

Appendix C

SUPREME COURT
FILED

Court of Appeal, Second Appellate District, Division Six - No. B326970

DEC 20 2023

Jorge Navarrete Clerk

S282308

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

Estate of SUKHJINDER SINGH, Deceased.

MARISOL CUEVA, Contestant and Respondent,

v.

IKE M. IQBAL, as Executor, etc., Claimant and Respondent;

NIKI HAMIDI, Objector and Appellant.

The petition for review is denied.

GUERRERO

Chief Justice

Appendix B

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

Estate of SUKHJINDER
SINGH, Deceased.

2d Civil No. B326970
(Super. Ct. No. 19PR-0348)
(San Luis Obispo County)

MARISOL CUEVA,
Contestant and Respondent,

v.
IKE M. IQBAL, as Executor,
etc.,
Claimant and Respondent;

NIKI HAMIDI,
Objector and Appellant.

Niki Hamidi appeals from an order approving the settlement of Marisol Cueva's paternity claim against the estate of Sukhjinder Singh. Hamidi contends the order should be

vacated because: (1) the probate court lacked jurisdiction to enter it, and (2) Cueva's claim was fraudulent.¹ We affirm.

FACTUAL AND PROCEDURAL HISTORY²

Singh died in September 2016. Cueva filed a petition to administer his estate three years later. In her petition, Cueva claimed she is the mother of Singh's son.

Hamidi objected to Cueva's petition and filed a creditor's claim against it. She then announced her intent to move the claim to criminal or civil court, but later requested its dismissal. The trial court granted Hamidi's dismissal request.

Cueva petitioned the trial court to determine whether Singh is her son's father. (See Prob. Code,³ § 6453.) Hamidi objected to the petition. Iqbal, the person nominated to be executor of Singh's will, urged the court to deny it because Singh did not acknowledge his alleged parentage.

After the trial court ordered Singh's will probated and issued Iqbal letters of administration, Iqbal and Cueva settled

¹ Hamidi also claims the orders admitting Singh's will to probate and appointing Ike M. Iqbal as executor of Singh's estate were unlawful. We upheld those orders in a previous opinion (see *Estate of Singh* (Aug. 17, 2023, B325245) [2023 WL 5282691] [nonpub. opn.]), and do not revisit the matters here (see *Leider v. Lewis* (2017) 2 Cal.5th 1121, 1127). Additionally, for the first time in her reply brief, Hamidi asks us to impose \$250,000 in sanctions against Iqbal's attorney. We deny this request without further discussion. (*Moore v. Shaw* (2004) 116 Cal.App.4th 182, 200, fn. 10.)

² Hamidi's motion to correct the citations to the record in her briefs on appeal, filed August 28, 2023, is granted.

³ Unlabeled statutory references are to the Probate Code.

Cueva's paternity claim, subject to the probate court's approval. Iqbal petitioned the court to approve the settlement. Attached to his petition was a declaration describing his investigation and evaluation of Cueva's claim and the potential liability to Singh's estate that would be eliminated if the settlement were approved. Cueva confirmed she would dismiss her claim upon approval of the settlement.

A hearing on the settlement petition was set for February 7, 2023. On January 11, notice of the hearing was served on all parties, including Hamidi. Copies of the petition, supporting declarations, and proposed order were served alongside the hearing notice.

Hamidi filed no written opposition to the settlement petition. She did not appear at the hearing on its approval. After the hearing concluded, however, Hamidi objected to the petition. The probate court approved it over Hamidi's tardy objection.

DISCUSSION

The probate court's jurisdiction

Hamidi contends the probate court lacked jurisdiction to approve the settlement of Cueva's paternity claim against Singh's estate because she transferred the case to civil or criminal court. This contention fails because a party cannot unilaterally transfer a case. (Code Civ. Proc., § 581, subd. (b)(2) [dismissal of action requires consent of other parties]; *Voyce v. Superior Court* (1942) 20 Cal.2d 479, 484 [Code of Civil Procedure's dismissal provisions apply to will contests].)

Moreover, the probate court has jurisdiction over estate administration. (§ 7050.) It has the power to appoint the executor of an estate. (§ 8400.) And it has the power to approve the executor's settlement of a claim against the estate. (§ 9836.)

The probate court therefore had jurisdiction to approve the settlement of Cueva's paternity claim.

