

**FILED**

*E.A.*

**JUN 22 2023**

**STATE BAR COURT  
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LOS ANGELES**

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES


14	In the Matter of:	)	Case No. SBC-23-O-30029
15	JOHN CHARLES EASTMAN,	)	<b>STATE BAR'S MOTION IN</b>
16	State Bar No. 193726,	)	<b>LIMINE NO. 6 TO EXCLUDE</b>
17	An Attorney of the State Bar	)	<b>WILLIAM M. BRIGGS, PATRICK</b>
18		)	<b>COLBECK, ANTHONY COX, JR.,</b>
19		)	<b>MARK FINCHEM, HEATHER</b>
20		)	<b>HONEY, SANDY JUNO, JEFFREY</b>
21		)	<b>O'DONNELL, WENDY ROGERS</b>
22		)	<b>AND JOSEPH FRIED;</b>
		)	<b>MEMORANDUM OF POINTS AND</b>
		)	<b>AUTHORITIES</b>

23 The Office of Chief Trial Counsel of the State Bar of California (hereinafter "State  
 24 Bar" or "OCTC") hereby moves this court for an order *in limine* excluding testimony of  
 25 William M. Briggs, Patrick Colbeck, Anthony Cox, Jr., Mark Finchem, Heather Honey,  
 26 Sandy Juno, Jeffrey O'Donnell, Wendy Rogers and Joseph Fried.

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This motion is based on all pleadings and records in this case, the attached memorandum of points and authorities, and upon any additional documentary or oral evidence which may be presented at a hearing on the motion.

Respectfully submitted,  
  
THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: June 22, 2023 By:  \_\_\_\_\_  
Christina Wang  
Trial Attorney

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 Respondent’s response to the court’s order to provide an offer of proof continues a  
4 pattern of failing to comply with procedural rules governing this proceeding. (Respondent’s  
5 June 16, 2023 Offer of Proof re Percipient/Non-retained Witnesses for Trial (“Offer of  
6 Proof”). Contrary to the court’s order, the document respondent filed on June 16—on the  
7 last business day before the start of trial—was not limited to the sixteen non-retained experts  
8 respondent listed in his June 5 pretrial statement. Instead, respondent notified the court and  
9 OCTC that he intends to replace seven of those witnesses – witnesses for whom OCTC had  
10 by then spent many hours preparing to examine – with seven new witnesses, three of whom  
11 were not disclosed in either his March 21 discovery responses or his March 22 Designation  
12 of Expert Witnesses. (Offer of Proof, pp. 2-3)

13 Most recently, on June 20, 2023, the first day of trial, respondent filed a Notice of  
14 Intent Re Trial Witnesses (“June 20 Notice”) to call two additional fact witnesses, including  
15 Joseph Fried, who this court has excluded as an expert by Order entered June 16, and sixteen  
16 additional, previously undisclosed character witnesses.

17 While OCTC reserves the right to raise additional objections to all of respondent’s  
18 witnesses, this motion requests the following relief at the outset:

- 19
- 20 • Eight of the newly added fact witnesses should be excluded;
  - 21 • Mr. Fried should be excluded as a percipient witness;
  - 22 • Witnesses who are going to testify about analysis they performed after  
23 January 2021 consisting of speculative proof of possible fraud regarding the  
24 legitimacy of the 2020 election should be excluded as irrelevant to  
25 respondent’s subjective state of mind at the time of his alleged misconduct;
  - 26 • Lay witnesses offered to give expert opinions should be excluded.

25 **II. RELEVANT PROCEDURAL HISTORY**

26 The State Bar presented much of the relevant procedural history in its June 9, 2023  
27 Objection and Motion for Offer of Proof re Respondent’s Witnesses (“Motion for Offer of  
28

1 Proof”) and the Declaration of Duncan Carling (“June 9 Carling Decl.”) filed therewith, but  
2 repeats those facts here for the court’s convenience.

