

1 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
2 **IN AND FOR THE COUNTY OF PLACER**

3 **FILED**  
4 Superior Court of California  
County of Placer

5 JUL 18 2019

6 ~~Jake Chatters~~  
Executive Officer & Clerk  
By: K. Harding, Deputy

8 ANNA KING,

9 **Plaintiff,**

10 **vs.**

11 **HYUNDAI MOTOR AMERICA,**

12 **Defendant.**

13 **Case No. SCV0038637**

14 **VERIFIED ANSWER OF THE**  
15 **HONORABLE MICHAEL W. JONES**  
16 **TO PLAINTIFF'S MOTION TO**  
17 **DISQUALIFY JUDGE – CCP 170.1**

18 I am currently a Superior Court Judge for the State of California in and for the  
19 County of Placer. I was appointed to the bench by Governor Jerry Brown on  
20 December 25, 2012. I was subsequently approved by the voters of Placer County  
21 at the successive required election. I make this Declaration and Answer of  
22 personal knowledge and if called as a witness I could and would testify  
23 competently to the facts stated herein.

24 I have been a member of the United States Supreme Court Associate Justice  
25 (Retired) Anthony M. Kennedy's American Inn of Court for over 15 years. I am  
26 currently a Judicial Master Emeritus of the Kennedy Inn. I have presented and  
27 lectured to Justices, Judges, Attorneys, Law Professors, and Law Students on an  
28 annual basis during this period of time on the subjects of Ethics, Professionalism,  
29

1 and Civility. Some of my programs have received National Awards. I am also a  
2 Judicial Associate with the Sacramento Chapter of the American Board of Trial  
3 Advocates (ABOTA). I am currently serving by appointment of the California  
4 Supreme Court Chief Justice on the Judicial Council Civil and Small Claims  
5 Advisory Committee. I teach Bench Conduct for Temporary Judges on an annual  
6 basis. I am an Adjunct Professor of Law at UC Davis King Hall School of Law  
7 where I continue to teach a class each semester. I preside as a volunteer judge  
8 over national law school advocacy and ethics competitions often involving the  
9 top 20 law schools in the country. A further complete biographical history and  
10 curriculum vitae can be provided if necessary and if requested by a decision  
11 maker.<sup>1</sup>

12  
13 As part of my judicial duties and responsibilities, I am assigned and I preside  
14 over civil and criminal jury trials throughout the week. I am also assigned to  
15 designated complex civil cases for all purposes including CEQA and Class  
16 Action matters. I am assigned to the Superior Court Appellate Panel where I am  
17 often the designated Presiding Judge. My assigned trial department is  
18 Department 3 at the Historic Courthouse in Auburn, California. Department 3 is  
19 also the sole designated Historic Courtroom within the Historic Courthouse. The  
20 Historical Society has maintained the turn of the 20<sup>th</sup> century decorum within  
21 Department 3. This historical setting comes with the burden of poor acoustics.

22  
23  
24  
25 <sup>1</sup> As an attorney, I was a prosecutor and the number 2 person as Assistant District Attorney in a District  
26 Attorney's Office. During this time I prosecuted virtually every type of crime from Destruction of Historical  
27 Artifacts (grave robbing Native American Burial Grounds) to several murder cases including 5 Death Penalty  
28 cases. As a civil practitioner, I was the Sr. Partner in a firm started by the late Congressman Bob Matsui, where I  
29 represented primarily injured parties. I received a California Senate Certificate of Recognition for "Distinguished  
Leadership and Exemplary Contributions in Advocating for Consumer Rights." I was also the President of the  
Capitol City Trial Lawyers Association and received that organization's Trial Lawyer of the Year Award for  
representing injured parties. My past clients have received multi-million awards from juries including punitive  
damages.