Cueva's paternity claim

Hamidi also contends the probate court should not have approved the settlement of Cueva's paternity claim against Singh's estate because the claim was fraudulent. But Hamidi did not file written objections to the settlement of the claim. Nor did she attend the hearing on its approval to object—despite having sufficient notice. (See §§ 1220, subd. (a)(1), 9837, subd. (c) [requiring 15 calendar days' notice].) Such an objection is required “before the probate court is required to take any action at all.” (*Forthmann v. Boyer* (2002) 97 Cal.App.4th 977, 988.) Because Hamidi did not lodge one, her contention is forfeited. (*Conservatorship of Farrant* (2021) 67 Cal.App.5th 370, 377.)

It also lacks merit. A petition to approve a settlement against an estate “shall show the terms of the . . . settlement . . . and its advantage to the estate.” (§ 9837, subd. (b).) We review the probate court's approval of such a settlement for abuse of discretion. (*Estate of Green* (1956) 145 Cal.App.2d 25, 28.) When applying this standard of review, we review findings of fact for substantial evidence, and will find reversible error only if the court's “application of the law to the facts is . . . arbitrary and capricious.” (*Haraguchi v. Superior Court* (2008) 43 Cal.4th 706, 711-712.)

Substantial evidence supports the probate court's finding that the settlement of Cueva's claim would be advantageous to Singh's estate. With his petition to approve the settlement Iqbal included a declaration describing his investigation and evaluation of Cueva's claim and the value to Singh's estate if the settlement were approved. And Cueva submitted a declaration

stating she would drop her claim against the estate upon the settlement's approval. That was clearly advantageous to Singh's estate. (*Estate of Lucas* (1943) 23 Cal.2d 454, 466-467 [settling potentially meritorious claim without litigation advantageous to estate].)

DISPOSITION

The probate court's order approving the settlement of Marisol Cueva's paternity claim against the estate of Sukhjinder Singh, entered February 22, 2023, is affirmed. Ike M. Iqbal shall recover his costs on appeal.

NOT TO BE PUBLISHED.

BALTODANO, J.

We concur:

GILBERT, P. J.

YEGAN, J.

Tana L. Coates, Judge

Superior Court County of San Luis Obispo

Niki Hamidi, in pro. per., for Objector and Appellant.
Andre, Morris & Buttery and James C. Buttery for
Claimant and Respondent.

No appearance for Contestant and Respondent.

Appendix A

1 James C. Butterly, State Bar No. 56665
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 Santa Maria, CA 93456-1430
 4 Telephone: (805) 937-1400
 Facsimile: (805) 937-1444
 5 jbuttery@amblaw.com
 6 Attorneys for Executor,
 Ike M. Iqbal
 7

FILED: 02/22/2023
San Luis Obispo Superior Court
By: Stember, Pamela

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF SAN LUIS OBISPO, SAN LUIS OBISPO**

10
 11 In Re: The Matter of Estate of Sukhjinder
 Singh,

12 Deceased.
 13
 14

Case No. 19PR-0348

**[PROPOSED] ORDER ON EXECUTOR IKE
 M. IQBAL'S VERIFIED PETITION TO
 APPROVE SETTLEMENT OF CLAIM
 AGAINST THE ESTATE AND FOR
 DISTRIBUTION**

15 [Filed concurrently with Petition to Approve
 16 Settlement of Claim Against the Estate, and
 Declarations of James C. Butterly and M. Jude
 17 Egan in Support Thereof]

18 Date: February 7, 2023
 Time: 9:00 a.m.
 19 Dept.: 4

Assigned To: Hon. Tana L. Coates
 Action Filed: October 17, 2019
 Trial Date: February 1, 2023

22
 23 Executor Ike M. Iqbal's Verified Petition to Approve Settlement of Claim Against the
 24 Estate and for Distribution came on regularly for hearing on February 7, 2023 at 9:00 a.m. in
 25 Department 4 of the above-entitled court, the Honorable Tana L. Coates, Judge presiding.

26 James C. Butterly of Andre, Morris & Butterly appeared on behalf of Iqbal. ~~M. Jude~~
 27 ~~Egan of Egan law appeared on behalf of Marisol Cueva.~~

28 Having reviewed the papers submitted, the arguments of counsel, and the documents and

1 other papers on file in this matter, and on proof made to the satisfaction of the Court, the Court
2 makes the following orders:

3 1. The Petition Approve Settlement of Claim Against the Estate and for Distribution
4 is granted.

