

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT,
DIVISION TWO**

LUDWIG BARTELS,

Petitioner,

v.

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
FOR THE COUNTY OF RIVERSIDE

Respondent.

REIKO SATO,

Real Party in Interest.

Hon. Candice Garcia-Rodrigo, Commissioner, Dept. F201
(951) 777-3147

Superior Court of Riverside County
Orders entered February 9, 2019, March 20, 2019,
May 21, 2019, June 6, 2019
RCSC Case No. RID1704032

**PETITION FOR PEREMPTORY WRIT OF MANDAMUS,
PROHIBITION, AND/OR OTHER APPROPRIATE
EXTRAORDINARY RELIEF; MEMORANDUM OF POINTS
AND AUTHORITIES**

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Attorneys for Petitioner, LUDWIG BARTELS

STAY OF PROCEEDINGS REQUESTED

CERTIFICATE OF INTERESTED ENTITIES OR PERSONS

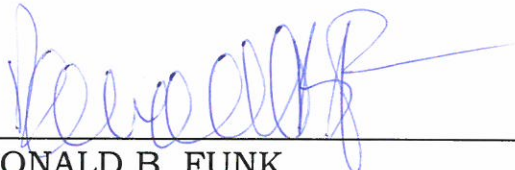
(California Rules of Court, Rule 8.208)

Petitioner knows of no other entity or person that has an interest of ten percent (10%) or more in Petitioner, or that has a financial or other interest in the outcome of this proceeding.

DATED: June 20, 2018

**HOLSTROM, BLOCK & PARKE,
APLC**

BY: _____


RONALD B. FUNK,
Attorneys for Petitioner

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INTRODUCTION

Unless the parties stipulate otherwise, Commissioners are limited, by law, regarding what role they may play in a family law case. The use of Commissioners to oversee family law cases is helpful, if not necessary, where resources to support the county judiciary are thinly spread. But this does not justify a practice or policy which flouts the law and exceeds the jurisdictional authority given to the courts by statute.

The Respondent Court here has enacted an express policy by which, when one of the parties to an assigned matter declines to stipulate to have the Commissioner hear their matter, the Respondent Court will instead assign a Commissioner, as a referee, to hear that matter without following the appropriate statutory procedure or rules.

This practice has been tried in other jurisdictions and criticized, as it subverts the rights of the parties to have their matters heard by a judge and ignores the protections given to the parties in the statutory procedure for assigning a referee, and in limiting the scope of what that referee may do.

Though mindful of the difficulties the superior courts face with large case loads and limited judicial officers, Petitioner submits that enacting and following a policy which violates these procedural protections for litigants is not the way to solve that issue. This matter must be stayed, the policy must be rescinded, the orders made pursuant to the policy vacated, and the case reassigned to a new judicial officer for all purposes.

PETITION

Petitioner, Ludwig Bartels (“Bartels” or “Petitioner”), petitions this Court for a peremptory writ of mandamus, prohibition or other appropriate relief, ordering the Respondent Court to immediately stay and/or vacate its orders of February 9, 2019, March 19, 2019, and May 21, 2019. Petitioner, by this Petition, alleges:

1. The Riverside Superior Court has adopted and publishes, as its express policy regarding the assignment of commissioners to hear family law matters, the following, under the heading, “Notice of Case Reassignment for All Purposes”:

It shall be the policy of this Court that if either party files a Notice of Non-stipulation to the assigned Family Law Court Commissioner to serve as Judge Pro Tempore for any proceeding, all preliminary matters will be heard by the Commissioner pursuant to Code of Civil Procedure section 259(e), with findings and conclusions to be reported to the designated Family Law Judge for approval. (Petitioner’s Appendix (“PA”) 25.)

