QUESTIONNAIRE FOR NOMINEES BEFORE THE COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE

1. **Name:** Full name (include any former names used).

S. James Otero, Samuel James Otero, Jim Otero

2. **Position:** State the position for which you have been nominated.

United States District Judge, Central District of California.

3. **Address:** List current office address and telephone number. If state of residence differs from your place of employment, please list the state where you currently reside.

Superior Court of the State of California, Los Angeles County. 111 Hill Street Los Angeles, California, 90012. (213) 974-5707

4. **Birthplace:** State date and place of birth.

Los Angeles, California, December 30, 1951

5. **Marital Status:** (include maiden name of wife, or husband's name). List spouse's occupation, employer's name and business address(es). Please also indicate the number of dependent children.

Married, Jill Otero (maiden name: Sadja), Special Education Teacher, Severally Emotionally Disturbed Children. Los Angeles Unified School District. We have two dependent children.

6. **Education:** List in reverse chronological order, listing most recent first, each college, law school, and any other institutions of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

Stanford Law School J.D. 1976 (1973-1976)
California State University, Northridge, B.A. Political Science, Magna Cum Laude, 1973 (1969-1973)

7. **Employment Record:** List in reverse chronological order, listing most recent first, all business or professional corporations, companies, firms, or other enterprises, partnerships, institutions and organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or job description where appropriate.

Appointed, Judge of the Superior Court of the State of California, Los Angeles County. (9/90 to present) 111 N. Hill Street, Los Angeles, California 90012.

Board member and Former Vice President of Salesian Boys and Girls Club and Salesian Family Youth Center. (1992-present) (Nonprofit centers helping at risk youth and their families in East Los Angeles)

Elected, Board Member and Vice President of the California Judges Association. (1998-2001)

Elected, Vice President (1999-2000) and current Board Secretary California Latino Judges Association.

1/4 Partnership interest in an 8 unit residential apartment, located at 6057 Pleasant Valley Rd., Placerville, California. The units were sold in 1999. The partnership dissolved upon the sale.

Appointed, Judge of the Municipal Court, Los Angeles. (12/88-9/90, elevated to the Superior court in 1990) 650 N. Grand Street, Los Angeles, California 90012.

Office of the City Attorney, City of Los Angeles (Senior Law Clerk 1977, Deputy City Attorney) 1977-1987. 1800 City Hall East, 200 N. Main Street, Los Angeles, California 90012.

Elected Board Member Los Angeles Deputy City Attorney and Assistant City Attorneys Association. Elected Board Member Latino City Attorney Association. 1980-1982 (Nonprofit)

Regional Counsel Southern Pacific Transportation Company & General Counsel and Vice President, Southern Pacific Warehouse Company. (7/87-12/88) 417 S. Hill Street, Los Angeles, California 90013.

Southern California Gas Company. (Summer job 1975) Law Clerk
Now Sempra Energy. 101 Ash Street, San Diego, California.

Chemical Plant in Pacoima, California. (Summer job 1974)
Laborer & Warehouseman (Do not recall address.)

Alcoa Aluminum Company. Alcoa Street, Vernon California. (Summer job 1973)
Laborer & Warehouseman. (Do not recall address.)

8. **Military Service:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number and type of discharge received.

I did not serve in the military.

9. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

- Appointed Altar Boy, St. Mary's Parish, Los Angeles.
- Elected, class representative, John Muir High School.
- California Scholarship Federation, I graduated high school at age 17.
- Dean's List all eight semesters, California State University at Northridge.
- Political Science Honor Society, California State University at Northridge.
- Magna Cum Laude, B.A. Political Science (1973)
- Recipient, Carl Spaeth Scholarship, Leland Stanford Law School.
- Elected, Student Body Vice President, Stanford Law School (1976).
- Elected, Executive Committee, Los Angeles Superior Court.
- Elected, Vice President, California Judges Association.
- Elected, Vice President, California Latino Judges Association.
- Recipient Certificate of Appreciation Los Angeles County Bar Association.
- Recipient, Certificate of Appreciation, City Attorney's Association of Los Angeles.
- Recipient, Certificate of Appreciation, Glendale Bar Association.
- St. Don Bosco Award for Outstanding Service to the Salesians.
- Commendation, Constitutional Rights Foundation.

10. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

- Mexican American Bar Association
- California Latino Judges Association
  Vice President (1999-2000) current Secretary of the Board
- California Judges Association
  Vice President and Executive Board Member (1998-2001)
- Superior Court Judges Association
- Los Angeles County Bar Association
- Federal Energy Bar Association
- Railroad Trial Counsel Association
- Corporate Law Committee, L.A. County Bar Association
- Bench Bar Relations Committee, Los Angeles County Bar

11. **Bar and Court Admission**: List each state and court in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse of membership. Give the same information for administrative bodies which require special admission to practice.

California Bar Admission Date: 1977
Central District of California: 1984

12. **Memberships**: List all memberships and offices currently and formerly held in professional, business, fraternal, scholarly, civic, charitable, or other organizations since graduation from college, other than those listed in response to Questions 10 or 11. Please indicate whether any of these organizations formerly discriminated or currently discriminates on the basis of race, sex, or religion - either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

- Stanford Chicano Law Students Association
- Stanford Chicano Alumni Association
- Stanford Alumni Association
- Burbank & Glendale YMCA
- Social Member, Oakmont Country Club, Glendale, California
- Associate Member Temple Sinai, Glendale, California

13. **Published Writings:** List the titles, publishers, and dates of books, articles, reports, or other material you have written or edited, including material published on the Internet. Please supply four (4) copies of all published material to the Committee, unless the Committee has advised you that a copy has been obtained from another source. Also, please supply four (4) copies of all speeches delivered by you, in written or videotaped form over the past ten years, including the date and place where they were delivered, and readily available press reports about the speech.

Over the years, I have addressed judges, bar associations and student groups regarding court business and law related issues. I know of only one lecture concerning summary judgments that was video taped. I do not have access to the tape.

14. **Congressional Testimony**: List any occasion when you have testified before a committee or subcommittee of the Congress, including the name of the committee or subcommittee, the date of the testimony and a brief description of the substance of the testimony. In addition, please supply four (4) copies of any written statement submitted as testimony and the transcript of the testimony, if in your possession.

I have not testified before any committee of the Congress.

