



CITATIONS

OCTOBER - TWO THOUSAND TWENTY SIX

ROBIN COTTINGHAM RECEIVES 2026 VERA KAGAN AWARD

By Paul Bujold

Page 12



DINA ONTIVERAS RECEIVES 2026 JAMES D. LOEBL AWARD

By Ellie Gomez

Page 13



KRISTINE TIJAM

JUDGE BRUCE YOUNG

DAVID B. SHEA

KATHLEEN "KAT" MAHEU

PRESIDENT'S MESSAGE: BEWARE OF LAWYERS	3
HAVE YOU HEARD?	5
NEWS FROM THE COURT	5
BEYOND THE BENCH	6
VCTLA & FLBA SECTION MEMBER MIXER PHOTOS	7
LOCAL LEGAL COMMUNITY REMEMBERS JUDGE DAVID LONG	8
GETTING NOTICE RIGHT IN PROBATE AND TRUST PROCEEDINGS	18
MEMBER SPOTLIGHTS: PATTI MANN AND MARC ANDERSON	20-21
CLASSIFIEDS	23

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PRESIDENT'S MESSAGE

By Kristine Tijam



As we enter October, fall and Halloween decorations begin to emerge in preparation for the season's festivities. For many of us, this month marks the beginning of a roller coaster of consecutive holidays that suddenly catapults us into a new year and leaves us wondering how another year passed by so quickly. We can all agree that many of us celebrate fall and Halloween in different ways, such as by visiting pumpkin patches, drinking pumpkin spice lattes, carving pumpkins, attending Halloween parties, trick-or-treating, watching horror movies, or visiting haunted houses. Halloween offers something for everyone, from those who want to partake in a lighter and happier version of the holiday to those who yearn for the scary and spooky experience.

In keeping with the spirit of Halloween, I wanted to write about something on theme that many people find truly frightening and horrific: getting sued. I am sure some of us have thought about Halloween being a minefield for potential liability and arguments of comparative fault. For example, people walk through all sorts of public areas; many are distracted; decorations are scattered throughout (and sometimes without the best organization or concealment of power cords); and people navigate dark, unfamiliar areas while wearing costumes that hinder their movements and vision. The following is a discussion of one landmark Halloween-based appellate decision that I found interesting.

In *Griffin v. The Haunted Hotel, Inc.* (2015) 242 Cal.App.4th 490, plaintiff Griffin visited an outdoor haunted house attraction in San Diego, where actors jump out of dark spaces while holding props to scare patrons. This attraction utilized a final scare tactic

known as the "Carrie" effect, named after the horror film *Carrie*. The "Carrie" effect works by leading patrons to believe that they have already exited the attraction, only to be met with "one more extreme fright." (*Id.* at 493.) Consequently, after the plaintiff passed what he thought was the exit of the haunted attraction and while laughing with his friends, an actor wielding a gas-powered chainsaw approached him, frightened him, and chased him. The plaintiff ran away and fell while fleeing, injuring his wrist. He sued The Haunted Hotel, Inc., the operator of the haunted attraction, alleging causes of action for general negligence; negligent hiring, training, supervision, and retention; and assault. (*Id.* at 496-497.)

The Haunted Hotel, Inc. filed a motion for summary judgment on the grounds that the primary assumption of risk doctrine barred the plaintiff's claims. The defendant's main argument was that the plaintiff's injuries stemmed from being frightened, startled, chased, or otherwise menaced during the activity, but the attraction's employees were employed to do just that. (*Griffin v. The Haunted Hotel, Inc.*, *supra*, 242 Cal.App.4th 490, 497.) In other words, the plaintiff's alleged injuries stemmed from the inherent nature of the attraction he chose to partake in.

