

1 Amy Sommer Anderson #282634
AROPLEX LAW
2 156 2nd Street
San Francisco, CA 94105
3 Phone: 415-529-5148
Facsimile: 415-970-5016
4 Email: Anderson@aroplex.com

5 Attorney for Plaintiff,
PACIFICA DIRECTORS FOR GOOD
6 GOVERNANCE

7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF ALAMEDA

10 PACIFICA DIRECTORS FOR GOOD
GOVERNANCE, an unincorporated
11 association,

12 Plaintiff(s),

13 v.

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15 PACIFICA FOUNDATION RADIO, a
California Not-for-Profit Corporation;
16 RODRIGO ARGUETA, LYDIA BRAZON, JIM
BROWN, BENITO DIAZ, ADRIANA
17 CASENAVE, BRIAN EDWARDS-TIEKERT,
JOSE LUIS FUENTES, HANK LAMB, TONY
18 NORMAN, LAWRENCE REYES, CERENE
ROBERTS, and MARGY WILKINSON as
19 individuals and in their official capacities as
members of the Board of Directors of Pacifica
20 Foundation Radio; and
DOES 1-100, inclusive,

21 Defendant(s).
22

Case No. HG 14720131

**EX PARTE APPLICATION FOR
AN ORDER SHORTENING TIME
TO HEAR AMY SOMMER
ANDERSON'S MOTION TO BE
RELIEVED AS COUNSEL;
MEMORANDUM OF POINTS
AND AUTHORITIES**

Date:
Time:
Dept: 15
Hearing judge: Hon. Ioana Petrou
Action Filed: April 3, 2014
Trial date: NOT SET

23 **TO THE COURT AND ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF**
24 **RECORD:**

25 NOTICE IS HEREBY GIVEN THAT on June 20, 2014 at 9:00 AM, in Department 15 in the
26 Alameda County Courthouse, Oakland, located at 1221 Oak Street, Oakland, California, Attorney
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for Plaintiff, PACIFICA DIRECTORS FOR GOOD GOVERNANCE, will be applying for an Order to Shorten Time to Hear MOTION TO BE RELIEVED AS COUNSEL.

This motion is made on the basis that there exist causes for mandatory withdrawal preventing Counsel from providing further representation of Plaintiff. Plaintiff consents to Amy Sommer Anderson being relieved as Counsel.

Attached to this application is a copy the MOTION TO BE RELIEVED AS COUNSEL, which can be filed and served upon Petitioner immediately upon the granting of this Order.

DATED: June 19, 2014

AROPLEX LAW

By: 
Amy Sommer Anderson
Attorney for Plaintiff,
PACIFICA DIRECTORS FOR
GOOD GOVERNANCE

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF EX PARTE
 APPLICATION FOR ORDER SHORTENING TIME FOR NOTICE AND HEARING ON
 AMY SOMMER ANDERSON’S MOTION TO BE RELIEVED AS COUNSEL**

I. INTRODUCTION.

This motion is made on the basis that there exist causes for mandatory withdrawal preventing Counsel from providing further representation of Plaintiff. Plaintiff consents to Amy Sommer Anderson being relieved as Counsel.

II. THE COURT IS AUTHORIZED TO SHORTEN TIME FOR NOTICE AND HEARING OF THE PROPOSED MOTION.

Code Civ. Proc. § 1005 prescribes the times for written notice of motions and for the service and filing of supporting and opposing papers. Code Civ. Proc. § 1005(b), however, provides that "[t]he court, or a judge thereof, may prescribe a shorter time" than otherwise prescribed in § 1005. California Rules of Court, rule 3.1300(b) states:

The court, on its own motion or on application for an order shortening time supported by a declaration showing good cause, may prescribe shorter times for the filing and service of papers than the time specified in Code of Civil Procedure section 1005.

As stated in the Notice and Declaration of Amy Sommer Anderson submitted herewith, good cause exists to shorten time for the hearing of Amy Sommer Anderson's MOTION TO BE RELIEVED AS COUNSEL in that both circumstances and desires of the relevant parties prevent Amy Sommer Anderson’s continued representation of Plaintiff.

III. EX PARTE RELIEF IS WARRANTED UNDER THE CIRCUMSTANCES.

An applicant must make an affirmative factual showing in a declaration containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief *ex parte*. California Rules of Court, rule 3.1202(c).

As stated in the Declaration of Amy Sommer Anderson, filed herewith, Amy Sommer Anderson’s continued representation of Plaintiff is likely to result in sanctions to Plaintiff and/or

1 Counsel and poses potential prejudice to Plaintiff due to Counsel’s inability to comply with
2 Plaintiff’s desires and “instructions,” among other reasons.

3 **IV. COUNSEL HAS FULLY COMPLIED WITH CALIFORNIA RULES OF COURT,**
4 **RULES 3.1203 AND 3.1204.**

5 Among other provisions, Cal. Rules of Court, rule 3.1203 provides as follows:

6 A party seeking an *ex parte* order must notify all parties no later than 10:00 a.m. the court
7 day before the *ex parte* appearance, absent a showing of exceptional circumstances that
8 justify a shorter time for notice.

9 California Rules of Court, rule 3.1203(a).

10 An *ex parte* application must be accompanied by a declaration regarding notice stating:

- 11 (1) The notice given, including the date, time, manner, and name of the party informed, the relief
12 sought, any response, and whether opposition is expected and that, within the applicable time
13 under rule 3.1203, the applicant informed the opposing party where and when the application
14 would be made;
- 15 (2) That the applicant in good faith attempted to inform the opposing party but was unable to do so,
16 specifying the efforts made to inform the opposing party; or
- 17 (3) That, for reasons specified, the applicant should not be required to inform the opposing party.
18 California Rules of Court, rule 3.1204(b).

19 As stated in the Declaration of Amy Sommer Anderson, filed herewith, Counsel has duly
20 complied with the notice requirements of California Rules of Court, rule 3.1203(a) and California
21 Rules of Court, rule 3.1204(b).

22 **V. CONCLUSION.**


23 In view of the foregoing facts and authorities, and the matters set forth in the Declaration of
24 Amy Sommer Anderson filed herewith, Amy Sommer Anderson hereby submits that good cause
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exists for an *ex parte* Order shortening time for notice and hearing of Amy Sommer Anderson's
MOTION TO BE RELIEVED AS COUNSEL.