15. **Health**: Describe the present state of your health and provide the date of your last physical examination.

I have no medical conditions that I believe would interfere with my duties. Over the years I have experienced periodic congestion and upper respiratory conditions. The cause has never been definitively diagnosed. I have been told it may be the result of double pneumonia I contracted as an infant. The respiratory ailment is annoying, not debilitating. In my last two physicals (2001 & 2002), I was found to be mildly anemic. This year I have undergone diagnostic tests to determine the cause. The results indicate a mild ulcer seemingly caused by daily use of aspirin. (I was taking aspirin as a prophylactic measure because of daily vigorous exercise.) My doctor has scheduled additional tests to confirm. Overall, I feel I am in very good health. I run five to nine miles almost every day. Over the years, I have entered and run about 100 races, including ten marathons. In January 2002, I placed first in the CJAC Race for Justice.

16. **Citations**: If you are or have been a judge, provide:

(a) a short summary and citations for the ten (10) most significant opinions you have written:

California Superior Court Judges do not write opinions. However, referenced below are 10 significant cases I presided over as trial judge. Also enclosed is a copy of a statement of decision I authored in Citizens for Jobs and the Economy v. County of Orange.

- People vs. Chauncey J. Veasley, Dellano Leroy Cleveland, Rajeesh Prasmad Charan. Case No. KA006977. In the referenced double murder capital case, the defendants were charged with two counts of murder, two counts of robbery and conspiracy to commit both. At trial the people alleged that each defendant participated in the execution style murder of victims Quinn Nelson and Charles Hunter after robbing them of drugs. After a six week trial, the jury returned a verdict of guilty as to each defendant and also recommended a sentence of death. At a subsequent sentencing hearing, I sentenced Defendants Veasley and Cleveland to death. However, I rejected the jury's recommendation of death for Defendant Charan and sentenced him to life without the possibility of parole.

- People v. Alfred Martinez Jr., Case No. KA006412. The referenced criminal trial involved one count of P.C. § 664 187 (attempted murder of a police officer.) At trial, the people alleged that Mr. Martinez leaned out the passenger window of a vehicle being pursued by a City of West Covina Police Unit and fired a shotgun at the pursuing officer. Immediately afterwards, Mr. Martinez threw the shotgun and a pair of gloves outside the passenger's window and the driver and Mr. Martinez surrendered. The defendant was convicted after a jury trial. At sentencing, the people alleged that Mr. Martinez was on parole at the time of his arrest and was a member of the Mexican Mafia prison gang.

- People v. Jonas Ferdinand Abad Curato, Case No. KA005514. The referenced criminal litigation involved one count of P.C. § 187 (murder). Evidence offered at trial established that the defendant shot the victim after the defendant and victim quarreled about whether the defendant was being too loud at a party. Testimony showed that the party was being given to celebrate a birthday. The victim, Oliver Dehesa had attempted to persuade Curato to quiet down when he became noisy. The victim also patted defendanut on the back of the head, an action the defendant resented. Curato left the party, but warned he would kill the victim's family one by one. When Curato returned, he shot the victim in the back of the head. After a six-day trial, the jury returned a verdict of guilty.

- People v. John Anthony Wourms, Case No. KA002520. The referenced criminal matter involved one count of P.C. § 451(B) (arson of an inhabited structure.) Evidence adduced at trial established that on October 25, 1989, the defendant set fire to his apartment causing two hundred and fifty-thousand dollars in damage to the structure. The people proved at trial that there had been a long ongoing feud between defendant and his landlord. The fire was set in retaliation for a judgment of eviction and back rent that the landlord had just secured in municipal court. The investigation also revealed that Mr. Wourms had taken out a writer's insurance fire policy immediately before the crime. The defendant was convicted and sentenced in absentia after fleeing the jurisdiction of the court following the close of defendant's case.

- People v. Paul Lassen, Case No. K4003510. The referenced criminal matter involved one count of P.C. § 207A kidnap and one count of P.C. § 243 sexual battery and torture with a stun gun. Trial testimony established that the victim had met the defendant in Kansas State Prison where she was employed as a secretary. The victim subsequently sponsored the defendant's parole in a work release program and the two commenced a relationship. The relationship ended 10 months later after they had relocated to California. The victim testified at trial that on the day of the incident the defendant had flagged her over to the curb while she was driving home from work on a route she used every day. He concocted a story that he needed a ride to his house. When they arrived at the location, he forced her upstairs to the apartment they both had once resided in. There she was bound to a chair with duct tape and rope while the defendant tried to convince her to renew their relationship. When she refused, he carried her to the bedroom and gagged her. As punishment, he tortured her with a powerful electric stun gun. The victim suffered several contact burns from the weapon. The incident was ended when police broke into the residence after being alerted by the victim's current boyfriend. The jury convicted the defendant of both counts. However, the Court of Appeals later reversed the kidnap conviction. The court concluded that defendant's movement of the victim from her vehicle to her apartment was insufficient to support the kidnaping charge.

- Citizens For Jobs and the Economy, et al, Petitioners, Plaintiffs and Respondents, and County of Orange, Defendant, Third Party Plaintiff and Respondent v. Jeffrey C. Metzger, Third Party Defendant, Intervenor and Appellant. Orange

County Superior Court Case No. 00CC0 3 205. Court of Appeal No. D037543. The referenced litigation involves various challenges by proponents of a civilian airport at the El Toro Marine Air Station to measure F (the Safe and Healthy Communities Initiative) which, among other issues, required a two-thirds vote of the electorate on the approval of airport, jail and hazardous waste landfill projects. After motions for summary judgment were filed by the proponents and opponents of the measure, the court found Measure F to be void and unenforceable. (See attached Statement of Decision). This litigation was politically charged and the parties polarized. My decision regarding the infirmities of the measure rendering it unenforceable was affirmed by Court of Appeal in a published decision.

- Metro-Goldwyn Mayer v. The Walt Disney Company, Case No. BC149799. The referenced litigation involved a claim for breach of a licensing agreement. Evidence adduced at trial established that MGM licensed to Disney certain rights for use in theme parks around the world. Under the license agreement, Disney was obligated to return the rights for any country in which it had not developed a movie park within nine years. After nine years, Disney had developed only the Florida park. Disney, however, refused to reconvey to MGM its rights in France. MGM brought the litigation for reconveyance of the European rights, damages and to terminate the entire license agreement because of Disney's breach. Prior to the jury trial, I granted summary adjudication in favor of Disney on MGM's declaratory relief action seeking termination of the entire license agreement. The Court concluded that the European rights were severable from the United States rights. After presentation of the evidence, a jury found that Disney had breached the license agreement and MGM was awarded damages in the sum of $1.5 million.