Griffin opposed the motion on the following grounds: he was not injured while on the "haunted trail"; the reason he ran was not because he was scared of the actor's "fantasy role play"; and "the primary assumption of the risk doctrine does not apply in context where a Defendant is accused of engaging in oppressive, malicious or reckless conduct." (*Griffin v. The Haunted Hotel, Inc.*, *supra*, 242 Cal.App.4th 490, 497.) (As an aside, the operative complaint sought punitive damages based on a claim that the defendant trained employees to chase patrons beyond the attraction's "exit." The court overruled the defendant's motion to strike those damages. (*Ibid.*))

The trial court granted the defendant's motion for summary judgment, finding that all activities took place on and within the defendant's boundaries (although the plaintiff was unaware of that fact) and that the facts forming the basis for the litigation were neither inappropriate nor actionable in light of the inherent nature of the event. The trial court's ruling explained:

Patrons of The Haunted Trail pay for the opportunity to be scared and The Haunted Trail, by design, is scary. Plaintiff argues the assumption of risk doctrine does not apply because he was chased after he believed the event was over and 'even football fields have sidelines.' [Citation.] However, the doctrine 'does not depend on the particular plaintiff's subjective knowledge or appreciation of the potential risk.' *Knight [v. Jewett]* (1992) 3 Cal.4th [296], 316 [11 Cal.Rptr.2d 2, 834 P.2d 696 (Knight)]. [¶] ... [W]hile the plaintiff believed he had gone through an exit he was still within the scary experience he purchased. The risk that plaintiff might be scared enough to run away is inherent in the fundamental nature of a haunted house attraction. [¶] ... [W]ho would want to go to a haunted house that is not scary?

(*Griffin v. The Haunted Hotel, Inc.*, *supra*, 242 Cal.App.4th 490, 497-498.)

Griffin appealed. The Court of Appeal affirmed the trial court's ruling on multiple grounds, which are not all discussed here in the interest of brevity. Importantly, the appellate court determined that the primary assumption of risk doctrine applied to The Haunted Trail, as it applies to recreational activities "involving an inherent risk of injury to voluntary participants ... where the risk cannot be eliminated without altering the fundamental nature of the activity." (*Griffin v. The Haunted Hotel, Inc.*, *supra*, 242 Cal.App.4th 490, 500, citing *Nalwa v. Cedar Fair, L.P.* (2012) 55 Cal.4th 1148, 1156.) The appellate court further explained that the point of the attraction was to scare people, and the risk that someone would become scared and react by running away could not be eliminated without changing the basic character of the activity. (*Griffin v. The Haunted Hotel, Inc.*, *supra*, 242 Cal.App.4th 490, 500.)

In doing my research for this month's President's Message, I also came across other "haunted house" lawsuits. One was a case filed in Los Angeles County Superior Court against Knott's Berry Farm, wherein the plaintiff alleged that an actor grabbed her hand, slammed it against a metal pole, splashed her with water, and cursed at her. The other was a lawsuit filed by two teenage plaintiffs who alleged that they

continued on page 4

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PRESIDENT'S MESSAGE

continued from page 3

were humiliated when an actress at Universal Studios Hollywood's Halloween Horror Nights called them derogatory names in front of a crowd. We can be sure many other cases exist but have not been as widely publicized.

These lawsuits brought me back to a memory of when I was a young law student. One of the attorneys I was working with at the time told me that law school would change the way I see the world. In one lighthearted example, he explained, "you'll be walking in public then will suddenly see something that makes you go, 'yeah, that's a lawsuit...'. Years later, especially as a litigation attorney, I can say that he was completely right.

On more occasions than I would like to admit, I've walked by all sorts of outdoor conditions that have caused my brain to immediately jump to a legal analysis of potential liability and defenses. For example, does that sidewalk uplift constitute a "trivial defect"? Could the property owner be charged with any notice of the alleged dangerous condition? Is there potential liability on the adjacent property owner? These lines of thinking have also certainly crossed my mind in connection with household outdoor

Halloween decorations. I have also become more diligent about ensuring walkways are well-lit and clear of any potential "dangerous conditions" for trick-or-treaters and their guardians. Although any potential liability stemming from those conditions is certainly of a much smaller scale than the exposure that Halloween attraction-based companies face, I have represented enough homeowners and public entities in trip-and-fall litigation to recognize the value in preventing a lawsuit even though you may be able to ultimately get out on summary judgment.