2. Further, the Riverside Superior Court has adopted and publishes, as its express policy regarding the assignment of commissioners to hear family law matters, the following, under Riverside County Local Rule 5145, “Case Management”:

Commissioner Hearing Matter as a Temporary Judge. The Commissioner hears matters as a Temporary Judge pursuant to stipulation between

the parties. The stipulation is implied when parties proceed without objection. If a statement on non-stipulation to a Commissioner is filed, the Commissioner will hear matters and report findings and conclusions to the Family Law Supervising Judge for approval or rejection. (Riverside County Local Rule 5145, subd. (A)(2); Petitioner's Appendix ("PA") 26.)

3. In response to the Notice of Reassignment, Petitioner, on March 19, 2019, filed with the Respondent Court, a Notice of Non-Stipulation to Commissioner and Memorandum of Points and Authorities. (PA 28.) He stated that the court commissioner did not have the authority under California Code of Civil Procedure, section 259, to hear this case as a commissioner or as a referee, without the consent of the parties. (PA 31.) Petitioner objected to the appointment of the Commissioner "for all purposes" including as a referee. (PA 30.)

4. On that same date, March 19, 2019, the Respondent Court issued an order, on its own motion, and outside the presence of the parties, appointing Commissioner Garcia-Rodrigo "to act as a referee in this matter; and to report the findings and conclusions pursuant to CCP Sec. 259, subsection (e)." (PA 38.)

5. On March 19, 2019, the Respondent Court filed a formal order appointing Commissioner Garcia-Rodrigo "to hear, take proof and report findings of fact and conclusions of law to the court on the following matters:" (PA 39.) This form reflects the appointment of the Commissioner under section

259, subsection (e) (“It is necessary to hear and report findings and conclusions to the court for approval, rejection, or change all preliminary matters in proceedings for support, dissolution of marriage, nullity of marriage, or legal separation.” (Code Civ. Proc., § 259(e)). The Respondent Court then checked several boxes on the local, Riverside County mandatory form to identify the matters to be heard by the Commissioner as referee.

6. The first box checked was “Child Support.” (PA 39.) Under this category was listed the following items:

- Each parent’s monthly income
- Number of Children of this relationship
- Net monthly income
- Hardship deductions
- Earning capacity of parents
- Timeshare each parent spends with child(ren)
- Tax filing status
- Child support guideline amount

7. The second box checked reads, “Temporary Spousal Support – based on the supported spouse’s needs and the other spouse’s ability to pay. (Fam. Code, §3600.)” (PA 39.)

8. The third box checked by the Respondent court reads, “Child Custody/Visitation (Fam. Code, §§3011, 3041, 3044, 3048, 3190):” (PA 39-40.) It then itemizes subcategories, as follows:

- Best interests of the child(ren)

- Whether (1) the dispute between the parents, between the parent or parents and the child, between the parent or parents and another party seeking custody or visitation rights with the child, ore between a party seeking custody or visitation rights and the child, poses a substantial danger to the best interest of the child, (2) counseling is in the best interest of the child, and (3) the financial burden created by the court order for counseling does not jeopardize a party's other financial obligations.
- Whether custody with parent is detrimental to child(ren) and granting custody to nonparent serves the child(ren)'s best interests.
- Whether the party seeking custody has perpetrated domestic violence.

9. The Respondent Court marked a fourth box, labeled, "Other" and identified the following in the space provided: "motion to compel, atty fees." (PA 40.)

10. The Order Appointing Commissioner to Report Findings and Conclusions therefore appears to require the Commissioner to make conclusions requiring the application of law. This is a local form adopted by the Respondent Court, which presumably sets forth its express policy regarding the scope of a Commissioner appointed as a referee under CCP section 259.

11. The case came for hearing on May 21, 2019 on multiple issues. Three of the matters before the court were continued by stipulation of the parties. (PA 62:11-22.)

12. The minute orders for two of the matters reflect, “Commissioner Garcia-Rodrigo is appointed to hear, take proof and report findings of fact and conclusions of law to the court.” (PA 42, 43.)