- Michael Clinton v. Regents of The University of California, Case No. BC218913. The referenced litigation involved a claim of wrongful death arising out of the medical care and treatment provided to decedent Drew Michael by Defendants Richard Reynolds, M.D. and Gary Scott, M.D. at Children's Hospital of Los Angeles. On July 27, 1998, 11-year-old Drew died during a spinal surgery for scoliosis. Plaintiffs contended that the negligence of Defendants caused their son's death. After a two week trial, the jury returned a verdict in favor of defendants.

- MEZ Industries, Inc. v. Pacific National Insurance Company, Case No. BC172220. The referenced litigation involved an action for declaratory relief and breach of contract arising out of the advertising injury provisions of Defendant Pacific National Insurance Policy. The narrow issue presented in the litigation was whether Pacific's policy which provided coverage for "advertising injury" required Pacific to defend plaintiff in an underlying Federal District Court complaint alleging that MEZ had induced others to infringe on four patents. After hearing, the court concluded that the particular policy provisions did not require Pacific to defend the underlying action because there was no potential for coverage and thus the duty to defend was not triggered. The court also

concluded that coverage for inducement for patent infringement would be barred by Insurance Code Section 533. On appeal the opinion authored by Justice Croskey was certified for publication.

- Howard Edleman v. Donald Minkler, M.D. et al, Case No. BC145925. The referenced civil trial involved a claim for medical malpractice for allegedly inappropriate post-surgical care which resulted in a complete loss of Plaintiff's right eye. After a 5 week trial, the jury hung 8-4 in favor of the defendant. Upon retrial, the jury returned a verdict for defendant.

(b) a short summary and citations for all rulings of yours that were reversed or significantly criticized on appeal, together with a short summary of and citations for the opinions of the reviewing court; and

- Cotran v. Rollins Hudig Hall (1998) 17 Cal.4th 93. The issue presented in Cotran was what is the role of the jury in deciding whether misconduct occurred when an employee hired under an implied agreement not to be dismissed except for good cause is fired for misconduct? Does the jury decide whether the acts that led to the decision to terminate happened? Or is its role to decide whether the employer had reasonable grounds for believing they happened and otherwise acted reasonably? At the time of the trial, California Courts of Appeal were divided over the question. The majority of the District Courts of Appeal decisions generally held that the jury's role is to determine whether the employer concluded misconduct occurred "fairly, honestly and in good faith." However the Second District Court of Appeal (Division Seven) decision in Wilkerson v. Wells Fargo Bank (1989) 212 Cal.App.3d 1217 adopted a more expansive view. Wilkerson held that the jury must decide whether the alleged misconduct occurred as a matter of fact, and placed the burden of proving it on the employer. The District Court of Appeal which governs the Los Angeles Superior Court is the Second District Court. I was bound to follow Wilkerson, which at the time was the only published Second District Court of Appeal Decision adopting the broader view. Division One of the Second District heard the Cotran Appeal. Division One disapproved of Division Seven's Decision in Wilkerson and reversed. The California Supreme Court granted plaintiff/respondent's petition because of the conflict between the Courts of Appeal. The Supreme Court adopted a governing standard requiring only that the employer establish that in discharging the employee it acted "fairly, honestly and in good faith." The Supreme Court also disapproved the Wilkerson decision.

- Hyland v. Hughes Aircraft Company LASC No. BC179742 2nd Civil No. B144946. The lawsuit filed in 1997 concerns the entitlement of Virginia Hyland, heir to the estate of Pat Hyland, to be paid under a Letter Agreement dated April 27, 1983, wherein Hughes promised key employees that if Hughes should be sold and if it should implement a program pursuant to which senior executive management was given the right to receive "units of equity" upon sale then Pat Hyland could receive sums under the agreement. Hughes was in fact sold in 1985 and a equity program was instituted for the benefit of senior

executive management. At trial the court granted defendants motion to sever for early resolution of the issue of whether Hyland's claims were barred by the statue of limitations. After presentation of evidence, I granted judgment in favor of defendants finding that Hyland's claims expired no later than 1989. The Court of Appeal reversed. A Petition for review is pending before the California Supreme Court. Given that the matter is still pending under Rules of Judicial Conduct, I cannot comment further.

- Henkle Corporation v. Lloyd's of London, B134742, 88 Cal.App.4th 876 (2001) Not citable superseded by Grant of Review to California Supreme Court. The referenced litigation involves the issue of whether rights to liability insurance coverage may be taken away from a corporate policy holder when it undergoes a corporate reorganization. On motion for summary adjudication I followed California law on this issue as enunciated in General Accident Ins. Co. Cal.App.4th 1444, 1451 and ruled that Rights to insurance are contractual and follow ordinary rules of contractual assignment (including with respect to the policyholder's corporate successor); unlike tort liability, they cannot be altered by "operation of law". I ruled that the mere fact that one company becomes successor to tort liability of another company does not mean that it is put into a contractual relationship with the company's insurers. Rather, unless the new corporate entity was the successor to the corporate policyholder under the corporation law, or unless a corporate policyholder intended to transfer insurance policies to a new corporate entity (and did so with the consent of the insurer), the insurance rights remain with the corporate policy holder. On appeal, the Court of Appeal rejected General Accident Ins., reversing the trial court and holding that insurance rights may be transferred by operation of law. The California Supreme Court has granted Respondents Petition for Review. The matter is still pending and under the Rules of Judicial Conduct, I am not allowed to comment further.

- PMC, Inc., et al., v. Neil Kadish (2000) 78 Cal.App.4th 1368. In this case the majority shareholders of a corporation brought an action for misappropriation of trade secrets against former managers of the corporation who had formed a new, competing corporation. While the action was pending, individuals who had no affiliation with the corporation invested in and became officers and directors of the new corporation and plaintiffs joined them as defendants, seeking to hold them personally liable. This group of defendants brought a motion for summary judgment, asserting that they could not be held liable because the evidence established that they did not know nor did they have reason to know about the alleged misappropriation of trade secrets. I granted summary judgment in their favor. The Court of Appeal reversed. The court held that I erred in granting summary judgment, since a triable issue of material fact existed as to the defendants active participation or approval of the tortious conduct. The Appellate Court's standard of review involving a summary judgment is de novo. No finding of abuse of discretion is required. Upon remand the matter was tried before a jury. The jury found in favor of defendants, concluding that plaintiff failed to prove tortious conduct on the part of any defendant.