5 2. The Mediated Settlement Agreement reached on January 4, 2023 between Ike M.
6 Iqbal as Executor of the Estate of Singh and as Trustee of the Sukhjinder Singh Trust dated
7 December 1, 2008 ("Iqbal") and Marisol Cueva, on behalf of herself and her minor child, David
8 Josiah Cueva ("Cueva"), attached hereto as Exhibit "A" is approved.

9 3. Iqbal's obligation to pay the consideration described in the Mediated Settlement
10 Agreement is dependent on Cueva, through her counsel, obtaining approval from the Santa
11 Barbara County Superior Court of the Minor's Compromise described therein.

12 4. The Court shall retain jurisdiction pursuant to Code of Civil Procedure section
13 664.6.

14 IT IS SO ORDERED.

15
16
17 Dated: 2/22/2023


18 TANA L. COATES
19 JUDGE OF THE SUPERIOR COURT

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EXHIBIT A

MEDIATED SETTLEMENT AGREEMENT

SUBJECT TO COURT APPROVAL

1. The matter of *In re the Estate of Sukhjinder Singh*, David Cueva, a minor, by and through his mother, Marisol Cueva, both in her representative capacity and as an individual claimant, have made certain claims, which are the subject of a pending civil action in San Luis County Superior Court, case number 19PR-0348, hereafter collectively referred to as “the Action”. Said matter was mediated on January 4, 2023, before M. Scott Radovich, in San Luis Obispo, California.
2. Appearing in this mediation were Marisol Cueva on behalf of herself and her minor child (hereafter collectively “**Plaintiff**”) and their attorney, M. Jude Egan; Ike Iqbal, as the duly appointed representative of the Estate of Sukhjinder Singh (hereafter “**Defendant**”), and as Trustee of the Sukhjinder Singh Trust dated December 1, 2008, and their attorney, James C. Buttery.
3. The parties, upon court approval discussed below, through this mediation have agreed to resolve all claims relative to the above action as follows:
 - (a) Defendant shall obtain court approval of this distribution and settlement from the court in the pending Action. Plaintiff and her counsel, after that approval in **the Action, shall then obtain approval of a compromise of the minor’s claim by** the appropriate court in Santa Barbara County. Defendant after obtaining approval from the court in the Action shall, within 30 days, after approval by the court in Santa Barbara County **of the compromise of a minor’s claim**, in exchange for a court-approved release of all claims pay the sum of \$100,000.00 into a Special Needs Trust for the benefit of the minor as

directed by the court through a Petition for Compromise of Minor's Claim – which counsel for Plaintiff shall file and obtain; and shall pay an additional sum of \$50,000.00 jointly to Marisol Cueva and her counsel M. Jude Egan for all expenses incurred including, but not limited to, litigation costs, attorneys fees and fees for the preparation of the Special Needs Trust;

(b) Plaintiff shall dismiss her Petition to Establish Parental Relationship with prejudice upon payment of the above sum after approval of the courts;

(c) Defendant, as additional consideration, shall pay the **full cost of today's** mediation. Otherwise, each party herein agrees to bear their own fees and costs and further agrees that this settlement agreement is not an admission of liability as liability remains disputed in this matter.

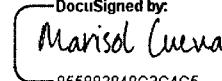
4. This settlement includes an express waiver of Civil Code 1542 which states: "**A** general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release, and that, if known by him or her, would have materially affected his or her **settlement with the debtor or released party.**"

5. The parties further agree and stipulate that this Mediated Settlement Agreement shall constitute an enforceable settlement, upon approval by the courts, under Code of Civil Procedure 664.6 and all applicable court rules and procedures. If there is any action to enforce the terms of this agreement, the prevailing party shall be entitled to its attorney's fees and reasonable costs.

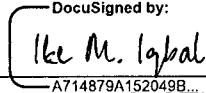
6. Once approved by the courts, this Mediated Settlement Agreement shall be binding on the parties, their heirs, successors, and assigns,

7. The parties and their counsel further agree and consent to the use of electronic signatures under Civil Code sec. 1633, et seq, ("CUETA") in this Mediated Settlement Agreement.

