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5 Attorneys for Julie Menack, CLPF

**ENDORSED  
FILED  
ALAMEDA COUNTY**

DEC 1 - 2021

CLERK OF THE SUPERIOR COURT  
By VENUS WRIGHT Deputy

**OK TO CERTIFY**

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF ALAMEDA  
10 BERKELEY COURTHOUSE

11 In re the

Case No. RP19034137

12 THE CHARLES A. BOJE AND  
13 HOPE H. BOJE 2002 REVOCABLE  
14 TRUST DATED JANUARY 23, 2002,  
AS AMENDED

**ORDER RE: MEDIATION, FILING AND  
NOTICE PRIOR TO HEARING;  
GUARDIAN AD LITEM APPOINTMENT  
TERMINATION**

Date: October 7, 2021  
Time: 10:00 a.m.  
Dept: 202

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18 Julie Menack, CLPF's verified AMENDED PETITION FOR REVIEW AND  
19 SETTLEMENT OF PRIOR FIDUCIARIES' ACCOUNTINGS, FOR INSTRUCTIONS, FOR  
20 RECOVERY OF SETTLOR'S FUNDS, AND FOR OTHER REMEDIES, DAMAGES AND  
21 ATTORNEY FEES coming on this 7<sup>th</sup> day of October 2021, in Department 202, the Hon. Sandra  
22 K. Bean presiding, for hearing and settlement by the Court.

23 The Court finds that all notices of hearing have been given as required by law and after  
24 hearing the evidence, makes the following orders:

25 IT IS HEREBY ORDERED AND ADJUDGED THAT:

26 1. The Parties, Kimball G. Everingham, Bruce Everingham, Dale Everingham, and  
27 Karen B. Rabello, and Julie Menack, as Trustee, are ordered to engage in mediation to resolve  
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SBC96777.0000193267039.1  
(31854.00001) #4832-4981-2405.1

**ORDER RE: MEDIATION, FILING AND NOTICE PRIOR TO HEARING,  
GUARDIAN AD LITEM APPOINTMENT TERMINATION**

1 issues and claims raised in the petitions pending herein.;

2  
3 2. The hearings on the following petitions are continued to and set for March 11, 2022  
4 at 10:05 am in this Department:

5 a. AMENDED PETITION FOR REVIEW AND SETTLEMENT OF PRIOR  
6 FIDUCIARIES' ACCOUNTINGS, FOR INSTRUCTIONS, FOR RECOVERY OF SETTLOR'S  
7 FUNDS, AND FOR OTHER REMEDIES, DAMAGES AND ATTORNEY FEES, filed July 27,  
8 2021;

9 b. PETITION OF DANIEL B. NEWBOLD, COURT-APPOINTED  
10 GUARDIAN AD LITEM FOR HOPE BOJE FOR ORDER AUTHORIZING PAYMENT OF  
11 ATTORNEYS' FEES AND FOR ORDER TERMINATING APPOINTMENT, filed October 1,  
12 2021;

13 c. FIRST ACCOUNT AND REPORT OF TRUSTEE, PETITION FOR  
14 REDUCTION IN BOND, AND ALLOWANCE OF FEES AND REIMBURSEMENT OF  
15 COSTS FOR TRUSTEE AND TRUSTEE'S ATTORNEY, fax filing initiated on October 3,  
16 2021.;

17 3. In advance of the hearing on March 11, 2022, the following filing and service  
18 deadlines apply:

19 a. Amended and/or supplemented petitions must be filed and served on the  
20 Parties on or before December 31, 2021.

21 b. Responses to petitions, as amended and/or supplemented, must be filed and  
22 served on the Parties on or before January 17, 2022.

23 c. Replies to the responses must be filed and served on the Parties on or before  
24 February 9, 2022.;

25 4. In order to resolve issues not resolved at mediation, if any, a referee shall be  
26 appointed pursuant to C.C.P. §638 – 639 as follows:

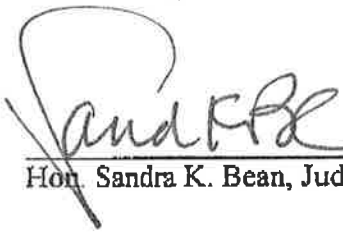
27 a. If the Parties reach an agreement on who should be appointed as referee  
28 pursuant to C.C.P. §638, the Parties may submit their request for the appointment of an agreed  
upon referee by ex parte petition.

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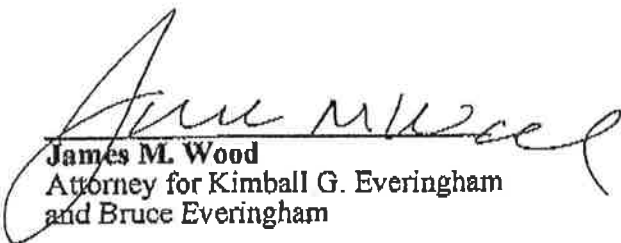
1           b.     In the event that the Parties cannot agree on the appointment of a referee,  
 2 the Parties may submit their request for the appointment of a referee pursuant to C.C.P. §639 by  
 3 *ex parte* petition.;

4  
 5           5.     Daniel Newbold's appointment as guardian ad litem for Hope H. Boije is  
 6 terminated and his discovery responses to the Parties' discovery requests are excused. The Court's  
 7 review and determination of Mr. Newbold's PETITION OF DANIEL B. NEWBOLD, COURT-  
 8 APPOINTED GUARDIAN AD LITEM FOR HOPE BOIJE FOR ORDER AUTHORIZING  
 9 PAYMENT OF ATTORNEYS' FEES AND FOR ORDER TERMINATING APPOINTMENT,  
 10 filed October 1, 2021 is reserved and continued for hearing on March 11, 2022 as stated above.