Regardless of how you all choose to spend your October, I wish you all a fun month free of any lawsuit-related haunts!



Kristine Tijam is a civil litigation attorney at Shyer & Winter, LLP and an adjunct law professor at The Colleges of Law. Her practice focuses on representing cities, businesses, and individuals in various types of lawsuits. She can be reached at kristine@shyerwinter.com or (805) 603-8623.

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HAVE YOU HEARD?

Marcie B. Kraft has passed away. Friends will hold a Celebration of Life on October 4, 2026. Marcie worked for the Ventura County Superior Court from 2000 through 2014 as a Child Custody Recommending Counselor/mediator and probate investigator in conservatorship and guardianship matters.

After leaving the court, she established Parenting Plan Peace, where beginning in 2014 she worked as a parenting plan coordinator, child-custody mediator, shared-custody parenting communications coach and attorney consultant. Her work remained centered on helping separated parents develop and implement parenting plans focused on their children's best interests.

Her background was unusually broad. She earned a B.S. in Education/Special Education from Indiana University in 1981, an M.A. in Early Childhood/Special Education from CSU Northridge in 1985, a UCLA Extension certificate in Alcohol/Drug Abuse Counseling in 1991, an M.S. in Counseling from CSU Northridge in 1994, and her J.D. from Southwestern University School of Law in 1999. She was admitted to the California Bar that year. Before joining the court, she taught special and adult education in LAUSD from 1984–2005 and served as a crisis counselor for the National Child Abuse Hotline from 1992–1996.

Celebration of Life for Marcie B. Kraft
Sunday, October 4, 2026 | 1:30–4:30 p.m.
Westlake Village
The address will be provided after RSVP.

Scan the QR code to view the announcement and RSVP through Facebook.



NEWS FROM THE COURT

Judge Denoce Retires



The **Honorable Kevin G. DeNoce**, Judge of the Superior Court of California, County of Ventura, retired on August 22, 2026. DeNoce was appointed to the position of Court Commissioner in 2007. In 2008, he was elevated to the office of Judge by Governor Arnold Schwarzenegger. In his 19-year career at the Court, DeNoce served as Supervising Judge of the Civil Division, Assistant Presiding Judge, and Presiding Judge. He served in the Family Law, Criminal, Civil, Juvenile and Appellate Divisions of the Court. In 2017, the Ventura County Trial Lawyers Association named DeNoce the Judge of the Year.

During his tenure on the bench, DeNoce presided over hundreds of jury trials in criminal and civil cases, including many high-profile and complex cases. He was known for his preparation, legal acumen, and case management expertise. An advocate of technology in the courtroom, DeNoce pioneered the use of remote video appearances during the COVID-19 pandemic, as well as the use of PowerPoint in jury selection and instruction. He was instrumental in the Court's implementation of the Electronic Search Warrant system which permits judges to review and approve search warrants submitted by law

enforcement agencies electronically, thus speeding up the process and saving thousands of hours of law enforcement personnel time each year. DeNoce served as a mentor and resource for numerous judges. Additionally, DeNoce served on the Central Coast Judicial Selection Advisory Committee which advised Judicial Appointments Secretary Luis Cespedes concerning applicants for judicial appointments.

Prior to his appointment to the bench, DeNoce served as a prosecuting attorney with the Ventura County District Attorney from 1987 to 1996. During his time in the District Attorney's Office, DeNoce was the Supervising Attorney of the Appellate Division from 1992 to 1996, and a Senior Deputy District Attorney from 1994 to 1996. After leaving the District Attorney's Office, DeNoce was a partner in the Law Offices of Andrade & DeNoce from 1996 to 2003, and then a sole practitioner in the Law Offices of Kevin G. DeNoce, both in the community of Ventura. In private practice, DeNoce specialized in criminal defense, DUI defense, criminal appeals and writs, personal injury and administrative law.

