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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF SANTA CLARA

10 JEFFREY R. GOLIN, ELSIE Y. GOLIN,)
11 NANCY K. GOLIN,)

No. 1-07-CV-082823

12 Plaintiffs,)

13 vs.)

14 CLIFFORD B. ALLENBY, et al.)

15 Defendants,)

EX PARTE APPLICATION FOR ORDER
VACATING THE MAY 30, 2007
APPOINTMENT OF CLAUDIA P. JOHNSON
AS *GUARDIAN AD LITEM* FOR
NANCY K. GOLIN, *NUNC PRO TUNC*
AND REQUESTING A WAIVER OF
FILING FEES

16 Petitioner CLAUDIA P. JOHNSON, alleges:

17 1. Petitioner is a private professional conservator duly registered with the County of Santa
18 Clara and the State of California.

19 2. Petitioner is informed and believes and thereon alleges that NANCY K. GOLIN , a
20 plaintiff in this action, is an incapacitated adult within the meaning of Probate Code Section 1003(a)(2)
21 and as such is unable to act as a party to litigation; and that appointment of a *guardian ad litem* for
22 NANCY K. GOLIN is warranted pursuant to that Section.

23 3. On May 30, 2007, at 10:00 a.m. a motion was made by Plaintiff ELSIE Y. GOLIN
24 requesting appointment of a *guardian ad litem* for Plaintiff NANCY K. GOLIN. That petition was
25 opposed by Defendant SAN ANDREAS REGIONAL CENTER, INC. , represented by Eric A. Gale,
26 Esq. , Bradley, Curley, Asiano, Barrabee & Crawford. Plaintiff ELSIE GOLAN was represented by
27 Lara Shapiro, Esq. Plaintiff JEFFRY GOLIN also appeared, *In Propria Personum*. After consideration
28 of the papers on file and oral arguments, the Court made an order granting in part and denying in part

1 the motion. A copy of that order is attached hereto as Exhibit A and incorporated herein by this
2 reference.

3 4. Page 2, line 10 of the order includes hand-written language as follows:

4 "The court appoints Claudia P. Johnson as *guardian ad litem* for Nancy K. Golin."

5 5. The time required to fulfil the responsibilities of *guardian ad litem* in this action would
6 seriously compromise Petitioner's ability to perform the fiduciary work she has already committed to
7 perform in other difficult and challenging conservatorship and probate cases pending before this Court.

8 6. Petitioner is informed and believes and thereon alleges that there are no funds from which
9 she might be compensated for her services. Petitioner is not able to commit to participate in a case of
10 this magnitude on a *pro bono* basis.

11 7. Further, since Petitioner is not an attorney, she would require the assistance of counsel
12 to perform the duties of *guardian ad litem*. Petitioner does not have sufficient **personal** funds to pay
13 for legal representation, nor does she have access to legal services on a *pro bono* basis.

14 8. Petitioner was unaware that she was being considered by the Court to serve as *guardian*
15 *ad litem*, and had **no notice of the motion**. Had she known, Petitioner could have advised the Court
16 of the obstacles described above, and that she was not able to accept the position. Petitioner respectfully
17 requests that the Court set aside her appointment *nunc pro tunc*.

18 WHEREFORE, Petitioner requests that the Court vacate that portion of order filed May 30, 2007
19 *nunc pro tunc* appointing Claudia P. Johnson *guardian ad litem*, and waive any filing fees and *ex parte*
20 hearing fees which Petitioner might otherwise be required to pay from her personal funds to request this
21 relief from the Court (first appearance of a party and *ex parte* hearing fees.)

22 Dated:

Respectfully submitted,

25 _____
Margaret Laughlin Martin, Esq.,
26 Appearing as Special Counsel for
Claudia P. Johnson

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Verification

I, the undersigned, say:

I am the petitioner in this matter. I have read the foregoing and know the contents thereof. The same is true of my own knowledge, except as to the matters alleged on information and belief, and as to those matters I believe it to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed at Burlingame, CA on _____.

Claudia P. Johnson