

Nos. 22-247, 22-251, and 22-253

In the Supreme Court of the United States

JACQUELINE CHUI, PETITIONER

v.

BENJAMIN TZE-MAN CHUI, ET AL.

MICHAEL CHUI, PETITIONER

v.

BENJAMIN TZE-MAN CHUI, AS TRUSTEE, ET AL.

CHRISTINE CHUI, PETITIONER

v.

BENJAMIN TZE-MAN CHUI, ET AL.

*ON PETITIONS FOR WRITS OF CERTIORARI
TO THE CALIFORNIA COURT OF APPEAL,
SECOND APPELLATE DISTRICT*

**SUPPLEMENTAL BRIEF FOR RESPONDENTS
BENJAMIN TZE-MAN CHUI AND MARGARET LEE**

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**SUPPLEMENTAL BRIEF FOR RESPONDENTS
BENJAMIN TZE-MAN CHUI AND MARGARET LEE**

Petitioner Christine’s supplemental brief in No. 22-253 misconstrues the import of the California Court of Appeal’s November 30, 2022 opinion, which resolved a separate appeal brought by petitioners Jacqueline and Michael challenging the ongoing appointment of Jackson Chen as their guardian ad litem. The Court of Appeal’s decision directed the trial court to terminate Chen’s appointment only *prospectively*, because Jacqueline and Michael had reached the age of majority while their appeal was pending. That holding has no bearing on the decision that is the subject of these certiorari petitions, in which the same panel of the Court of Appeal upheld the global settlement agreement that Chen had negotiated on behalf of Jacqueline and Michael *before* they turned 18. No further review of the decision below is warranted.

1. As we have previously explained (Br. in Opp. 2-14), the decision of the Court of Appeal that is the subject of the petitions for writs of certiorari addressed challenges to two interrelated agreements that together settled long-running trust litigation. In the decision below, issued on March 2, 2022, the Court of Appeal affirmed March 3, 2020 decisions of the trial court enforcing the May 2018 Settlement against petitioner Christine and approving the Second GAL Agreement, which Chen had negotiated on behalf of petitioners Jacqueline and Michael while they were minors.

The Court of Appeal’s November 30, 2022 opinion resolved a separate appeal by Jacqueline and Michael arising from the same trust litigation. In that appeal, Jacqueline and Michael challenged the trial court’s October 20, 2020 decision refusing to entertain their petitions to remove Chen from his role as guardian ad litem. Supp. Br. App. 5-6. In that decision, the trial court

struck the minors' removal petitions—which had been filed in June 2020, *after* the court's March 3, 2020 approval of the Second GAL Agreement—based on the court's conclusion that the minors were not permitted to appear through separate counsel while represented in the litigation by a guardian ad litem. *Id.* at 6-7.

In the Court of Appeal's November 30, 2022 opinion, the same three-judge panel that had upheld the trial court's settlement decisions reversed the trial court's disposition of the petitions seeking Chen's removal. Supp. Br. App. 3. The Court of Appeal held that, under California law, a minor is permitted to petition for removal of a guardian ad litem and may have counsel appear and advocate on his behalf to pursue a removal petition. *Id.* at 16. Accordingly, the Court of Appeal held that the trial court had erred in refusing to entertain the removal petitions. *Id.* at 14. The Court of Appeal then held that, because both Jacqueline and Michael had reached the age of majority while the appeal was pending, no remand was necessary for the trial court to consider the merits of the removal petitions in the first instance. *Id.* at 17. Because Jacqueline and Michael were now adults and "there [was] no other ground for continuing Chen's appointment as their guardian ad litem," it followed that "the appointment must terminate." *Id.* at 19.

The Court of Appeal's November 30, 2022 opinion did not suggest that, by terminating Chen's appointment on a *prospective* basis, the court was calling into question any actions that Chen took on behalf of Jacqueline and Michael while they remained minors. With respect to the Second GAL Agreement in particular, the Court of Appeal's earlier decision had expressly rejected the contention that Chen "lacked capacity" to act for the minors in negotiating the settlement, 22-251 Pet. App. 58a, and upheld the trial court's determination that the

settlement was fair, reasonable, and in the minors' best interest, *id.* at 64a-70a. The November 30 opinion repeatedly referred to the court's earlier decision, without any suggestion that it was disturbing the court's own prior conclusions. *E.g.*, Supp. Br. App. 7 n.4, 8, 9, 12.

That understanding is consistent with concessions that the Court of Appeal sought and obtained from Jacqueline's counsel at oral argument in the removal-petition appeal. At argument, counsel assured the panel that the appeal did not seek to reopen the issue of the Second GAL Agreement's validity:

Appeals Court Justice: * * * [A]re you suggesting that some of the orders that were—that were the subject of the most immediate last appeal—

Mr. Wilde: Yes.

Appeals Court Justice: —would have been invalid because—

Mr. Wilde: No, we're not contesting the settlement itself. The settlement—

Appeals Court Justice: That's done.

Mr. Wilde: Yeah. We're done. And we—we understand that completely. We are not here about the settlement. One thing that happened was—and maybe things would have worked out differently with respect to the settlement if she'd been able to get her own G.A.L.; but I understand that that's a final issue.

Appeals Court Justice: Okay.

App., *infra*, 9a-10a. Later in the argument, another member of the panel sought and obtained the same assurance:

Appeals Court Justice: * * * You're not asking any revisiting of the—our rulings regarding whether the settlement was effective or not.

Mr. Wilde: Oh, absolutely not.

App., *infra*, 11a. Michael's counsel, who also appeared at oral argument, did not express any disagreement with those concessions.

2. With this background in view, there is no merit to petitioner Christine's contention (Supp. Br. 1) that the Court of Appeals November 30 opinion has a "significant bearing" on the validity of the settlement agreements at issue here. To state the obvious, an order terminating a guardian ad litem's appointment on a *prospective* basis because the minor ward has reached the age of majority does not cast doubt on actions taken by the guardian while the ward was still a minor. Indeed, accepting that proposition would radically rewrite the law of guardianship—and largely destroy its purpose. As the Court of Appeal explained below, a guardian's acts on behalf of a minor ward fall under a statutory exception to the general rule that a minor may disaffirm his *own* legal acts before the age of majority or within a reasonable time afterwards. 22-251 Pet. App. 78a-80a. This exception facilitates conclusive resolution of a minor's legal interests—and permits third parties to gain certainty in dealing with a minor—which would prove impossible if the guardian's acts were subject to after-the-fact attack whenever a minor ward reaches the age of majority.

More broadly, Christine's supplemental brief does nothing to bolster her contention that further review of the decision below is warranted. Christine's arguments are largely incoherent, and in all events they consist only of case-specific challenges to the Court of Appeal's decision giving effect to the particular agreements at

issue in this case. As we have previously explained (Br. in Opp. 14-25), petitioners' factbound disagreement with the Court of Appeal's decision presents no issue of generally applicable federal law warranting review by this Court.

* * * * *

For the foregoing reasons and those stated in the brief in opposition, the petitions for writs of certiorari should be denied.