1 On Friday, June 28, 2019, the case of Anna King v. Hyundai Motor America,  
2 Case Number SCV0038637, was assigned from the Master Calendar Jury Trial  
3 Assignment Department in Roseville, California, to Department 3 of the Placer  
4 County Superior Court for jury trial to commence on Monday, July 1, 2019. I  
5 presided over the jury trial.

6  
7 I am not prejudiced or biased against any party or their counsel in this action.

8  
9 All of my rulings, findings, and orders in this action were based upon the facts,  
10 arguments, and evidence presented by the parties. All actions were taken in  
11 furtherance of my judicial duties.

12  
13 I am not aware of any facts or circumstances that would require my  
14 disqualification or recusal.

15  
16 I believe that I exercised the first 3 traits required of a judge – patience.

17  
18 The parties and counsel appeared in Department 3 on July 1<sup>st</sup> to commence trial.  
19 This was a jury trial with a 7 day estimate. This case was a very simple Lemon  
20 Law case wherein plaintiff alleged a backup camera was defective and after a  
21 handful of attempts to have defendant's authorized repair facilities diagnose and  
22 address the issue over a 4 year period, it remained defective.

23  
24 Plaintiff was represented by 3 separate attorneys from 3 different law firms. Mr.  
25 Altman was lead trial counsel for the plaintiff. I have presided over multiple  
26 Lemon Law cases including jury trials, some of which included the 3 firms  
27 representing plaintiff. Although he repeatedly felt the need to inform the court  
28 and the jurors that he had over 200 jury trials, this was my first experience and  
29 trial with Mr. Altman.

1 My standard Civil Pre-Trial Orders (Exhibit 1 hereto) and Order Re: Courtroom  
2 Conduct (Exhibit 2 hereto) were filed and served upon the attorneys for the  
3 parties. As a standard practice I confirmed that counsel had received the filed  
4 orders and I asked if there were any questions, concerns, or clarification needed.  
5 Mr. Altman had the orders in hand and asked for time to review the documents.  
6 He was allowed such time and then stated he had no questions. I emphasized the  
7 expectation that counsel be familiar and abide by such orders. I emphasized the  
8 requirement and expectation that counsel meet and confer in good faith on  
9 various issues as directed.

10  
11 I have a rule regarding the staying of counsel during a recess which I explain and  
12 implement in every trial including the rationale in part for the rule. I explain  
13 what I refer to as “jury time” which means whenever we ask the jury to be  
14 present at a certain time, it is their time for presiding over the trial as judges of  
15 the facts. I explain how the number 1 complaint of jurors is being asked to be  
16 present at a certain time and rather than enter the court, they are asked to wait  
17 sometimes for lengthy periods of time. I explain that by us staying during recess,  
18 I will ask starting with plaintiff if there is anything to discuss or place on the  
19 record. I turn to defense and request the same and finally end with the court. I  
20 also explain that we will take our necessary break and I will explain to jurors any  
21 delay is my fault. The procedure allows all parties and the court to address issues  
22 while they are fresh. Never once during this process did plaintiff raise any issues  
23 or concerns now identified in the MDQ. The first time any of the assertions were  
24 raised was in the filed MDQ.

25  
26 The case started with evident animosity, discourse, and a general level of  
27 acrimony and disputatiousness between opposing counsels. Mr. Altman outright  
28 accused defense counsel of witness tampering and he specifically referenced  
29 Penal Code section 136.1. I explained how this was a serious allegation that the

1 court did not take lightly and I needed actual witnesses, not multiple hearsay  
2 levels of offers of proof. Several times throughout the trial I directed plaintiff to  
3 produce such witnesses as they continued to make such accusations. Mr. Altman  
4 often argued how the court was allowing this atrocity to occur without sanction  
5 and how the court was condoning the alleged actions and activity. I again  
6 repeated to him that I needed actual proof including percipient witnesses and not  
7 multiple levels of hearsay in an offer of proof for the court to address this serious  
8 allegation. They never produced a single witness to support this serious  
9 allegation.

