



THE STATE BAR OF CALIFORNIA

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DATE: October 17, 2009

TO: Board Committee on Operations

FROM: Cathy Torney, Committee Coordinator

SUBJECT: *Fagelbaum v Smylie*, Request for Amicus Curiae Participation, Report of Action Taken September 4, 2009, Between Meetings

On September 4, 2009, the Board Committee on Operations held a meeting by conference call to discuss the above item.

A quorum was reached and the Board Committee voted unanimously to adopt the following resolution:

RESOLVED that the Board Committee on Operations declines to authorize the Acting General Counsel, or his designee, to file an amicus curiae letter in *Fagelbaum & Heller LLP v. Robert O. Smylie*, California Supreme Court Case No. S175015, Court of Appeal, Second Appellate District, Case No. B205181, Los Angeles Superior Court, Case No. BC359482.

All members, except Ms. Dumanis and Mr. Rubin, were present. All members present voted yes.

A copy of the agenda item is attached.