DATED: June 19, 2014

AROPLEX LAW

By: 
Amy Sommer Anderson
Attorney for Plaintiff,
PACIFICA DIRECTORS FOR
GOOD GOVERNANCE

1 Amy Sommer Anderson #282634
AROPLEX LAW
2 156 2nd Street
San Francisco, CA 94105
3 Phone: 415-529-5148
Facsimile: 415-970-5016
4 Email: Anderson@aroplex.com

5 Attorney for Plaintiff,
PACIFICA DIRECTORS FOR GOOD
6 GOVERNANCE

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8 SUPERIOR COURT OF CALIFORNIA

9
10 COUNTY OF ALAMEDA

11 PACIFICA DIRECTORS FOR GOOD
12 GOVERNANCE, an unincorporated
association,

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14 Plaintiff(s),

15 v.

16 PACIFICA FOUNDATION RADIO, California
Not-for-Profit Corporation;
17 RODRIGO ARGUETA, LYDIA BRAZON, JIM
BROWN, BENITO DIAZ, ADRIANA
18 CASENAVE, BRIAN EDWARDS-TIEKERT,
JOSE LUIS FUENTES, HANK LAMB, TONY
19 NORMAN, LAWRENCE REYES, CERENE
ROBERTS, and MARGY WILKINSON in their
20 official capacities as members of the Board of
Directors of Pacifica Foundation Radio; and
21 DOES 1-100, inclusive,

22 Defendant(s).

Case No. HG 14720131

**DECLARATION OF AMY
SOMMER ANDERSON IN
SUPPORT OF MOTION FOR
ORDER SHORTENING TIME TO
HEAR MOTION TO BE
RELIEVED AS COUNSEL**

Date: June 20, 2014
Time: 9:00 AM
Dept: 15
Hearing judge: Hon. Ioana Petrou
Action Filed: April 3, 2014
Trial date: NOT SET

23 I, Amy Sommer Anderson, declare as follows:

24 1. I am an attorney licensed to practice law in the State of California and currently serve
25 as counsel to Plaintiff Pacifica Directors for Good Governance (“PDGG”). This declaration is
26 submitted in support of my Ex Parte Application for an Order Shortening Time to Hear Motion to
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1 Be Relieved as Counsel. The following facts are within my personal knowledge and, if called as a
2 witness herein, I can and will competently testify thereto.

3 2. On June 19, 2014 at 8:35 AM, I informed all members of Plaintiff association,
4 opposing counsel Dan Siegel and cross-defendant Summer Reese that this Ex Parte Application
5 would be presented to this Court at 9:00 AM on June 20, 2014. This notice complies with California
6 Rules of Court, rule 3.1203(a) and California Rules of Court, rule 3.1204(b).

7 3. Notice was provided by electronic mail to the following addresses: Janet Coleman at
8 janetcolemanradio@gmail.com; Carolyn Birden at cmcb007@earthlink.net; Janis Lane-Ewart at
9 janislaneewart@gmail.com; Richard Uzzel at pacificaru@gmail.com; Manijeh Saba at
10 manijeh.saba@gmail.com; Luzette King at luzette_king@yahoo.com; Heather Gray at
11 hmcgray@earthlink.net; Dan Siegel at danmsiegel@gmail.com; and Summer Reese at
12 summerinthedesert@yahoo.com.

13 4. No response has been received by any of the notified parties. Not objection is
14 anticipated.

15 5. For the reasons presented in the attached Application (Exhibit 1), continued
16 representation of Plaintiff is likely to result in sanctions to Plaintiff and/or Counsel and poses
17 potential prejudice to Plaintiff due to Counsel’s inability to comply with Plaintiff’s desires and
18 “instructions”.

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1 I declare under penalty of perjury under the laws of the State of California that the foregoing
2 declaration is true and correct. Executed June 19, 2014 at San Francisco, California.

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4 AROPLEX LAW

5
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7 By: 

8 Amy Sommer Anderson
9 AROPLEX LAW
10 156 2nd Street
11 San Francisco, CA 94105
12 Phone: 415-529-5148
13 Attorney for Plaintiff,
14 PACIFICA DIRECTORS FOR
15 GOOD GOVERNANCE
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AROPLEX LAW
A California Law Practice

1 Amy Sommer Anderson #282634
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5 Attorney for Plaintiff,
PACIFICA DIRECTORS FOR GOOD
6 GOVERNANCE

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF ALAMEDA

11 PACIFICA DIRECTORS FOR GOOD
GOVERNANCE, an unincorporated
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16 PACIFICA FOUNDATION RADIO, a
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17 RODRIGO ARGUETA, LYDIA BRAZON, JIM
BROWN, BENITO DIAZ, ADRIANA
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JOSE LUIS FUENTES, HANK LAMB, TONY
19 NORMAN, LAWRENCE REYES, CERENE
ROBERTS, and MARGY WILKINSON in their
20 official capacities as members of the Board of
Directors of Pacifica Foundation Radio; and
21 DOES 1-100, inclusive,

22 Defendant(s).

Case No. HG 14720131

**[PROPOSED] ORDER SHORTENING
TIME**

Date: June 20, 2014
Time: 9:00 AM
Dept: 15
Hearing judge: Hon. Ioana Petrou
Action Filed: April 3, 2014
Trial date: NOT SET

23 GOOD CAUSE APPEARING THEREFOR;

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25 IT IS HEREBY ORDERED that the time for service of Amy Sommer Anderson's Motion to
26 Be Relieved As Counsel is shortened so that service by 3:00 PM on June 23, 2014 is adjudged
27 sufficient notice of the proceedings referenced herein.
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IT IS FURTHER ORDERED that all papers in opposition must be filed in Department 15 of this Court, which is the Department in which such matters will be heard, and served by 5:00 PM on June 25, 2014.

The date of hearing of Amy Sommer Anderson's Motion to Be Relieved As Counsel shall be June 27, 2014 at 9:30 AM in Department 15.

DATE: _____

Judge Ioana Petrou

EXHIBIT 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):
AMY SOMMER ANDERSON, SBN 282634
 156 2ND STREET
 SAN FRANCISCO, CA 94105
 anderson@aroplex.com

TELEPHONE NO.: 415-529-5148 FAX NO.: 415-970-5016
 ATTORNEY FOR (Name): Plaintiff, PACIFICA DIRECTORS FOR GOOD GOVERNANCE

FOR COURT USE ONLY

NAME OF COURT: Superior Court of California, Alameda County
 STREET ADDRESS:
 MAILING ADDRESS: 1221 Oak Street, Dept. 15
 CITY AND ZIP CODE: Oakland, 94612
 BRANCH NAME:

CASE NAME: Pacifica Directors for Good Governance v. Pacifica Radio, et al.