10  
11 There is no dispute that Mr. Altman blatantly ignored the Civil Pre-Trial Orders,  
12 the Order re: Courtroom Conduct, and evidentiary rulings, however, I remained  
13 patient and respectful of him as the defense noted in arguing the motion for a  
14 mistrial. Curiously, Mr. Altman stated on July 8<sup>th</sup> when the court directed the  
15 parties to meet and confer over a video and transcript that 'counsel do not work  
16 well together.' I reminded the parties to be ethical, professional, and civil in the  
17 course of their zealous representation.

18  
19 The plaintiff filed 10 motions in limine and the defense filed 19 such motions. I  
20 made specific rulings on the record in the presence of counsel. One area that  
21 required significant discussion and time was compliance with *People v. Sanchez*  
22 (2016) 63 Cal.4<sup>th</sup> 665. For decades, plaintiff and defense attorneys alike, have  
23 been able to utilize expert testimony in order to present otherwise inadmissible  
24 hearsay evidence under the theory that the evidence was not in fact being  
25 presented to offer the truth of the matter contained within it, but was being  
26 offered only as the basis for the expert opinion.

1 On June 30, 2016, the California Supreme Court published it's ruling in the case  
2 of *People v. Sanchez*, (2016) 63 Cal.4th 665, which completely changed an  
3 attorney's ability to present hearsay evidence through expert testimony and  
4 which has created new and significant challenges to dealing with hearsay  
5 evidence. For some reason, trial counsel seem to not be aware of and/or totally  
6 ignore *Sanchez*. I spend significant time directing counsel know, understand, and  
7 adhere to *Sanchez*.

8  
9 During the course of the trial, Mr. Altman and plaintiff's witnesses violated  
10 motion in limine rulings, shook their heads, frowned, and rolled their eyes. More  
11 specific details are presented herein.

12  
13 In one instance with their expert witness<sup>2</sup>, the witness seemingly gyrated and  
14 gave a thumbs up if I overruled objections and frowned with shoulder shrugs if I  
15 sustained objections. When I referenced this on the record during argument of  
16 the motion for mistrial, there was no denial from anyone.

17  
18 A jury was sworn on July 3, 2019. Given the 4<sup>th</sup> of July Holiday, juror  
19 unavailability, and the specific request by plaintiff's counsel, Mr. Altman, to  
20 adjourn so he could spend custody time with a child, testimony began on July 8,  
21 2019. A verdict was returned by the jury on Tuesday, July 16, 2019.

22  
23 I have received, read, and reviewed the Motion to Disqualify<sup>3</sup> (MDQ) filed by  
24 the plaintiff on July 11, 2019, during the course of the jury trial and particularly  
25 during the plaintiff's case in chief. To contest the disqualification, the judge must  
26 file an answer within the ten-day period prescribed in CCP §170.3(c)(3) (*i.e.*,

27  
28 <sup>2</sup> Mr. Thomas Lepper was a retained plaintiff expert who testified he had been retained in over 6,000 cases and  
testified hundreds of times in deposition and trials. He knows the rules.

29 <sup>3</sup> The plaintiff filed a combination of a Motion for Mistrial and Disqualification. The Motion for Mistrial was  
heard, argued, and ruled upon with me denying it without prejudice as to the Disqualification.

1 within ten days of the filing or service of the statement), denying the allegations  
2 contained in the statement. *Urias v Harris Farms, Inc.* (1991) 234 CA3d 415,  
3 421, 285 CR 659. Although the statute refers to an “answer” by the challenged  
4 judge, a judge’s written declaration under penalty of perjury satisfies the  
5 statutory requirement. *People v Mayfield* (1997) 14 C4th 668, 811, 60 CR2d 1.<sup>4</sup>  
6 If the statement of disqualification was filed after the commencement of the trial  
7 or hearing, the judge whose impartiality is at issue may order the trial or hearing  
8 to proceed. CCP §170.4(c)(1). The disqualification question must be referred for  
9 adjudication to another judge, and if the original judge is found to be  
10 disqualified, all orders and rulings made after the statement of disqualification  
11 was filed must be vacated. CCP §170.4(c)(1).<sup>5</sup> I ordered the trial to proceed.