Respectfully submitted.

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JANUARY 2023

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**APPENDIX — TRANSCRIPT OF AUDIOTAPED
PROCEEDINGS IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA, SECOND
APPELLATE DISTRICT, DIVISION ONE,
DATED NOVEMBER 15, 2022**

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

B308574

(LOS ANGELES COUNTY
SUPERIOR COURT NO. BP154245)

BENJAMIN TZE-MAN CHUI,
AS TRUSTEE, ETC., *et al.*,

Plaintiffs,

V.

CHRISTINE CHUI,

Defendant;

JACQUELINE CHUI, *et al.*,

Appellants;

JACKSON CHEN, AS GUARDIAN, ETC.,

Respondent.

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PRESIDING JUSTICE FRANCES ROTHSCHILD
ASSOCIATE JUSTICE
VICTORIA GERRARD CHANEY
ASSOCIATE JUSTICE HELEN I. BENDIX

**REPORTER'S TRANSCRIPT OF
AUDIOTAPED PROCEEDINGS**

NOVEMBER 15, 2022

[1] CASE NUMBER: B308574 (LOS ANGELES
COUNTY SUPERIOR
COURT NO. BP154245)

CASE NAME: BENJAMIN TZE-MAN CHUI,
ET AL. V. CHRISTINE CHUI

DATE: NOVEMBER 15, 2022

TIME: 9:00 A.M.

LOCATION: RONALD REAGAN STATE BUILDING
300 SOUTH SPRING STREET
SECOND FLOOR, NORTH TOWER
LOS ANGELES, CALIFORNIA 90013

DIVISION ONE PRESIDING JUSTICE
JUSTICES: FRANCES ROTHSCHILD

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ASSOCIATE JUSTICE
VICTORIA GERRARD CHANEY

ASSOCIATE JUSTICE
HELEN I. BENDIX

APPEARANCES: (AS HERETOFORE NOTED.)

REPORTER: JANET MURPHY, CSR NO. 9650

APPEALS COURT JUSTICE: NUMBER 2, CHUI.

COUNSEL, THE PANEL IS WHAT YOU SEE,
WHICH IS ROTHSCHILD, CHANEY, AND BENDIX.

WOULD YOU PLEASE IDENTIFY YOURSELVES,
BEGINNING WITH APPELLANT'S COUNSEL.

MS. DOERGES FREY: (INAUDIBLE) FREY ON
BEHALF OF MICHAEL CHUI, APPELLANT.

MR. WILDE: GOOD MORNING, YOUR HONOR.
EDWARD WILDE ON BEHALF OF JACQUELINE
CHUI, APPELLANT.

MR. FORER: GOOD MORNING, YOUR HONOR.
JEFFREY FORER ON BEHALF OF JACKSON CHEN.

[2]APPEALS COURT JUSTICE: OKAY. I'M GOING
TO GIVE YOU A TENTATIVE RULING.

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THE TENTATIVE RULING IS THE APPEAL FROM THE ORDER GRANTING THE DISQUALIFICATION MOTIONS ARE MOOT, AND WE REVERSE THE ORDER STRIKING THE REMOVAL PETITION. THAT'S THE TENTATIVE RULING.

UNIDENTIFIED MALE: THANK YOU.

APPEALS COURT JUSTICE: OKAY. SO WHO'S GOING TO START?

OKAY. MR. WILDE, THEN.

DID YOU WANT TO RESERVE ANY TIME FOR REBUTTAL?

MR. WILDE: YES, YOUR HONOR. I'D LIKE TO RESERVE HALF MY TIME.

APPEALS COURT JUSTICE: OKAY. FINE.

MR. WILDE: AND ANY TIME WHICH I DON'T USE, I'D LIKE TO DEFER TO CO-COUNSEL.

APPEALS COURT JUSTICE: OKAY.

MR. WILDE: SO IT APPEARS THAT I NEED TO ADDRESS THE TENTATIVE RULING. I WAS GOING TO GO IN A DIFFERENT DIRECTION THIS MORNING.

COULD I HAVE A LITTLE CLARIFICATION?

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SO THE FIRST PART OF IT IS YOU SAID THAT THIS -- THIS APPEAL IS MOOT.

WHAT WAS THE SECOND HALF OF THE TENTATIVE?

APPEALS COURT JUSTICE: I -- I DIDN'T SAY THE APPEAL MOOT.

THE PART -- TO THE EXTENT THAT THE ORDER [3]GRANTING THE DISQUALIFICATION MOTIONS, THOSE ARE MOOT BECAUSE THEY ARE NOW -- JACQUELINE AND MICHAEL ARE REPRESENTED BY COUNSEL AND THE COURT HAS ALLOWED THAT.

SO --

MR. WILDE: OH, OKAY.

APPEALS COURT JUSTICE: -- THAT'S -- THAT'S THAT PART.

MR. WILDE: FAIR ENOUGH, YOUR HONOR. THANK YOU FOR THE CLARIFICATION.

APPEALS COURT JUSTICE: THE SECOND PART IS REVERSED THE ORDER STRIKING THE REMOVAL PETITION BECAUSE THE STATUTORY AUTHORIZATION FOR CHEN'S APPOINTMENT TERMINATED WHEN JACQUELINE AND MICHAEL BECAME ADULTS, AND WE'RE GOING

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TO TERMINATE -- WE'RE NOT SENDING IT BACK (INAUDIBLE), WE'RE JUST GOING TO TERMINATE HIS APPOINTMENT AS GUARDIAN AD LITEM.

MR. WILDE: THANK YOU, YOUR HONOR. WE APPRECIATE THAT.

APPEALS COURT JUSTICE: SO --

MR. WILDE: AND I THINK ON THAT PARTICULAR POINT, THEN, IT'S OBVIOUS THAT MR. FORER'S APPEARANCE HERE IS NOT APPROPRIATE BECAUSE A G.A.L. IS NOT AN INTERESTED PARTY. A G.A.L. IS EFFECTIVELY A CUTOUT FOR THE REAL PARTY IN INTEREST, AND THE G.A.L. HAS NO INTEREST IN THE LITIGATION ON THEIR OWN. AND SINCE MR. CHEN HAS NO STAKE IN THE OUTCOME ONE WAY OR THE OTHER, HE CAN'T QUALIFY AS AN INTERESTED PARTY FOR PURPOSES OF APPEAL. AND WE RESPECTFULLY REQUEST THAT THE COURT STRIKE MR. CHEN'S [4]RESPONSE AND ARGUMENT IN THIS.

WITH RESPECT TO THE APPEAL ITSELF, WE DO BELIEVE THAT THERE IS AN ISSUE HERE, WHICH IS IMPORTANT, WHICH WE'D LIKE THE COURT TO ADDRESS. WE BELIEVE THAT IN THE FIRST INSTANCE, THE TRIAL COURT WAS WRONG AS A MATTER OF LAW BY REMOVING COUNSEL.

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THE WAY THIS WORKED, AS FOLLOWS.

MICHAEL AND JACQ- --

APPEALS COURT JUSTICE: BUT WHAT -- BUT HOW DOES THAT RESPOND TO WHAT I JUST TOLD YOU?