- Michaelis v. Schori (1993) 20 Cal.App.4th 133. In this litigation, the Court of Appeal reversed my order denying defendant/physicians' motion to compel arbitration of a minor's claim in a medical malpractice case. According to plaintiff, she consulted defendant Dr. Schori for medical care related to her pregnancy. During her first visit, plaintiff, 17-years-old at the time and living with her parents, signed a binding arbitration agreement, also signed by Dr. Schori. When plaintiff went into labor she checked into the hospital. Dr. Schori told plaintiff that her delivery would be handled by Dr. Bader. According to plaintiff, Dr. Bader never showed up, and the hospital failed to detect complications. Ultimately, the baby was stillborn. Disaffirming the arbitration agreement, the plaintiff sued the doctors and the hospital for malpractice. I denied defendant's petition, finding that the California Code of Civil Procedure section 1295 specifically allows disaffirmance of a contract for medical services which contains a provision for arbitration of any dispute involving medical negligence by a minor, if the minor's parent or guardian has not signed the medical contract. The Court of Appeal held that California Civil Code section 34.5, which deals with the type of treatment for which a minor might be reluctant to seek parental approval (pregnancy care), precludes an unemancipated minor from disaffirming a section 1295 arbitration provision entered into as part of a contract for pregnancy treatment. Prior to Michaelis there was no case law analyzing the two statutes.

- KNB Enterprises v. Matthews (2000) 78 Cal.App.4th 362. In this litigation, the owner of the copyright to erotic photographs of noncelebrity models, brought an action alleging, by right of assignment, the models misappropriation claims under California Civil Code section 3344, against an individual who was alleged to have commercially displayed the photographs on his Internet Web site without authorization. I granted defendant's motion for summary judgment, finding that plaintiff's claim was the equivalent of a copyright infringement claim and barred by the Court of Appeal's decision in Fleet v. CBS (1996) 50 Cal.App.4th 1911. In Fleet the appellate court held that unpaid film actors' claims for misappropriation of name, photograph, or likeness under section 3344 of the Civil Code were preempted by federal copyright law, where the only misappropriation alleged was the film's authorized distribution by the exclusive distributor, CBS. In KNB the Court of Appeal criticized Fleet's "broad language" regarding preemption of the actors' section 3344 claims and limited the language to the facts of that case. The court went on to conclude that a section 3344 claim is preempted under Fleet only where an actor or model with no copyright interest in the work seeks to prevent the exclusive copyright holder from displaying the copyrighted work.

(c) a short summary of and citations for all significant opinions on federal or state constitutional issues, together with the citation for appellate court rulings on such opinions.

- Citizens For Jobs and the Economy, et al, Petitioners, Plaintiffs and Respondents, and County of Orange, Defendant, Third Party Plaintiff and Respondent v.

Jeffrey C. Metzger, Third Party Defendant, Intervenor and Appellant. Orange County Superior Court Case No. 00CC0 3 205. Court of Appeal No. D037543. The referenced litigation involves various challenges by proponents of a civilian airport at the El Toro Marine Air Station to measure F (the Safe and Healthy Communities Initiative) which, among other issues, required a two-thirds vote of the electorate on the approval of airport, jail and hazardous waste landfill projects. After motions for summary judgment were filed by the proponents and opponents of the measure, the court found Measure F to be void and unenforceable. (See attached Statement of Decision). This litigation was politically charged and the parties polarized. My decision regarding the infirmities of the measure rendering it unenforceable was affirmed by Court of Appeal in a published decision.

If any of the opinions or rulings listed were in state court or were not officially reported, please provide copies of the opinions.

See Hyland v. Hughes LASC No. BC 179742 and 2nd Civil No. B144946 attached.

17. **Public Office, Political Activities and Affiliations**:

(a) List chronologically any public offices you have held, federal, state or local, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or nominations for appointed office for which were not confirmed by a state or federal legislative body.

None.

(b) Have you ever held a position or played a role in a political campaign? If so, please identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

No.

18. **Legal Career**: Please answer each part separately.

(a) Describe chronologically your law practice and legal experience after graduation from law school including:

See chronology below.

(1) whether you served as clerk to a judge, and if so, the name for the judge, the court and dates of the period you were a clerk;

(2) whether you practiced alone, and if so, the addresses and dates;

(3) the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

(b) (1) Describe the general character of your law practice and indicate by date if and when its character has changed over the years.

(2) Describe your typical former clients, and mention the areas, if any, in which you have specialized.

a. July 1977 to June 1980:
Criminal Branch Trial Deputy for the office of the City Attorney, Los Angeles. My primary duty was the prosecution of a steady stream and variety of misdemeanor jury and court trials, including drug, theft, violent crimes and driving under the influence of alcohol cases. Additional assignments included staffing master calendar and arraignment courts, evaluation of cases for filing, and law and motion practice.

b. June 1980 to June 1982:
I was assistant supervisor for the Los Angeles City Attorney's Criminal Division, Central Trials Branch. My duties included: organizing and directing the daily operations of central trials, including the supervision of approximately 35 trial deputies and support staff; assigning high visibility, complex and sensitive cases for advanced preparation; evaluating the performance of all personnel assigned to central trials; responding to inquiries from judges and commissioners assigned to the downtown Municipal Courts; advising enforcement agencies concerning prosecution of criminal matters and preparing budgetary recommendations concerning personnel, equipment and facilities.

c. June 1982 to June 1984:
Litigation position in the Liability Section of the Department of Water and Power for the City of Los Angeles where I handled a caseload of approximately 84 Superior Court cases and 66 Municipal Court cases in the personal injury and property damage fields. In addition, I conducted all law and motion, arbitration and appellate proceedings in connection with such litigation, and I instituted actions and cross actions against others who were determined to be liable to the Department of Water and Power.