This agreement is hereby executed and agreed to by the parties on Wednesday, January 04, 2023, in Santa Maria and San Luis Obispo, California.

DocuSigned by:

Marisol Cueva
055883849C3C4C6...

MARISOL CUEVA, on behalf of herself and her child David Cueva, a Minor

DocuSigned by:

Ike M. Iqbal
A714879A152049B...

IKE IQBAL, on behalf of The Estate of Sukhjinder Singh and as Trustee of the Sukhjinder Singh Trust dated December 1, 2008

APPROVED AS TO FORM:

DocuSigned by:

M. JUDE EGAN, for Plaintiff
F5ECD00D4889475

DocuSigned by:

JAMES C. BUTTERY, for Defendant
91A9A079CB404B5...

Appendix D

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Code: Section:

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California Code, Probate Code - PROB § 15407

Current as of January 01, 2023 | Updated by [FindLaw Staff](#)

(a) A trust terminates when any of the following occurs:

- (1) The term of the trust expires.
- (2) The trust purpose is fulfilled.
- (3) The trust purpose becomes unlawful.
- (4) The trust purpose becomes impossible to fulfill.
- (5) The trust is revoked.

(b) On termination of the trust, the trustee continues to have the powers reasonably necessary under the circumstances to wind up the affairs of the trust.

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8000. (a) At any time after a decedent's death, any interested person may commence proceedings for administration of the estate of the decedent by a petition to the court for an order determining the date and place of the decedent's death and for either or both of the following:

(1) Appointment of a personal representative.

(2) Probate of the decedent's will.

(b) A petition for probate of the decedent's will may be made regardless of whether the will is in the petitioner's possession or is lost, destroyed, or beyond the jurisdiction of the state.

(Enacted by Stats. 1990, Ch. 79.)

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8001. Unless good cause for delay is shown, if a person named in a will as executor fails to petition the court for administration of the estate within 30 days after the person has knowledge of the death of the decedent and that the person is named as executor, the person may be held to have waived the right to appointment as personal representative.

(Enacted by Stats. 1990, Ch. 79.)

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(1) The date and place of the decedent's death.

(2) The street number, street, and city, or other address, and the county, of the decedent's residence at the time of death.

(3) The name, age, address, and relation to the decedent of each heir and devisee of the decedent, so far as known to or reasonably ascertainable by the petitioner.

(4) The character and estimated value of the property in the estate.

(5) The name of the person for whom appointment as personal representative is petitioned.

(b) If the decedent left a will:

(1) The petitioner shall attach to the petition a photographic copy of the will. In the case of a holographic will or other will of which material provisions are handwritten, the petitioner shall also attach a typed copy of the will.

(2) If the will is in a foreign language, the petitioner shall attach an English language translation. On admission of the will to probate, the court shall certify to a correct translation into English, and the certified translation shall be filed with the will.

(3) The petition shall state whether the person named as executor in the will consents to act or waives the right to appointment.

(Enacted by Stats. 1990, Ch. 79.)

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8003. (a) The hearing on the petition shall be set for a day not less than 15 nor more than 30 days after the petition is filed. At the request of the petitioner made at the time the petition is filed, the hearing on the petition shall be set for a day not less than 30 nor more than 45 days after the petition is filed. The court may not shorten the time for giving the notice of hearing under this section.

(b) The petitioner shall serve and publish notice of the hearing in the manner prescribed in Chapter 2 (commencing with Section 8100).

(Enacted by Stats. 1990, Ch. 79.)

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8004. (a) If appointment of the personal representative is contested, the grounds of opposition may include a challenge to the competency of the personal representative or the right to appointment. If the contest asserts the right of another person to appointment as personal representative, the contestant shall also file a petition and serve notice in the manner provided in Article 2 (commencing with Section 8110) of Chapter 2, and the court shall hear the two petitions together.

(b) If a will is contested, the applicable procedure is that provided in Article 3 (commencing with Section 8250) of Chapter 3.

(Enacted by Stats. 1990, Ch. 79.)

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3439.04. (a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor.

(2) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor either:

(A) Was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction.

(B) Intended to incur, or believed or reasonably should have believed that the debtor would incur, debts beyond the debtor's ability to pay as they became due.