MR. WILDE: I BELIEVE THAT THE -- WE DIDN'T GET A CHANCE TO MAKE CERTAIN -- JACQUELINE AND MICHAEL WERE UNABLE TO MAKE CERTAIN ARGUMENTS IN THE TRIAL COURT BECAUSE OF THE TRIAL COURT'S RULING DISQUALIFYING US AT THAT TIME.

IF WE CAN GO BACK INTO THAT POINT IN TIME, THEY WOULD HAVE, FOR INSTANCE, BEEN ABLE TO CONTEST THE PRAYER FOR ATTORNEYS' FEES BY MR. CHEN AND MR. FORER. IT'S A HALF-A-MILLION-DOLLAR ISSUE. AND THEY WERE NOT PERMITTED TO PRESENT THEIR OWN ARGUMENTS RESPECTING THAT PETITION.

THEY ALSO WERE NOT ALLOWED TO PROCEED WITH THE PETITION TO SEEK THE REMOVAL AND REPLACEMENT OF MR. CHEN. THE TRIAL COURT DISQUALIFIED US AS COUNSEL AND THEN, BASED UPON THE DISQUALIFICATION OF COUNSEL, STATED THAT NEITHER MICHAEL NOR JACQUELINE WERE PERMITTED TO PRESENT ANY PETITIONS TO

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THE TRIAL COURT IN THEIR OWN NAME. THEY WERE ASKING TO HAVE A DIFFERENT G.A.L. --

APPEALS COURT JUSTICE: STOP. JUST STOP A MOMENT.

MY UNDERSTANDING IS THAT YOU WERE ALLOWED TO [5]OPPOSE THE FEE.

AM I WRONG?

MR. WILDE: NO, YOUR HONOR, NOT.

WHAT HAPPENED WAS AS FOLLOWS.

THE COURT -- THE COURT APPOINTED SOMEONE ELSE --

APPEALS COURT JUSTICE: OH, THAT'S RIGHT. THEY APPOINTED SOMEBODY ELSE.

MR. WILDE: RIGHT.

AND QUITE FRANKLY, YOUR HONOR, THE ARGUMENTS THAT THEY RAISED --

APPEALS COURT JUSTICE: THAT'S RIGHT.

MR. WILDE: -- WERE WHOLLY INADEQUATE. THERE WERE A NUMBER OF PROBLEMS WITH FEES --

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APPEALS COURT JUSTICE: WELL, WAS THIS AFTER THEY WERE 18 OR BEFORE THEY WERE 18?

MR. WILDE: THEY WERE -- SOME OF IT HAPPENED AFTER 18, BEING -- WE WERE ORIGINALLY DISQUALIFIED WHILE THEY WERE UNDER AGE.

AND IT'S OUR CONTENTION THAT THE TRIAL COURT ERRED ON THAT PARTICULAR POINT BECAUSE THERE SIMPLY IS NO LAW WHICH PROHIBITS A 17-YEAR-OLD FROM HIRING A LAWYER. IT'S JUST NOT TRUE.

YES, MA'AM.

APPEALS COURT JUSTICE: I KNOW WHERE YOU'RE GOING AND I THOUGHT ABOUT IT IN TURN TODAY, BUT ARE YOU SUGGESTING THAT SOME OF THE ORDERS THAT WERE -- THAT WERE THE SUBJECT OF THE MOST IMMEDIATE LAST APPEAL --

MR. WILDE: YES.

APPEALS COURT JUSTICE: -- WOULD HAVE BEEN INVALID BECAUSE --

MR. WILDE: NO, WE'RE -- WE'RE NOT CONTESTING THE SETTLEMENT ITSELF. THE SETTLEMENT --

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APPEALS COURT JUSTICE: THAT'S DONE.

MR. WILDE: YEAH. WE'RE DONE. AND WE -- WE UNDERSTAND THAT COMPLETELY. WE ARE NOT HERE ABOUT THE SETTLEMENT.

ONE THING THAT HAPPENED WAS -- AND MAYBE THINGS WOULD HAVE WORKED OUT DIFFERENTLY WITH RESPECT TO THE SETTLEMENT IF SHE'D BEEN ABLE TO GET HER OWN G.A.L.; BUT I UNDERSTAND THAT THAT'S A FINAL ISSUE.

APPEALS COURT JUSTICE: OKAY.

MR. WILDE: WHAT IS STILL OPEN, THOUGH --

APPEALS COURT JUSTICE: UH-HUH.

MR. WILDE: -- WAS THE CONTESTING THE ATTORNEYS' FEES AWARD OF \$500,000. MOST OF THAT WORK WASN'T SOMETHING THAT WAS DONE FOR THE BENEFIT OF EITHER JACQUELINE OR MICHAEL.

MOST OF IT WAS MR. FORER AND HIS CLIENT, MR. CHEN, CONTESTING WHAT THEIR MOTHER -- WHO HAS HER OWN INTERESTS IN THIS CASE, WHICH ARE SEPARATE AND APART FROM MICHAEL AND JACQUELINE --

APPEALS COURT JUSTICE: THAT'S CHRISTINE?

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MR. WILDE: YEAH, CHRISTINE. SHE'S NOT PRESENT HERE TODAY.

APPEALS COURT JUSTICE: I GOT IT.

BUT I'M GOING TO ASK YOU THE SAME QUESTION.

[7]MR. WILDE: FORGIVE ME IF I MISSED THE
--

APPEALS COURT JUSTICE: NO, NO. YOU ANSWERED MY FIRST QUESTION.

YOU'RE NOT ASKING ANY REVISITING OF THE --OUR RULINGS REGARDING WHETHER THE SETTLEMENT WAS EFFECTIVE OR NOT.

MR. WILDE: OH, ABSOLUTELY NOT.

APPEALS COURT JUSTICE: OKAY. NOW THE ATTORNEYS' FEE AWARD YOU'RE TALKING ABOUT, DOES THAT RELATE TO THE REPRESENTATION AS TO THOSE ISSUES THAT WERE THE SUBJECT OF THE PRIOR APPEAL?

MR. WILDE: YES AND NO, YOUR HONOR. THERE WERE --

APPEALS COURT JUSTICE: WELL, LET'S SAY TO THE EXTENT IT'S "YES."

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MR. WILDE: OKAY. BUT NONE OF THAT WAS -- NONE OF THAT WAS INVOLVED IN THE SETTLEMENT ITSELF. IT'S A WHOLLY SEPARATE ORDER WHICH WAS MADE BY THE TRIAL COURT AND EFFECTIVELY SAYS THAT MICHAEL AND JACQUELINE, OUT OF THEIR RECEIPTS FROM THE SETTLEMENT, HAVE TO PAY OVER TO MR. CHEN --

APPEALS COURT JUSTICE: OKAY.

MR. WILDE: -- AND MR. FORER --

APPEALS COURT JUSTICE: AND YOU'RE SAYING THAT THAT WAS -- THAT ATTORNEYS' FEES ORDER WAS NOT IN THE FIRST ONE?