d. June 1984 to July 1987:
I represented the Department of Water and Power of the City of Los Angeles in both state and federal court involving all aspects of public utility and electric rate litigation. Additionally, I represented the City of Los Angeles, the Public Service Department of the City of

Glendale, the Water and Power Department of the City of Pasadena and the Public Service Department of the City of Burbank before the Federal Energy Regulatory Commission and the Federal Bonneville Power Administration concerning bulk-electric rate issues.

e. July 1987 to December 1988:
General Attorney and Regional Counsel in charge of the Southern California Office of the Southern Pacific Transportation Company Law Department. My responsibilities included: legal counsel to the Superintendent of Railroad Operations and Southern Pacific Police; oversight of all community, government and Native American relations (Morongo Indian Tribe); real estate transactions; California Public Utility Commission hearings; and FELA litigations. In addition, I served as Vice President and General Counsel for Los Angeles Union Terminal Inc. and the Southern Pacific Warehouse Company.

f. December 1988 to Present:
Since 1988, I have served on both the Los Angeles Superior and Municipal Courts, being appointed by Governor George Deukmejian to the municipal court in November 1988 at age 36 and elevated September 1990. In the 14 years I have been on the bench, I have presided in 3 of our districts serving also as Supervising Judge of North Central District from 1994 through 1996. In January 2002, I was appointed Assistant Supervising Judge, Civil Division. Over the years, I have handled class action, insurance coverage, commercial civil and complex criminal litigation including a three-defendant special circumstance case.

(c) (1) Describe whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe each such variance, providing dates.

I appeared in court frequently when I was with the Los Angeles City Attorney's Off ice. Occasionally, when I represented the Department of Water and Power and Southern Pacific Railroad.

(2) Indicate the percentage of these appearances in

(A) federal courts; 10%
(B) state courts of record; 60%
(C) other courts. 30%

(3) Indicate the percentage of these appearances in:

(A) civil proceedings; 70%
(B) criminal proceedings. 30%

(4) State the number of cases in courts of record you tried to verdict or judgment rather than settled, indicating whether you were sole counsel, chief counsel, or associate counsel.

In approximately 30 cases, I was sole or chief counsel.

(5) Indicate the percentage of these trials that were decided by a jury.

80%

(c) Describe your practice, if any, before the United States Supreme Court. Please supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the U.S. Supreme Court in connection with your practice.

I have never appeared before the United States Supreme Court.

(e) Describe legal services that you have provided to disadvantaged persons or on a *pro bono* basis, and list specific examples of such service and the amount of time devoted to each.

Since 1992, I have worked with the disadvantaged through the Salesian Boys and Girls Club and the Salesian Family Youth Center. We currently operate two centers in the Boyle Heights area of East Los Angeles. The Salesians act as the lead agency in gang, crime and violence reduction in the area. We provide academic, social and recreational services. Our mission is to involve both children and their parents to strengthen the vitally important family unit. We serve all boys and girls on a non-discriminatory basis. Over the years, I have been involved in other pro bono work including St. Mary's Church and LAMP. Finally in 1976, I worked on a project for the Mexican Legal Defense and Education Fund (MALDEF) involving the right of Texas public school officials to require proof of citizenship as a condition for enrollment in public school. The lawyer supervising the project was Joaquin Avila. The projects co-contributor was Raul Martinez.

19. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, and for each provide the date of representation, the name of the court, the name of the judge or judges before whom the case was litigated and the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties. In addition, please provide the following:

See list of cases provided below.

(a) the citations, if the cases were reported, and the docket number and date if unreported;

(b) a detailed summary of the substance of each case outlining briefly the factual and legal issues involved;

(c) the party or parties whom you represented; and

(d) describe in detail the nature of your participation in the litigation and the final disposition of the case.

1. People v. Huff. I could not locate the case number. The trial judge was Florence Bernstein, now deceased. Opposing counsel was Art Bell, who I believe is also deceased.

The referenced litigation is significant because it was my very first trial and opposing counsel was noted Attorney Art Bell, author of Search and Seizure Compendium — Bell's Compendium.

After the litigation, Mr. Bell sent a letter to then City Attorney Burt Pines referencing the litigation. Mr. Bell's letter best describes the litigation and is reprinted here below.

Mr. Otero is one of your Deputies in the Criminal Division. He's presently assigned to the Van Nuys Office where he gave me a good beating in a 594 case the other day. That's not so unusual. You have a number of good trial Deputies who can do, and have done, that.

What's unusual is the way Mr. Otero did it. In the first place, he saved the case from being dismissed, by talking the judge into trailing it when nine times out of ten a judge would have thrown it out and chewed out the City Attorney's office for not subpoenaing a key witness. This happened in the trial court after the People had answered ready in the Master Calendar Division. Mr. Otero was able to nurse the case along until three in the afternoon and then until nine the next morning, and then until ten-thirty that day, too. It made me mad as hell, I can tell you. At that stage I really believed my client was innocent.

Ok, we start a court trial and by noon I'm ready to rest my case, and I have it won, in my opinion. Up speaks Mr. Otero and asks to be able to present rebuttal evidence in the afternoon because he'd just heard of a tie-breaking witness. The judge say OK, and I'm even madder.

When we come back in the afternoon, Mr. Otero doesn't have the witness he said he would have because the guy is the new owner of the "Victim" bar and can't leave it. What Mr. Otero does come in with is another live witness that neither the police, the City Attorney's Office nor I had discovered before. I'll be damned if Mr. Otero hadn't taken his lunch hour, driven to Woodland Hills, interviewed the bar owner, examined the scene of the crime, found this "phantom" witness, and by God driven him back to Van Nuys for the trial!

After that witness testified and was cross examined by me the best I could, the judge took the case under submission for five days. I don't know if the judge really had some doubt, but I didn't. I knew it was going to be bad news for my client. It was. He was convicted, fined and put on summary probation. Somehow justice had been done, and it was all due to the efforts of Mr. Otero.

Now, maybe that's being more eager than a public servant should be. I mean, it wouldn't work in the U.S. Postal Service. The system wouldn't tolerate that kind of diligence and extra effort. Maybe Mr. Otero hasn't learned that yet. I hope he never does. He made no big deal out of it. He's quiet, unassuming and has an excellent courtroom manner. Anyway, he impressed the hell out of me, and I thought you ought to know about it.