DeNoce earned his bachelor's degree in Comparative Religions and Philosophy from the University of Colorado at Boulder. He received his juris doctorate degree from Pepperdine University School of Law.

With the retirement of DeNoce, the Court loses one of its most experienced and respected judges. The Court wishes Judge DeNoce the very best upon the occasion of his well-earned retirement.

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BEYOND THE BENCH JUDGE BRUCE YOUNG



My last day sitting on the Bench was Friday, October 13, 2023. (Luckily, I am not superstitious.) As I approached the end of my 3rd year of retirement, I think back to my start on the bench, initially as a Traffic and Small Claims Court Commissioner in February of 2003. Some of my early judicial career mentors include **Judges Jack Smiley, Kevin McGee, Toy White** and **Justice Tari Cody**. I have also been very lucky to be surrounded by very hard-working people that all helped me along the way including my judicial colleagues mentioned above, court clerks, bailiffs, judicial secretaries, court reporters, court interpreters, and last but not least, the many attorneys that I learned from. Although, at times my ongoing education from the bar members came from tactics and comments in my Court teaching me “what not to do” in my Courtroom.

Like **Judge Walsh’s** comments in his article in the June *CITATIONS*, I considered sitting on assignment in our court as well as other courts, but came to the honest self-realization that while in retirement my big loss would be not getting to see certain people that I worked with “every day,” but that loss would have to be remedied by seeing those people out in public in planned social occasions like lunches.

As to my life in retirement, it certainly has been an adjustment each day in knowing that my alarm did not need to be set and that if I wanted to stay up late watching old reruns of “NCIS,” old Westerns or the “3 Stooges,” that I could do that without damaging my “work or play” project I planned to do the next day.

I have learned and thankfully am carrying out my goal to be healthy and exercise regularly as I move into my late 70s. Going to our local

YMCA for workouts and classes, walking 30 minutes a day when not attending the Y or playing golf (if that is what you call what I do on the course) brings great satisfaction personally and mentally.

These fitness routines help me move about with comfort whether it is a house chore, a trip to the grocery store or a travel vacation with my wife Tena. As we move through her list of places we want to see I find they are always terrific. Recent trips include traveling to Canada and Alaska and then our most recent trip with close friends for 14 days to London, Amsterdam and traveling down the Rhine River to Switzerland, which were amazing. Those trips also had some challenges and required decisions on what museums to see when traveling. This just illustrates the need to stay healthy and work out due to the extensive walking and sets of stairs one faces daily when traveling abroad.

As to home life, one thing I have painfully learned is that I am NOT a very good house husband as to home repairs and meal preparation, but I am trying to learn. My wife, Tena, is being very patient and is working with me, but it is a slow process. After 42 years of marriage, she continues to put up with me. But I do have to admit my ego gets bruised when she beats me by a stroke or two when we play golf together at the local Ventura golf courses from time to time. Fortunately, 20-plus years on the bench has helped me develop some pretty thick skin now to handle those tough days. On the brighter side of family matters, on August 13th our son and daughter-in-law added to our family with a new baby boy as our 11th grandchild.

To close, best wishes to all the VCTLA lawyers and other local attorneys in your ongoing practices. You do very important work in all the areas of law, so do your best to be prepared in each and every case you appear on in court, whether it be a big one or a small one. To your client in each case, his or her case is the only case that matters to them.

Judge Bruce Young (Ret.) served on the Ventura County Superior Court for more than 20 years, first as a court commissioner and, beginning in 2007, as a judge. During his tenure, he presided over family, juvenile, and criminal matters and served as Presiding Judge of the court. Judge Young retired in December 2023 after more than four decades as a member of Ventura County’s legal community.

