



Legal Document

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

Sharon Bridgewater v. Shawn Bankson Et Al

Document 5



View Document



View Docket



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

Document Scanning Lead Sheet

Apr-23-2009 9:16 am

Case Number: CGC-09-486994

Filing Date: Apr-23-2009 9:16

Juke Box: 001 Image: 02474067

ORDER

SHARON BRIDGEWATER VS. SHAWN BANKSON et al

001C02474067

Instructions:

Please place this sheet on top of the document to be scanned.

FILED
San Francisco County Superior Court

APR 23 2009

GORDON PARK-LI, Clerk
BY: [Signature] Deputy Clerk

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

SHARON BRIDGEWATER,

Plaintiff

v.

ORDER STRIKING THE FIRST
AMENDED COMPLAINT

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

Case No. CGC-09-486994

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
22
23
24
25
26
27
28

**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 Deputy Clerk