CASE NUMBER: HG 14720131

**NOTICE OF MOTION AND MOTION
 TO BE RELIEVED AS
 COUNSEL—CIVIL**

HEARING DATE: June 27, 2014
 DEPT.: 15 TIME: 9:30 AM
 BEFORE HON.: Ioana Petrou
 DATE ACTION FILED: April 3, 2014
 TRIAL DATE: Not set

TO (name and address of client): Pacifica Directors for Good Governance, ATTN: Heather Gray, Representative
 963 Rupley Drive
 Atlanta, GA 30306

1. PLEASE TAKE NOTICE that (name of withdrawing attorney): Amy Sommer Anderson moves under California Code of Civil Procedure section 284(2) and California Rules of Court, rule 3.1362, for an order permitting the attorney to be relieved as attorney of record in this action or proceeding.
2. A hearing on this motion to be relieved as counsel will be held as follows:

a.	Date:	Time:	Dept.: 15	Room:
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b. The address of the court: same as noted above other (specify):

3. This motion is supported by the accompanying declaration, the papers and records filed in this action or proceeding, and the following additional documents or evidence (specify):

The following evidence is provided as attachments to Attorney’s declaration in support of this motion:

- EXHIBIT A - Plaintiff’s MC-050 filed June 17, 2014
- EXHIBIT B - Plaintiff’s letter to Judge Petrou dated June 18, 2014
- EXHIBIT C - May 22, 2014 communication to Plaintiff
- EXHIBIT D - June 1, 2014 communication to Plaintiff
- EXHIBIT E - June 2, 2014 communication to Plaintiff
- EXHIBIT F - June 6, 2014 communication to Plaintiff
- EXHIBIT G - June 9, 2014 communication to Plaintiff
- EXHIBIT H - June 11, 2014 communication to Plaintiff
- EXHIBIT I - June 11, 2014 communication to Plaintiff

(This motion does not need to be accompanied by a memorandum of points and authorities. Cal. Rules of Court, rule 3.1362.)

4. The client presently represented by the attorney is

- a. an individual.
- b. a corporation.
- c. a partnership.
- d. an unincorporated association.
- e. a guardian.
- f. a conservator.
- g. a trustee.
- h. a personal representative.
- i. a probate fiduciary.
- j. a guardian ad litem.
- k. other (specify):

(Continued on reverse)

CASE NAME:

CASE NUMBER:

Pacifica Directors for Good Governance v. Pacifica Radio, et al.

HG 14720131

NOTICE TO CLIENT

If this motion to be relieved as counsel is granted, your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, **YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION.** Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

5. If this motion is granted and a client is representing himself or herself, the client will be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, you will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

6. If this motion is granted, the client must keep the court informed of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

If this motion to be relieved as counsel is granted, the court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

Date: June 18, 2014

Amy Sommer Anderson

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY)

Attorney for (name):

Plaintiff, PACIFICA DIRECTORS FOR
GOOD GOVERNANCE

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): AMY SOMMER ANDERSON, SBN 282634 156 2ND STREET SAN FRANCISCO, CA 94105 anderson@aroplex.com TELEPHONE NO.: 415-529-5148 FAX NO.: 415-970-5016 ATTORNEY FOR (<i>Name</i>): Plaintiff, PACIFICA DIRECTORS FOR GOOD GOVERNANCE	FOR COURT USE ONLY
NAME OF COURT: Superior Court of California, Alameda County STREET ADDRESS: 1221 Oak Street, Dept. 15 MAILING ADDRESS: Oakland, 94612 CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME: Pacifica Directors for Good Governance v. Pacifica Radio, et al.	CASE NUMBER: HG 14720131
DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	HEARING DATE: June 27, 2014 DEPT.: 15 TIME: 9:30 AM BEFORE HON.: Ioana Petrou DATE ACTION FILED: April 3, 2014 TRIAL DATE: Not set

1. **Attorney and Represented Party.** Attorney (*name*): Amy Sommer Anderson is presently counsel of record for (*name of party*): Pacifica Directors for Good Governance in the above-captioned action or proceeding.
2. **Reasons for Motion.** Attorney makes this motion to be relieved as counsel under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1) for the following reasons (*describe*):

On June 17, 2014, Plaintiff filed a signed form MC-050 consenting to Attorney's withdrawal. This Court's subsequent Order to Show Cause as to why Plaintiff's consent should not be stricken implies the Court's reluctance to allow Plaintiff to voluntarily relieve Counsel before securing substitute representation.

Despite Plaintiff's failure to retain substitute counsel, I should be relieved as counsel of record on the bases that (1) there exist multiple causes allowing permissive withdrawal and warranting mandatory withdrawal, and (2) I have provided abundant notice of withdrawal and have repeatedly cautioned Plaintiff regarding the potential consequences of being unrepresented. A summary record of my notices and warnings to Plaintiff are provided in the attached page(s) and exhibits.

Continued on Attachment 2.

3. Service

a. Attorney has

- (1) personally served the client with copies of the motion papers filed with this declaration. A copy of the proof of service will be filed with the court at least 5 days before the hearing.
- (2) served the client by mail at the client's last known address with copies of the motion papers served with this declaration.

b. If the client has been served by mail at the client's last known address, attorney has

- (1) confirmed within the past 30 days that the address is current
- (a) by mail, return receipt requested.
- (b) by telephone.
- (c) by conversation.
- (d) by other means (*specify*):

Attorney confirmed the address of Heather Gray via email on June 12, 2014. Heather Gray is the Plaintiff member approved by all other members, in writing, to serve as point person with respect to Attorney's representation of the group. A copy of this correspondence is attached to Attorney's Declaration ISO this motion for withdrawal.

(Continued on reverse)

CASE NAME:

Pacifica Directors for Good Governance v. Pacifica Radio, et al.