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In CITATIONS' tribute last month to **Judge David Long**, we looked back on his remarkable career and the many ways he served the Ventura County legal community. But a judicial career is remembered not only through rulings, assignments, and years of service. It is also remembered through the countless personal encounters that occur along the way, in courtrooms and chambers, in hallways and meetings, and in the small moments that rarely make their way into any official record.

For this follow-up, CITATIONS invited those who knew Judge Long to share their own memories and reflections. What follows are some of those voices, from colleagues, attorneys, friends, and others whose lives intersected with his. Their stories offer a more personal portrait of the judge and the man, and of the lasting impression he made on those fortunate enough to know him.

From David M. Karen

I'm sure I was one of the biggest beneficiaries of Judge Long's reach. I just got lucky.

Shortly after I had left my partnership in 1997 to go out on my own, I opened the Law Offices of David M. Karen in the Oxnard tower. It was 1998. I was the lawyer, secretary, receptionist and file clerk – all in one. While I thought I knew what I was doing as a litigator, I had no idea of the mounting pressures that were ahead.

Fortunately, when I needed it most, I landed in Dept 22 for an MSC with one of my very first Plaintiff's cases before Judge David W. Long, presiding. Looking back, my life changed that day. Like a breath of fresh air,

LOCAL LEGAL COMMUNITY REMEMBERS JUDGE DAVID LONG

the clouds of my day parted. I was welcomed with open arms, as if I was already known. His smile, his matter-of-fact affectation and his incredibly warming laugh put me at ease in an instant.

We didn't even talk about the case for what felt like an hour. He asked about me, my wife, my kids, my hobbies and my practice. I told him I was presently an all-in-one law office with an embarrassed smile. He was way ahead of me when he said something to the effect, "well, let's get this Plaintiff's case of yours settled." I don't remember feeling any pressure to speak. I don't remember any negotiating. I only remember coming back into his Chambers and he said something like "got it – say yes." I practically choked back tears I was so desperately in need of that case resolving that day.

It turned into an expectation I could count on. My trial dates were mounting, but so were the MSCs. I couldn't wait to get back in front of Judge Long – I just delivered him my files and somehow, like magic, the pressures of the moment were gone and my case was resolved. Each time he'd taken the bench to put the settlement on the record with the court reporter present, I felt knighted. I felt respected. I felt alive.

I completed the Pepperdine mediating course in 1999. I was mediating a bunch for the LASC and mentioned it to Judge Long. He asked me if I'd be willing to cover his desk for a morning or afternoon when he was away. He didn't have to ask twice. What started as a random appearance on an MSC evolved into a lifelong mentorship that I never could have expected.

I had been mediating in Ventura County as a sideline business as my litigation practice grew. I loved it when Sherry Jacoby called me to see if I was available to cover his MSC calendar, as it gave me more opportunities to sit in his chair. I did everything I could to make sure the files were settled for him when he returned. That room, that chair, that hallway became my respite for direction.

That's about when our professional relationship made a turn to a personal one. He became my confidant, my mentor, my guide. He asked if I'd be willing to cover the practice for a lawyer that was undergoing cancer surgery that needed help – I gladly

said yes. What started as a maybe 2-week assignment turned into 6 months, then 9, then a year. I juggled the other lawyers' practice by day, and my practice by night. It all came crashing down and Judge Long was there to guide me through the mess.

I watched with excitement as I heard about Judge Long's approaching retirement in 2011. My mediation practice "11th Hour Mediation" was gaining some momentum. I had a keen eye on hoping I had a chance at landing Judge Long as a mediation partner when he rolled off the bench. I was silently crushed when I heard he joined **Paul Fritz** at Creative Dispute Resolution to continue there with his mediation efforts.

We kept in touch and he reached out sometime in 2014. Paul had passed relatively soon after Judge Long had purchased the "Creative Dispute Resolution" name from Paul's estate. By then he'd had enough of handling the admin of calendaring and the billing when we met for breakfast. He asked if I wanted to *buy* the "Creative Dispute Resolution" mediation practice and showed me his impressive mediation revenue streams over the past several years. He asked for a multiple of his annual gross as the price tag. I laughed and said "your clients love *YOU* as the mediator, why would they want me *instead?*" That may have been the first (and only) time I said "no" to Judge Long.