MR. WILDE: NO, IT WAS NOT.

APPEALS COURT JUSTICE: OKAY. SO WHAT ARE YOU ASKING?

YOU'RE SAYING -- YOU HEARD OUR TENTATIVE.

[8]MR. WILDE: YES, I DID, YOUR HONOR.

APPEALS COURT JUSTICE: AND SO WHAT ARE YOU ASKING US TO DO IN ADDITION? BECAUSE I'M HEAR- --

MR. WILDE: OKAY. YES.

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APPEALS COURT JUSTICE: -- I'M HEARING THAT COMING, SO WHAT ARE YOU ASKING?

MR. WILDE: WHAT WE'RE ASKING FOR IS IF THE TRIAL COURT HAD RULED CORRECTLY IN THE FIRST INSTANCE, JACQUELINE AND MICHAEL WOULD HAVE BEEN ABLE TO HAVE CONTESTED THE FEE PETITION IN THEIR OWN NAME AND PRESENTED THEIR OWN ARGUMENTS. AND WHILE THIS MAY SOUND IMPROPER OR BOASTING OR SOMETHING, I DO BELIEVE WE WOULD HAVE PRESENTED A SUBSTANTIALLY BETTER ARGUMENT, IN FACT DID PRESENT A SUBSTANTIALLY BETTER ARGUMENT THAN WAS ORIGINALLY DONE.

APPEALS COURT JUSTICE: SO YOU WANT A REDO OF THAT HEARING REGARDING THE \$500,000 FEES AS IT RELATES TO MICHAEL AND JACQUELINE --

MR. WILDE: RIGHT.

APPEALS COURT JUSTICE: -- IS THAT WHAT YOU'RE SAYING?

MR. WILDE: YEAH.

WE -- AND WE ACTUALLY HAVE A SEPARATE APPEAL ON THAT, BUT THAT APPEAL -- I MEAN, THIS CASE HAS BEEN A MESS. I MEAN, I FEEL SORRY FOR YOU HAVING TO TRY TO FIGURE OUT WHAT'S GOING ON.

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APPEALS COURT JUSTICE: THAT'S WHY WE'RE ASKING YOU.

MR. WILDE: YES. SO --

APPEALS COURT JUSTICE: I'M SORRY.

[9]MR. WILDE: -- WHAT WE WOULD LIKE TO DO -- WHAT WE WANT TO DO --

APPEALS COURT JUSTICE: I DON'T UNDERSTAND. I DON'T REMEMBER -- MAYBE I MISSED IT -- THAT IN YOUR BRIEF THAT YOU SAID SOMETHING ABOUT THIS \$500,000, YOU DIDN'T GET TO APPEAR.

MR. WILDE: WE -- OKAY.

APPEALS COURT JUSTICE: IS THAT IN YOUR BRIEF?

MR. WILDE: NO. WE HAVE A SEPARATE APPEAL ON THAT, BECAUSE --

APPEALS COURT JUSTICE: YEAH, SO YOU --

MR. WILDE: -- AT THE TIME --

APPEALS COURT JUSTICE: WHAT YOU'RE JUST SAYING SOUNDS NEW TO ME.

AM I MISTAKEN?

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MR. WILDE: YES AND NO, YOUR HONOR.

LET ME MAYBE CLARIFY A LITTLE BIT. I'M SORRY FOR THE COMPLICATION.

AT THE TIME WE APPEALED THIS PARTICULAR ORDER, THE DISQUALIFICATION ORDER, THERE HAD NOT BEEN A HEARING ON THE ATTORNEYS' FEES PETITION AND THERE HADN'T BEEN THE APPEAL ON THE -- OR COMPLETED APPEAL IN TERMS OF THE SETTLEMENT. THERE WERE A NUMBER OF THINGS THAT WERE OPEN.

THERE IS ANOTHER APPEAL COMING UP ON THE ATTORNEYS' FEES ORDER. AND UNFORTUNATELY, THEY'RE INTERRELATED IN A WAY THAT'S DIFFICULT TO PARSE OUT JUST BECAUSE THE RULINGS CAME DOWN AT DIFFERENT TIMES.

[10]IF THE ORDER DISQUALIFYING JACQUELINE AND MICHAEL'S COUNSEL HAD NOT TAKEN PLACE, MICHAEL AND JACQUELINE WOULD HAVE BEEN PERMITTED TO CONTEST THE ATTORNEYS' FEES PETITION BY JACKSON CHEN, WHICH TOOK PLACE SOME MONTHS LATER, THE SECOND APPEAL ON THAT PARTICULAR ONE. BUT THIS ORDER OF THE TRIAL COURT IS A PREDICATE TO THAT SECOND APPEAL, WHICH WE HAVE COMING UP, BECAUSE IF WE WERE -- IF JACQUELINE AND MICHAEL

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WERE NOT PERMITTED TO RETAIN COUNSEL TO CONTEST THE G.A.L.'S ATTORNEYS' FEE AWARD, THEN THE ARGUMENT IS GOING TO BE IN THAT NEXT APPEAL, "WELL, YOU DIDN'T RAISE IT IN THE TRIAL COURT; THEREFORE, IT'S MOOT NOW."

SO WE'RE -- WE'RE STUCK IN SORT OF A PROCEDURAL LIMBO. AND I UNDERSTAND THE DIFFICULTY IN FOLLOWING --

APPEALS COURT JUSTICE: SO --

MR. WILDE: -- BUT I DON'T WANT TO BE --

APPEALS COURT JUSTICE: -- SO I'M CORRECT
--

MR. WILDE: -- EXCLUDED FROM MAKING THAT --

APPEALS COURT JUSTICE: -- THAT THIS IS NOT SOMETHING --

MR. WILDE: -- ARGUMENT IN THE FUTURE.

APPEALS COURT JUSTICE: THIS IS NOT SOMETHING YOU RAISED HERE, THAT -- THAT YOU SHOULD HAVE BEEN ABLE TO REPRESENT MICHAEL, JACQUELINE -- I'M JUST GOING TO SAY JACQUELINE AND MICHAEL SHOULD HAVE HAD THEIR OWN COUNSEL FOR CHALLENGING THE FEES OF MR. CHEN.

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MR. WILDE: WHAT I -- WHAT I DO NEED FROM YOU, [11]THOUGH, IS I NEED SOMETHING THAT CLEARLY SAYS THAT JACQUELINE AND MICHAEL SHOULD HAVE BEEN ABLE TO PRESENT THEIR ARGUMENTS, SHOULD HAVE RETAINED COUNSEL AND BEEN ABLE TO DO THAT; BECAUSE OTHERWISE, I DON'T WANT TO BE IN A POSITION WHEN WE COME BACK ON THE APPEAL OF THE ATTORNEYS' FEES --

APPEALS COURT JUSTICE: BUT YOU DIDN'T ASK FOR IT HERE, CORRECT? SO IT'S NOT --

MR. WILDE: I --

APPEALS COURT JUSTICE: -- BEFORE US AT THIS TIME IN THIS APPEAL; IS THAT CORRECT?