CASE NUMBER:

HG 14720131

3. b. (2) been unable to confirm that the address is current or to locate a more current address for the client after making the following efforts:
- (a) mailing the motion papers to the client's last known address, return receipt requested.
 - (b) calling the client's last known telephone number or numbers.
 - (c) contacting persons familiar with the client (*specify*):
 - (d) conducting a search (*describe*):
 - (e) other (*specify*):
- c. Even if attorney has been unable to serve the client with the moving papers, the court should grant attorney's motion to be relieved as counsel of record (*explain*):
Plaintiff has consented to Attorney's withdrawal, as demonstrated by the signed MC-050 filed June 17, 2014 and Plaintiff's letter to Judge Petrou dated June 18, 2014. Copies of both documents are attached to Attorney's Declaration ISO this motion for withdrawal.
4. The next hearing scheduled in this action or proceeding
- a. is not yet set.
 - b. is set as follows (*specify the date, time, and place*): An order to show cause as to why Plaintiff's MC-050 filing shouldn't be stricken is set for 9:00 AM on June 27, 2014 in Dept. 15.
 - c. concerns (*describe the subject matter of the hearing*):
- Continued on Attachment 4.
5. The following additional hearings and other proceedings (including discovery matters) are presently scheduled in this case (*for each, describe the date, time, place, and subject matter*):
- July 9, 2014, 9:00 AM, Dept. 15 - Hearing on Plaintiff's motion to disqualify opposing counsel.
 - July 9, 2014, 9:00 AM, Dept. 15 - Hearing on Defendant's demurrer.
 - August 18, 2014, 9:15 AM, Dept. 15 - Initial Case Management Conference
- Continued on Attachment 5.
6. Trial in this action or proceeding
- a. is not yet set.
 - b. is set as follows (*specify the date, time, and place*):
7. **Other.** Other matters that the court should consider in determining whether to grant this motion are the following (*explain*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date: June 18, 2014

Amy Sommer Anderson

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

8. Number of pages attached: 15, incl. exhibits

1 The exhibits provided in evidentiary support have been substantially redacted to protect the client's
 2 interests to the extent possible under the circumstances even though much of the redacted information
 3 has been disclosed to one or more third party(ies) by Plaintiff and is no longer considered confidential.
 4 In the event that this court desires further information to ascertain the good faith basis for this motion
 5 and for withdrawal, it is respectfully requested that the court have an in camera hearing outside of the
 6 presence of all other parties so that the specific facts demonstrating good cause for this withdrawal may
 7 be demonstrated to the court. (*Manfredi & Levine v. Superior Court* (1998) 66 Cal.App.4th 1128, 1136-
 8 1137; 3-700(B) or (C)).

9 On May 22, 2014, I first warned all Plaintiff members that I would have to withdraw as of June 1, 2014
 10 certain behaviors continued. A true and correct copy of the relevant portion of this communication is
 11 attached hereto as EXHIBIT C.

12 On June 1, 2014, I inquired of Plaintiff member Carolyn Birden whether she had any information as to
 13 Plaintiff's intent to correct said behaviors and reminded her of my intent to withdraw absent such intent.
 14 A true and correct copy of the relevant portion of this communication is attached hereto as EXHIBIT D.

15 In light of Plaintiff's continued behaviors, I provided notice to Plaintiff on June 2, 2014 that I
 16 would proceed with requesting permission to withdraw if Plaintiff could not provide adequate assurance
 17 that these behaviors would be corrected and that Plaintiff may not be able to proceed in the case without
 18 representation. A true and correct copy of the relevant portion of this communication is attached hereto
 19 as EXHIBIT E.

20 On June 6, 2014, I expressed my concerns to Plaintiff regarding their failure to correct their behaviors
 21 and reminded them, again, that I have no choice but to withdraw. A true and correct copy of the relevant
 22 portion of this communication is attached hereto as EXHIBIT F.

23 On June 9, 2014, I reminded Plaintiff that they still had not addressed the issue(s) necessitating my
 24 withdrawal despite my extension of time to allow them to do so, during which I attempted to work with
 25 Plaintiff to rectify the situation. A true and correct copy of the relevant portion of this communication

26 *(Required for verified pleading)* The items on this page stated on information and belief are *(specify item numbers, not line numbers)*:

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1 is attached hereto as EXHIBIT G.

2 On June 11, 2014, I sent an electronic communication to Plaintiff clearly explaining why their
3 continued behaviors create circumstances under which I can not represent them and informing them that
4 my withdrawal is mandatory and would be filed as soon as possible. A true and correct copy of the
5 relvant portions of this communication is attached hereto as EXHBIT H.

6 On June 11, 2014, I again communicated to Plaintiff the potential consequences of failure to retain
7 substitute counsel, including dismissal of the case. A true and correct copy of the relvant portions of this
8 communication is attached hereto as EXHBIT I.

9 An attorney in an action or special proceeding may be permitted to withdraw at any time before or after
10 judgment or final determination, by an order of the court, on the attorney's application, after notice to the
11 client. Code Civ. Proc. § 284(2).

12 On June 19, 2014, Attorney filed an ex parte motion for an order shortening time to serve moving
13 papers for Attorney's motion to withdraw as counsel of record for Plaintiff PACIFICA DIRECTORS FOR
14 GOOD GOVERNANCE, the hearing on said ex parte motion to be held on June 20, 2014 at 9:00 AM. A
15 copy of the moving papers in support of Attorney's withdrawal were provided to Plaintiff along with email
16 notification of the ex parte hearing. Thus, notice was provided in compliance with Code Civ. Proc.
17 § 284(2).

18 It is within the court's sound discretion to allow an attorney to withdraw from a case. *People v. Prince*
19 (1968) 268 Cal. App. 2d 398, 406, 74 Cal. Rptr. 197; *Jones v. Green* (1946) 74 Cal. App. 2d 223, 231, 168
20 P.2d 418.

21 When a reason is given, an attorney should normally be permitted to withdraw, unless prejudice to any
22 party would result, or some other compelling reason exists forcing him or her to continue in the case.
23 *Ramirez v. Sturdevant* (1994) 21 Cal. App. 4th 904, 914–916, 26 Cal. Rptr. 2d 554; *People v. Prince*
24 (1968) 268 Cal. App. 2d 398, 406, 74 Cal. Rptr. 197; *Heple v. Kluge* (1951) 104 Cal. App. 2d 461,
25 462, 231 P.2d 505; *Linn v. Superior Court* (1926) 79 Cal. App. 721, 725, 250 P. 880.

26 *(Required for verified pleading)* The items on this page stated on information and belief are *(specify item numbers, not line*
numbers):

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This page may be used with any Judicial Council form or any other paper filed with the court.

Page 4

1 Here, Attorney provided Plaintiff with ample notice of the potential consequences of failing
 2 to secure substitute counsel, and Plaintiff has had more than sufficient opportunity to do so. Plaintiff has
 3 consented to Attorney’s withdrawal. Plaintiff is now in informed agreement with Attorney’s withdrawal
 4 from this matter, Plaintiff knowingly accepts any risk of prejudice resulting therefrom.