We decided to think about things and met again a few weeks after to discuss the potential for working together. He sat down with a grim look and said "I don't think this can work, but thanks anyway." I almost spit my coffee because I couldn't let him go. I knew I wanted to mediate for a living but still had young kids and couldn't imagine giving up my litigation practice. I (practically) begged him to let me just buy the name "Creative Dispute Resolution" and he could come and go whenever he wanted, work whenever he wanted and I would take care of all the billing, calendaring and receivables. We shook hands, and the final deal point was that I got one stroke per side. After a few years together, he said joining forces with me was his "2nd best business decision" next to joining the Marines.

From 2014 to about when the pandemic hit, we worked side by side. You could hear him arrive from the parking lot. From the

receptionist to the secretaries and the lawyers that were around, he would stop and joke and tell stories as he made his way laughing down the hall to his office. I sorely miss that laugh.

The mediation practice Creative Dispute Resolution flourished. He had a heavy following. He introduced me as his partner. When he was booked, my name was thrown in the mix. I couldn't have asked for a better scenario. A genuine loving man who loved life and cared deeply about every single person he met. Judge Long was *my* partner and I became the beneficiary.

He married me and Gina, twice to be exact. The first time was a relatively impromptu ceremony following our Creative Dispute Resolution Open House before friends and family. I made the mistake of not having a marriage certificate in-hand appropriately issued by the county clerk. When he found out afterward, I was in the doghouse. He was genuinely distressed that he'd committed a misdemeanor in performing an illegitimate marriage ceremony. No joke. I got the license issued that Monday and he married us again the next weekend at Las Posas CC with Shirley at his side as our only witness. Whew.

When the pandemic hit and Zoom arrived, virtual mediation did not provide him with the sense of enjoyment and personal warmth that Judge Long so excelled with in-person. It became a good time for him to retire. Before he left, he gave me the blessing to reach out to the ADR providers and see if there was a fit for me elsewhere. Judicate West came out and met us at the building. It felt like I had impenetrable armor having Judge Long by my side, I felt like I belonged. The rest is history.

Looking back on that day I first met Judge Long in Department 22, I had no idea that I was about to meet the most important man in my career. He frequently reminded me that we spend our entire career building our reputations and it takes just an instant to lose it. I had the best mentor a guy could ever have. I miss his laugh so much.

From Lori Dobrin:

I had the pleasure and privilege of profiling Judge Long when he officially retired from the Ventura Superior Court bench in 2022 (CITATIONS May 2022). As part of the

assignment, I met with him in person over a leisurely lunch, where what began as an interview became a thoughtful and memorable conversation. He shared vivid stories from his career, rich with detail and replete with many kernels of wisdom. I sought to capture the most poignant moments in my article.

At the time, I was just beginning my mediation practice, so I listened especially closely when he spoke about the qualities that make a mediator effective. His answer was simple but profound: the "three Ps" — preparation, persistence, and patience — with an underscored emphasis on preparation. Judge Long's advice, drawn from his decades of experience, has resonated within me ever since and has guided my approach to every mediation I have handled. I remain deeply grateful for the opportunity to have known Judge Long not only as a respected jurist, but as a generous teacher, mentor, leader and storyteller. May his memory continue to be a blessing and his influence remain evergreen within everyone whose lives he touched.

From Kata Kim

The Honorable David W. Long...the title speaks to the lawyer's judge and the teacher's teacher. It hints at a lifetime of service — in the Marine Corps, on the bench, in the community, and in the classroom. I knew him as a mentor first and colleague later. Through that journey, the list of lessons I learned from him would fill more pages than I have space to write in.