12 Interestingly, defense counsel argued during the motion for mistrial that he has  
13 only had one other trial with Mr. Altman and in that case Mr. Altman likewise  
14 presented a similar motion to disqualify the judge.

15 Notably, reference to specific actual events and examples are missing from the  
16 MDQ. There is also lack of any particular itemized points as opposed to blanket  
17 conclusions and argument. The MDQ is also factually inaccurate in several  
18 aspects. I will respectfully attempt to reference specific portions with these  
19 deficiencies in mind.

20 The Declaration of Bryan C. Altman in support of the MDQ states that counsel is  
21 waiting for transcripts of the proceedings in order to be able to provide  
22 additional information. I am informed and believe from the court reporter and  
23 staff that the plaintiff ordered transcripts on a virtual daily basis. The court has  
24 received some of these transcripts that are unedited, uncertified, and consist of  
25 ‘Realtime’ rough drafts. To the extent plaintiff has failed to include specific  
26

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27 <sup>4</sup> See California Judges Benchguides, Benchguide 2, Disqualification of Judge [Revised 2010], Section 2.29, page 2-  
28 26, Administrative Office of the Courts, Judicial and Court Operations Services Division, Center for Judiciary  
29 Education and Research.

<sup>5</sup> Ibid at pages 2-26,27, section 2.30.

1 instances, support, examples, or references, I object to the attempt to introduce or  
2 provide such in the future as a denial of my opportunity to respond, as untimely,  
3 and as unduly prejudicial under Evidence Code section 352 given the failure to  
4 allow any appropriate response. Unfortunately the drafts are useless to reference  
5 as there are not page or line numbers.

6  
7 Parenthetically, potential bias and prejudice must be clearly established. *Roitz v*  
8 *Coldwell Banker Residential Brokerage Co.* (1998) 62 CA4th 716, 724. Bias or  
9 prejudice consists of a judge's mental attitude or disposition for or against a  
10 party to the litigation. 62 CA4th at 724. Remote or tenuous connections between  
11 the judge and a party are not sufficient to disqualify the judge. Some of the  
12 situations in which bias or partiality has *not* been found are when: The judge  
13 expressed frustration with an attorney's conduct. *Roitz v Coldwell Banker*  
14 *Residential Brokerage Co., supra*, 62 CA4th at 724–725; *People v Brown* (1993)  
15 6 C4th 322, 337. The judge expressed an opinion in chambers that the defendant  
16 should settle. *Garcia v Estate of Norton* (1986) 183 CA3d 413, 423 (statement  
17 was made according to judge's usual practice of attempting to settle personal  
18 injury cases).

19 I will address each paragraph within the Declaration of Mr. Altman starting with  
20 number 2. There are few "facts" presented and contained in the declaration. The  
21 declaration consists of mostly conclusions and argument.

22 Paragraph 3:

23  
24 I explained to the parties in this case as I do in every case, that I did not want  
25 them to think I was brow beating or forcing anyone to settle their case. I  
26 explained and emphasized that first and foremost is my belief that everyone is  
27 entitled to a trial by jury.  
28  
29



1 I then explained, pursuant to Canon 3B(12) of the Code of Judicial Ethics, that a  
2 judge may participate in settlement conferences, including a conference in a case  
3 in which the judge will preside over the trial. While I have experienced cases  
4 referred to me for jury trial where representatives from the plaintiff law firms had  
5 not provided offers to the client as described to me by those clients, I did not  
6 state this to anyone in this case. Those cases settled after I inquired in open court  
7 with all attorneys and parties present, for the last offer and demand of each  
8 respective side.