5 Like a corporation, an unincorporated association can appear in this court only through a licensed
 6 attorney. *Clean Air Transport Systems v. San Mateo County Transit Dist.* (1988) 198 CA3d 576, 578-579.
 7 The fact, however, that Plaintiff is an unincorporated association and unable to represent itself does not
 8 preclude Attorney’s withdrawal. An attorney may be permitted to withdraw, whether the client is an
 9 individual or a corporation or other non-individual. *Ferruzzo v. Superior Court* (1980) 104 Cal. App. 3d
 10 501, 504, 163 Cal. Rptr. 573. A court’s permission for withdrawal by an attorney is governed by a
 11 separate rule from that forbidding a corporation’s self-representation. The rule that an attorney may be
 12 allowed to withdraw is not inconsistent with the rule forbidding a corporation to represent itself, since
 13 permitting withdrawal simply requires the corporation to obtain another attorney. *Id.* at 504.

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(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, **not** line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.

From +1.415.970.5016

Tue 17 Jun 2014 06:36:23 PM EDT

ID #5791454 Page 3 of 6

EXHIBIT A

FILED BY FAX
ALAMEDA COUNTY

June 17, 2014

CLERK OF
THE SUPERIOR COURT
By Burt Moskaira, Deputy

CASE NUMBER:

HG14720131 MC-050
FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number, and address): Amy Sommer Anderson SBN 282634 AROPLEX LAW 156 2nd Street San Francisco CA 94105 TELEPHONE NO.: 415-529-5148 FAX NO. (Optional): 415-970-5016 E-MAIL ADDRESS (Optional): anderson@aroplex.com ATTORNEY FOR (Name): Plaintiff, PACIFICA DIRECTORS FOR GOOD GOVERNANCE		CASE NUMBER: HG 14720131
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1221 OAK STREET MAILING ADDRESS: OAKLAND CA 94608 CITY AND ZIP CODE: BRANCH NAME:		
CASE NAME: PACIFICA DIRECTORS FOR GOOD GOVERNANCE v. PACIFICA RADIO FOUNDATION, ET AL.		
SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)		CASE NUMBER: HG 14720131

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): Pacifica Directors for Good Governance makes the following substitution:

- Former legal representative Party represented self Attorney (name): Amy Sommer Anderson
 - New legal representative Party is representing self Attorney
 - Name: Richard Uzzell*
 - State Bar No. (if applicable):
 - Address (number, street, city, ZIP, and law firm name, if applicable):
1950 Heights Blvd. #1009
Houston, Texas 77008
 - Telephone No. (include area code): (281) 989 - 1349
3. The party making this substitution is a plaintiff defendant petitioner respondent other (specify):
A member of the plaintiff organization

*Plaintiff member contact until new counsel is retained

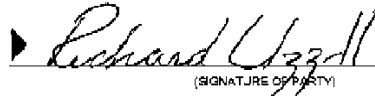
***NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES**

- Guardian
- Personal Representative
- Guardian ad litem
- Conservator
- Probate fiduciary
- Unincorporated association
- Trustee
- Corporation

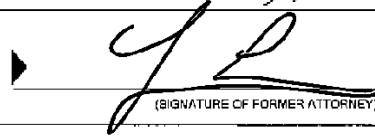
If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS
 A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.


4. I consent to this substitution.
 Date: June 16, 2014
 Richard Uzzell
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY)

5. I consent to this substitution.
 Date: 06/13/2014
 Amy Sommer Anderson
 (TYPE OR PRINT NAME)


 (SIGNATURE OF FORMER ATTORNEY)

6. I consent to this substitution.
 Date:
 (TYPE OR PRINT NAME)


 (SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

MC-050

CASE NAME: PACIFICA DIRECTORS FOR GOOD GOVERNANCE v. PACIFICA RADIO FOUNDATION, ET AL.	CASE NUMBER: HG 14720131
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**PROOF OF SERVICE BY MAIL
Substitution of Attorney—Civil**

Instructions: After having all parties served by mail with the Substitution of Attorney—Civil, have the person who mailed the document complete this Proof of Service by Mail. An unsigned copy of the Proof of Service by Mail should be completed and served with the document. Give the Substitution of Attorney—Civil and the completed Proof of Service by Mail to the clerk for filing. If you are representing yourself, someone else must mail these papers and sign the Proof of Service by Mail.

- I am over the age of 18 and **not a party to this cause**. I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify): 156 2nd Street, San Francisco CA 94105
- I served the Substitution of Attorney—Civil by enclosing a true copy in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.
 - Date of mailing: 6/17/2014
 - Place of mailing (city and state): San Francisco, CA
- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 6/17/2014

Amy Sommer Anderson

(TYPE OR PRINT NAME)



(SIGNATURE)

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED

- Name of person served: Summer Reese
 - Address (number, street, city, and ZIP): 449 43rd Street
Richmond, CA 94805
 - Name of person served: Dan Siegel
 - Address (number, street, city, and ZIP): Siegel & Yee
499 14th Street, Suite 300
Oakland, CA 94612
 - Name of person served: Richard Uzzell
 - Address (number, street, city, and ZIP): 1950 Heights Blvd. #1009
Houston, TX 77008
 - Name of person served:
 - Address (number, street, city, and ZIP):
 - Name of person served:
 - Address (number, street, city, and ZIP):

List of names and addresses continued in attachment.

EXHIBIT B

June 18, 2014

Honorable Ioana Petrou
Alameda Courthouse Administration Building
1221 Oak Street
Oakland, CA 94612

Dear Judge Petrou:

We are three of the Plaintiffs in PDGG v Pacifica (Case number HG 147 201 31). We are unpaid Board Directors of a non-profit corporation. We are not seeking any kind of money damages in this case. This case is not about money. Our issues relate to the manner in which the majority of the Board has made critical decisions. We believe that the Board majority has acted in violation of Pacifica's by-laws, and possibly in violation of California law, and we are seeking intervention by the court.

We have serious substantive and other disagreements with our present counsel, Amy Anderson, and we want her to be discharged from the case. We have no confidence in her. We are seeking other counsel, but we have very limited funds. Whatever funds we have been able to raise have been paid to Ms. Anderson.

Despite these difficulties, we wish to continue litigating the case because we believe that the very existence of the five Pacifica radio stations (and Pacifica's very important archives) is at stake.

We respectfully request that the court discharge Ms. Anderson, place all pending issues on hold, and allow us 12 weeks to engage an attorney.

We hope that the court is not offended by our contacting the court directly. Under the circumstances, we believe that we have no choice.

We are sending a copy of this letter to Amy Anderson and also to opposing counsel, Siegel and Yee.

Respectfully,

Carolyn Birden (Contact)

Janet Coleman

Manijeh Saba

Contact information:

Carolyn Birden, 515 West 110th Street, Apt 3G, New York NY 10025

Enclosed: copies of letter to Siegel&Yee and to Amy Anderson

EXHIBIT C

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] by June 1, 2014, I will have no choice but to begin the withdrawal process.

