

Superior Court of California, County of El Dorado

NOTE: Court Calendars listed here are updated nightly 2:30 pm, and again at 5:30 pm. Any change to the calendar after 5:30 pm will NOT be reflected until the calendar is generated again the next day. This includes matters added or removed from calendar.

The calendar shows upcoming appearances for cases within 60 days of today's date. Appearances scheduled beyond 60 days are not displayed.

#	Name Hearing Information	Dept	Charge	Time Date	Case# Def Atty
201	GUARDIANSHIP OF CAMDEN LIAM KALTEREN-HOWARD HEARING: MOTION RE: FOR VISITATION FILED BY KATHLEEN CAMPBELL	9		2:30 PM 7/12/2012	PP20090046
202	GUARDIANSHIP OF RAINA & ASHLYN LANGLEY-CAMPOS HEARING ON PETITION FOR TERMINATION OF GUARDIANSHIP FILED BY SAMANTHA M LANGLEY-CAMPOS	9		2:30 PM 7/12/2012	PP20090033
203	GUARDIANSHIP OF RAINA & ASHLYN LANGLEY-CAMPOS HEARING: REVIEW HEARING RE: STATUS OF GUARDIANSHIP	9P		2:30 PM 7/12/2012	PP20090033
204	GUARDIANSHIP OF SEBASTIAN AHERN HEARING ON PETITION FOR APPOINTMENT OF GUARDIAN OF THE PERSON FILED BY ALEXANDRA L MCCORMACK	9		2:30 PM 7/12/2012	PP20120046
205	GUARDIANSHIP OF JOSEPH A RIOUX HEARING: REVIEW HEARING RE: 1ST ACCOUNT AND REPORT	9		2:30 PM 7/12/2012	PP20090024
206	GUARDIANSHIP OF JOSEPH A RIOUX HEARING: REVIEW HEARING RE: FILING RECEIPT OF DEPOSIT IN BLOCKED ACCOUNT	9		2:30 PM 7/12/2012	PP20090024
207	GUARDIANSHIP OF ADDIE MARIE ROSEMEYER HEARING ON PETITION FOR APPOINTMENT OF GUARDIANSHIP OF THE ESTATE FILED BY CHARLES KEVIN ROSEMEYER	9		2:30 PM 7/12/2012	PP20120045
208	GUARDIANSHIP OF MATTHEW ANDERSON THOMPSON HEARING: APPOINTMENT OF GUARDIAN	9		2:30 PM 7/12/2012	PP20120078
209	DONNER, RYAN Motion RE: ORDER TO SHOW CAUSE,	6	1-BAIL PC	3:30 PM 7/12/2012	P12SP0002
210	GIACHINO, RICHARD DENNIS TRIAL BY WRITTEN DECLARATION	8	1-22350 VC	4:35 PM 7/12/2012	31222PKRG
211	SIMIONESCU, HORIA CRISTIAN TRIAL BY WRITTEN DECLARATION	8	1- 22349(A) VC	4:41 PM 7/12/2012	31334PKHS

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1 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF EL DORADO
3

4 ---000---

5 In the Matter of:

6 RYAN DONNER

No. P12SP0002

7 Grand Juror.
8

9 ---000---

10 REPORTER'S TRANSCRIPT OF PROCEEDINGS

11 JULY 12, 2012

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REPORTED BY:

JODY EZZELL, RMR, CSR #4131

1 PLACERVILLE, CALIFORNIA

2 THURSDAY, JULY 12, 2012, 3:52 P.M.

3 DEPARTMENT NO. 2

HON. STEVEN C. BAILEY, JUDGE

4 ---000---

5 THE CLERK: In the matter of the case of P12SP0002,
6 Matter of Ryan Donner.

7 THE COURT: Okay. Let me tell you first today, both of
8 you, what we're going to do and what we're not going to do.

9 What we're not going to do is a formal evidentiary
10 hearing simply because I don't believe that notice has been
11 adequate to Mr. Donner such that I would expect you to be
12 prepared to go forward today.

13 However, I'm also not going to give a significant amount
14 of time. I'm not suggesting we're going to do it tomorrow,
15 but it could be as early as next week when we do a hearing in
16 this.

17 The court has a significant amount of leeway in keeping
18 or removing jurors. The Code of Civil Procedure outlines
19 that if "... a juror becomes sick or, upon other good cause
20 shown to the court, is found to be unable to perform his or
21 her duty, the court may order the juror to be discharged, in
22 which case -- and I'm paraphrasing 233 now of the Code of
23 Civil Procedure -- the court would then proceed to select an
24 alternate to take the discharged juror's place.

25 What I want to do with today's proceeding is kind of
26 address the parameters of what the Court sees happening. And
27 so that the record clearly reflects, there were a series of
28 e-mails that were sent around over the first week of July.