(b) In determining actual intent under paragraph (1) of subdivision (a), consideration may be given, among other factors, to any or all of the following:

(1) Whether the transfer or obligation was to an insider.

(2) Whether the debtor retained possession or control of the property transferred after the transfer.

(3) Whether the transfer or obligation was disclosed or concealed.

(4) Whether before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit.

(5) Whether the transfer was of substantially all the debtor's assets.

(6) Whether the debtor absconded.

(7) Whether the debtor removed or concealed assets.

(8) Whether the value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred.

(9) Whether the debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred.

(10) Whether the transfer occurred shortly before or shortly after a substantial debt was incurred.

(11) Whether the debtor transferred the essential assets of the business to a lienor that transferred the assets to an insider of the debtor.

(c) A creditor making a claim for relief under subdivision (a) has the burden of proving the elements of the claim for relief by a preponderance of the evidence.

(Amended by Stats. 2015, Ch. 44, Sec. 6. (SB 161) Effective January 1, 2016.)

I, Clara Iqbal, declare and state as follows:

I have personal knowledge of the facts to which I am testifying and if called as a witness I could and would testify hereto.

My husband, Ike Iqbal, is the Trustee of the Sukhjinder Singh Trust.

Mr. Singh passed away in Atascadero, California on September 15, 2016.

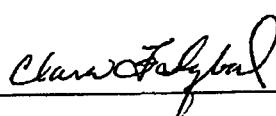
My husband and I were close friends with Mr. Singh and Marisol Cueva for many years. We knew Ms. Cueva's son David as well. ^{Clara was} ~~We were~~ present when Ms. Cueva administered a paternity test to Ms. Singh, with Mr. Singh's consent. Mr. Singh was in hospice at the time and quite ill.

I believed, as Ms. Cueva had told me and as David looked exactly like Mr. Singh, that Mr. Singh was David's father. The Paternity test confirmed what I ~~thought~~ knew to be true, that Mr. Singh was David's father.

Mr. Singh never acknowledged David ~~exactly~~, but I was also aware that shortly before his death, around the time of the DNA test and while he was in hospice, Mr. Singh knew that he was David's father as well.

I declare that the foregoing is true and correct under penalty of perjury under the laws of the State of California.

Dated: 12/9/16



Clara Iqbal

Ike M Iqbal
1352 Bauer Ave
Santa Maria, CA 93455

December 13, 2016

Social Security Administration
2436 Professional Pkwy
Santa Maria, CA 93455

Dear Madam/Sir

I have personal knowledge of Marisol Cueva and Sukhjinder Singh (Deceased) were together since 2007.

Sincerely,



Ike M Iqbal

Appendix F

1 RICHARD WELDON 25167
2 **WELDON & DEGASPARIS**
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3 (805) 925-8705
3 FAX (805) 925-8536
4 ATTORNEYS FOR IKE IQBAL

ELECTRONICALLY FILED

6/9/2020 3:49 PM

SAN LUIS OBISPO SUPERIOR COURT
BY *M. Zepeda*
M. Zepeda, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN LUIS OBISPO

10 IN THE MATTER OF THE ESTATE OF

No. 19 PR 0348

11 SUKHJINDER SINGH

FURTHER RESPONSE OF IKE IQBAL

12 DECEASED

HEARING: JUNE 16, 2020 9 AM

13 DEPT. 9

14 IKE IQBAL ALLEGES AS FOLLOWS:

15 THE PETITION OF MARISOL CUEVAS SHOULD BE DENIED FOR THE FOLLOWING REASONS:

16 1. PROBATE CODE SECTION 6453 CONTAINS THE RULES FOR DETERMINING WHETHER A
17 PERSON IS A NATURAL PARENT.

18 ONE RULE IS THE RELATIONSHIP IS ESTABLISHED WHERE IT IS PRESUMED.

19 THERE ARE NO ALLEGATIONS IN THE PETITION ON WHICH SUCH A RELATIONSHIP
CAN BE PRESUMED.

20 ANOTHER RULE IS THE RELATIONSHIP CAN BE ESTABLISHED PURSUANT TO THE
21 UNIFORM PARENTAGE ACT EXCEPT IT MAY NOT BE ESTABLISHED UNDER (c) OF
22 SECTION 7630 OF THE FAMILY CODE UNLESS

23 (1) A COURT ORDER WAS ENTERED DURING THE FATHER'S LIFETIME
24 DECLARING PATERNITY. THAT DOES NOT EXIST

25 (2) PATERNITY IS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE
26 THAT THE FATHER HAS OPENLY HELD OUT THE CHILD AS HIS OWN.
27 THE LETTER OF CLARA IQBAL INDICATES MR. SINGH NEVER ACK-
28 KNOWLEDGED DAVID AS HIS CHILD.