[REDACTED]

INTERNAL PROCEDURAL NOTES AND REMINDERS

I pride myself on ensuring that my clients' interests and desires are represented at every stage of a case, which is why I am as amendable as possible to input from PDGG members. There are, however, a few disruptions that have been occurring and that—if they continue to occur—will negatively affect my willingness to include PDGG members in such filing processes.

The first is [REDACTED]

The second is [REDACTED]

The third is [REDACTED]

Sincerely yours,



Amy Sommer Anderson, Esq.

T 415.602.8960

F 415.970.5016

E anderson@aroplex.com

Attachment(s):

1. Account Statement
2. Invoices to Date (4)
3. Credit Card Payment Form

EXHIBIT D

From: Amy Sommer Anderson anderson@aroplex.com
Subject: Re: f.y.i. out of the mouths of ...
Date: June 1, 2014 at 8:41 PM
To: Carolyn Birden cmcb007@earthlink.net

[REDACTED]

If you have any information with respect to [REDACTED] please let me know ASAP. Otherwise, I will be sending to the PDGG notice of the actions I have no choice but to take, including filing for withdrawal from this matter [REDACTED]

[REDACTED] I sincerely hope we can get this on track.

Amy Sommer Anderson
Owner, Attorney - Aroplex Law
PI 415.602.8960
FI 415.970.5016
IEI anderson@aroplex.com
www.Aroplex.com

lvia iDeviceI

EXHIBIT E

From: Amy Sommer Anderson anderson@aroplex.com

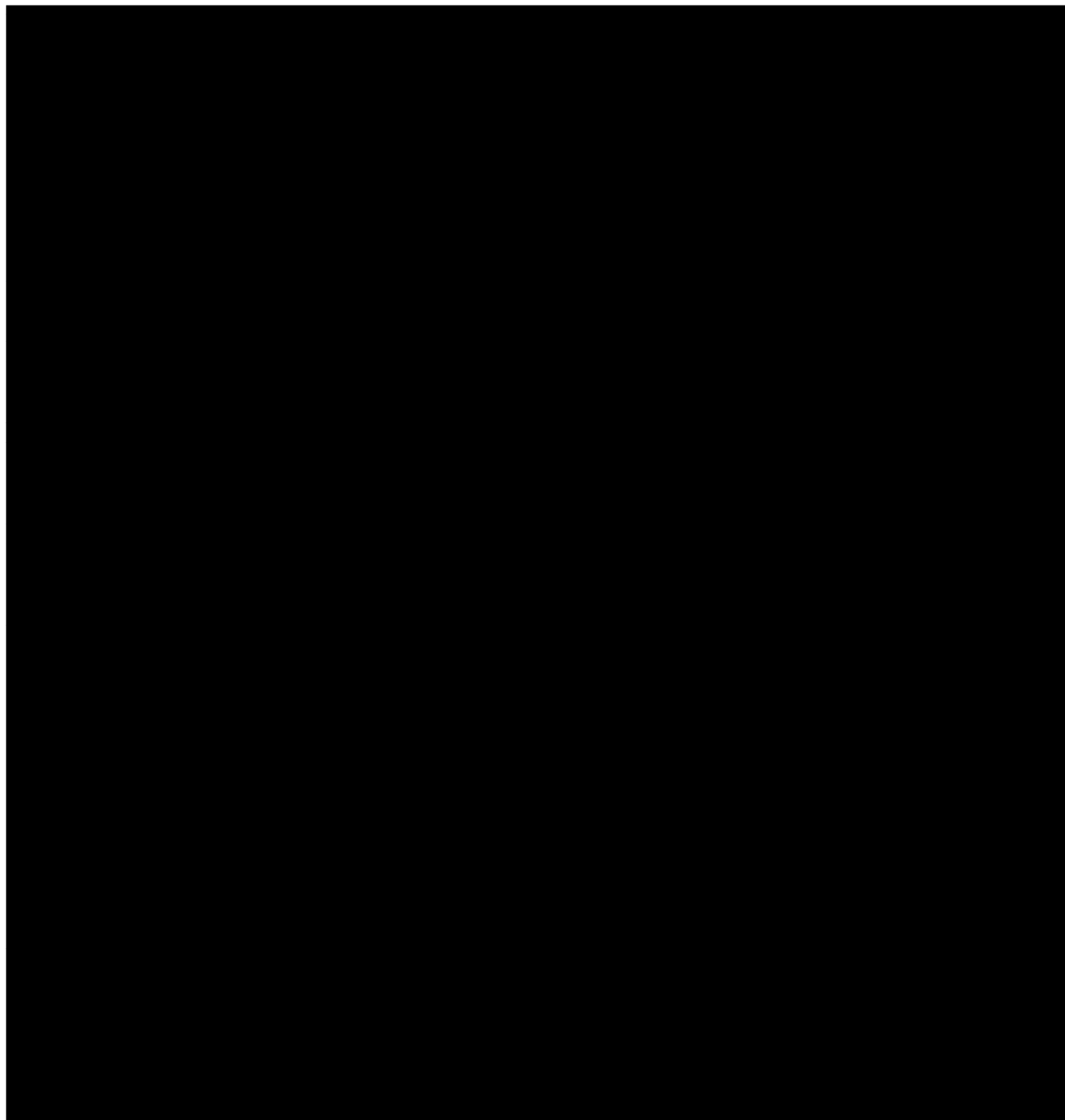
Subject: CONFIDENTIAL Status of Representation

Date: June 2, 2014 at 11:09 AM

To: Janet Coleman janetcolemanradio@gmail.com, Carolyn Birden cmcb007@earthlink.net, Janis Lane-Ewart janislaneewart@gmail.com, Kim Kaufman kim.kaufman@att.net, Richard Uzzel pacificaru@gmail.com, Manijeh Saba manijeh.saba@gmail.com, Luzette King luzette_king@yahoo.com, Heather Gray hmcgray@earthlink.net

Dear PDGG Members,

As I assured you in my May 22, 2014 communication, I can no longer [REDACTED] represent PDGG in your case against PFR absent [REDACTED] the deadline for which was yesterday. To date, I have received no assurance [REDACTED]






On a final note, I want to express how sincerely I wish to continue representing your group in this action and that my withdrawal, if necessitated, comes with a heavy heart.



As I have fulfilled my obligations, I sincerely hope that you will do the same.