1 Those e-mails came into my possession either by being
2 forwarded by the foreperson and/or I think I received a
3 direct communication from you, Mr. Donner.

4 And, quite frankly, I'm using the formal today because
5 of the formal nature of the proceeding. I might in other
6 instances refer to both of you by first names as opposed to
7 being so formal. So I don't want to create undue resistance
8 because of the formality, but I want to make sure that we can
9 really get down to the bottom of what's going on.

10 The nature of having this reported is if we have to go
11 into formal proceeding, evidentiary proceeding, we're going
12 to have everything that's being said in this court taken
13 down.

14 Now, let me kind of give some parameters and maybe an
15 expansion of the charge that I gave two weeks ago. The
16 2011-2012 grand jury ended June 30th, no longer to exist in
17 any way, shape, or form. There is now a 2012-2013 grand
18 jury. The court has absolute discretion to appoint the
19 foreperson, and the court has appointed Ray Van Asten as the
20 foreperson for the new grand jury.

21 How the grand jury operated in 2011-12 is really of no
22 import to the court any longer, and it now operates under the
23 new charge as a new and distinct grand jury. Therefore,
24 anything that occurred in the previous term happened in the
25 previous term and no longer has any import whatsoever to how
26 the grand jury will conduct its business in the new term.

27 Having said that, that means that if there's an issue
28 over video conferencing, the new foreperson has the absolute

1 authority vested by this court to know about it, to find out
2 and to see every last document, including e-mails, between
3 any member of the community and/or the board of supervisors
4 or any other agency that may have been working on that, and
5 it is my expectation that the foreperson is going to be
6 afforded that opportunity.

7 That means that for anything to proceed in the 2012-13
8 calendar year, it needs to proceed as if it were a brand-new
9 activity. Administrative functions are the authority of the
10 foreperson. So if this is an investigation or a proceeding
11 that requires some sort of committee, it might require the
12 necessary and requisite vote from the grand jury.

13 But if it's simply an administrative matter, then it
14 needs to go to the foreperson. And any communication to any
15 third party, including the board of supervisors and/or the
16 court, needs to go through the foreperson.

17 Now, it appeared to me that there was some issue with,
18 Mr. Donner, you not being certain that the foreperson had the
19 authority to request the documents and/or whether he had a
20 right to be able to see documents. That may have resolved
21 itself up through today, but I'm not certain that it has,
22 which is why this hearing was convened.

23 Do you want to tell me what's going on so that -- and
24 whether you have any question about whether Ray Van Asten has
25 authority to see the documents?

26 MR. DONNER: I think you've explained clearly that he
27 does have the authority. And, as of today, we've gone over
28 the -- several of the documents multiple times, so there

1 shouldn't be any issues. We've also got his opinion from
2 what county counsel has said, so there's no question.

3 THE COURT: Okay. Ray -- Mr. Van Asten.

4 MR. VAN ASTEN: I did receive documentation from
5 Mr. Donner last Tuesday, Your Honor, which was discussed in
6 the grand jury meeting this morning. Mr. Donner did give me
7 the information -- about, I believe, seven or eight pages --
8 of the application for the funds, the grant, and the
9 backed-up materials.

10 To the best of my knowledge, Mr. Donner has not said
11 anything beyond that. That is all the information that is
12 available. It may not be. It may be we simply have not
13 communicated on that level.

14 THE COURT: Okay.

15 MR. VAN ASTEN: My concern is a little further than
16 that, Your Honor. Unfortunately -- and I say
17 "unfortunately" -- Mr. Donner forwarded the e-mails to other
18 jury members, and they have become aware of the, quote,
19 unquote, controversy, and it has not stimulated openness, I
20 think, or a good atmosphere in the grand jury room. As a
21 matter of fact, it had become somewhat divided.

22 I did tell the jury that I had spoken to county counsel
23 about this particular thing and that I had received
24 information from county counsel that I, as foreperson, had
25 the absolute right to get anything and everything. Even this
26 morning this was challenged by Mr. Donner and -- in the jury
27 meeting, and it was discussed again in the jury meeting.

28 So I do believe that your warning a few minutes ago --

1 or your statement, I should say, probably clears that up
2 hopefully forever, but I still have other jury members that
3 need to either hear this or get a document to that effect.

4 So the other concern that I have, Your Honor, is that
5 Mr. Donner, unfortunately -- and I say again
6 "unfortunately" -- accused me of -- if I may quote from his
7 e-mail. Let me find it, if I can. Here it is.

8 Mr. Donner, in his e-mail, accused me that my leadership
9 creates an atmosphere of fear, intimidation, and bullying
10 that he simply refuses to let pass. And, Your Honor, that is
11 also the e-mail that you received. And I unfortunately feel
12 that undermines my authority somewhat within the grand jury
13 because other grand jurors, of course, have access to this.