MR. WILDE: I ASKED FOR REVERSAL OF THE TRIAL COURT'S ORDER DISQUALIFYING MICHAEL AND JACQUELINE ON THE DAY THAT IT TOOK PLACE.

APPEALS COURT JUSTICE: BUT THE QUESTION ABOUT MOOTNESS, THOUGH, STILL REMAINS THE SAME; THAT THE COURT ALLOWED, ONCE THEY WERE 18, FOR THEM TO HAVE THEIR SEPARATE COUNSEL. AND SO THE MOOTNESS, YOU'VE NEVER CLAIMED WHY IT'S NOT MOOT. AND WE ASKED FOR SUPPLEMENTAL BRIEFING ON THAT.

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MR. WILDE: WE DID PROVIDE SOME SUPPLEMENTAL BRIEFING PREVIOUSLY. THAT WAS INADEQUATE, AND I UNDERSTAND THAT, YOUR HONOR.

IN ADDITION -- OH, YES.

APPEALS COURT JUSTICE: I THINK -- MAYBE I'M TRYING TO UNDERSTAND YOUR ARGUMENT.

YOU'RE SAYING, UNDER THEORIES OF MOOTNESS, THAT IT'S IF YOU CAN'T GRANT EFFECTIVE RELIEF ANYMORE. AND -- AND -- AND YOU'RE SAYING THAT THERE'S STILL OPEN [12]ISSUES LEFT, UNLESS THERE'S AN ORDER THAT SAYS THAT IT WAS WRONG TO HAVE DISQUALIFIED THE PERSONAL LAWYERS OF THE -- OF THE SOON-TO-BE-ADULTS IN THE PRIOR PROCEEDINGS.

SO YOU'RE SAYING THAT IT'S NOT MOOT BECAUSE THERE'S STILL DETRITUS FROM IT?

MR. WILDE: RIGHT. YES, THERE IS.

AND ANOTHER --

APPEALS COURT JUSTICE: AND I THINK THAT'S WHAT YOU'RE ARGUING; IS THAT CORRECT?

MR. WILDE: WHAT I'M ARGUING IS IS THAT --

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APPEALS COURT JUSTICE: SO MOOTNESS ISN'T THE -- EVEN IF YOU ASSUME MOOTNESS, THERE'S STILL ANOTHER LEVEL OF INQUIRY, YOU ARE SAYING.

MR. WILDE: RIGHT. THERE IS -- THERE ARE IMPLICATIONS THAT FLOW FROM THE ORDER, AND I ADMIT THAT THOSE ARE NOT PART OF THIS PARTICULAR APPEAL.

APPEALS COURT JUSTICE: RIGHT.

MR. WILDE: BUT ANOTHER POINT HERE THAT'S IMPORTANT TO NOTE IS THAT THE TRIAL COURT JUDGE HAS REFUSED TO REMOVE JACKSON CHEN -- WE ACTUALLY HAVE AN APPEAL ON THAT -- AS G.A.L.

WHY HE THINKS -- WHY THE TRIAL COURT --

APPEALS COURT JUSTICE: WELL, OUR TENTATIVE RULING IS THAT HE IS REMOVED.

MR. WILDE: AND I APPRECIATE THAT, AND THAT -- THAT MAKES OUR LIFE SIGNIFICANTLY EASIER AND CLEARER HERE.

APPEALS COURT JUSTICE: BUT I'M STILL ON THE FIRST POINT, I THINK.

[13]YOU'RE NOT DISPUTING THAT YOU AGREE WITH THE SECOND -- THE SECOND POINT, RIGHT?

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MR. WILDE: I DON'T -- I DIS-- I COMPLETELY AGREE WITH THE SECOND.

APPEALS COURT JUSTICE: JUST ONE MORE THING. YOUR TIME IS UP. IF YOU WANT TO USE TEN AND TEN, YOUR TIME IS UP.

MR. WILDE: OKAY. I WILL -- I WILL RESERVE THE REST OF MY TIME.

APPEALS COURT JUSTICE: OKAY. MS. DOERGES?

MS. DOERGES FREY: YES. MS. DOERGES FREY ON BEHALF OF APPELLANT, MICHAEL CHUI.

THANK YOU FOR YOUR TENTATIVE THIS MORNING AND THANK YOU FOR TERMINATING THE GUARDIAN AD LITEM --

APPEALS COURT JUSTICE: YOU CAN TAKE YOUR MASK DOWN SO WE CAN HEAR YOU AND SEE YOU SPEAKING. THANK YOU.

MS. DOERGES FREY: I WILL.

THANK YOU FOR YOUR TENTATIVE AND THANK YOU FOR TERMINATING THE GUARDIAN AD LITEM. THAT'S BEEN A PROBLEM IN THIS CASE AND WE APPRECIATE THAT.

IT THINK THAT FROM WHAT MY CO-COUNSEL IS TALKING ABOUT TODAY IS REALLY IMPORTANT

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IN HOW WE PROCEED RELATED TO THE ATTORNEYS' FEES THAT ARE UP FOR APPEAL. THE DIRECTION THAT CAN BE GIVEN TODAY WOULD BE HELPFUL HOW WE CONTINUE THAT.

APPEALS COURT JUSTICE: AT WHAT STAGE IS THAT APPEAL?

MS. DOERGES FREY: I BELIEVE WE'RE -- WE HAVEN'T GOT ANY BRIEFING SCHEDULE YET.

[14]APPEALS COURT JUSTICE: YOU DON'T HAVE A BRIEFING SCHEDULE?

MS. DOERGES FREY: NO.

APPEALS COURT JUSTICE: WAS THERE ANY EFFORT TO CONSOLIDATE WITH YOU?

MS. DOERGES FREY: NO, NOT THAT I'M AWARE OF.

APPEALS COURT JUSTICE: CONTINUE.

MS. DOERGES FREY: OKAY. SO THAT WOULD BE SOMETHING THAT WE WOULD LIKE TO EXPLORE, IF THAT'S POSSIBLE.

APPEALS COURT JUSTICE: IT'S A LITTLE LATE FOR THAT, BUT --

MS. DOERGES FREY: OKAY. WE SUBMIT ON THE TENTATIVE.

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APPEALS COURT JUSTICE: -- IT'S SOMETHING TO CONSIDER.

MS. DOERGES FREY: THANK YOU.

APPEALS COURT JUSTICE: THAT'S IT? I'M SORRY. WERE YOU FINISHED?

MS. DOERGES FREY: YES.

APPEALS COURT JUSTICE: OH, OKAY. I JUST WANTED TO MAKE SURE.

HOLD ON A SECOND. I HAVE TO WRITE DOWN THE TIME. I'LL BE RIGHT WITH YOU.

OKAY. WELL, YOU DON'T HAVE TO SUBMIT. YOU COULD HAVE REBUTTAL STILL, SO I'M JUST TAKING IT AS SHE HAS NO FURTHER ON HER OPENING. OKAY.

MR. CHEN?

MR. FORER: MR. FORER. IT'S LIKE THE NUMBER --

APPEALS COURT JUSTICE: MR. FORER. NOT MR. CHEN.