13. Counsel argued some of the complex issues relating to the income and support issues, which appear to require legal analysis and application of case law, including *In re Marriage of Alter* (2009) 171 Cal.App.4th 718 (PA 81:20-27), *In re Marriage of Riddle* (2005) 125 Cal.App.4th 1075 (PA 104:8-13), and *In re Marriage of Smith* (1990) 225 Cal.App.3d 469 (PA 112:6-18). The remaining matters were then continued to September 3, 2019. (PA 115:3-11.)

14. One of the issues set for consideration in September (and authorized by the March 19, 2019 Order) by the Commissioner is a review hearing regarding the report of the 730 child custody evaluator. (PA 44, 63:14 – 64:25.) What this means is that the appointed child custody evaluator will make a report to the Commissioner, who will make a report to the judge.

15. On June 6, 2019, a Report of Commissioner was filed. (PA 49.) The findings and conclusions of Commissioner were “approved and ordered” by the Respondent Court on that same date, with no modification. All of orders recommended by the commissioner, regarding the request to continue the RFO regarding child support, regarding modification of the temporary orders made November 8, 2018, regarding the request for sanctions. In addition, the

recommendation included an order that “Respondent [Real Party in Interest] shall request Tohoku University release the account information for payment of all direct deposits and provide that information to Petitioner through counsel within thirty days of this order.” (PA 57.) These documents were part of the subject of the request for sanctions before the court.

16. The Respondent Court continues to follow its adopted policy in this matter, of simply assigning the non-stipulated Commissioner as a “referee” without following the appropriate rules or statutes. This policy violates California law and should be rescinded, all existing orders made by the Commissioner vacated, and this matter assigned to a different judicial officer for all purposes.

PRAYER FOR RELIEF

17. The above described actions of the Respondent Court in this matter were improper, unreasonable, arbitrary, and without jurisdiction, and they will cause irreparable harm for the following reasons:

A. The Respondent Court has adopted an express policy of appointing Commissioners, over the objection of the parties, as a referee, pursuant to Code of Civil Procedure, section 259, subd. (e);

B. The Respondent Court’s policy and its practice under this policy violates the California Constitution and the Code of Civil Procedure, sections 259, 639 and 640 with

regard to the authority of a Commissioner, and the appointment of a referee;

C. The Respondent Court has deprived Petitioner of his Constitutional Rights to have his matter heard by a judge, by requiring his complex family law matter to be heard by a Commissioner, appointed as a referee over his objection in violation of statute;

D. There is no adequate legal remedy, as the Commissioner continues to preside over this case by assignment from the Respondent Court; and

E. The express policy of appointing Commissioners as referees when a litigant declines to stipulate to have the Commissioner serve as a Judge Pro Tempore, in contravention of clear statutory requirements and procedures, “is likely to recur, might otherwise evade appellate review, and is of continuing public interest.” (*People v. DeLeon* (2017) 3 Cal.5th 640, 646.)

WHEREFORE, Petitioner prays as follows:

1. That this Court issue a stay of all proceedings in Respondent Court pending resolution of this writ petition;

2. That this Court issue a peremptory writ of mandate, prohibition or other appropriate writ in the first instance, directing the Respondent Court to (1) vacate its Order of March 19, 2019, appointing Commissioner Garcia-

Rodrigo to act as a referee in this matter; (2) vacate its order Appointing Commissioner to Report Findings and Conclusions, filed March 19, 2019; (3) vacate all orders made after March 19, 2019, by Commissioner Garcia-Rodrigo; and (4) rescind its policy of assigning commissioners as referees when a litigant declines to stipulate to have his/her matter heard by a commissioner as a judge pro tempore.