9  
10 Mr. Altman took great umbrage to this inquiry by the court in this case stating he  
11 had never in over 200 jury trials, had a judge ask such a thing. He refused to  
12 acknowledge the last offer or demand. I specifically cited Canon 3B(12) and how  
13 I had to make inquiry in the presence of all as I would not engage in ex parte  
14 discussions in separate sessions. Upon hearing the defense had a CCP 998 of  
15 \$37,106.38 to buy back the vehicle plus a motion for attorney fees and costs to  
16 be filed and argued with the plaintiff 998 demand of \$91,454.66 with a motion  
17 for fees I stated that neither side would be happy with the verdict of a Placer  
18 County jury. I encouraged the parties to continue to talk.

19  
20 I never once took a position of who had a stronger case. I ended by giving my  
21 experience as a trial judge in Placer County and in Lemon Law cases by stating  
22 neither side would be happy with the outcome. I did not state the plaintiff had a  
23 “weak” case. In fact, I asked the court reporter to conduct a word search after I  
24 saw this assertion in the MDQ. The court reporter confirmed with me that the  
25 word “weak” was never reported as used by anyone. As for the outcome, the jury  
26 awarded \$30,412.43 in the 9-3 verdict.

27 //

28 //

29 //

1 Paragraph 4:

2  
3 I granted defense motion in limine numbers 3 (to preclude hearsay statements or  
4 opinions from unidentified or undisclosed dealership personnel) and 18 (to  
5 preclude certain opinion testimony of plaintiff's expert, including violations of  
6 *Sanchez*).

7  
8 I emphasized as I do in every case, criminal and civil, how experts were not  
9 going to testify to hearsay and that counsel should not attempt to smuggle in  
10 hearsay. Plaintiff had been unable to obtain witnesses from dealerships to testify  
11 as to the content of certain repair orders. It appeared plaintiff was going to  
12 attempt to reference them and present them through her expert witness, Mr.  
13 Lepper. I emphasized how that was not going to happen.

14  
15 The referenced NHTSA Document for which there was no witness to testify or  
16 lay foundation for the content, was a summary note from a document. I also later  
17 denied Judicial Notice of the document as irrelevant amongst other reasons. The  
18 vehicle in question was a 2010 Hyundai and the NHTSA document referenced a  
19 requirement that took effect May 1, 2018. Mr. Altman knew he was not to  
20 discuss this inadmissible evidence yet ignored the court orders. His reference to  
21 a good faith belief it would be admitted into evidence is disingenuous.

22  
23 Paragraph 5:

24  
25 This lacks specificity and is impossible for comment except on speculation. I  
26 object to further specifics being presented as I am unable to address them. As for  
27 looking at counsel, I looked at whomever (defense and plaintiff counsel) violated  
28 the court's orders.

1 Paragraph 6:

2  
3 Again, this lacks specificity and is impossible for comment except on  
4 speculation. The failure to present specifics demonstrates this did not happen in  
5 the described manner. In general, I did not instruct the jury as my view of certain  
6 facts and legal standards. If I did, the jury was instructed at the conclusion of the  
7 case to ignore such in any event.

8  
9 Article VI, section 10 of the California Constitution provides, in pertinent part:

10 “The court may make any comment on the evidence and the testimony and  
11 credibility of any witness as in its opinion is necessary for the proper  
12 determination of the cause.” “Thus, a trial court has broad latitude in fair  
13 commentary, so long as it does not effectively control the verdict.” (*People v.*  
14 *Monterroso* (2004) 34 Cal.4<sup>th</sup> 743, 780.)

15  
16 Paragraph 7:

17  
18 This lacks specificity and is impossible for comment except on speculation.  
19 There is no record of “frequently” sustain objections of the court. A trial judge  
20 may examine witnesses to elicit or clarify testimony....Indeed, ‘it is the right and  
21 duty of a judge to conduct a trial in such a manner that the truth will be  
22 established in accordance with the rules of evidence.’ (See *People v. Rigney*  
23 (1961) 55 Cal.2d 236, 241, citations omitted. See Evidence Code section 775.)