[15]MR. FORER: -- WITH AN "ER" AT THE END OF IT.

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APPEALS COURT JUSTICE: FOR MR. CHEN.

MR. FORER: AS OPPOSED TO --

APPEALS COURT JUSTICE: MR. FORER FOR MR. CHEN.

MR. FORER: YES, YEAH.

APPEALS COURT JUSTICE: OKAY.

MR. FORER: YOUR HONOR, I'VE GOT -- YOUR HONORS, I AM SURPRISED NOT BY THE TENTATIVE OR WHAT'S GOING ON, BUT I WAS UNDER THE ASSUMPTION THIS WAS THE APPEAL ON THE FEES. SO THAT'S WHAT I PREPARED FOR. BUT I'M HERE AND I'M GOING TO -- THERE ARE SO MANY OF THESE CASE NUMBERS COMING IN AND OUT THAT -- THAT IT WAS A LITTLE BIT CONFUSING.

HOWEVER, THE -- JACKSON CHEN REMAINED ON AS G.A.L. NOT FOR ANY FUTURE PURPOSE, BUT FOR THE ASSIGNMENT AT HAND, WHICH WAS THE APPROVAL OF THE SETTLEMENT AGREEMENT AND NOW FOR HIS FEES. AND SO HIS REMOVAL IS -- IS NOT GOING TO BE OBJECTED TO BECAUSE IT -- HE HAS DONE WHAT HE'S SUPPOSED TO DO WITH RESPECT TO THE PETITION FOR THE APPROVAL OF THE SETTLEMENT AGREEMENT.

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NOW, THERE IS THE POINT THAT THIS IS BEING FURTHER APPEALED. AND IT'S GOING UP TO -- OR THEY FILED FOR CERT WITH THE U.S. SUPREME COURT ON THE -- ON THE SETTLEMENT AGREEMENT.

APPEALS COURT JUSTICE: RIGHT.

MR. FORER: AND SO IF THAT COMES BACK DOWN, I DON'T SEE HOW MR. CHEN SHOULD BE REMOVED FOR THOSE PURPOSES. I THINK ANYTHING THAT OCCURRED PRIOR, WHILE HE WAS DOING HIS JOB FOR THE COURT, HE SHOULD NOT BE REMOVED FOR, IF THOSE [16]ARE LEFT OPEN.

WE DON'T HAVE A DOG IN ANY OF THE FIGHTS AT THIS POINT EXCEPT FOR THE FEES, WHICH IS B310325.

AND SO THE TENTATIVE IS FINE WITH US, EXCEPT WE HAD A PROBLEM WITH THE MINOR CHILDREN HAVING -- HAVING LAWYERS COME INTO COURT REPRESENTING THEIR POSITION WHEN THEY WERE 15 AND 16 AND 17; THAT DID -- THAT WAS, I THOUGHT, OVER THE LINE.

YES.

APPEALS COURT JUSTICE: I THINK THAT WAS ADDRESSED IN A PRECEDING APPEAL.

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MR. FORER: YES.

APPEALS COURT JUSTICE: AND AT LEAST COUNSEL FOR JACQUELINE ESCHEWS CONTESTING ANYTHING THAT WE PREVIOUSLY RULED.

MR. FORER: YES.

AND I KNOW -- I KNOW THAT THE COURT, BY ALLOWING THEM TO PARTICIPATE IN THE -- IN THE APPELLATE PROCEDURE, GAVE THEM THEIR VOICE. AND I THINK THAT'S WHAT WAS SUPPOSED TO HAPPEN, POTENTIALLY.

BUT AS GUARDIAN AD LITEM, WHEN THIRD PARTIES COME IN WHO WEREN'T APPOINTED BY THE COURT -- I MEAN, THEY COULD HAVE VERY EASILY HAVE BROUGHT A MOTION THROUGH THE COURT TO HAVE THEIR OWN COUNSEL. THEY CHOSE NOT TO DO THAT.

THEY JUST CAME IN AS COUNSEL. AND THAT IS PROCEDURALLY INCORRECT, AND THAT'S WHAT WE OBJECTED TO.

AND THAT'S WHY WE ASKED THEM TO BE DISQUALIFIED, BECAUSE THEY WERE INTERLOPERS COMING INTO [17]THE PROCEEDINGS REPRESENTING MINOR CHILDREN, AND IT SEEMED WRONG. SO WE BROUGHT THAT MOTION TO THE COURT AND

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PREVAILED ON IT. NOTHING MORE THAN JUST SHOWING THAT THESE FOLKS HAD NOT GOTTEN THERE -- GOTTEN THERE CORRECTLY.

AND SO --

APPEALS COURT JUSTICE: BUT YOUR POINT IS NOW THAT THEY'RE 18, THERE IS NOTHING TO DISQUALIFY ANYMORE.

MR. FORER: WELL, NOW THAT THEY'RE 18, NUMBER ONE; AND NUMBER TWO, THAT WHAT MR. CHEN WAS DOING, ASSISTING THE COURT IN THIS PARTICULAR CASE, RIDING TO A SETTLEMENT AGREEMENT THAT GETS APPROVED, IS HIS WORK IS OVER.

APPEALS COURT JUSTICE: SO ARE YOU SAYING IT'S MOOT BECAUSE THAT IS -- HIS REMOVAL IS ALSO MOOT, BECAUSE HE'S NO LONGER REPRESENTING THEM? IS THAT WHAT YOU'RE SAYING, OR SOMETHING DIFFERENT?

MR. FORER: I'M -- I'M NOT SAYING THAT PRECISELY.

I'M SAYING THAT HE'S DONE HIS JOB WITH RESPECT TO THE SETTLEMENT AGREEMENT. HE'S MADE HIS -- HIS -- HIS REQUEST FOR FEES.

WE DID FILE A PETITION OR MOTION WITH THE COURT -- PETITION, MOTION TO THE

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COURT TO ALLOW HIM TO PROCEED ON WITH THE APPEALS THAT -- THAT AFFECTED THE SETTLEMENT AGREEMENT AND AFFECTED HIM. AND WE BELIEVE THAT, YOU KNOW, THAT THOSE ARE STILL IN PLAY TO SOME EXTENT.

AND SO I THINK THAT IT'S MOOT IN PARTS; BUT OTHER PARTS, WE STILL ARE INVOLVED. AND SO I WOULD -- I WOULD CAUTION TO A BLANKET REMOVAL WITHOUT CARVING OUT THE ITEMS HE IS INVOLVED IN.

[18]APPEALS COURT JUSTICE: MEANING WHAT? THOSE ARE HIS FEES?

MR. FORER: THE FEES, THE B310325 CASE, AND THEN WHATEVER IS GOING ON WITH THE SETTLEMENT, THE SETTLEMENT AGREEMENT.

APPEALS COURT JUSTICE: YOU MEAN WHATEVER THE SUPREME COURT MIGHT DO?

MR. FORER: THAT'S RIGHT. THAT'S RIGHT.

