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6 Attorney for Defendant School Employees

7
8 **UNITED STATES DISTRICT COURT**

9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

10 ELIZABETH MIRABELLI, an
individual, and LORI ANN WEST, an
11 individual,

12 Plaintiffs,

13 v.

14 MARK OLSON, in his official capacity
as President of the EUSD Board of
15 Education, et al.

16 Defendants.

Case No.: 23CV0768 BEN VET

**MOTION TO APPEAR REMOTELY
FOR THE MOTION HEARING
SCHEDULED JANUARY 10, 2024**

Judge: Hon. Roger Benitez

Courtroom: 5A

Hearing Date: January 10, 2024

Hearing Time: 10:00 a.m.

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18 Defendants MARK OLSON, FRANK HUSTON, JOAN GARDNER, DOUG PAULSON,
19 ZESTY HARPER, LUIS RANKINS-IBARRA, JOHN ALBERT, TRENT SMITH, TRACY
20 SCHMIDT, and STEVE WHITE (hereafter "Defendant School Employees") respectfully request the
21 Court to permit Defense counsel Jack M. Sleeth Jr., Esq., to appear remotely at the above referenced
22 hearing January 10, 2024, on the grounds that primary counsel Daniel R. Shinoff is unavailable to
23 appear, Mr. Sleeth is the only other lawyer in our office knowledgeable about this case, and he is only
24 available remotely. See, passim, Dec. of Jack M. Sleeth Jr., Esq. attached hereto.

25 Dated: December 29, 2023

ARTIANO SHINOFF

26 By: Jack M. Sleeth Jr.

Daniel R. Shinoff

27 Jack M. Sleeth Jr.

28 Attorneys for School Defendants

ARTIANO SHINOFF

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16 Defendants.
17

Case No.: 23CV0768 BEN VET

**DECLARATION OF JACK M.
SLEETH JR. IN SUPPORT OF
MOTION TO APPEAR REMOTELY
FOR THE MOTION SCHEDULED
JANUARY 10, 2024**

Judge: Hon. Roger T. Benitez

Courtroom: 5A

Hearing Date: January 10, 2024

Hearing Time: 10:00a.m.

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19 I, Jack M. Sleeth Jr., declare as follows:

20 1. I am an attorney at law licensed and in good standing with the California
21 State Bar. I am a partner in the law firm Artiano Shinoff Abed Carelli Sleeth & Wade,
22 and I am one of the attorneys of record for Defendants MARK OLSON, FRANK
23 HUSTON, JOAN GARDNER, DOUG PAULSON, ZESTY HARPER, LUIS
24 RANKINS-IBARRA, JOHN ALBERT, TRENT SMITH, TRACY SCHMIDT, and
25 STEVE WHITE (hereafter "Defendant School Employees") in the above-captioned
26 matter. I have personal knowledge of each of the facts set forth herein, and if called
27 upon as a witness could and would testify competently thereto.
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ARTIANO SHINOFF

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- 2. This matter is set for hearing of the Plaintiffs’ Ex Parte Application for an Order to Show Cause re: Civil Contempt of Court and/or Clarification of the Preliminary Injunction Order on January 10, 2024, at 10:00 a.m.
- 3. Daniel Shinoff is unavailable to attend the hearing because he is primary counsel in an Arbitration case, *James D. Kunzman v. Bocian et al*, with ADR scheduled for the week of this hearing, from January 8 -12.
- 4. I am in Tennessee and will be in Tennessee at the time of the hearing, and will be unable to personally appear at that hearing in Mr. Shinoff’s place. There is no other attorney in our office knowledgeable in the issues of this case.
- 5. I respectfully request the Court permit me to attend the hearing remotely.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I executed this declaration on December 29, 2023.

Dated: December 29, 2023.

Bv: Jack M. Sleeth Jr.
Jack M. Sleeth Jr.

1 ARTIANO SHINOFF
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8 **UNITED STATES DISTRICT COURT**

9 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

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individual, and LORI ANN WEST, an
11 individual,

12 Plaintiffs,

13 v.

14 MARK OLSON, in his official capacity
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Education, et al.

15 Defendants.

Case No.: 23CV0768 BEN VET

**[PROPOSED] ORDER TO APPEAR
REMOTELY FOR THE MOTION
HEARING SCHEDULED JANUARY
10, 2024**

Judge: Hon. Roger T. Benitez

Courtroom: 5A

Hearing Date: January 10, 2024

Hearing Time: 10:00 a.m.

17 Defendants MARK OLSON, FRANK HUSTON, JOAN GARDNER, DOUG
18 PAULSON, ZESTY HARPER, LUIS RANKINS-IBARRA, JOHN ALBERT, TRENT
19 SMITH, TRACY SCHMIDT, and STEVE WHITE (“Defendant School Employees”)
20 requested leave to appear at the remotely at the above referenced hearing January 10,
21 2024, on the grounds that primary counsel Daniel R. Shinoff is unavailable to appear,
22 Mr. Sleeth is the only other lawyer in that office knowledgeable about this case, and he
23 is only available remotely. Pursuant to School Defendants’ Motion to appear remotely:

24 The motion for School Employees Counsel to appear remotely at the above
25 referenced hearing is GRANTED.

26 Date: _____

Hon. Roger T. Benitez

ARTIANO SHINOFF

Elizabeth Mirabelli v. Mark Olson, President of the EUSD Board of Education, et al.
USDC Court Case No.: 23CV0768 BEN WVG

PROOF OF SERVICE

(State and Federal Court)

I am and was at all times herein mentioned over the age of 18 years and not a party to the action in which this service is made. At all times herein mentioned I have been employed in the County of San Diego in the office of a member of the bar of this court at whose direction the service was made. My business address is 3636 Fourth Avenue, Suite 200, San Diego, California 92103.

On December 29, 2023, I served the following document(s):

1. MOTION TO APPEAR REMOTELY FOR THE MOTION HEARING SCHEDULED JANUARY 8, 2024

2. DECLARATION OF JACK M. SLEETH JR. IN SUPPORT OF MOTION TO APPEAR REMOTELY FOR THE MOTION SCHEDULED JANUARY 8, 2024

3. [PROPOSED] ORDER TO APPEAR REMOTELY FOR THE MOTION HEARING SCHEDULED JANUARY 8, 2024

4. MOTION TO APPEAR REMOTELY FOR THE MOTION HEARING SCHEDULED JANUARY 10, 2024

5. DECLARATION OF JACK M. SLEETH JR. IN SUPPORT OF MOTION TO APPEAR REMOTELY FOR THE MOTION SCHEDULED JANUARY 10, 2024

6. [PROPOSED] ORDER TO APPEAR REMOTELY FOR THE MOTION HEARING SCHEDULED JANUARY 10, 2024

BY ELECTRONIC SERVICE via e-mail sent without electronic error on December 29, 2023, by Nopealey Lay at nlay@as7law.com.

BY ELECTRONIC SERVICE On the date executed below, I served the document(s) listed above via OneLegal.com.

BY ELECTRONIC FILING/SERVICE I caused such document(s) to be electronically filed and/or service using the ECF/CM System for filing and transmittal of the above documents to the above-referenced ECF/CM registrants.

Charles S. LiMandri, Esq
Paul M. Jonna, Esq
Jeffrey M. Trissell, Esq
Milan L. Brandon II., Esq
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**Attorneys for Plaintiff, ELIZABETH
MIRABELLI and LORI ANN WEST**

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rfeil@cde.ca.gov

Attorneys for CDE Defendants

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

Executed on December 29, 2023, at San Diego, California.



Nopealey Lay