24  
25 Unfortunately, the transcript received by the court is not certified or the court  
26 could reference complete pages of multiple attempts by Mr. Altman to elicit  
27 inadmissible evidence. He placed defense in the position of having to constantly  
28 object and then he inappropriately argued to the jury that the defense was trying  
29 to hide something with all of their objections. By way of brief example this was

1 not a class action case. There was a motion in limine granted to exclude  
2 references to other lawsuits, defects in other Hyundai vehicles of a different  
3 make, model, etc. Mr. Altman asked 3 questions in a row attempting to elicit  
4 such information notwithstanding the court sustaining objections.

5  
6 Paragraph 8:

7  
8 This lacks specificity and is impossible for comment except on speculation. I did  
9 not display overt anger toward plaintiff's counsel while sustaining objections nor  
10 at any time. A stern voice during blatant repetitive evidentiary and Civil Pre-  
11 Trial Order violations as opposed to taking a recess or sidebar was used as to  
12 both sides.

13  
14 Paragraph 9:

15  
16 This lacks specificity and is impossible for comment except on speculation. I did  
17 not "frequently" conduct my own inquiry effectively cross-examining witnesses.  
18 As stated above, a trial judge may examine witnesses to elicit or clarify  
19 testimony....Indeed, 'it is the right and duty of a judge to conduct a trial in such  
20 a manner that the truth will be established in accordance with the rules of  
21 evidence.' (See People v. Rigney (1961) 55 Cal.2d 236, 241, citations omitted.  
22 See Evidence Code section 775.)

23  
24 There were less than a handful of questions by the court that sought to clarify  
25 matters for the jury such as Mr. Altman handing the plaintiff exhibit 2 and then  
26 asking about exhibit 1. The plaintiff answered and I inquired to clarify if the  
27 witness answer was with respect to exhibit 2. She clarified her answer. On  
28 another occasion, Mr. Lepper was asked to clarify confusing testimony and that

1 he described as quotes within a document. Upon me asking for clarification, Mr.  
2 Lepper acknowledged that the quote was not within the multi-page document.

3  
4 I refrained from asking specific questions that could be construed as detrimental  
5 and akin to cross-examination. If I were embroiled and subjecting the witness to  
6 unfair cross-examination, I would have asked the question, which I did not,  
7 shining from an admitted repair order exhibit. Mr. Lepper testified that one  
8 possible cause of the backup camera failure was “something to do with the  
9 wiring in the car.” The aforementioned shining question was whether the  
10 plaintiff had experienced damage to wires from rodents. The admitted exhibit  
11 stated “Found Rodent Damage Around Injector Wires.” No one addressed this at  
12 all during any trial phase. I saw it but deliberately refrained from inquiry.

13  
14 Paragraph 10:

15  
16 I did not admonish the expert regarding the video. The court inquired with no  
17 response from either counsel as to why the video wasn’t reviewed prior to  
18 testifying as counsel were directed to meet and confer. I did not need to order a  
19 review by the witness for what seemed to be the professional thing to do rather  
20 than having the jury watch the witness silently watch a video for 15 minutes and  
21 then be asked questions. Defense counsel told plaintiff’s counsel just before the  
22 lunch break that the video would be shown to the witness and the prudent thing  
23 to do would have Mr. Lepper view it during lunch.

24  
25 Mr. Lepper stated at one point in testimony during the morning session on July  
26 9th, “I thought that question was when we were talking about the eight seconds  
27 is too long. I then looked that up and was able to support that opinion with  
28 government documents. *If, in fact, I am not allowed to say that, well, darn.*”  
29 (emphasis added). When making the emphasized statement, Mr. Lepper made

1 physical movements with an ‘aw shucks’ attitude. I took an immediate recess and  
2 the jury was excused with Mr. Lepper being admonished out of the presence of  
3 the jury. This is but one simple example of the deliberate efforts by plaintiff to  
4 violate the in limine rulings specific as to *People v. Sanchez* with the assistance  
5 of her expert witness.