IF THEY FAIL TO GIVE CERT, THEN THAT PART IS OVER AND HE'S JUST --

APPEALS COURT JUSTICE: WELL, THEREAFTER --

MR. FORER: -- SITTING THERE COLLECTING HIS FEES FOR WORK OVER THE LAST EIGHT --

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APPEALS COURT JUSTICE: YOU WERE SAYING SOMETHING?

APPEALS COURT JUSTICE: NO, IT COULD GO BEYOND THAT.

IF THE SUPREME COURT COMES OUT WITH A RULING --

MR. FORER: YES.

APPEALS COURT JUSTICE: -- DOESN'T LIKE PART OF OUR RULING, THERE COULD BE A REMAND.

MR. FORER: EXACTLY.

AND I THINK THAT HE -- HE IS IN THAT POSITION BECAUSE HE'S THE ONE THAT PROFFERED THE SETTLEMENT AGREEMENT. HE'S THE ONE THAT GOT THE APPROVAL FROM -- FROM JUDGE COWAN. AND -- AND HE -- HE IS RIGHTLY IN PLACE.

APPEALS COURT JUSTICE: SO THE CARVEOUT WOULD BE FEES INCURRED IN OBTAINING THE SETTLEMENT AGREEMENT? I THINK THERE WAS --

MR. FORER: WELL --

[19]APPEALS COURT JUSTICE: AND -- AND PRESERVING IT FOR WHATEVER APPEALS --

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MR. FORER: RIGHT.

APPEALS COURT JUSTICE: -- HAPPEN --

MR. FORER: RIGHT.

APPEALS COURT JUSTICE: -- YOU KNOW?

AND THE OTHER CARVEOUT WOULD BE?

MR. FORER: WHAT HAPPENS WITH THE SETTLEMENT AGREEMENT, THE FINAL DISPOSITION OF THE SETTLEMENT.

APPEALS COURT JUSTICE: THAT'S SO GENERAL.

COULD YOU BE MORE SPECIFIC?

MR. FORER: WELL, I DON'T KNOW. IT'S THE ONE THAT -- THAT --

APPEALS COURT JUSTICE: WELL, WE KNOW THE CASE.

WHAT -- WHAT'S THE CARVEOUT?

MR. FORER: THE CARVEOUT IS UNTIL THERE IS A FINAL DECISION.

APPEALS COURT JUSTICE: THERE'S TWO SUBJECT MATTERS. LET'S -- AND I THINK WE CAN PUT A CASE NAME NEXT TO IT.

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ONE IS THE RULING BASICALLY AFFIRMING THE SETTLEMENT AGREEMENT.

MR. FORER: YES.

APPEALS COURT JUSTICE: YOU KNOW, THAT'S NOW WINDING ITS WAY UP THROUGH FURTHER REVIEW --

MR. FORER: YES.

APPEALS COURT JUSTICE: -- IF ANY.

THE SECOND IS ASSUMING THERE WERE NEVER SUCH AN APPEAL, THERE IS STILL AN ORDER REGARDING ATTORNEYS' FEES [20] THAT'S THE SUBJECT OF AN APPEAL IN FRONT OF US --

MR. FORER: RIGHT.

APPEALS COURT JUSTICE: -- THAT RELATES TO THE WORK HE DID IN THE PAST TO GET UP TO THE POINT AND THROUGH THE SETTLEMENT AGREEMENT.

MR. FORER: YES. AND THERE --

APPEALS COURT JUSTICE: AND THAT HAS TO BE CARVED OUT.

MR. FORER: YES.

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APPEALS COURT JUSTICE: IS THAT -- IS THAT IN THE BRIEF?

MR. FORER: YOUR HONOR, I CAN'T TELL YOU WHAT'S IN MY BRIEF BECAUSE I WAS PREPARING FOR 325, THE ATTORNEYS' FEES. AND SO I DON'T KNOW WHAT'S THERE AT THIS POINT BECAUSE I DIDN'T PREP ON THAT. AND I APOLOGIZE.

BUT THE POINT IS THAT -- THAT IS -- IF THERE'S A FEE THING, HE SHOULD BE ABLE TO BRING HIS FEE AND DEFEND HIS FEES IN THIS COURT.

IN ADDITION TO THAT, THERE -- YOU KNOW, HE STOPS AT A CERTAIN POINT, MAY OF 2021. AND THERE HAS BEEN A WHOLE BUNCH OF OTHER WORK THAT WAS DONE, FEES TO COLLECT, FEES AND ALL THAT. AND SO WE WILL BE FILING A FURTHER PETITION WITH THE COURT FOR FURTHER FEES, TO THE EXTENT THAT WE CAN --

APPEALS COURT JUSTICE: WELL, WHY DOES HE -- WHY DOES HE HAVE TO BE A GUARDIAN -- GUARDIAN AD LITEM --

MR. FORER: HE DOESN'T.

APPEALS COURT JUSTICE: -- TO GET THOSE FEES?

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[21]MR. FORER: HE DOESN'T, YOUR HONOR.

APPEALS COURT JUSTICE: SO -- SO HE DOESN'T.

MR. FORER: WELL, HE DOES -- HE -- WELL, HE IS IN FRONT OF THIS COURT AS A G.A.L.

AND IF YOU -- IF HE'S NO LONGER A G.A.L., THE QUESTION IS: DOES HE THEN HAVE STANDING, AS AN INDIVIDUAL, TO COME IN TO COLLECT FEES?

I WOULD THINK THAT THAT WOULD BE SOMETHING HE SHOULD JUST CONTINUE WITH THE TITLE TO COLLECT HIS FEES; AND TO THE EXTENT THAT THE FEES -- THAT THAT'S RESOLVED, HE'S DONE. BUT IT'S SOMETHING, YES.

APPEALS COURT JUSTICE: I THINK YOU'RE ASKING US BASICALLY, TO THE EXTENT THAT'S AN ISSUE, YOU KNOW, TO -- THAT -- THAT WE SHOULDN'T SAY ANYTHING (INAUDIBLE) ON THAT ISSUE UNTIL THAT ISSUE ACTUALLY COMES IN FRONT OF US.

MR. FORER: YES.

APPEALS COURT JUSTICE: I THINK THAT'S WHAT YOU'RE SAYING. THEY WANT A RULING THAT BASICALLY THEY COULD USE THAT YOU

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DON'T HAVE ANY STANDING.

MR. FORER: THAT'S RIGHT. THEY'RE TRYING TO SUBVERT THAT PROCESS.

APPEALS COURT JUSTICE: I THINK THAT'S WHAT'S GOING, AS I'M HEARING THE TWO ARGUMENTS.

APPEALS COURT JUSTICE: WELL, I SUPPOSE WE COULD SAY THAT IT'S MOOT INsofar AS HIM REPRESENTING THE CHUI --

JACQUELINE AND MICHAEL, PERIOD.

MR. FORER: SAVE FOR THE CARVEOUT.

