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RIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

K. WEINTRAUB

JUDGE

J. JIMENEZ

DEPT. 47

HONORABLE

JUDGE PRO TEM

DEPUTY CLERK

ELECTRONIC RECORDING MONITOR

G. HIRONAKA C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC580909

Plaintiff

Counsel

NO APPEARANCES

JANICE DICKINSON

VS

Defendant

WILLIAM H COSBY JR

Counsel

170.6 CCP JUDGE KENDIG(DEFT)

170.6 Judge Hess--Pltf

NATURE OF PROCEEDINGS:

COURT ORDER

The Court, having read and considered the peremptory challenge to judicial officer filed by Defendant Marty Singer, Plaintiff Janice Dickinson's opposition to Defendants' second peremptory challenge and Defendant Marty Singer's notice of withdrawal of peremptory challenge of judicial officer, comes on now and orders as follows:

On May 20, 2015, Plaintiff Janice Dickinson filed the Complaint in this action naming William H. Cosby, Jr. as the sole Defendant.

On June 12, 2015, Defendant Cosby filed a Civil Code of Procedure Section 170.6 peremptory challenge which was found to be timely filed. The case was then reassigned on June 17, 2015 from Judge Holly E. Kendig in Department 42 to Judge Robert L. Hess in Department 24.

On June 22, 2015, Defendant filed an anti-SLAPP special motion to strike pursuant to Civil Code of Procedure Section 426.16, as well as a demurrer.

On June 26, 2015 Plaintiff Dickinson filed a Civil Code of Procedure Section 170.6 peremptory challenge which was found to be timely filed. The case was then

<p>MINUTES ENTERED 12/10/15 COUNTY CLERK</p>
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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/10/15

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HONORABLE DEBRE K. WEINTRAUB

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170.6 Judge Hess--Pltf

NATURE OF PROCEEDINGS:

reassigned on July 7, 2015 from Judge Robert L. Hess in Department 24 to Judge Debre K. Weintraub in Department 47.

On November 2, 2015, the Court granted Plaintiff's motion to lift the discovery stay pursuant to Civil Code of Procedure Section 425.16(g). The resulting Order is currently stayed pending appellate review.

On November 16, 2015, Plaintiff Janice Dickinson filed a first amended complaint, which named Martin Singer as a newly-added Defendant.

On November 30, 2015, Defendant Martin Singer filed a Civil Code of Procedure Section 170.6 peremptory challenge to Judge Debre K. Weintraub.

On December 3, 2015, Plaintiff Janice Dickinson filed an opposition as to Defendants' second peremptory challenge.

On December 7, 2015, Defendant Marty Singer filed a notice of withdrawal of peremptory challenge to Judge Debre K. Weintraub

Generally "when a party on the same side has exercised its right to disqualify a judge, a late-appearing party 'has no right to challenge the then-current judge because that side has used its one challenge.'"

<p align="center">MINUTES ENTERED 12/10/15 COUNTY CLERK</p>

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Counsel

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NATURE OF PROCEEDINGS:

(Citation omitted.) Orion Communications, Inc. V. Superior Court (2014) 226 Cal. App. 4th 152, 158. However, a co-defendant may be considered on a different side from other co-defendants where their interests are "substantially adverse." [Id. at 159] A "party that seeks to exercise a subsequent peremptory challenge on the ground that, in effect, it is on a different side from another party despite appearances to the contrary, is required to provide evidence of a conflict to enable the trial court to decide whether the interests of the joined parties are actually substantially adverse." [Id.]

Defendant Marty Singer did not provide evidence of a "substantially adverse" interest. Accordingly, the Court accepts Defendant Marty Singer's withdrawal of his peremptory challenge to Judge Debre K. Weintraub.

Clerk to give notice.

CERTIFICATE OF SERVICE/
NOTICE OF ENTRY OF ORDER

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of the above minute order upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Los Angeles, California,

<p align="center">MINUTES ENTERED 12/10/15 COUNTY CLERK</p>

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/10/15

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G. HIRONAKA C.A.

Deputy Sheriff

NONE

Reporter

8:30 am

BC580909

Plaintiff

Counsel

JANICE DICKINSON

NO APPEARANCES

VS

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170.6 CCP JUDGE KENDIG(DEFT)

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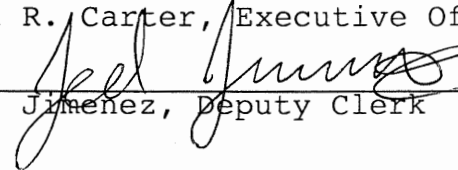
NATURE OF PROCEEDINGS:

one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Date: December 8, 2015

Sherri R. Carter, Executive Officer/Clerk

By:


J. Jimenez, Deputy Clerk

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