3  
4 **A. Events Preceding Motion for Offer of Proof**

5 On February 22, 2023, OCTC served respondent with a discovery request, which  
6 included a request under rule 5.65(C)(2) for the name and contact information for each  
7 individual respondent intended to call as a witness at trial. (June 9 Carling Decl. ¶ 2)

8 On March 21, 2023, respondent sent OCTC a 93-page witness list, which listed over  
9 2,000 parties as potential trial witnesses. (June 9 Carling Decl. ¶ 3 and Ex. 1 (“March 21  
10 Discovery Response”)) In seven instances, respondent identified entire states as witnesses,  
11 including the “State of Georgia” and the “State of Michigan.” (June 9 Carling Decl. Ex. 1, p. 15.)  
12 Many of the parties on the list are not individuals, but organizations, such as the “Nevada  
13 Republican Party” and the “Republican National Committee” (*Id.* pp. 1, 6.) Many others are  
14 unidentifiable, such as “DOES I-X,” “Numerous,” and “All 67 County Boards of.” (*Id.* pp. 10,  
15 55, 58.).

16 For the individuals identified, hundreds of them lacked any contact information, and in  
17 many instances lacked first names. The list included names like Joe Biden, Kamala Harris, and  
18 Michael Pence, who seemed unlikely to be actual witnesses. Furthermore, the list, which was  
19 presented in response to OCTC’s requests under rules 5.65(C)(1) and 5.65(C)(2), did not include  
20 the subject of the identified individuals’ discoverable information as required by rule 5.65(C)(1).  
21 (*Id.*)

22 On March 22, 2023, respondent filed a designation of expert witnesses. (Respondent’s  
23 March 22, 2023 Designation of Expert Witness Information (“March 22 Expert Designation”).  
24 In addition to seven retained experts, the designation included a 50-page list of approximately  
25 600 non-retained expert witnesses, “due to their role as percipient witnesses,” as Exhibit F. As  
26 with his March 21 Discovery Response, respondent failed to provide contact information or the  
27 subject of expertise for most of the witnesses on the list, asserting that “the blank boxes represent

1 that Respondent does not know the address or telephone information for those non-retained  
2 experts.”

3 On May 2, 2023, OCTC sent respondent a written request for an updated list of witnesses  
4 he intended to call at trial. (June 9 Carling Decl. ¶ 4). OCTC explained that neither of the lists  
5 respondent had provided, i.e., the 2,000+-person list of witnesses provided on March 21 in  
6 response to discovery or the March 22 list of approximately 600 individuals attached to his filed  
7 Expert Witness designation met the requirements of rule 5.65.1(A), or included the information  
8 required by rule 5.65(C)(1). Respondent did not respond to this request.

9 On May 25, 2023, the parties met and conferred by telephone on multiple matters,  
10 including witness lists for trial. Respondent’s counsel did not identify any specific witnesses that  
11 respondent intended to call at trial. (June 9 Carling Decl. ¶ 5.)

12 On June 5, 2023, respondent provided OCTC with his content for the Joint Pretrial  
13 Statement, which included a list of 16 percipient witnesses (other than respondent himself). This  
14 was the first time that respondent provided OCTC with a list of trial witnesses, other than  
15 retained experts.

16 The below chart below reflects the information provided for the witnesses identified in  
17 the January 5 Joint Pretrial brief in respondent’s March 21 discovery response and his March 22  
18 Designation of Experts. Unless otherwise shown, respondent did not provide contact  
19 information.

<b>Witness</b>	<b>March 21 Discovery Response</b>	<b>March 22 Expert Designation</b>
Ray Blehar	No information provided	Statistical
Jacki Deason (listed as Jacki Pick)	No information provided	Attorney; GA, Legislative Hearing Witness
John Droz	No information provided	Statistical
Garland Favorito	Fulton County, GA	Not disclosed.
Douglas Frank	No information provided	Statistical
Michael Gableman	No information provided	former WI SCT Justice