2. Southern California Edison Company v. Department of Water and Power of the City of Los Angeles, et al. Case No. C 301654.

The above-captioned litigation involved an action for injunctive relief, Breach of Contract, Specific Performance, and Declaratory Relief, arising out of a contract whereby plaintiff, Southern California Edison Company (SCE), nominal defendants, San Diego Gas and Electric Company and Pacific Gas and Electric Company and defendant the Los Angeles Department of Water and Power apportioned rights and obligations to sell energy to the California Department of Water Resources (DWR) to transport water from northern to southern California (Feather River Project.)

The contract was entered into in 1966 and provided for the sale of energy to the DWR at 3 mills per Kwh, terminating in 1983. At the time the parties entered into the agreement (1966), all assumed the cost of supplying energy would be less than the contract rate during the term of the Agreement.

Due to market manipulation exerted by the Organization of Petroleum Exporting Countries (OPEC), the Arab oil embargo of 1973 and the Iranian Revolution, LADWP's cost rose in 1979 to approximately 50 mils per Kwh. As result of the 16(+) fold increase, LADWP notified the parties that the Department would not supply at the 3 mill rate. LADWP's justification was unforeseen events resulting in economic impracticability.

Subsequent to the Department's notification, SCE secured an injunction requiring the Department's performance pursuant to the Agreement. Issues presented in the case were whether SCE wrongfully obtained the injunction, whether the privately owned

utilities wrongfully conspired against LADWP to obtain the injunction and whether LADWP was entitled to be excused from performance due to changed circumstances rendering LADWP's participation in the contract impracticable.

I was appointed in 1983 to be lead counsel for LADWP. The Department's economic damages were in excess of $60(+) million. The case involved OPEC experts as well as the history of California electric utilities industry from the 1950s through the 1980s. Settlement was finally reached in 1987, entitling the City to rights in the Palo Verde nuclear power facility and transmission access over SCE's lines. Chief Counsel for LADWP was Edward Farrell. Current address: 2424 Via Pacheco, Palos Verdes Estates 90274. Telephone (310) 377-5112. The case settled prior to trial. Counsel for Southern California Edison was James Montague. Current Address: Office of the Public Defender, 250 E. Main Street, Fl. 6, El Cajon, CA 92020 (619) 441-4397. Counsel for San Diego Gas and Electric was the Honorable Tim Tower. Current Address: San Diego Superior Court, 220 W. Broadway DID 17 Fl. 2, San Diego, CA 92101-3409 (619) 531-3011.

3. Lainer Investments, etc., et al. v. Department of Water and Power of the City of Los Angeles (1985) 170 Cal.App.3d 1;214 Cal.Rptr. 812

The above-captioned appellate matter involved an action for property damage and loss of profits arising from a fire occurring June 21, 1977. Appellants, the Los Angeles Department of Water and Power and the City of Los Angeles were sued by the landlord and tenants of the building which burned down. Respondents claimed breach of contract for failure to provide an adequate supply of water to respondents' fire sprinkler service, negligent creation of a dangerous condition and negligent installation of a dangerous condition.

In the first part of the bifurcated trial, the trial court determined there existed a "contract between the parties under which the City was obligated to provide an adequate supply of water to the fire sprinkler system in respondents' building by means of a special pipe and valve which the City had installed for that purpose at respondents' request."

At the conclusion of the liability phase, the jury rendered a special verdict for respondents based on theories of breach of contract, negligence and maintenance of a dangerous condition. After hearing testimony concerning damages, the jury awarded over $2 million in damages to respondents.

On July 15, 1985, in a unanimous opinion, the Court of Appeal, Second Appellate District, Division 3 filed an opinion reversing

judgment. The Court concurred with appellants; holding that the Department was immune from tort liability under Government Code section 850.2 and 850.4 because the fire service valve constituted fire protection equipment within the meaning of those sections. Further, the court held that "appellants had not entered into an express contract for the purpose of providing fire protection to respondents' property and that liability for fire damage based on an insufficient supply of water could not be implied from the ordinary relationship between appellants and respondents, i.e., distribution of water for public use to consumers at a rate fixed by ordinance."

I represented DWP on the appeal. Co-counsel representing DWP was Diana Mahmud. Metropolitan Water District, 700 N. Alameda St., P.O. Box 54153, Los Angeles, CA 90054 (213) 217-6985, supervising attorney was Terso Rosales, Office of City Attorney, 111 N. Hope Street, P.O. Box 51111, Los Angeles, CA 90051 (213) 367-4645. The case was argued before Justice Danielson, Acting P.J., Justice Arabian and Judge Fidler. Justice Arabian wrote the opinion which was certified for publication. Respondents' Petition for Hearing was denied. Counsel for respondents was Irving L. Halpern of Halpern and Halpern.

4. Linda A. Hess, et al., v. Los Angeles Department of Water and Power, 2 Civil No. 63263

The above-captioned appellate matter involved a wrongful death action arising out of a drowning in the Los Angeles Aqueduct. The Aqueduct, which supplies water from the Owens River to the County and City of Los Angeles is operated and controlled by the Department of Water and Power (LADWP). Respondent, LADWP, was sued by appellants who alleged maintenance of a dangerous condition and failure to post signs warning of the swift moving water within the Aqueduct.

At trial, respondent moved to exclude and the Court excluded certain evidence proffered by appellants on the grounds that its potential prejudice and time consuming nature outweighed its probative valve. (Evid. Code § 352.)

The excluded evidence included prior incidents of injury and drownings, subsequent remedial changes, a report by the Department compiled before the Hess incident which discussed prior drownings and various proposals regarding additional safety precautions. Also excluded were witnesses who would have testified about other drownings in the channel and photographs of safety devices used in other canals.

On December 20, 1983, the Court of Appeal, Second Appellate

District, Division 2 filed its opinion affirming judgment in favor of LADWP. The court concurred with respondent holding that appellants failed to establish that the trial court abused its discretion.

I represented DWP on the appeal and argued the case before Justice Roth, P.J., Justice Gates and Justice Compton. Justice Compton wrote the opinion. Counsel for Appellants was Stephen L. Odgers, Esq., of Buxbaum & Chakmak, 414 Yale Avenue, #B, Claremont, CA 91711-4356, (909) 625-5978.