3. That this Court issue an alternative writ of mandate, prohibition or other appropriate writ, ordering Respondent Court to appear and show cause why its orders and policy should not be vacated/rescinded, followed by a peremptory writ directing that the policy be rescinded and the orders be vacated, and the case assigned to another judicial officer;

4. For costs of this proceeding; and

5. For such other and further relief as the Court deems proper.

DATED: June 20, 2019

**HOLSTROM, BLOCK & PARKE,
APLC**

BY: _____


RONALD B. FUNK, Attorneys for
Petitioner

DECLARATION OF AUTHENTICITY

I, the undersigned, say as follows:

I am an attorney duly licensed to practice law in the state of California, and am an employee of HOLSTROM, BLOCK & PARKE, attorneys of record for the Petitioner in this writ action. I have read each and every document and transcript contained in the Appendix filed concurrently with this Petition for Writ of Certiorari, Mandamus or Other Appropriate Relief and know that said exhibits and transcripts are true and correct copies of what they purport on their faces to be, and that copies of court documents contained in this Appendix are true and correct copies of such documents filed in the court below.

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

Executed on June 20, 2019, at Corona, California.



RONALD B. FUNK

VERIFICATION

I, the undersigned, say:

I am an adult resident of the State of California and am counsel for the Petitioner in this action. I make this Verification because I am familiar with the relevant facts.

All facts alleged in the above document, not otherwise supported by citations to the record, exhibits, or other documents, are true of my own personal knowledge.

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

Executed on June 20, 2019, at Corona, California.



CHANDRA MOSS, CFLS
Counsel for Petitioner

MEMORANDUM OF POINTS AND AUTHORITIES

I. WRIT RELIEF IS APPROPRIATE BECAUSE THERE IS NO ADEQUATE REMEDY AT LAW.

A writ of mandate lies to review ministerial actions of the Respondent Court (Cal. Code Civ. Proc. § 1085) and to correct the abuse of discretion of a trial court. (*State Farm Mut. Auto Ins. Co. v. Superior Court* (1956) 47 Cal.2d 428, 432; *RLI Ins. Co. Group v. Superior Court* (1996) 51 Cal.App.4th 415, 433.) It will lie when there is no adequate remedy at law, and where irreparable harm will result in the writ is not granted. (*See, generally, Omaha Indem. Co. v. Superior Court* (1989) 209 Cal.App.3d 1266, 1274-1275.)

At the heart of this Request is an officially-enacted policy of the Respondent Court which affects the way cases for all litigants are assigned, when a party declines to stipulate to have his/her entire matter heard by a Commissioner. By that policy, the Respondent Court assigns the non-stipulated Commissioner as a referee, without regard to the procedures for doing so which are prescribed by statute.

The Respondent Court has thus required Petitioner to move forward with the Commissioner hearing all matters as a referee, in violation of statute. Given these circumstances, there is no adequate legal remedy.

II. THE RESPONDENT COURT’S POLICY OF APPOINTING NON-STIPULATED COMMISSIONERS AS REFEREES, OVER THE OBJECTION OF A PARTY, VIOLATES CALIFORNIA STATUTE REGARDING APPOINTING REFEREES AND MUST BE RESCINDED.

A. The Express Local Policy Violates Statutory Requirements for the Appointment of Referees.

“...[T]o be valid a local court policy, like a local court rule, must be consistent with the federal and state Constitutions, statutes, rules of court, and applicable case law. (See Cal. Const., art. VI, § 6, subd. (d); *Elkins v. Superior Court* (2007) 41 Cal.4th 1337, 1351....)” (*Jameson v. Desta* (2018) 5 Cal.5th 594, 612.)

As Riverside County Local Rule 5145, the Respondent Court has adopted as express policy the following:

Commissioner Hearing Matter as a Temporary Judge. The Commissioner hears matters as a Temporary Judge pursuant to stipulation between the parties. The stipulation is implied when parties proceed without objection. If a statement on non-stipulation to a Commissioner is filed, the Commissioner will hear matters and report findings and conclusions to the Family Law Supervising Judge for approval or rejection. (Riverside County Local Rule 5145, subd. (A)(2); Petitioner’s Appendix (PA 26.)