14 He also ignored my request not to involve the other
15 jurors because of the problems that that creates, and he
16 ignored my request on that.

17 So in summation, Your Honor, I feel that Mr. Donner has
18 not cooperated today, as a matter of fact, and I'm not sure
19 where this is going to lead to, but it certainly makes my job
20 much more difficult to run the grand jury, so to speak, and
21 do the things that we need to do as a grand jury.

22 THE COURT: Okay. That raises kind of an unfortunate
23 problem, Mr. Donner. Let me ask you point-blank. I mean,
24 are you capable this year -- you know, I'm well aware that
25 you had wanted to be the foreperson. I interviewed you. I
26 thought we had discussed some of these matters, maybe not as
27 explicitly as we're doing today, but I was under the
28 impression that you were well aware that a number of people

1 had applied for foreperson, that it was at least likely that
2 the court would select one of any number of other people.

3 You know, you came, frankly, highly recommended as a
4 person who was diligent, had worked hard on the previous
5 grand jury. I had no qualms whatsoever about reappointing
6 you to this new grand jury.

7 Quite frankly, I'm not going to put up with the drama
8 that I saw from the grand jury last year. Whether you and
9 other members like the drama or not, I'm not going to have a
10 year of that. I'm not going to subject other members of the
11 grand jury to a split jury that is, you know, hiding among
12 itself and conspiring among itself.

13 I still think that you are a hard-working individual who
14 would be well qualified as a juror. However, if I thought --
15 if I had a trial jury going and I had a member attempting to
16 either undermine or, quite frankly, split the jury on
17 nonsubstantive issues, I would remove that juror forthwith.

18 And it may be that this isn't a year that you really
19 ought to be serving. Maybe it would be better to apply and
20 come back in another year. I'm not suggesting that as an
21 alternative, but I just -- it's pretty apparent that the
22 ability to work closely with Mr. Van Asten may not exist.

23 And in that it has been the court's practice in the past
24 to rely upon the foreperson, if you can't work with him and
25 I'm going to have to come down here and have a hearing on a
26 regular basis, I'm not going to put up with that.

27 So, tell me, is this something -- can you work with
28 Mr. Van Asten or is this a situation where we ought to have

1 a -- put you on a future grand jury? I'm not suggesting that
2 you're not qualified to be on the grand jury.

3 MR. DONNER: First, I'd like to say that I don't believe
4 that my comments in this e-mail about Ray being a foreman
5 that creates intimidation and animosity among other jurors is
6 a bad thing.

7 There are oftentimes in -- in business where the
8 employer is someone who creates this kind of situation, and I
9 was letting him know that I was not going to put up with
10 being intimidated and being asked to leave the jury because
11 I'm working on projects that he may not like.

12 I don't appreciate that. And so, therefore, I think
13 that I have -- I have forwarded these e-mails because I
14 wanted the other jurors to realize the scope of what was
15 going on.

16 What was it? There's other jurors that feel the same
17 way as me, so it is not just that I am creating any sort of
18 problem solely for Mr. Van Asten.

19 The other -- you stated that there were several things
20 that I was doing wrong, and I feel that I have fixed all of
21 those issues. The first issue was the signature block, which
22 I happily removed upon his request. Several other things he
23 asked me to do, which I did.

24 And then at anytime that I raised a question, he felt
25 that I was out of line in doing so. I was simply following
26 parliamentary procedure, which is allowed and we had adopted
27 in the grand jury room, and so therefore I have caused no
28 problems there.

1 I realize that the video-conferencing system is
2 something that this new grand jury has to deal with. Like I
3 said, we've talked to county counsel, and we intend to move
4 forward with this with support of the majority of the jurors,
5 I would assume.

6 I believe that it's possible that Ray and I can work
7 together, but, again, I don't appreciate that I'm being the
8 one called into question here when it appears that he's
9 intimidating me, and that's not okay with me.

10 THE COURT: Okay. Let me reiterate the chain of command
11 as I view it. You are a function of the court. Your
12 deliberative aspects are reviewed by the court within certain
13 parameters.

14 Your ability to work together, however, is a direct
15 responsibility of the court. So if you believe that you can
16 work together -- and it's not "I might be able to work
17 together." It really is "I can work with Mr. Van Asten."
18 And that is if he suggests to you that there is a particular
19 direction that ought to be -- that you ought to proceed
20 within the administrative confines of the grand jury, I
21 don't -- he can certainly bring it to me, but it needs to
22 come to me through the jury.

23 I don't expect that there's going to be -- that it's
24 going to be a series of e-mails to members of the grand jury
25 but more of a discussion within the grand jury. But if I
26 continue to hear that there's -- and I'll use the term
27 "drama" occurring, you know, I think at this point you need
28 to make it your goal to work with Mr. Van Asten. Otherwise,

1 I'll have to set it for hearing, and then we'll have a
2 full-blown evidentiary hearing, and we'll get to the bottom
3 of this.