6  
7 The *Sanchez* Court makes sure that there is no confusion about the new rule they  
8 are putting forth. “In sum, we adopt the following rule: when any expert relates  
9 to the jury case-specific out-of-court statements, and treats the contents of those  
10 statements as true and accurate to support the expert’s opinion, the statements are  
11 hearsay. It cannot be logically maintained that the statements are not being  
12 admitted for their truth.” We disapprove our prior decisions<sup>1</sup> concluding that an  
13 expert’s basis testimony is not being offered for the truth, or that a limiting  
14 instruction, coupled with the trial court’s evaluation of the potential prejudicial  
15 impact of the evidence under Cal. Evidence Code § 352 sufficiently addresses  
16 hearsay [and confrontation clause] concerns.” (*Ibid.*)

17 This decision was ignored often by Mr. Altman and Mr. Lepper.

18 Paragraph 11:

19  
20 This lacks specificity and is impossible for comment except on speculation. I did  
21 not repeatedly raise my voice and make disparaging remarks. Mr. Altman stated  
22 in at least a dozen separate instances that he could not hear, or asked for the  
23 court, counsel or the witness to repeat statements.

24  
25 Both sides were admonished that their stipulation did not absolve the failure to  
26 comply with the Code of Civil Procedure regarding the presentation, lodging,  
27 and use of securely sealed deposition transcripts. Both sides had initial difficulty  
28 impeaching a witness with a transcript. Both sides had unsealed and unsigned  
29

1 transcripts. Ultimately, notwithstanding their failures and their agreement, I  
2 allowed use of such deficient transcripts.

3  
4 With the assertion the court was so angry that it abruptly left the bench, I did  
5 leave the bench without further comment or inquiry after the jury left for recess  
6 when Mr. Lepper stated, "*If, in fact, I am not allowed to say that, well, darn.*"  
7 (emphasis added). I then returned and patiently admonished Mr. Lepper outside  
8 the presence of the jury. Virtually all bench guidelines, *Rothman*, and judicial  
9 ethics recommend a judge leave the bench under such circumstances. This did  
10 not in any way effect my ability to continue to be fair and impartial.

11  
12 Paragraph 12:

13  
14 This lacks specificity and is impossible for comment except on speculation. I did  
15 admonish counsel for both sides in front of the jury after repeated violations of  
16 the Pre-Trial and Conduct Orders. 2 of plaintiff's counsel (Mr. Altman and Mr.  
17 Swanson) would frown, roll their eyes, and shake their heads over apparent  
18 displeasure of the rulings on objections. I could not take a break to admonish  
19 them out of the presence of the jury every time this happened or we would still  
20 be in trial.

21  
22 Paragraph 13:

23  
24 This lacks specificity and is impossible for comment except on speculation. This  
25 assertion is an attempt to mix apples and oranges. In every jury trial, I provide  
26 the prospective jurors with a reading of Rule 2.1008 of the California Rules of  
27 Court in the event they wish to speak with me regarding a hardship or deferral. I  
28 tell the jurors ahead of time what criteria I will reference so they can think and be  
29 prepared to respond to any questions from the court. In explaining travel of an

1 excessive distance, I always use myself as an example by stating when 'I lived in  
2 the other state down south called Los Angeles, I lived 20 miles from home to the  
3 downtown criminal court building. However, it would take me an hour and 45  
4 minutes travel time'. I explain this is a temporal or time factor because a juror  
5 here might live 60 miles away but travel time is 55 minutes. At no time do I ever  
6 reference where counsel in any case is from so I would not state that counsel is  
7 from Los Angeles. My understanding is that the defense team was also from the  
8 southern California/Los Angeles area.