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 13 DATED: 12-01-2021

  
 \_\_\_\_\_  
 Hon. Sandra K. Bean, Judge of the Superior Court

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 16  
 17 APPROVED AS TO FORM AND CONTENT:

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 20 By:   
 James M. Wood  
 Attorney for Kimball G. Everingham  
 and Bruce Everingham

21  
 22  
 23 By: \_\_\_\_\_  
 Alex Verbeck  
 Attorney for Dale Everingham

24  
 25  
 26 By: \_\_\_\_\_  
 Linda C. Slider  
 Attorney for Karen B. Rabello


1 b. In the event that the Parties cannot agree on the appointment of a referee,  
2 the Parties may submit their request for the appointment of a referee pursuant to C.C.P. §639 by  
3 ex parte petition.;

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5 5. Daniel Newbold's appointment as guardian ad litem for Hope H. Boije is  
6 terminated and his discovery responses to the Parties' discovery requests are excused. The Court's  
7 review and determination of Mr. Newbold's PETITION OF DANIEL B. NEWBOLD, COURT-  
8 APPOINTED GUARDIAN AD LITEM FOR HOPE BOIJE FOR ORDER AUTHORIZING  
9 PAYMENT OF ATTORNEYS' FEES AND FOR ORDER TERMINATING APPOINTMENT,  
10 filed October 1, 2021 is reserved and continued for hearing on March 11, 2022 as stated above.  
11

12  
13 DATED: \_\_\_\_\_  
14 \_\_\_\_\_  
15 Hon. Sandra K. Bean, Judge of the Superior Court

16  
17 APPROVED AS TO FORM AND CONTENT:

18  
19  
20 By: \_\_\_\_\_  
21 **James M. Wood**  
22 Attorney for Kimball G. Everingham  
and Bruce Everingham

23 By:   
24 \_\_\_\_\_  
25 **Alex Verbeck**  
Attorney for Dale Everingham

26  
27 By: \_\_\_\_\_  
28 **Linda C. Slider**  
Attorney for Karen B. Rabello

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b. In the event that the Parties cannot agree on the appointment of a referee, the Parties may submit their request for the appointment of a referee pursuant to C.C.P. §639 by ex parte petition.;


5. Daniel Newbold's appointment as guardian ad litem for Hope H. Boije is terminated and his discovery responses to the Parties' discovery requests are excused. The Court's review and determination of Mr. Newbold's PETITION OF DANIEL B. NEWBOLD, COURT-APPOINTED GUARDIAN AD LITEM FOR HOPE BOIJE FOR ORDER AUTHORIZING PAYMENT OF ATTORNEYS' FEES AND FOR ORDER TERMINATING APPOINTMENT, filed October 1, 2021 is reserved and continued for hearing on March 11, 2022 as stated above.

DATED: \_\_\_\_\_  
Hon. Sandra K. Bean, Judge of the Superior Court

APPROVED AS TO FORM AND CONTENT:

By: \_\_\_\_\_  
**James M. Wood**  
Attorney for Kimball G. Everingham  
and Bruce Everingham

By: \_\_\_\_\_  
**Alex Verbeck**  
Attorney for Dale Everingham

By:   
\_\_\_\_\_  
**Linda C. Slider**  
Attorney for Karen B. Rabello

*Susanne B. Cohen*

1 By: \_\_\_\_\_

**Susanné B. Cohen**  
Attorney for Julie Menack, CLPF

2

3

4 By: \_\_\_\_\_

**Daniel Newbold**  
Guardian ad Litem for Hope H. Boije

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7 By: \_\_\_\_\_

**Jonathan Chase**  
Attorney for Hope H. Boije

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1 By: \_\_\_\_\_  
2 **Susanne B. Cohen**  
3 Attorney for Julie Menack, CLPF

4 By: *Daniel B Newbold*  
5 \_\_\_\_\_  
6 **Daniel Newbold**  
7 Guardian ad Litem for Hope H. Boije

8 By: \_\_\_\_\_  
9 **Jonathan Chase**  
10 Attorney for Hope H. Boije

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By: Susanne B. Cohen  
Attorney for Julie Menack, CLPF

By: Daniel Newbold  
Guardian ad Litem for Hope H. Boije

By:   
Jonathan Chase (deceased 08/31/2021)  
Attorney for Hope H. Boije



**SUPERIOR COURT OF CALIFORNIA**  
COUNTY OF ALAMEDA  
Berkeley Courthouse  
2120 Martin Luther King, Jr. Way  
Berkeley, CA 94704



**US POSTAGE** IMPITNEY BOWES



ZIP 94704 **\$ 000.53<sup>0</sup>**  
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0000371247 DEC 01 2021

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