Based upon its express, stated policy (PA 25, 26) of having a commissioner “hear matters” and report findings and conclusions” to a designated judge, when the parties declined to stipulate to submit their matter **to that same declined commissioner**, the Respondent Court then

assigned Commissioner Garcia-Rodrigo “to act as a referee¹ in this matter....” (PA 38.)

By making the assignment in this manner, the Respondent Court failed to apply the appropriate statutory procedure. Code of Civil Procedure, section 639, gives the Respondent Court the authority to appoint a referee when the parties do not consent, “pursuant to the provisions of subdivision (b) of Section 640” (Cal. Code Civ. Proc. § 639, subd. (a)) and it then lays out the specific parameters of that appointment and the scope of the reference. Then, in the next section, section 640, the statute describes the process of appointing the referee:

- (a) The court shall appoint as referee or referees the person or persons, not exceeding three, agreed upon by the parties.
- (b) If the parties do not agree on the selection of the referee or referees, each party shall submit to the court up to three nominees for appointment as referee and the court shall appoint one or more referees, not exceeding three, from among the nominees against whom there is no legal objection. If no nominations are received from any of the parties, the court shall appoint one or more referees, not

¹The Respondent Court seems to have acknowledged only part of what the California Supreme Court long ago recognized. “It will be noticed that the procedure which the commissioner is to follow is in all of its essential features the same as that to be followed by the referee, for which reason the rules of law ought to be the same.” (*Chiarodit v. Chiarodit* (1933) 218 Cal.147, 151.) What is has not acknowledged is the latter part of the statement, that the same rules as for a referee ought to be followed.

exceeding three, against whom there is no legal objection, or the court may appoint a court commissioner of the county where the cause is pending as a referee.

- (c) Participation in the referee selection procedure pursuant to this section does not constitute a waiver of grounds for objection to the appointment of a referee under Section 641 or 641.2. (Cal. Code Civ. Proc. § 640.)

Aside from the propriety of the scope of the reference, the Respondent Court's policy does not give the parties the option of agreeing to a referee, nor in the absence of agreement, does it provide for the procedure described in subsection (b) regarding the submission of names by the parties. Nor does the policy allow for objections by the parties to potential referees as acknowledged in subsection (c). In short, all of the procedural requirements for appointing a referee have been disregarded by the Respondent Court's policy.

B. The Express Local Policy Violates Statutory Requirements Limiting the Scope of a Reference.

The provisions of the Code of Civil Procedure relating to proceedings before referees and commissioners preserve the traditional distinction between a general reference, that is, a trial before a referee upon all the issues of fact or of law, and a special reference, in which he considers only part of the issues. A general reference may be had only with the consent of the parties. [Citation.]” (*Ellsworth v. Ellsworth* (1954) 42 Cal.2d 719, 722.)

The Respondent Court's policy creates a general reference without the consent of the parties. In this case, all of the issues presently before the Respondent Court are being heard by the Commissioner as referee, despite their complexity. This is, for all intents and purposes, a general reference.

The policy which the Respondent Court has enacted here has been tried in other counties, and been soundly criticized by other appellate courts. For instance, the court in *Settlemire v. Superior Court* (2003) 105 Cal.App.4th 666 engaged in a similar procedure.

In *Settlemire*, the Petitioner filed a declaration under Code of Civil Procedure, section 170.6, seeking to disqualify a Commissioner assigned to his domestic violence case. (*Settlemire v. Superior Court, supra*, 105 Cal.App.4th at pp. 668-669.) The case was reassigned to another Commissioner. (*Id.* at p. 669.) The petitioner objected to a commissioner deciding his case and moved to vacate the assignment. (*Ibid.*) The trial court denied his motion and modified its ruling: "This matter is referred ... pursuant to Code of Civil Procedure section 259(b) for a hearing, and findings on any matter of fact upon which information is required by the Court." (*Ibid.*)

The appellate court examined the role of Commissioners and the order of the trial court:

...[S]ection 259 does not sanction the trial court's broad error here. The instant case is not "relatively modest," as stated by respondent court in its petition for rehearing. Instead, it is much like *Galis*² because it is a contested hearing on multiple issues, which include permanent injunction, custody and disposition of a community asset.