5. Fine's Food Company v. Department of Water and Power. Case No. Unknown.

The above-captioned litigation involved an action for property damage, food spoilage and loss of profits arising from an explosion and fire occurring at a distributing station owned by the Department of Water and Power. As a result of the explosion, plaintiff and several other Department customers suffered a power outage lasting 12 hours.

The Department was sued by plaintiff, the owner of a market, who alleged breach of contract for failure to provide service, negligent maintenance of equipment and negligence in failing to timely restore service. In addition, counsel for plaintiff argued that the Department did not provide the same quality of service in East Los Angeles as was provided in more prosperous areas of the City.

Evidence offered at trial by the Department, established that the cause of the explosion was the failure of a thyrite resister contained within a voltage regulator. The regulator was purchased by the Department a short time prior to the fire and was inspected prior to placement in service.

In response to plaintiff's contention regarding disparity of service, the Department provided evidence establishing that the Department responded within minutes of the explosion. Department personnel worked diligently to restore service and any delay was caused by danger of "flash over" at the site of the explosion. The case was tried before a jury in 1983. The jury returned a verdict in favor of LADWP. The trial court judge was Judge Hindin, now deceased. Attorney for plaintiff was David W. Cornwell. Address: 3017 Windmill Road, Torrance, CA 90505-7140.

6. U.S. Department of Energy Bonneville Power Administration Docket No. EF 84-2011-006

The above-captioned litigation involved a rate hearing before the

Federal Energy Regulatory Commission, regarding the Federal Bonneville Power Administration's nonfirm 1983 energy rates.

Pursuant to section 7(k) of the Northwest Electric Power Planning and Conservation Act, California Utilities are afforded special review by the Energy Commission as a protection against political pressures from Pacific Northwest utilities. BPA's involvement in the Washington Public Power Supply System (WPPSS) has in recent years increased pressure on BPA to recover these losses from California utilities.

The Department of Water and Power actively participated in the 7(k) hearing in order to protect Los Angeles rate payers from excessive rates proposed by BPA. In the 83 proceeding, I argued on behalf of LADWP that BPA's rates were unduly discriminatory, that Congress enacted 7(k) to prohibit undue price discrimination and that there were no differences in service that justify the difference in rates charged by BPA.

The trial in the referenced matter began on September 11, 1985, and was completed on September 30, 1985, encompassing eleven days of hearings. In the proceeding, I was nominated by counsel for the other California utilities to be lead attorney in the cross-examination of BPA's main witness. The judge who heard the case was Judge Leventhal. Counsel for BPA were James Fama and Susan Akerman. Counsel representing Southern California Edison and Pacific Gas and Electric Company was John D. McGrane, formerly of Reid and Priest, current telephone number (202) 467-7621. Address: 1800 M Street, Washington D.C. 20036.

7. <u>In the matter of the 1985 Bonneville Power Administration Wholesale Power rate and transmission rate and adjustments. BPA WP-85 and TR-85</u>.

The above-captioned litigation matter involved a rate hearing before the Bonneville Power Administration (BPA), regarding BPA's nonfirm 1985 energy rates.

Pursuant to section 7(i) of the Northwest Power Act, BPA is required to sponsor rate hearings prior to adjustments in energy rates. In the 1985 hearings, BPA continued its trend in reallocating costs incurred in the operation of its system from customers in the Pacific Northwest to California utilities.

LADWP actively participated in the 7(i) hearing. The Department challenged BPA's proposed 1985 rates on the grounds that they violated recognized rate making principles and statutory constraints

governing BPA's rate structure.

Trial in the matter began on January 4, 1985, and was completed February 6, 1985, encompassing 20 days of hearings. In the proceeding on behalf of the Department, I sponsored expert testimony and cross-examined BPA witnesses regarding the proposed nonfirm rates. The judge assigned to the matter was Judge Sweeney. Counsel for BPA was James Fama. Counsel representing Southern California Edison Company was John D. McGrane formerly of Reid and Priest, current address: 1800 M St. N.W., Washington, DC 20036 (202) 467-7621.

8. State of California v. Stansbury, Case No. unknown.

The above-captioned criminal proceeding involved one count for violating Penal Code section 242 (battery), arising out of a domestic dispute.

The case is representative of the many minor but important domestic violence matters prosecuted by the City Attorney's Office. It is significant because it brought to my attention the injustice that befalls us all when a court fails to treat domestic violence matters with the seriousness and impartiality accorded other prosecutions.

In this matter, Mr. Stansbury was cited for striking his former live-in girlfriend in a dispute involving the return of her son's furniture. The case was called to trial only after the defendant refused a plea to Penal Code section 415 (disturbing the peace).

During cross-examination of the victim, defense counsel, over counsel's objection, was permitted to inquire if Mr. Stansbury had kicked the victim out of his house because she was seeing another man. When the victim replied that the allegation was not true, defense counsel, again over objection, produced a cassette tape and informed the court and jury that he had evidence that the victim had just perjured herself. The court then called both counsel to the bench and informed the victim that if counsel's representation was correct the court would recommend the perjury allegation be referred to the District Attorney's Office for prosecution.

After hearing the tape, the court concluded that the allegation was not true but refused my request to admonish the jury regarding counsel's representation. After careful deliberation, the jury found Mr. Stansbury guilty of assault. The court, however, imposed only a $50.00 fine with probation to terminate upon payment of the fine. The boy's furniture was not ordered returned.

The victim, her son and our system suffered that day. Justice was not served. The trial judge was Judge Tso, now deceased.

9. State of California v. Southern Pacific Transportation Company, et al., Case No. 87201390.

The above-captioned criminal proceeding involved a grade blocking incident occurring August 19, 1987. The District Attorney alleged that a Southern Pacific conductor refused the request of a police officer and fire captain to move a train for passage of an emergency vehicle. This incident resulted in the filing of numerous charges against Southern Pacific and employees for violations of PUC section 2110, General Order 135 (blocking intersections). The case was of particular significance because it is the first time individuals were charged with violating the PUC Order. Defendants demurred to the complaint on jurisdictional and constitutional grounds.

On January 25, 1988, the court sustained defendants' demurrer without leave to amend. The court held that the application of the order to employees violated the Due Process Clause of the United States and California constitutions in that the employees did not have notice of the law under which they were charged. The District Attorney appealed. The Appellate Department of the Superior Court upheld the sustaining of the demurrer. The case was also noteworthy because of its political overtones. United Neighborhoods Organization (UNO), representatives of various cities, and the United Transportation Union were involved in the litigation.

