



# Legal Document

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Superior Court of California, County of San Francisco  
Case No. CGC 09 486994

**Sharon Bridgewater v. Shawn Bankson Et Al**

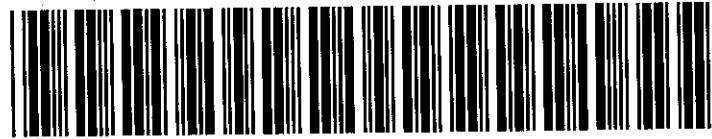
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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO**

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Apr-23-2009 9:16 am

Case Number: CGC-09-486994

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ORDER

SHARON BRIDGEWATER VS. SHAWN BANKSON et al

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FILED  
*San Francisco County Superior Court*

APR 23 2009

GORDON PARK-LI, Clerk  
BY: *Leslie V.*  
Deputy Clerk

CALIFORNIA SUPERIOR COURT  
CITY AND COUNTY OF SAN FRANCISCO  
DEPARTMENT OF THE PRESIDING JUDGE

SHARON BRIDGEWATER, )  
Plaintiff )  
v. ) ORDER STRIKING THE FIRST  
SHAWN BANKSON, JANE CREASON, ) AMENDED COMPLAINT  
KIMBALL, TIREY & ST. JOHN, LLP, HAYES )  
VALLEY LIMITED PARTNERSHIP (aka, )  
HAYES VALLEY APARTMENTS II L.P.), ) Case No. CGC-09-486994  
MCCORMACK BARON RAGAN )  
MANAGEMENT SERVICES INC., MBA )  
URBAN DEVELOPMENT CO., THE )  
RELATED COMPANIES OF CALIFORNIA, )  
INC., SUNAMERICA AFFORDABLE )  
HOUSING PARTNERSHIP INC. AND DOES 1 )  
through 50, inclusive, )  
Defendants. )

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The court hereby orders that the First Amended Complaint be stricken for reasons stated in  
California Civil Code section 1714.10. Pursuant to California Civil Code section 1714.10,  
subdivision (a),

1 No cause of action against an attorney for civil conspiracy with his or her  
2 client arising from any attempt to contest or compromise a claim or dispute,  
3 and which is based upon the attorney's representation of the client, shall be  
4 included in a complaint or other pleading unless the court determines that the  
5 party seeking to file the pleading has established that there is a reasonable  
6 probability that the party will prevail on the action. . . . The court shall order  
7 service of the petition upon the party against whom the action is proposed to  
8 be filed and permit that party to submit opposing affidavits prior to making its  
9 determination.

10 “[Section 1714.10] requires a party to petition for a judicial determination of a reasonable probability  
11 of prevailing as a condition precedent to filing an action against an attorney for conspiring with his  
12 or her client based on the attorney's representation of the client.” (*Westamco Investment Co. v. Lee*  
13 (1999) 69 Cal.App.4th 481, 483.)

14 Because of the Court's error, the Complaint and First Amended Complaint were mistakenly  
15 filed on April 6, 2009 and April 20, 2009, and summons issued on April 6, 2009, prior to the Court's  
16 determination as to whether there is a reasonable probability that the party will prevail in the action.

17 Plaintiff may refile the petition.

18 IT IS SO ORDERED.

19 DATED: 4/22/09

20 JUDGE OF THE SUPERIOR COURT  
21 James J. McBride, Presiding Judge

**SUPERIOR COURT OF CALIFORNIA  
County of San Francisco**

SHARON BRIDGEWATER,

Plaintiff(s)

vs.

SHAWN BANKSON, JANE CREASON, KIMBALL,  
TIREY & ST. JOHN, LLP, HAYES VALLEY  
LIMITED PARTNERSHIP (aka, HAYES VALLEY  
APARTMENTS II L.P.), et al

Defendant(s)

Case Number: 486994

**CERTIFICATE OF MAILING  
(CCP 1013a (4))**

I, Rochelle Veluz, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On April 23, 2009, I served the attached ORDER STRIKING THE FIRST AMENDED COMPLAINT by placing a copy thereof in a sealed envelope, addressed as follows:

SHARON BRIDGEWATER  
1271 D Street  
Hayward, CA 94541

and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA. 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: April 23, 2009

GORDON PARK-LI, Clerk

By: Rochelle Veluz  
Rochelle Veluz Deputy Clerk