> 1. Certain Unlawful Detainer jury trials and those *jury trials in preference cases* that can be tried in compliance with social distancing protocols, to commence on or after **October 5, 2020**.

(9/10 General Order, *supra*, at p. 10, emphasis added; see PFR 8, fn. 1, 18 [citing this general order].)

Obviously there is no need for review if Franklin's trial could begin before this Court's time to grant review expires. While it is not clear from this guidance precisely when Franklin might receive a trial date, it seems probable that this Court's

review would come too late or would be unnecessary as further developments play out. In any event, the superior court's most recent guidance confirms it is constantly evaluating (and reevaluating) how to balance the competing public-safety and access-to-justice concerns implicated by Franklin's petition, so there is no need for this Court to intervene.

Another recent development has overtaken Franklin's petition. The Legislature passed, and two weeks ago the Governor signed, AB 3366, which amends Government Code section 68115, a statute Franklin cites repeatedly. (*Governor Newsom Signs Legislation* (Sep. 11, 2020) Office of Governor Gavin Newsom <https://www.gov.ca.gov/2020/09/11/governor-newsom-signs-legislation-7/>; see AB 3366.)

Two features of AB 3366 impact Franklin's case.

First, AB 3366 gives criminal cases express precedence over all other cases (including civil preference cases) once a defendant in custody has received an extension under the speedy trial statute, Penal Code section 1382. (See AB 3366, § 1 [modifying Gov. Code, § 68115, subd. (a)(10)].) That provision likely applies to (and therefore expressly prioritizes) thousands of criminal cases because the Los Angeles Superior Court has granted blanket section 1382 extensions in its pandemic orders since its initial March 17, 2020, order. (Franklin RJN, exhs. 32-37, pp. 189-208; see 9/10 General Order, *supra*, at p. 4 [estimating "over 7,000 criminal cases that must be tried to satisfy defendants' statutory speedy trial rights prescribed in . . . section 1382"].)

Second, AB 3366 restricts public calamity-based inter-county transfers for trial. Absent "the consent of all parties to the case," a trial cannot be transferred other than to nearby, or adjoining, counties capable of incorporating them into their roster of cases. (AB 3366, § 1 [modifying Gov. Code, § 68115, subd. (a)(2)(A)].)) Franklin's petition hints at the possibility of transfer to a Northern California county where her case might be tried sooner. (See PFR 14-15, 23, 36, 41.) She never requested (and therefore forfeited) a transfer in the trial court, so it is unknown what county she believes could schedule her for a quicker trial. In any event, AB 3366 is now an impediment to a transfer. It is doubtful that all defendants would consent given the locus of counsel, witnesses, and client representatives in or near Los Angeles County.

These and other recent developments make this case ill-suited for review. New science and data regarding the pandemic emerge weekly, if not daily. Trial courts, like respondent here, must grapple with that new information and refine their procedures accordingly. The Los Angeles Superior Court has twice issued revised general orders since Franklin first petitioned for writ relief. It would be imprudent for this Court to grant review on a shifting record that may already be out of date. Like the U.S. Supreme Court, this is "a court of review, not of first view." (*Cutter v. Wilkinson* (2005) 544 U.S. 709, 718, fn. 7 [125 S.Ct. 2113, 161 L.Ed.2d 1020].)

B. Franklin's consolidation request is improper.

In the introduction to her petition, Franklin devotes less space to her own case than to another writ proceeding pending in a different appellate court, *Gillum*. She requests that her "case be consolidated with the *Gillum* case for determination." (PFR 10.)

This request is procedurally improper. Presumably, Franklin means to request that her writ proceeding be *transferred* to the different division handling the *Gillum* writ proceeding. Intra-district transfers involving "the same trial court action or proceeding"—a description that may cover Franklin's case since it is part of a coordinated proceeding—are handled by the Court of Appeal Administrative Presiding Justice. (Cal. Rules of Court, rule 10.1000(b)(1)(A).) Otherwise, the appropriate procedure is to ask the "appellate district to request the Supreme Court to transfer the matter to the correct appellate district." (*National Kinney v. Workers' Comp. Appeals Bd.* (1980) 113 Cal.App.3d 203, 209.) Franklin made neither such request in the Court of Appeal.

Moreover, the Court of Appeal has finally adjudicated Franklin's writ petition. There is nothing left to transfer to the division handling *Gillum* (or to consolidate, for that matter).

Franklin's request amounts to appellate forum-shopping. Based on the *Gillum* court's order calling for opposition, Franklin perceives that forum to be more favorable to her than the division that adjudicated her writ petition. Franklin praises the *Gillum* court for "elucidat[ing] the precise issues which must be addressed," and she recommends that every court follow its

"correctly articulated" questions. (PFR 9-10, 22.) But that is not a reason to ignore proper procedures and revive a matter that is final in the Court of Appeal.

CONCLUSION

The petition for review should be denied.

September 28, 2020

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CERTIFICATE OF WORD COUNT

(Cal. Rules of Court, rule 8.504(d)(1).)

The text of this petition consists of 4,204 words as counted by the program used to generate the petition.

Dated: September 28, 2020

PROOF OF SERVICE

Franklin v. S.C. (Daimler Trucks North America)
Case No. S264419

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3601 West Olive Avenue, 8th Floor, Burbank, CA 91505-4681.

On September 28, 2020, I served true copies of the following document(s) described as **ANSWER TO PETITION FOR REVIEW BY REAL PARTIES IN INTEREST** on the interested parties in this action as follows:

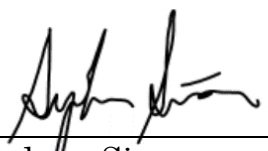
SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) as indicated on the attached service list:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 28, 2020, at Burbank, California.



Sydney Simone

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Case No. S264419

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