

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 07/13/2022

TIME: 04:00:00 PM

DEPT: C-67

JUDICIAL OFFICER PRESIDING: Eddie C Sturgeon

CLERK: Valerie Secaur

REPORTER/ERM: Michelle Neuenswander CSR# 12508

BAILIFF/COURT ATTENDANT: M. Micone

CASE NO: **37-2018-00016374-CU-PO-CTL** CASE INIT.DATE: 03/22/2018

CASE TITLE: **Veronica Doyle vs. Vault PK [IMAGED]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

EVENT TYPE: Status Conference (Civil)

APPEARANCES

TIMOTHY A SCOTT, counsel, present for Plaintiff(s).

Kimberly S Oberrecht, counsel, present for Defendant,Cross - Complainant(s).

EYDITH J KAUFMAN, counsel, present for Defendant,Cross - Complainant(s).

Traci Lagasse, counsel, present for Defendant,Cross - Complainant(s).

The purpose of this Minute Order is to address a statement made by Plaintiff's counsel, Timothy Scott, made on the record during trial on June 30, 2022. Specifically, while Mr. Scott was addressing the Court, and after this Court orally granted Defendant MTS's motion for nonsuit, Mr. Scott stated as follows:

"...I hope this doesn't sound unctuous, but just to end the weekend on a good note, I want to thank the court staff. I want to say to have a good weekend to Mr. DeMaria. I want to say have a good weekend to Ms. Frerich. And I want to say have a good weekend to both MTS counsel. I'll *See you next Tuesday. See you next Tuesday.*"

(Judge's Ex. 1 at p. 110, emphasis added.)

Completely unaware of the intended meaning of "See you next Tuesday," (see *infra*), the Court responded, "How kind." (Judge's Ex. 1 at p. 110.)

On Tuesday, July 5, 2022, counsel for MTS approached the Court and requested to be heard about an issue concerning the above statement made by Mr. Scott on June 30, 2022. The Court and all counsel met in chambers to discuss the issue. The in-chambers meeting was recorded and documents consisting of various emails were provided to the Court. (Judge's Exs. 2-4.) During this meeting it was revealed, that unbeknownst to the Court, the term "See you next Tuesday," is a serious covert insult directed towards women. (See Judge's Ex. 5 at p. 6-9 ; see also <https://www.dictionary.com/e/slang/see-you-next-tuesday/>.) It was also revealed during the in-chambers meeting that Mr. Scott intentionally made the statement with the full knowledge of the meaning of the

phrase. (Judge's Exs. 2, 5 at pp. 8-9.) Mr. Scott tried to explain that his deliberate use of the phrase was an "inside joke" between him and one of this firm employees which he expected no one in the courtroom would detect. (Judge's Ex. 5 at pp. 8-9, see also Judge Ex. 2.) However, it is not a joke to this Court that Mr. Scott made this egregious and offensive insult intentionally to two female attorneys via a coded message. In fact, but for Ms. Lagasse bringing it to the Court's attention, this wrongdoing would have been undetected. Mr. Scott not only attempted to deceive all counsel, but also this Court, into believing he genuinely was wishing everyone a nice weekend when in fact he was purposefully directing a derogatory epithet toward the female defense attorneys who had just prevailed in a nonsuit in this case.

"An attorney is an 'officer of the court' who, by virtue of his or her professional position, undertakes certain 'special duties ... to avoid conduct that undermines the integrity of the adjudicative process.' " (*F.T.C. v. Network Services Depot, Inc.* (9th Cir. 2010) 617 F.3d 1127, 1143.) In other words, "[I]t is vital to the integrity of our adversary legal process that attorneys strive to maintain the highest standards of ethics, civility, and professionalism in the practice of law." (*People v. Chong* (1999) 76 Cal.App.4th 232, 243, 90 Cal.Rptr.2d 198.) Indeed, unwarranted personal attacks on the character or motives of the opposing party, counsel, or witnesses are inappropriate and may constitute misconduct. (*Id.* at p. 245, 90 Cal.Rptr.2d 198; see also *Stone v. Foster* (1980) 106 Cal.App.3d 334, 355, 164 Cal.Rptr. 901.) (*In re S.C.* (2006) 138 Cal.App.4th 396, 412.) "When, during the course of trial, an attorney violates his or her obligations as an officer of the court, the judge may control the proceedings and protect the integrity of the court and the judicial process by reprimanding the attorney." (*Chong, supra*, 76 Cal.App.4th at 243–244.)

Mr. Scott's statement directed to Ms. Lagasse and Ms. Oberrecht is reprehensible and will not be tolerated in this courtroom. As such, for reasons stated above, the Court finds that it has a duty to alert the State Bar of California of Mr. Scott's conduct on June 30, 2022 and will be filing a Discipline Referral with the State Bar.

Eddie C. Sturgeon

Judge Eddie C Sturgeon