1	Bryan Geels	No information provided	Expert for Ps
2	Kurt Hilbert	Address and telephone number	Attorney for P.; contact info provided
3	Linda Kerns	No information provided	Attorney for Petitioner; contact info provided
4	Hon. William Ligon	No information provided	Amicus for Plaintiff; Georgia State Senator
5	Douglas Logan	No information provided	Expert for P
6	Peter Navarro	No information provided	Gov't Official
7	Kurt Olsen	Not listed	Listed as a Retained Expert; contact info provided
8	Joe Oltmann	No information provided	Expert
9	Russell J. Ramsland, Jr.	No information provided	Expert for Ps
10	Jim Troupis	Address and telephone number	Attorney for P; contact info provided
11			

12 On June 9, 2023, OCTC asked respondent to provide contact information for Ray Blehar,  
13 Jacki Deason, John Droz, Garland Favorito, Douglas Frank, Michael Gableman, Bryan Geels,  
14 William Ligon, Doug Logan, Peter Navarro, Joseph Oltmann, and Russell Ramsland.

15 On June 9, 2023, respondent provided telephone numbers and email addresses for most  
16 of these witnesses, except for Peter Navarro, Joseph Oltmann, and Russell Ramsland.

17 On June 20, 2023, at 5:08p.m., respondent provided the missing contact information as  
18 well as new contact information for the new witnesses he disclosed on June 16, 2023.

19  
20 **B. Proceedings Relating to and Subsequent to Respondent's Offer of Proof**

21 On June 9, 2023, OCTC filed an Objection and Motion for Offer of Proof re respondent's  
22 Witnesses. On June 13, 2023, the Court granted that motion, ordering respondent to file an  
23 "offer of proof for each of the sixteen percipient/non-retained expert trial witnesses identified by  
24 respondent in the June 5, 2023 joint pretrial statement and during the June 12, 2023 pretrial  
25 conference." (June 13, 2023 Order Granting OCTC's Request for Offer of Proof re Respondent's  
26 Witnesses.)

1 On June 16, 2023, the last business day before trial was set to commence, respondent  
 2 filed an Offer of Proof proposing significant revisions to the witness list he disclosed on June 5.  
 3 Specifically, he advised the court and OCTC that he was dropping  
 4 seven witnesses—Kurt Hilbert, Linda Kerns, Hon. William Ligon, Douglas Logan, Peter  
 5 Navarro, Russell J. Ramsland, Jr. and Jim Troupis—and intended to replace them with new  
 6 witnesses. (Offer of Proof, pp. 2-3.)

7 Most recently, in his June 20 Notice, respondent notified the Court and OCTC of his  
 8 intent to call yet more witnesses, specifically: Patrick Colbeck as a rebuttal witness, Joseph  
 9 Fried, as a fact witness in light of his previous exclusion as an expert, and sixteen previously  
 10 undisclosed character witnesses. The below chart reflects the information respondent previously  
 11 provided to OCTC about the newly proposed fact witnesses (other than Fried who was  
 12 previously disclosed as an expert):

<b>Newly proposed trial witnesses, nature of testimony</b>	<b>March 21 Discovery Response</b>	<b>March 22 Expert Designation</b>
William M. Briggs, non-retained expert	Name only	Expert for Ps; Statistical
Anthony Cox, Jr., non-retained expert	Name only	Statistical
Mark Finchem, non-retained expert	Name only	Amicus for Plaintiff; Arizona Representative
Heather Honey, rebuttal	Not disclosed	Not disclosed
Sandy Juno, rebuttal	Not disclosed	Not disclosed
Jeffrey O'Donnell, rebuttal/replacement	Name only	Computer Forensic Expert
Wendy Rogers, rebuttal/replacement	Not disclosed	Not disclosed
Patrick Colbeck, rebuttal	Name only	Not disclosed

23  
 24 Respondent did not provide OCTC with contact information for any of the new  
 25 witnesses when respondent filed the revised witness list on June 16, 2023. On June 20, 2023,  
 26 after OCTC noted in open court that respondent had not provided the contact information for  
 27 the new witnesses, respondent sent OCTC telephone numbers and email addresses for the  
 28

1 new witnesses later that day.