I represented Southern Pacific and Mr. Roy McRae. The District Attorney assigned to prosecute Mr. James Grodin, Office of District Attorney, 18000 Criminal Courts Building, 210 W. Temple St., Fl. 18, Los Angeles, CA (310) 419-5182. The trial judge was the Honorable Louis Anderson-Smaltz, Dept. M., 117 W. Torrance Blvd., Pier Plaza Upper Level, Redondo Beach, CA 90277 (310) 798-6893.

10. Aetna Life & Casualty Company, et al., v. City of Los Angeles, Case No. WEC 60661.

The above-captioned litigation involved a retrial regarding attorney fees allowing reversal of a $2.2 million attorney's fee award in the matter of Aetna Life and Casualty v. City of Los Angeles (1985) 170 Cal.App.3d 865.

The fee trial encompassed several days of testimony, and involved six expert witnesses. Richard Pearl, the CEB author regarding attorneys fees, Richard Laskin, an eminent domain specialist and Howard Sheppard, an eminent forensic accountant, testified on behalf of

LADWP. The case was tried before the Honorable Lester E. Olsen (Ret.), 540 Continental Ct., Pasadena, CA 91103-3511 (626) 844-3411. Counsel for plaintiffs was Richard Wolf of Parkinson, Wolf, Lazar and Leo. Current Address: Lewis D'Amato, 221 N. Figueroa St., Suite 1200, Los Angeles, CA 90012 (213) 250-1000. Chief Counsel for DWP was Edward Farrell. Telephone number: (310) 377-5112.

20. **Criminal History**: State whether you have ever been convicted of a crime, within ten years of your nomination, other than a minor traffic violation, that is reflected in a record available to the public, and if so, provide the relevant dates of arrest, charge and disposition and describe the particulars of the offense.

I have never been convicted of a crime.

21. **Party to Civil or Administrative Proceedings**: State whether you, or any business of which you are or were an officer, have ever been a party or otherwise involved as a party in any civil or administrative proceeding, within ten years of your nomination, that is reflected in a record available to the public. If so, please describe in detail the nature of your participation in the litigation and the final disposition of the case. Include all proceedings in which you were a party in interest. Do not list any proceedings in which you were a guardian *ad litem*, stakeholder, or material witness.

In 1989/90 I was sued in my capacity as a judge by a pro per plaintiff who filed a RICO complaint. I recall few of the details apart from the fact that the plaintiff sued me because he was displeased with a ruling I had made. The complaint was summarily dismissed on the ground of judicial immunity. In 1987 I filed a personal injury complaint after sustaining property damage and injury following a motor vehicle traffic accident. The matter was resolved immediately after the complaint was filed. No court appearances were required. Finally in 1982 my wife and I filed a small claims action to recover tuition wrongfully by a day care center my son had attended. A default judgment was entered in our favor when we established that the school had been suspended as a corporation for failure to pay state franchise taxes.

22. **Potential Conflict of Interest**: Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern. Identify the categories of litigation and financial arrangements that are likely to present potential conflicts of interest during your initial service in the position to which you have been nominated.

I would comply with Code of Judicial Conduct.

23. **Outside Commitments During Court Service**: Do you have any plans, commitments, or arrangements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

24. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding the nomination, including all salaries, fees, dividends, interest, gifts, rents, royalties, patents, honoraria, and other items exceeding $500. If you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here.

See attached financial disclosure report for nominees.

25. **Statement of Net Worth**: Complete and attach the financial net worth statement in detail. Add schedules as called for. See attached Financial Statement Net Worth.

26. **Selection Process**: Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts?

Yes.

(a) If so, did it recommend your nomination?

Yes.

(b) Describe your experience in the judicial selection process, including the circumstances leading to your nomination and the interviews in which you participated.

I submitted my application in July 2001.
I was unanimously approved by California's bi-partisan selection committee. Thereafter, I interviewed with Mr. Gerald Parsky and Mr. Erik George. On April 26, I was interviewed by the White House. After undergoing an FBI background check, I was nominated by President Bush on July 13, 2002.

(c) Has anyone involved in the process of selecting you as a judicial nominee discussed with you any specific case, legal issue or question in a manner that could reasonably be interpreted as asking or seeking a commitment as to how you would rule on such
case, issue, or question? If so, please explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS		LIABILITIES	
Cash on hand and in banks	$10,000	Notes payable to banks-secured	$65,000
U.S. Government securities-add schedule		Notes payable to banks-unsecured	$0
Listed securities-add schedule	$70,000	Notes payable to relatives	$0
Unlisted securities–add schedule		Notes payable to others	$0
Accounts and notes receivable:		Accounts and bills due	
Due from relatives and friends		Unpaid income tax	$0
Due from others		Other unpaid income and interest	
Doubtful		Real estate mortgages payable-add schedule	$430,000
Real estate owned-add schedule	$700,000	Chattel mortgages and other liens payable	
Real estate mortgages receivable		Other debts-itemize:	
Autos and other personal property	$75,000	1.Tuition University (annually)	$40,000
Cash value-life insurance		2.Tuition High School (annually)	$14,000
Other assets itemize: 401K Retirement funds.		3.Credit card debt.	$10,000
	$300,000 pre tax amount	4.Car Payments. (annual) 5.Property taxes & Ins. (annual) 6.Car Ins.	$4,800 $11,000 $5,000
		Total liabilities	$569,800
		Net Worth and declining as loans for college increase.	$585,200
Total Assets	$1,155,000	Total liabilities and net worth	
CONTINGENT LIABILITIES		GENERAL INFORMATION	
As endorser, comaker or guarantor	None	Are any assets pledged? (Add schedule)	No
On leases or contracts	None	Are you defendant in any suits or legal actions?	No
Legal Claims	None	Have you ever taken bankruptcy?	No
Provision for Federal Income Tax	None		
Other special debt	None		

SCHEDULES

I. Listed Securities - $70,000
Washington Mutual Investment Fund
Income Fund of America
California Franklin - tax free

II. Real Estate Owned
Personal residence only $700,000

III. Real Estate Mortgages - Payable
My mortgage of $430,000 is with Chase Manhattan Bank. I also have a line of credit with Chase secured by our personal residence.