I need to know immediately whether you intend to move forward with my representation, otherwise I must begin the process of transiting out. If the latter, I cannot continue any substantive work on the case and will have to petition the judge for removal unless you promptly retain replacement counsel. If you do not retain replacement counsel, please be aware that the case will be subject to dismissal since an associated group cannot represent itself as a party in a lawsuit in California. Whatever you choose, I am happy to help you through the process as much as I can.

--

Amy Sommer Anderson
Attorney, Owner - Aroplex Law
|P| 415.602.8960
|F| 415.970.5016
|E| anderson@aroplex.com

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EXHIBIT F

From: Amy Sommer Anderson anderson@aroplex.com
Subject: Re: re PDGG & Case Update
Date: June 6, 2014 at 10:37 AM
To: Carolyn Birden cmcb007@earthlink.net
Cc: Janet Coleman janetcolemanradio@gmail.com, Janis Lane-Ewart janislaneewart@gmail.com, Kim Kaufman kim.kaufman@att.net, Richard Uzzel pacificaru@gmail.com, Manijeh Saba manijeh.saba@gmail.com, Luzette King luzette_king@yahoo.com, Heather Gray hmcgray@earthlink.net

Carolyn: I am equally concerned about several issues you raise, which is why I am copying all PDGG members.

[REDACTED] I must remind
you of my May 22nd notice that *at least*

[REDACTED]

I, quite literally, have no option but to withdraw.

This is not a threat. As I've been notifying PDGG since May

[REDACTED]

All my best,


Amy Sommer Anderson
Attorney, Owner - Aroplex Law
|P| 415.602.8960
|F| 415.970.5016
|E| anderson@aroplex.com

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<PFR's Opp. to Mtn to Disqal..pdf>
<FINAL Reply ISO PDGG's MTD S&Y.pdf>

[REDACTED]

EXHIBIT G

From: Amy Sommer Anderson anderson@aroplex.com 
Subject: Re: re PDGG & Case Update
Date: June 9, 2014 at 1:50 PM
To: Carolyn Birden cmcb007@earthlink.net
Cc: Janet Coleman janetcolemanradio@gmail.com, Janis Lane-Ewart janislaneewart@gmail.com, Kim Kaufman kim.kaufman@att.net, Richard Uzzel pacificaru@gmail.com, Manijeh Saba manijeh.saba@gmail.com, Luzette King luzette_king@yahoo.com, Heather Gray hmcgray@earthlink.net

Carolyn, I appreciate this communication. I am confused and concerned that PDGG seems to have ignored my May 22nd communication where I very clearly expressed that I could not continue representing PDGG if [REDACTED]. The fact that I did not remind PDGG in each and every email or phone communication in no way served as a retraction of that communication. It is insulting to me that PDGG continues to accuse me of threatening to withdraw when I not only delayed doing so after the stated deadline in order to give PDGG an opportunity to finally address the issues raised on May 22nd but also had received no response to my email reminders leading up to the June 1st deadline. I have been very clear from the start that withdrawal due to [REDACTED] is not within my discretion. [REDACTED]

[REDACTED]

--

Amy Sommer Anderson
Attorney, Owner - Aroplex Law
|P| 415.602.8960
|F| 415.970.5016
|E| anderson@aroplex.com

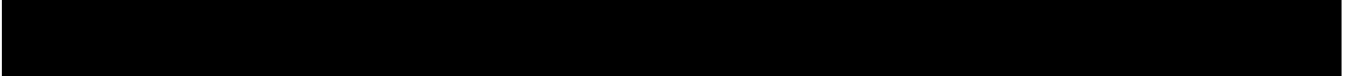

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EXHIBIT H

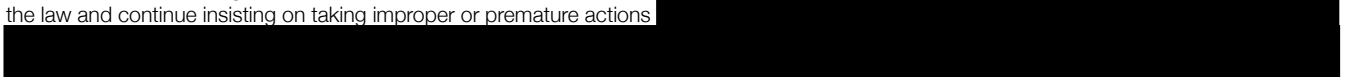
From: Amy Sommer Anderson anderson@aroplex.com
Subject: Re: PDGG vs Pacifica Foundation Radio
Date: June 11, 2014 at 11:26 AM
To: Carolyn Birden cmcb007@earthlink.net
Cc: Janet Coleman janetcolemanradio@gmail.com, Carolyn Birden cmcb007@earthlink.net, Janis Lane-Ewart janislaneewart@gmail.com, Kim Kaufman kim.kaufman@att.net, Richard Uzzel pacificaru@gmail.com, Manijeh Saba manijeh.saba@gmail.com, Luzette King luzette_king@yahoo.com, Heather Gray hmcgray@earthlink.net


Dear Carolyn,

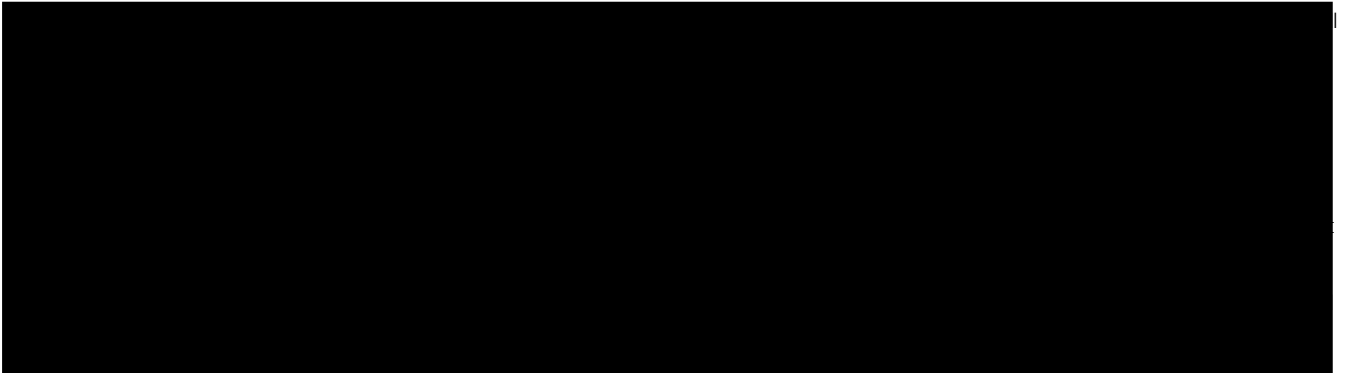
I am happy to see PDGG being proactive about pursuing their goals, but PDGG still must abide by CA rules. Unfortunately, the "instruction" you provided below is not an option. As I've explained previously, an attorney cannot receive legal instruction from a non-attorney, and this is not a call a client can or should make.