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3 **III. ARGUMENT**

4 **A. The Eight Newly Identified Trial Witnesses Should Be Excluded**

5 Two independent grounds exist for excluding the eight newly-identified trial  
6 witnesses. First, under rule 5.101(E) the Court “may order sanctions it deems proper,  
7 including, but not limited to, excluding evidence or witnesses” for a party’s failure to file a  
8 pretrial statement. Although in this case respondent participated in filing the pretrial  
9 statement, he did not identify these witnesses in the pretrial statement, and therefore the  
10 sanction in rule 5.101(E) is appropriate.

11 In a case applying a similar rule regarding expert witness declarations, the California  
12 Supreme Court found that the submission of an inaccurate declaration was equivalent to  
13 failing to submit the declaration at all, and thus justified exclusion of the expert testimony on  
14 topics not described in the declaration. (*See Bonds v. Roy*, 20 Cal. 4th 140, 148-49 (1999)  
15 (“[T]he statutory scheme as a whole envisions timely disclosure of the general substance of  
16 an expert’s expected testimony so that the parties may properly prepare for trial. Allowing  
17 new and unexpected testimony for the first time at trial so long as a party has submitted any  
18 expert witness declaration whatsoever is inconsistent with this purpose.”).) Under the same  
19 reasoning, respondent’s failure to identify these eight witnesses in the pretrial statement (and,  
20 in fact, until the last business day before trial), should also result in their exclusion.

21 Moreover, California courts have long recognized that courts possess the inherent  
22 power to admit or exclude evidence to address abuse of the procedural rules and to ensure a  
23 fair trial:

24 Our Supreme Court has recognized that California courts have inherent  
25 powers, independent of statute, derived from two distinct sources: the  
26 courts’ equitable power derived from the historic power of equity courts and  
27 supervisory or administrative powers which all courts possess to enable  
28 them to carry out their duties...The court’s inherent power to curb abuses  
and promote fair process extends to the preclusion of evidence. Even  
without such abuses the trial court enjoys broad authority of the judge over



1 the admission and exclusion of evidence...[T]rial courts regularly exercise  
2 their basic power to insure that all parties receive a fair trial by precluding  
evidence.  
3 (*Cottini v. Enloe Med. Ctr.*, 226 Cal. App. 4th 401, 425 (2014) (citing *Continental Ins. Co. v.*  
4 *Superior Court*, 32 Cal.App.4th 94, 107–108 (1995) and *Peat, Marwick, Mitchell & Co. v.*  
5 *Superior Court*, 200 Cal.App.3d 272, 288 (1988)) (internal quotation marks omitted).)  
6 Respondent’s failure to identify his witnesses until his pretrial statement, and then attempt to  
7 replace seven of his witnesses with eight new witnesses on the eve of trial undermines the  
8 fairness of the proceeding, and the court should consider respondent’s conduct during the  
9 discovery phase of this proceeding in determining whether exclusion of these late-disclosed  
10 witnesses is warranted.

11 The grounds for exclusion are even stronger for the three witnesses respondent failed  
12 to identify in his March 21 Discovery Responses and March 22 Expert Designation: Heather  
13 Honey, Sandy Juno, and Wendy Rogers.

14 Respondent seems to suggest that his belated disclosure of Ms. Juno, Ms. Honey, Mr.  
15 O’Donnell, Senator Rogers, and Mr. Colbeck should be excused because these witnesses are  
16 offered as “rebuttal witnesses” to the witnesses OCTC names. Specifically, respondent  
17 asserts that Ms. Honey is offered as rebuttal to Jonathan Marks, Ms. Juno is offered as  
18 rebuttal to Amaad Rivera-Wagner, Mr. O’Donnell is offered as rebuttal to Stephen Richer,  
19 Jocelyn Benson, and Jonathan Brater and to Sambo (Bo) Dul, Senator Rogers is being  
20 offered as rebuttal to Stephen Richer and Sambo (Bo) Dul and, most recently, that Mr.  
21 Colbeck will rebut testimony from Jocelyn Benson, Jonathan Brater, and Jake Rollow. (*See*  
22 *Offer of Proof* at p. 31 (Ms. Honey), p. 33 (Ms. Juno), p. 35 (Mr. O’Donnell), pp. 42-43 (Sen.  
23 Rogers); (June 20 Notice of Intent, pp. 1-2). He also suggests that his late disclosure of Mr.  
24 O’Donnell and Senator Rogers is excusable because they are being offered as “replacement  
25 witnesses” for two non-retained experts respondent decided to drop on June 16: Russell  
26 Ramsland and Douglas Logan, respectively.

