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5 Attorneys for Plaintiff  
HELEN BUSCH

2016 SEP 26 A 11: 26

A. GRAHAM  
CLERK OF COURT  
COUNTY OF CONTRA COSTA

7 IN THE SUPERIOR COURT OF CALIFORNIA  
8 IN AND FOR THE COUNTY OF CONTRA COSTA  
9 UNLIMITED JURISDICTION

11 HELEN BUSCH, an individual,

12 Plaintiff,

13 vs.

14 PATRICIA LEONG, et al,

15 Defendants.

CASE NO.: CIVMSC15-00121

**NOTICE OF MOTION AND MOTION FOR IMMEDIATE RELEASE OF FUNDS IMPROPERLY TENDERED TO THE CLERK OF THE COURT BY FORMER DEFENSE COUNSEL; REQUEST FOR SANCTIONS IN THE SUM OF \$2,975.00 AGAINST DEFENDANT PATRICIAL LEONG AND HER ATTORNEYS; MEMORANDUM OF POINTS AND AUTHORITIES and DECLARATION OF COUNSEL IN SUPPORT THEREOF**

Date: ~~September~~ <sup>October</sup> 26, 2016  
Time: 9:00 a.m.  
Department: 9  
The Honorable Judith Craddick

22 NOTICE IS HEREBY GIVEN that on ~~September~~ <sup>October</sup> 26, 2016, beginning at 9:00 a.m., or as soon  
23 thereafter as the matter may be heard in Department 9, of the above-entitled Court, located at 725 Court  
24 Street, Martinez, California 94553, plaintiff HELEN BUSCH by and through her attorneys will make  
25 her Motion for Immediate Release of Funds Improperly Tendered to the Clerk of the Court by former  
26 defense counsel and for Sanctions against defendant and her attorneys on the following grounds:

27 There is no legal basis for defendant's counsel to have tendered sanctions and Referee fees to  
28 the Clerk except to avoid their payments as ordered by the Court. Defendant has failed to provide  
adequate security for any motion she has pending seeking review of the orders requiring payment of

NOTICE OF MOTION AND MOTION FOR IMMEDIATE RELEASE OF FUNDS  
IMPROPERLY TENDERED TO THE CLERK OF THE COURT AND FOR SANCTIONS

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7 Attorneys for Plaintiff  
8 HELEN BUSCH

FILED

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D. Weber

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10 IN AND FOR THE COUNTY OF CONTRA COSTA  
11 UNLIMITED JURISDICTION

12 HELEN BUSCH, an individual,  
13 Plaintiff,  
14 vs.  
15 PATRICIA LEONG, et al.,  
16 Defendants.

CASE NO.: CIVMSC15-00121

MEMORANDUM OF POINTS AND  
AUTHORITIES IN OPPOSITION TO  
DEFENDANT'S MOTION TO VACATE  
REPORT OF REFEREE FILED 8-1-16 AND  
FOR SANCTIONS AGAINST DEFENDANT  
AND HER ATTORNEYS IN THE SUM OF  
\$4,200.00 REPRESENTING PLAINTIFF'S  
ATTORNEY FEES AND COSTS INCURRED  
IN DEFENDING THE MOTION

Date: October 26, 2016  
Time: 9:00 a.m.  
Department: 9  
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20 PRELIMINARY STATEMENT

21 Implicit in any motion to vacate a court order is that it is somehow defective. Here, defendant  
22 has conceded this point by appearing to perform pursuant to the order: amending discovery answers,  
23 tendering sanctions and Referee fees to the Clerk.

24 The only incomplete piece of this puzzle is getting the sanctions and fees to those individuals  
25 that the Court ordered to be paid. Defendant cleverly put them out of reach of collections by tendering  
26 the monies to the Clerk, avoiding the issuance and recording of an abstract. Defendant says next to  
27 nothing about her prior, inadequate discovery responses that required the DFP to rectify, i.e., that they  
28 were adequate before and did not require amendment; this point is moot because defendant has made  
some changes to many of her responses.