The order referred the case to Commissioner Garrett "for a hearing, and findings on any matter of fact upon which information is required by the Court." The court did not inform the commissioner of the specific factual matters it wished the commissioner to determine. Instead, the order, couched in the conclusionary language of section 259, gave the commissioner carte blanche to decide whatever facts were presented at the hearing on the order to show cause.

This demonstration of the court's resolve to manage its calendar does not mean it intends to automatically adopt the commissioner's findings. Nor does it mean the court intends the commissioner to decide legal issues. Nonetheless, the overbroad order for reference placed the commissioner in a judicial minefield. If the commissioner had decided every essential fact at the hearing on the order to show cause, she could likely trespass on the exclusive preserve of the judiciary. For example, how does the commissioner adjudicate, without proper directive, the factual basis of an application for temporary child custody or the disposition of a community asset or a restraining order without necessarily deciding the underlying legal issues?

²*In re Marriage of Galis* (1983) 149 Cal.App.3d 147

Indeed, the absence of any straightforward directive in an order for reference invites misuse of the statutory scheme. It opens the possibility that the reference officer might undertake an assessment of credibility of the witnesses and then proceed to determine issues of law. [Citation.] The risk of an improper judicial delegation becomes greater in those cases where issues of fact and law are intertwined. [Citations.]

It is of course true that a referee as fact finder must necessarily make credibility findings. [Citation.] In *Petropoulos*,³ the trial court in response to motions for modification of spousal support appointed a special master to determine the parties' income and assets. The court also ordered the special master to determine the parties' credibility. But, unlike respondent court here, the trial court in *Petropoulos* presided over a good portion of the trial. It had ample opportunity to independently weigh the credibility of the parties in evidentiary hearings that it conducted for over three days in which it heard testimony from the parties and the special master. (*Ibid.*) Here respondent court heard no evidence, but instead turned the hearing over to the commissioner to determine all facts. (*Settlemire v. Superior Court*, 105 Cal.App.4th at pp. 672-674.)

That court concluded, "The trial court's broad order for reference of a case with multiple factual issues was an improper delegation of judicial duties." (*Settlemire v. Superior Court*, 105 Cal.App.4th at p. 675.)

³*In re Marriage of Petropoulos* (2001) 91 Cal.App.4th 161.

“The trial court may order a special reference without the parties’ consent. [Citation.] In such cases, the authority of the referee or special master is **limited to resolving specific questions of fact**. [Citation.]” (*In re Marriage of Petropoulos* (2001) 91 Cal.App.4th 161, 176 (emphasis added).) But a trial court has no authority to make a general reference without the consent of the parties. (*Jovine v. FHP, Inc.* (1998) 64 Cal.App.4th 1506, 1523.) The policy of the Respondent Court here, to assign a matter to a Commissioner as a referee when the parties decline to stipulate to the Commissioner, is, in substance, a general reference, which is beyond its authority to order, in the absence of the parties’ consent.

The Respondent Court’s policy, and its orders in this case, sidestep the appropriate procedures for appointment of a referee. Indeed, the policy appears to be an attempt to punish litigants who decline to stipulate to a Commissioner, by simply assigning that same Commissioner to hear the matter as a referee.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that a peremptory writ of mandamus in the first instance, or other appropriate alternative relief by this Court be directed to the Respondent trial court to vacate its orders of February 9, 2019, March 20, 2019, May 21, 2019 and June 6, 2019, and to rescind its policy of assigning Commissioners as a referee in the same matter, when the

parties decline to stipulate to have their matter heard by the Commissioner.