APPEALS COURT JUSTICE: THEN I DON'T HAVE TO SAY THE [22]CARVEOUT, CAN JUST DO IT THE OTHER WAY, WHICH IS A LITTLE BIT MORE INCLUSIVE. IN OTHER WORDS, SAY THAT HE IS NO LONGER REPRESENTING THEM, SO IT'S -- OKAY. THAT WOULD BE THE REMOVAL, HE'S REMOVED AS REPRESENTING THEM, WITHOUT -- WITHOUT SAYING ANYTHING ABOUT HIS RIGHT TO FEES, ANYTHING LIKE THAT, OR THAT THAT STILL NEEDS -- WHAT HAPPENS WITH THE SUPREME COURT.

MR. FORER: YES.

APPEALS COURT JUSTICE: OKAY. WELL, I SEE WHAT YOU MEAN, ANYWAY.

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MR. FORER: YES.

APPEALS COURT JUSTICE: OKAY. SO YOU HAVE ACTUALLY TWENTY MINUTES LEFT, IF YOU'RE -- YOU WILL BE USING MS. DOERGES'S TIME. I DON'T KNOW IF YOU ARE OR NOT.

MR. WILDE: IF I NEED TO, I WILL.

YOUR HONOR, I THINK WE CAN MAKE THIS VERY QUICK. NUMBER ONE, PERFECTLY APPROPRIATE TO REMOVE MR. CHEN AS G.A.L. FOR ALL PURPOSES. HE HAS NO INTEREST IN THE LITIGATION AS REPRESENTED.

THE ARGUMENT ABOUT WHETHER MR. CHEN CAN TRY TO PROSECUTE HIS CLAIM FOR FEES DOESN'T REQUIRE HIM TO BE G.A.L. IF I'VE BEEN THE ATTORNEY FOR SOMEONE AND I'M DISMISSED AS ATTORNEY, I STILL GET PAID FOR MY WORK, EVEN THOUGH I'M NO LONGER THEIR ATTORNEY.

APPEALS COURT JUSTICE: BUT THAT'S THE -- THAT'S YOUR POINT. AND ALL THAT IS IS THE STATEMENT, EXPRESSING AN OPINION ON -- ON -- ON HIS ABILITY TO RECOVER HIS FEES FOR WORK HE DID -- WORK HE DID WHILE HE WAS G.A.L.

[23]MR. WILDE: THERE'S ANOTHER ASPECT --

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APPEALS COURT JUSTICE: AND WHILE --
WHILE -- WHILE HE WAS G.A.L., CORRECT.

MR. WILDE: THERE'S ANOTHER ASPECT
THAT MR. FORER RAISED, SAYING HE SHOULD
BE PERMITTED TO PARTICIPATE IN LITIGATION
IN ORDER TO DEFEND THE SETTLEMENT
AGREEMENT OR PROSECUTE OR WHATEVER
ELSE.

HE HAS NO STANDING BECAUSE MR. CHEN
HAS NO INTEREST IN THAT CONTRACT. AS SOON
AS MY CLIENT TURNED 18, MR. CHEN TURNED
INTO A PUMPKIN AND THAT BECAME HER
CLIENT, NO LONGER HIS. AND SO MR. CHEN
SHOULD NOT BE INVOLVED FOR ANY OTHER
PURPOSE.

AND THE OTHER POSSIBLE --

APPEALS COURT JUSTICE: WELL, HOW CAN
-- HOW CAN WE RULE FOR SOMETHING SO
BROADLY AT THIS POINT?

WE DON'T EVEN KNOW WHAT THE OTHER
PURPOSE COULD POSSIBLY BE, YOU KNOW? AND
-- AND YOU DIDN'T ASK FOR THAT.

MR. WILDE: I UNDERSTAND THAT, YOUR
HONOR.

APPEALS COURT JUSTICE: AND SO YOU'RE
RAISING THIS FOR THE FIRST TIME UP HERE

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(INAUDIBLE) HOW YOU POSSIBLY COULD USE THE RULING. WE'VE JUST BEEN TOLD BY EVERYONE THERE'S AT LEAST TWO APPEALS, THIS APPEAL AND ANOTHER ONE, AND I'M HEARING THAT THERE COULD BE POTENTIALLY OTHER --

MR. WILDE: OKAY.

APPEALS COURT JUSTICE: -- ORDERS THAT WOULD RESULT IN AN APPEAL.

MR. WILDE: YOUR HONOR, THERE'S SOME (INAUDIBLE).

[24]APPEALS COURT JUSTICE: (INAUDIBLE.)

MR. WILDE: (INAUDIBLE) FOR HIM TO BE G.A.L. IS JACQUELINE'S INVOLVEMENT. (INAUDIBLE) I DON'T NEED AN ORDER (INAUDIBLE) G.A.L. FOR AN ADULT. THERE (INAUDIBLE) FINDS HIM COMPETENT, SOMEBODY HAS TO APPOINT HIM. THERE'S A PROCEDURE THAT'S NECESSARY IN ORDER TO GAIN SUCH AN ORDER. HE CAN'T BE HERE.

APPEALS COURT JUSTICE: THAT'S MOVING FORWARD.

BUT THERE'S CONDUCT THAT HE DID WHILE HE WAS A G.A.L. THAT'S THE SUBJECT OF AN APPEAL AND THE SUBJECT OF AN ATTORNEYS' FEES ORDER. I DON'T THINK HE DOESN'T HAVE

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STANDING TO -- TO -- TO DO -- PROTECT BOTH
THOSE INTERESTS.

MR. WILDE: I RESPECTFULLY DIS- --
(INAUDIBLE). I UNDER- -- (INAUDIBLE).

APPEALS COURT JUSTICE: (INAUDIBLE)
MAYBE YOU MIGHT ULTIMATELY, BUT IT'S NOT
BEEN BRIEFED, IT'S NOT IN FRONT OF US.

MR. WILDE: FAIR ENOUGH, YOUR HONOR.

APPEALS COURT JUSTICE: IT'S -- THAT'S NOT
HOW WE DO WORK.

MR. WILDE: FAIR ENOUGH, YOUR HONOR.

WITH THAT, YOUR HONOR, I SUBMIT ON THE
COURT'S TENTATIVE THAT -- AND I BELIEVE
THAT WAS A CORRECT DECISION IN THE FIRST
INSTANCE.

APPEALS COURT JUSTICE: I'M SORRY. SO YOU
AGREE WITH OUR TENTATIVE?

MR. WILDE: I AGREE WITH YOUR TENTATIVE,
YOUR HONOR. I --

[25]APPEALS COURT JUSTICE: OKAY.

MR. WILDE: WE -- WE SUBMIT ON THE
TENTATIVE.

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APPEALS COURT JUSTICE: OKAY. DID YOU WANT TO SAY ANYTHING?

OKAY. SO YOU AGREE ALSO?

MS. DOERGES FREY: (INAUDIBLE.)

APPEALS COURT JUSTICE: OKAY.

APPEALS COURT JUSTICE: IT'S VERY INTERESTING.

APPEALS COURT JUSTICE: THE MATTER IS SUBMITTED. THANK YOU. COURT'S IN RECESS.

(PROCEEDINGS CONCLUDED AT 10:07 AM.)