29 2. DAVID CUEVAS WAS BORN ON AUGUST 21, 2008. ON DECEMBER 1, 2008 MR SINGH
30 SIGNED HIS WILL IN WHICH HE SAID "I HAVE ONE CHILD NOW LIVING, NAMELY
31 SIMRAN SINGH. THUS HE DID NOT ACKNOWLEDGE DAVID CUEVAS AS HIS CHILD.
32 THERE IS NO EVIDENCE MR. SINGH EVER TOOK DAVID CUEVAS INTO HIS HOME.

DATED: JUNE 8, 2020 Richard Weldon *Richard Weldon*

FURTHER RESPONSE OF IKE IQBAL TO PETITION
FOR PATERNITY

Appendix G

1 James C. Butterly , State Bar No. 56665
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 Facsimile: (805) 937-1444
 5 jbuttery@amblaw.com

SAN LUIS OBISPO SUPERIOR COURT
 BY M. Zepeda
 M. Zepeda, Deputy Clerk

6 Attorneys for Executor, Ike M. Iqbal

7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **COUNTY OF SAN LUIS OBISPO, SAN LUIS OBISPO**

10

11 In Re: The Matter of Estate of Sukhjinder
 Singh,

12 Deceased.

13 Case No. 19PR-0348

14 **DECLARATION OF M. JUDE EGAN IN**
 15 **SUPPORT OF PETITION TO**
 16 **APPROVE SETTLEMENT**

17 [Filed concurrently with Petition to Approve
 18 Settlement; Declaration of James C. Butterly;
 19 [Proposed] Order]

20 Date: February 7, 2023
 21 Time: 9:00 a.m.
 22 Dept.: 4
 23 Assigned To: Hon. Tana L. Coates
 24 Action Filed: October 17, 2019
 25 Trial Date: December 5, 2022

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I, M. Jude Egan, do declare and state as follows:

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35 1. I am an attorney duly licensed to practice law in the State of California and am a
 36 principal in the firm of Egan Law, the attorneys of record for Petitioner Marisol Cueva
 37 ("Cueva") in the above-entitled matter. The facts stated herein are true of my own personal
 38 knowledge, and if called as a witness I could and would competently testify thereto.

1 2. I submit this in support of Executor Ike M. Iqbal's Petition to Approve the
2 Settlement filed concurrently herewith. I have represented Marisol Cueva for more than six
3 years in connection with her paternity claims against the Estate of Sukhjinder "Willie" Singh
4 ("Decedent") concerning her minor son, David Josiah Cueva ("David"). On October 20, 2016, I
5 caused to be filed a Petition to Establish Parental Relationship in Santa Barbara County, where
6 Cueva resides, as Case No. 16FL02697. On August 14, 2017, I caused to be filed a Petition for
7 Letters of Administration by which Cueva sought to administer the estate of Decedent in Santa
8 Barbara County as Case No. 17PR00354. This action was dismissed in November 2017, because
9 Decedent died a resident of San Luis Obispo County. A Petition for Probate was filed on behalf
10 of Ike M. Iqbal ("Iqbal") in San Luis Obispo County as Case No. 17PR-0401 in November 2017.
11 On April 24, 2018, I caused a Creditor's Claim to be filed on behalf of Cueva in San Luis
12 Obispo County Case No. 17PR-0401, but the matter was dismissed in March of 2019.

13 3. Because my client's paternity claims were not progressing, on October 17, 2019 I
14 filed a Petition for Letters of Administration on behalf of my client as San Luis Obispo County
15 Superior Court Case No. 19PR-0348¹. By this petition, my client sought not only to be
16 appointed as administrator of Decedent's estate but also to: establish Decedent as the father of
17 David; establish child support for David from the Decedent's trust and/or estate; and to reform
18 Decedent's will and trust to provide for David as a pretermitted heir, among other requests. On
19 March 5, 2020, I caused to be filed on behalf of my client a Petition to Establish Parental
20 Relationship in this matter. By this Petition, my client requested a determination under Probate
21 Code 6453 that David is a natural child of Decedent. The Petition attached a DNA test report
22 obtained by my client that showed with 99.9997% certainty that Decedent is David's father.