Respectfully submitted,

DATED: June 20, 2010

**HOLSTROM, BLOCK & PARKE,
APLC**

BY: 

RONALD B. FUNK, Attorneys for
Petitioner

CERTIFICATE OF WORD COUNT

(Cal. Rules of Court, Rule 8.204(c))

Counsel of record hereby certifies that, pursuant to Rule 8.204(c) of the California Rules of Court, Petitioner's Amended Petition for Peremptory Writ of Mandamus and/or other Appropriate Extraordinary Relief was produced using 13-point Times New Roman type style and contains approximately 4,321 words. In arriving at that estimate, counsel has relied on the word count function of Microsoft Word 2013, which was used to prepare the document.

DATED: June 20, 2019

**HOLSTROM, BLOCK & PARKE,
APLC**

BY: 

RONALD B. FUNK, Attorneys for
Petitioner

PROOF OF SERVICE (Court of Appeal)☒ Mail ☐ Personal Service

Notice: This form may be used to provide proof that a document has been served in a proceeding in the Court of Appeal. Please read *Information Sheet for Proof of Service (Court of Appeal)* (form APP-009-INFO) before completing this form. Do not use this form for proof of electronic service. See form APP-009E.

Case Name: IRMO BARTELS & SATO

Court of Appeal Case Number:

Superior Court Case Number: RID1704032

1. At the time of service I was at least 18 years of age and **not a party to this legal action.**
2. My ☐ residence ☒ business address is (*specify*):
1897 California Ave, Suite 102
Corona, CA 92881
3. I mailed or personally delivered a copy of the following document as indicated below (*fill in the name of the document you mailed or delivered and complete either a or b*):
Petition for Peremptory Writ of Mandamus, Prohibition, and/or Other Appropriate Extraordinary Relief;
Memorandum of Points and Authorities
 - a. ☒ **Mail.** I mailed a copy of the document identified above as follows:
 - (1) I enclosed a copy of the document identified above in an envelope or envelopes **and**
 - (a) ☐ **deposited** the sealed envelope(s) with the U.S. Postal Service, with the postage fully prepaid.
 - (b) ☒ **placed** the envelope(s) for collection and mailing on the date and at the place shown in items below, following our ordinary business practices. I am readily familiar with this business's practice of 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 U.S. Postal Service, in a sealed envelope(s) with postage fully prepaid.
 - (2) Date mailed: 6/20/2019
 - (3) The envelope was or envelopes were addressed as follows:
 - (a) Person served:
 - (i) Name: Angelique G. Bonanno, Law Offices of Angelique G. Bonanno
 - (ii) Address: 8291 Utica Ave Ste 200
Rancho Cucamonga CA 91730
 - (b) Person served:
 - (i) Name: Hon. Candace Garcia-Rodrigo, Commissioner, Department F201
 - (ii) Address: 4175 Main Street
Riverside, CA 92501
 - (c) Person served:
 - (i) Name:
 - (ii) Address:
 - ☐ Additional persons served are listed on the attached page (*write "APP-009, Item 3a" at the top of the page*).
 - (4) I am a resident of or employed in the county where the mailing occurred. The document was mailed from (*city and state*): Corona, CA

Case Name: IRMO BARTELS & SATO	Court of Appeal Case Number:
	Superior Court Case Number: RID1704032

3. b. ☐ **Personal delivery.** I personally delivered a copy of the document identified above as follows:

(1) Person served:

(a) Name: Supreme Court of California

(b) Address where delivered:
via electronic submission

(c) Date delivered:

(d) Time delivered:

(2) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

(3) Person served:

(a) Name:

(b) Address where delivered:

(c) Date delivered:

(d) Time delivered:

☐ Names and addresses of additional persons served and delivery dates and times are listed on the attached page (*write "APP-009, Item 3b" at the top of the page*).

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

Date: 6/20/2019

Marc Colon

(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)



(SIGNATURE OF PERSON COMPLETING THIS FORM)