4 In the meantime, Mr. Van Asten, if you believe that the
5 Court needs to give additional direction to the jury, then
6 what I'm going to direct you to do is to contact Ms. Thurman.
7 Ask that a formal grand jury proceeding be set up. We're
8 going to do it here in the courthouse. I'm not going to come
9 to the grand jury room for this proceeding. I will give
10 additional instructions to the entire jury.

11 And do I -- I'm going to turn to you, Mr. Donner. Do
12 you believe that I need to hold an evidentiary hearing at
13 this point? Do you feel that you need to be vindicated in
14 some manner, or is this something that you will go back and
15 work on to be a cooperative and -- a cooperative member of
16 the grand jury?

17 MR. DONNER: I don't quite understand, quite frankly,
18 why I am the one that has to defend myself here. There's
19 issues between Ray and I, obviously, but those issues were
20 not solely created by myself.

21 THE COURT: Okay. The question is can you bridge those
22 issues and resolve them with Mr. Van Asten, or do I need to
23 have a hearing to resolve the issue one way or the other?

24 MR. DONNER: I believe that, like today, where we worked
25 very well together, that it's quite possible that we can have
26 a well-working grand jury and that the two of us can work
27 just fine together.

28 THE COURT: I'm not looking for possibilities. I'm

1 looking for something that affirmatively tells me that it's
2 going to happen. And if it isn't going to happen, then I'll
3 have a formal hearing. All of this -- all of the matters as
4 to everybody can come out.

5 MR. DONNER: Okay. Can I ask a question?

6 THE COURT: Yes.

7 MR. DONNER: So if there is a problem again, then what
8 happens?

9 THE COURT: Well, then you're going to need to request
10 the court for a hearing or I'm certain that the foreperson is
11 going to request the court for another hearing in this
12 matter.

13 MR. DONNER: Then, in that case, we can work well
14 together and yes.

15 THE COURT: Okay. Then that -- at this point I'm not
16 going to set it for any further proceedings. I have the
17 expectation that you will sit down with Mr. Van Asten and you
18 will resolve your differences through the meetings.

19 And that if there's a need for further proceeding, I'll
20 instruct you, Mr. Van Asten, that if Mr. Donner wishes a
21 court proceeding, that you are instructed to contact the
22 court forthwith, and I will set it for a formal evidentiary
23 hearing on whatever the particular issue is.

24 MR. VAN ASTEN: Will do, Your Honor.

25 THE COURT: Okay? In the meantime, is it your belief we
26 need to have a formal proceeding with the grand jury?

27 MR. VAN ASTEN: I don't believe so at this time,
28 Your Honor.

1 THE COURT: Okay. Then I will not set it for a formal
2 proceeding, and that will -- that will resolve it for today.

3 I want to make it clear there was no hearing here. I
4 mean, there's no evidentiary hearing at this time. I didn't
5 get your full side of the story, so I'm reserving any type of
6 decision as to whether you're right, he's right. You know,
7 that's for another day, if it needs to happen.

8 In the meantime, I want you to bridge and I want -- and
9 I know, because I've worked with Mr. Van Asten on several
10 occasions in the past when he's been on the grand jury. I
11 want the two of you guys to resolve these among yourselves.
12 To the extent it doesn't require bringing other jurors into
13 it, that would be my preference.

14 But it is a grand jury. And if it needs to be discussed
15 in the open jury room, I'm certainly not instructing anyone
16 not to discuss it. But my preference is, and I think for the
17 good of the jury, you should be -- you and Mr. Van Asten
18 ought to work these problems out.

19 But keep in mind that the foreperson of this jury and
20 the one that is going to communicate with me is
21 Ray Van Asten. Okay?

22 That will be the -- that will be all we're going to do
23 today. I do appreciate you being here on relative short
24 notice. Okay.

25 MR. VAN ASTEN: Thank you, Your Honor.

26 THE COURT: We'll stand in recess.

27 (The proceedings concluded at 4:15 p.m.)

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1 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF EL DORADO
3

4 ---000---

5 In the Matter of:

6 RYAN DONNER

No. P12SP0002

7 Grand Juror.

8 STATE OF CALIFORNIA)
9 COUNTY OF EL DORADO) ss.

10 I, JODY EZZELL, Certified Shorthand Reporter of the
11 State of California, do hereby certify the foregoing pages 1
12 through 11 are a true and accurate transcription of my said
13 stenographic notes taken in the above-entitled matter on:

14 DATE OF PROCEEDINGS: JULY 12, 2012

15 Dated at Placerville, California, this 17th day of
16 July 2012.

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18 Jody Ezzell
19 JODY EZZELL, CSR #4131
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