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1                   **B. Joseph Fried Should Be Excluded as a Fact Witness**

2                   The Court has already excluded Mr. Fried as an expert witness, citing his lack of special  
3 knowledge, experience, and training to opine about the audit practices in certain states as one of  
4 the reasons his testimony should be excluded.

5                   Now, respondent indicates he wishes to call Mr. Fried to offer “percipient testimony about  
6 the irregularities and anomalies he identified in connection with the 2020 presidential election.”  
7 (Respondent’s June 20 Notice). Mr. Fried did not audit the election results in 2020. He has no  
8 experience or training in administering elections (Fried Dep. at 9:7-9). Mr. Fried’s e-book,  
9 *Debunked?*, was not published until 2022 and Mr. Fried did not conceive the ideas for the book  
10 until September 2021. Mr. Fried was not involved in the election administration for the 2020  
11 General Election and therefore has no percipient knowledge beyond his post-hoc research.

12  
13                   **C. Witnesses disclosed in June 16 Offer of Proof.**

14                   The Offer of Proof as to Dr. Briggs states he will testify about his contributions to the  
15 Michigan 2020 Voting Analysis Report, the Pennsylvania 2020 Voting Analysis Report, the  
16 Milwaukee 2020 Election Analysis and similar analyses he conducted in Arizona, Georgia,  
17 and Wisconsin. He will also testify about the expert reports he prepared in connection with  
18 the election challenge in *Bowyer v. Ducey*, No. 2:20-cv-02321-DJH (D. Ariz.); *King v.*  
19 *Whitmer*, No. 2:20-cv-13134 (E.D. Mich.); *Pearson v. Kemp*, No. 1:20-cv-04809-TCB (N.D.  
20 Ga.); and *Feehan v. Wisconsin Elections Commission*, No. 2:20-cv-1771 (E.D.  
21 Wis.).” (Offer of Proof at 7). Several of these items do not appear to be exhibits.

22                   For certain other witnesses, the subject matter descriptions refer to “analysis” that  
23 they previously performed, although without making clear whether their conclusions were  
24 memorialized in a document. (*See, e.g.*, Offer of Proof on p. 30 re Ms. Honey, p. 34 re Mr.  
25 O’Donnell)

26                   Thus, respondent should be precluded from introducing or eliciting testimony  
27 concerning documents that he has not properly identified or produced as exhibits.

1                   **D. Lay Witnesses Proffering Expert Opinion Testimony Should Be Excluded**

2                   The proposed testimony of two witnesses appears to violate the prohibition against  
3 lay witnesses rendering expert opinions:

- 4                   • “Ms. Honey will testify primarily as a percipient witness regarding the  
5 investigations she conducted in Pennsylvania and Arizona and the resulting  
6 reports published by her organization, Verity Vote.” (Offer of Proof on p. 30.)  
7 The Offer of Proof further notes that “Ms. Honey is an open source  
8 intelligence analyst and security consultant [sic] and founder of Haystack  
9 Investigations, a private investigations firm based in Lebanon, Pennsylvania  
10 that belongs to the Pennsylvania Association of Licensed Investigators.” (*Id.*)
- 11                   • “Mr. Olsen is expected to testify regarding the factual and legal allegations  
12 regarding election contests and investigations across the country, and where  
13 there was evidence of illegal voting that may have been outcome  
14 determinative in several states, including but not limited to, Pennsylvania,  
15 Georgia, Michigan, Wisconsin, and Arizona. Mr. Olsen is also expected to  
16 testify regarding constitutional issues under Article I, Section 4, Clause 1 and  
17 Article II, Section 1, Clause 2 of the United States Constitution, the legal basis  
18 for election challenges across the country, and the facts and circumstances that  
19 gave rise to violations of state laws.” (*Id.* on pp. 36-37.)