In any event, I will be filing for withdrawal as soon as possible. I cannot represent PDGG if they refuse to allow me to work within the framework of the law and continue insisting on taking improper or premature actions



This certainly isn't an option I want to pursue, but I've been as clear as possible that PDGG's failure to keep up  if PDGG already located another attorney, please provide their information so we can prepare a substitution form.



Certainly, let me know if you have any questions.

--
Amy Sommer Anderson
Attorney, Owner - Aroplex Law
|P| 415.602.8960
|F| 415.970.5016
|E| anderson@aroplex.com

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EXHIBIT I


From: Amy Sommer Anderson anderson@aroplex.com

Subject: Re: Urgent: CORRECTION to earlier letter

Date: June 11, 2014 at 6:33 PM

To: Kim Kaufman kim.kaufman@att.net

Cc: Carolyn Birden cmcb007@earthlink.net, Janet Coleman janetcolemanradio@gmail.com, Janis Lane-Ewart janislaneewart@gmail.com, Richard Uzzel pacificaru@gmail.com, Manijeh Saba manijeh.saba@gmail.com, Luzette King luzette_king@yahoo.com, Heather Gray hmcgray@earthlink.net



Back to Kim's note, I'm not sure whether the judge will grant an immediate withdrawal or require me to stay on the case for a set amount of time to enable PDGG to retain new counsel, but I will be filing for withdrawal as soon as possible, likely Friday. If immediate withdrawal is granted and PDGG does not have a new attorney of record, the judge will likely issue an order to show cause as to why PDGG isn't represented and set a hearing date. If PDGG isn't represented by that hearing date, the case will likely be dismissed. If there are hearings or filings due while PDGG is unrepresented, there may or may not be an opportunity for an extension to file or a continuance, but you will need an attorney to make any such request. Of course, I will copy everyone on my withdrawal request and will let you know what the judge orders.

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): AMY SOMMER ANDERSON, SBN 282634 AROPLEX LAW 156 2ND STREET SAN FRANCISCO, CA 94105 TELEPHONE NO.: 415-529-5148 FAX NO. (<i>Optional</i>): 415-970-5016 E-MAIL ADDRESS (<i>Optional</i>): anderson@aroplex.com ATTORNEY FOR (<i>Name</i>): Plaintiff, PACIFICA DIRECTORS FOR GOOD GOVERNANCE	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: MAILING ADDRESS: 1221 Oak Street, Dept. 15 CITY AND ZIP CODE: Oakland, 94612 BRANCH NAME:	CASE NUMBER: <p style="text-align: center;">HG 14720131</p> HEARING DATE: June 27, 2014 DEPT.: 15 TIME: 9:30 AM BEFORE HON.: Ioana Petrou DATE ACTION FILED: April 3, 2014 TRIAL DATE: Not Set
CASE NAME: Pacifica Directors for Good Governance v. Pacifica Radio, et al.	
ORDER GRANTING ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL—CIVIL	

- The motion of (*name of attorney*): **AMY SOMMER ANDERSON** to be relieved as counsel of record for (*name of client*): **PACIFICA DIRECTORS FOR GOOD GOVERNANCE**, a party to this action or proceeding, came on regularly for hearing at the date, time, and place indicated above.
- The following persons were present at the hearing:

FINDINGS

- Attorney has
 - personally served the client with papers in support of this motion.
 - served client by mail and submitted a declaration establishing that the service requirements of California Rules of Court, rule 3.1362, have been satisfied.
- Attorney has shown sufficient reasons why the motion to be relieved as counsel should be granted and why the attorney has brought a motion under Code of Civil Procedure section 284(2) instead of filing a consent under section 284(1).

ORDER

- Attorney is relieved as counsel of record for client
 - effective upon the filing of the proof of service of this signed order upon the client.
 - effective on (*specify date*):
- The client's current last known address and telephone number:

Pacifica Directors for Good Governance
 ATTN: Heather Gray, Representative
 963 Rupley Drive
 Atlanta, GA 30306
 (404) 234-4630

If the client's current address is known, service on the client must hereafter be made at that address unless otherwise ordered in item 13. If the current address is not known, service must be made according to Code of Civil Procedure section 1011 (b) and rule 3.252 of the California Rules of Court.

- The next scheduled hearing in this action or proceeding is set for (*date, time, and place*):
 9:00 AM on June 27, 2014 in Dept. 15.
 - The hearing will concern (*subject matter*):
 An order to show cause as to why Plaintiff's MC-050 filing shouldn't be stricken.

NOTICE TO CLIENT

You or your new attorney, if any, must prepare for and attend this hearing.

CASE NAME: Pacifica Directors for Good Governance v. Pacifica Radio, et al.	CASE NUMBER: HG 14720131
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8. The following additional hearings and other proceedings (including discovery matters) are set in this action (*describe the date, time, place, and subject matter of each*):
 July 9, 2014, 9:00 AM, Dept. 15 - Hearing on Plaintiff's motion to disqualify opposing counsel.
 July 9, 2014, 9:00 AM, Dept. 15 - Hearing on Defendant's demurrer.
 August 18, 2014, 9:15 AM, Dept. 15 - Initial Case Management Conference
9. The trial in this action or proceeding:
 a. is not yet set.
 b. is set for (*specify date, time, and place*):
10. Client is hereby notified of the following effects this order may have upon parties.

NOTICE TO CLIENT

Your present attorney will no longer be representing you. You may not in most cases represent yourself if you are one of the parties on the following list:

- A guardian
- A conservator
- A trustee
- A personal representative
- A probate fiduciary
- A corporation
- A guardian ad litem
- An unincorporated association

If you are one of these parties, YOU SHOULD IMMEDIATELY SEEK LEGAL ADVICE REGARDING LEGAL REPRESENTATION. Failure to retain an attorney may lead to an order striking the pleadings or to the entry of a default judgment.

11. Client is notified that, if the client will be representing himself or herself, the client shall be solely responsible for the case.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

You will not have an attorney representing you. You may wish to seek legal assistance. If you do not have a new attorney to represent you in this action or proceeding, and you are legally permitted to do so, you will be representing yourself. It will be your responsibility to comply with all court rules and applicable laws. If you fail to do so, or fail to appear at hearings, action may be taken against you. You may lose your case.

12. Client is notified that it is the client's duty to keep the court informed at all times of the client's current address.

NOTICE TO CLIENT WHO WILL BE UNREPRESENTED

The court needs to know how to contact you. If you do not keep the court and other parties informed of your current address and telephone number, they will not be able to send you notices of actions that may affect you, including actions that may adversely affect your interests or result in your losing the case.

13. The court further orders (*specify*):

Date:

JUDGE OR JUDICIAL OFFICER