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FILED
AUG 28 2015
CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY 

Attorneys for Respondent
FRANK C. CARSON

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF STANISLAUS

*Exempt
al/2/15
D.C.*

In the Matter of the Assumption of
Jurisdiction over the Law Practice of

Case No. 2016630

FRANK C. CARSON
No. 136261

**FRANK CARSON'S PEREMPTORY
CHALLENGE PURSUANT TO CCP 170.6;
DECLARATION OF KATHLEEN M.
EWINS**

Judge: Hon. Barbara Ann Zuniga (Ret.)

Action Filed: August 21, 2015

2015 AUG 28 PM 3:30

FILED BY FAX

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TO THE HONORABLE BARBARA ANN ZUNIGA, JUDGE OF THE SUPERIOR COURT
(RET.):


Frank Carson hereby moves that the above-entitled matter, which has been assigned for all purposes to the Honorable Barbara Ann Zuniga, retired Judge specially assigned to the above-entitled Court, and which involves contested issues of fact and law, be reassigned from that Judge, and that no matters hereinafter arising in this cause be heard or assigned to the Honorable Barbara Ann Zuniga, on the ground that said Judge is prejudiced against Mr. Carson in this action.

This motion is based on the matters contained herein, on Code of Civil Procedure Section 170.6 and on the supporting Declaration Under Penalty of Perjury of Kathleen Ewins filed herewith.

WHEREFORE, Frank Carson respectfully requests that the relief requested herein be granted.

Dated: August 28, 2015

LONG & LEVIT LLP

By: 
KATHLEEN M. EWINS
JESSICA R. MACGREGOR
NOAH S. ROSENTHAL
Attorneys for Respondent
FRANK C. CARSON

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DECLARATION OF KATHLEEN M. EWINS


1. I am an attorney licensed to practice law in the State of California and a partner with the law firm of Long & Levit LLP, attorneys for Frank Carson in the above-captioned matter. I make this declaration based on my personal knowledge and could and would testify to the facts stated herein.

2. The above-captioned matter is currently set for hearing on the State Bar's Application for Assumption of Jurisdiction of Mr. Carson's law practice on Wednesday, September 2, 2015.

3. On Thursday, August 27, 2015, I was informed via an email from the Calendar Manager of the Stanislaus County Superior Court that Judge Zuniga was assigned to this matter for all purposes. On Friday, August 28, 2015, the Calendar Manager wrote in an email to me and other attorneys in the related criminal matter that the assignment to Judge Zuniga was made on August 25, 2015.

4. The Honorable Barbara Ann Zuniga, the judge before whom the hearing of this matter is pending and who is set to hear the State Bar's application on September 2, 2015, is prejudiced against Mr. Carson and/or his interests such that I believe that Mr. Carson cannot have a fair and impartial hearing or hearings before her.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on August 28, 2015 at San Francisco, California.


KATHLEEN M. EWINS