23 4. My client responded to several sets of written discovery propounded on behalf of
24 Iqbal and cooperated with having her deposition taken. It became clear that despite the DNA test
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27 ¹ When counsel for Iqbal filed a Petition for Probate in Case No. 19PR-0348, my client agreed to
28 withdraw her Petition for Letters of Administration when the Court approved Iqbal as Executor,
which occurred on December 7, 2022.

1 report, my client's paternity claims faced significant challenges. My client and I were also
2 facing a costly trial with an uncertain outcome.

3 5. On January 4, 2023, my client along with Iqbal and his counsel, participated in
4 mediation with Scott Radovich. We negotiated a settlement reflected in the Mediated Settlement
5 Agreement ("Settlement Agreement") attached as Exhibit A to the Declaration of James C.
6 Butterly in Support of Iqbal's Motion to Approve the Settlement. The terms of the Settlement
7 Agreement require that this Court approve the settlement outlined therein. I request that the
8 Court approve this Settlement Agreement, because it provides my client with some measure of
9 what she has demanded all along: financial assistance with David's care. In my opinion the
10 settlement represents an appropriate compromise of a disputed claim and assures my client some
11 recovery without exposing it to the possibility of being rejected in whole by the Court. The
12 Settlement Agreement proposes to do this by way of funding a Special Needs Trust that I will
13 cause to be prepared on behalf of David. The settlement is also subject to approval by a Santa
14 Barbara County Court upon my filing of a Petition for Approval of Minor's Compromise. If
15 approved by both courts, this settlement would put an end to my client's litigation and would
16 forestall the filing of any creditor's claims in this action by my client on behalf of herself and/or
17 David. Pursuant to the terms of the Settlement Agreement, my client will dismiss her Petition
18 after approval by the courts and after execution of a court-approved release of all claims and
19 payment to the Special Needs Trust created for David.

20 6. Upon approval by those courts as described above, the parties stipulated that the
21 Settlement Agreement shall be an enforceable settlement under Code of Civil Procedure section
22 664.6. On behalf of my client and myself, I hereby request that the Court retain jurisdiction
23 pursuant to Code of Civil Procedure section 664.6.

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct. Executed on this 9th day of January 2023 at Santa Maria,
26 California.

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28 
M. Jude Egan

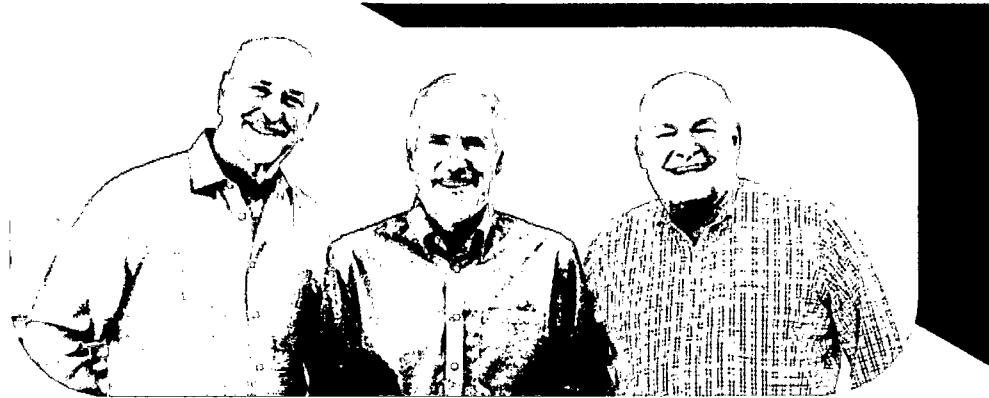
Appendix H



RTG

RADOVICH
TANGEMAN
GREEN

WHEN EXPERIENCE
COUNTS...



SCOTT
RADOVICH

HON. MARTIN
TANGEMAN (RET.)

TY GREEN



SCOTT RADOVICH

HON. MARTIN
TANGEMAN (RET.)

TY GREEN

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