9  
10 During discussions out of the presence of the jury, I attempted to address the  
11 issue of unsealed and unsigned transcripts. Counsel (I do not immediately recall  
12 who or which side) stated they had stipulations made at the deposition for use at  
13 trial. I inquired as to what the stipulations were and they must be specific  
14 because in my experience as an attorney and judge, a common practice for  
15 southern California lawyers was to simply state "the usual stipulations." This is  
16 the total extent of any such reference. No one has ever been able to explain, "the  
17 usual stipulations." This is not and I do not have a bias as alluded to in this  
18 paragraph.

19  
20 Paragraph 14:

21  
22 This lacks specificity and is impossible for comment except on speculation.  
23 Plaintiff is complaining about evidentiary and motion in limine rulings. Mr.  
24 Altman was attempting to introduce information excluded by my rulings, or  
25 attempted foundationally improper impeachment, or attempted to elicit *Sanchez*  
26 evidence. My rulings were proper and fair.

27 //

28 //

29 //

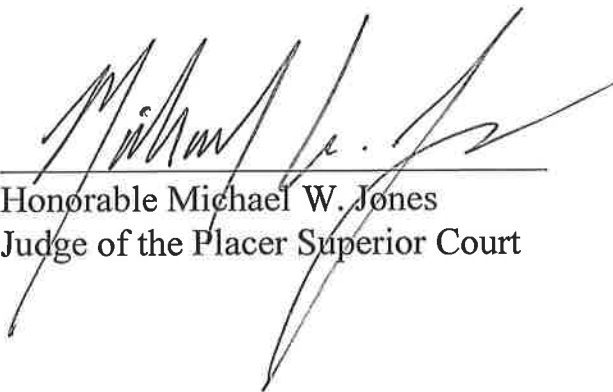


1 Paragraph 15:

2  
3 This lacks specificity and is impossible for comment except on speculation. This  
4 is purely argumentative, conclusory and lacks and specific content for response.  
5 Objection is lodged as to any further references not identified herein with  
6 specificity.

7  
8 I verify and declare under penalty of perjury that the foregoing is true and  
9 correct.

10  
11 Executed in Auburn, California, on July 18, 2019.

12  
13  
14   
15 Honorable Michael W. Jones  
16 Judge of the Placer Superior Court  
17  
18

19  
20 Attachments:

- 21 (1) civil pretrial order filed July 1, 2019  
22 (2) courtroom conduct order filed July 1, 2019

23 //

24 //

25 //

26 //

27 //

28 //

29

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 IN AND FOR THE COUNTY OF PLACER  
3 CLERK'S CERTIFICATE OF MAILING [C.C.P. §1013a(4)]

**FILED**  
Superior Court of California  
County of Placer

JUL 19 2019

4 Case Number: SCV0038637

5 Case Name: King v Hyundai

Jake Chatters  
Executive Officer & Clerk  
By: K. Harding, Deputy

6 I, the undersigned, certify that I am the clerk of the Superior Court of California,  
7 County of Placer, and I am not a party to this case.

8 I mailed copies of the document[s] indicate below: **verified answer of the**  
9 **Hon. Michael W. Jones to plaintiff's motion to disqualify judge, CCP §170.1.**

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11 a sealed envelope with postage fully prepaid, addressed as follows:

12 Christopher Swanson, Esq.  
13 Knight Law Group  
14 10250 Constellation Blvd., #2500  
15 Los Angeles, CA 90067

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20 Hon. Alan V. Pineschi, Presiding Judge  
21 Placer Superior Court  
22 10820 Justice Center Dr.  
23 Roseville, CA 95678

Mary Ann Sweeney, Master Calendar Unit  
Superior Court of Placer County  
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29 XX Interoffice mail: to Hon. A. V. Pineschi & Ms. Sweeney

     Other:

On July 19, 2019 in Placer County, California.

Dated: July 19, 2019

Clerk of the Superior Court, Jake Chatters

By:  by Deputy Clerk K. Harding