20                   A witness not testifying as an expert “may not testify on matters which are not proper  
21 subjects of lay opinion testimony...If the fact sought to be proved is one within the general  
22 knowledge of laymen, expert testimony is not required; otherwise the fact can be proved only by  
23 the opinions of experts.” (*Jambazian v. Borden*, 25 Cal. App. 4th 836, 848–49 (1994) (citations  
24 and quotations omitted).) Moreover, despite the fact that Mr. Olsen is now being offered as a  
25 percipient witness rather than an expert, the substance of testimony provided in respondent’s  
26 June 16, 2023 Offer of Proof is identical to that in his March 22, 2023 Designation of Experts.  
27 On their face, neither of the subject matter descriptions above reflect the types of opinions that a  
28 lay witness is qualified to give, and therefore both of these witnesses must be excluded.

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**CONCLUSION**


For the foregoing reasons, the State Bar respectfully requests that the court:

- Exclude the eight newly-added witnesses because they were not disclosed in the pretrial statement;
- Exclude Mr. Fried from testifying as a percipient witness;
- Exclude lay witnesses offered to give expert opinions.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA  
OFFICE OF CHIEF TRIAL COUNSEL

DATED: June 22, 2023

By:   
Christina Wang  
Trial Attorney



1 lack of contact information in open court on June 20, 2023, respondent sent the contact  
2 information later that day.

3

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

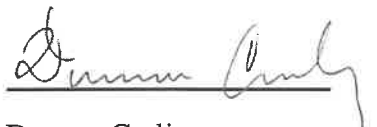
6 Executed this 21st day of June, 2023 at Los Angeles, California.

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By:   
Duncan Carling

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## DECLARATION OF SERVICE

**CASE NUMBER(s): SBC-23-O-30029**

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, maricela.guerrero@calbar.ca.gov, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

---

**STATE BAR'S MOTION IN LIMINE NO. 6 TO EXCLUDE WILLIAM M. BRIGGS, PATRICK COLBECK, ANTHONY COX, JR., MARK FINCHEM, HEATHER HONEY, SANDY JUNO, JEFFREY O'DONNELL, WENDY ROGERS AND JOSEPH FRIED;  
MEMORANDUM OF POINTS AND AUTHORITIES**

---

**By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))**

**By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

**By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ('UPS').

**By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

**By Electronic Service: (CCP § 1010.6 and Rules of Proc. of State Bar, rule 5.26.2)**

Based on rule 5.26.2, a court order, or an agreement of the parties to accept service by electronic transmission, I caused the above-named document(s) to be transmitted by electronic means to the person(s) at the electronic address(es) listed below. If there is a signature on the document(s), I am the signer of the document(s), I am the agent of, or I am serving the document(s) at the direction of, the signer of the document(s). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

*(for U.S. First-Class Mail)* in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: *(see below)*

*(for Certified Mail)* in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,  
Article \_\_\_\_\_ at Los Angeles, addressed to: *(see below)*  
No.: \_\_\_\_\_

*(for Overnight Delivery)* together with a copy of this declaration, in an envelope, or package designated by UPS,  
Tracking \_\_\_\_\_ addressed to: *(see below)*  
No.: \_\_\_\_\_

Person Served	Business Address	Fax Number	Courtesy Copy to:
RANDALL A. MILLER		Electronic Address	
		<a href="mailto:rmiller@millerlawapc.com">rmiller@millerlawapc.com</a> <a href="mailto:zachary@millerlawapc.com">zachary@millerlawapc.com</a> <a href="mailto:olga@millerlawapc.com">olga@millerlawapc.com</a> <a href="mailto:yvette@millerlawapc.com">yvette@millerlawapc.com</a>	

**via inter-office mail regularly processed and maintained by the State Bar of California addressed to:**

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.



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

DATED: June 22, 2023

SIGNED:



MARICELA GUERRERO  
Declarant