As a mentor, Judge Long inspired not only me, but also my students as a living example of a simple but valuable message: come prepared, do the work, work hard, and be ready when opportunity appears. "Luck is the intersection of preparation and opportunity," he always said. He engaged us with his humility, generosity, discipline, humor, and genuine care for our futures.

Judge Long's legacy of honor and dedication is well earned but is also only part of what made him so extraordinary. He had a way of telling a story that made you feel as though you had been there with him, and a way of offering advice that stayed with you long after the conversation ended. For those lucky enough to know him personally, Judge Long was also simply "Dave." And Dave was a treasured friend, a gifted storyteller, a patient golf partner, and an endless source of inspiration.

We addressed him as 'Your Honor,' but I hope he knows it was the honor of my life to call him friend.

From The Colleges of Law (Krzysztof Kaine):

Of the thousands of disputes Judge David Long helped resolve, one remained especially dear to him.

Two men had been friends since their university days. Decades later, a business dispute had brought them to his courtroom, and the friendship was coming apart. The settlement conference had gone on for hours. Eventually, with their attorneys' agreement, the men talked to each other. They returned with a settlement.

David helped put its terms on the record. Then, as they were preparing to leave, he spoke to them about the years they had known each other. He recommended that they have dinner together. One offered to buy the meal. The other would buy the cocktails. They left arm in arm.

David cried on the drive home. He cried again as he told Shirley what had happened. Years afterward, recounting it in an interview at The Colleges of Law, he said the memory still brought him to tears. He had helped preserve something precious. He knew what it was worth.

As The Colleges of Law mourns David, one of our most cherished family, we return to that story. It holds so much of what we loved about him: the determination to stay with difficult work, the hope he continued to place in people, the heart that remained open through a long life in the law. And it carries him home to Shirley, where he could share the happiness of having done some good.

David belonged to the life of this school as an alumnus, a professor, and a trustee. He gave us his judgment and his time. He helped us think about our responsibilities. Whenever we needed someone to stand before students and make the possibilities of their lives feel real, he always showed up for us. In presenting him with our Distinguished Alumni Award in 2025, we had the privilege of recognizing a person whose love and generosity we had experienced for decades at COL.

As we have asked numerous alums and faculty about their own experiences with David, our affection gathers around

LOCAL LEGAL COMMUNITY REMEMBERS JUDGE DAVID LONG

continued from page 9

particular moments: a visit to a classroom, a conversation over lunch, a story told with enough humor to make its lesson bearable and enough conviction to make it last. His life entered the life of this school through people. It continues there.

He understood what encouragement could do because he had received it himself. As a working paralegal without a college degree, he had doubted whether law school was possible. But as he would always explain, **Jim McGahan** saw his ability and helped him find a way into COL's Ventura campus. David met that opportunity with formidable preparation. He also remembered enjoying himself. Asked about law school, he spoke warmly of his classmates and the pleasure he took in the work.

A professor, **Robert O'Connor**, asked him to serve as the judge in a classroom exercise. David was still a student. He took the invitation seriously enough to seek guidance from a judge he admired. Someone had trusted him with a responsibility he had scarcely allowed himself to imagine.

He carried an enduring respect for such acts of faith. He named his mentors readily and remembered what they had taught him. When he returned to our students, he brought the accumulated knowledge of a career and an understanding of what it feels like to stand at the beginning, uncertain whether you belong.

"David inspired students in a way only he could," said longtime friend and colleague **Kata Kim**. "His own path was anything but traditional. He entered law school later in life with a handful of undergraduate units, passed the Baby Bar upon completion of his first year of law school and then the bar exam, practiced litigation, served as a judge until his retirement, and after retirement continued helping others through a successful alternative dispute resolution practice. By sharing his story, David made us believe that hard work and perseverance could take us farther than we had imagined. He saw possibility in his students, sometimes before they could see it in themselves. He taught us how to think and what hard work means. Years after passing the bar, former students have contacted me to say they still keep the 'Round Tuit' Judge Long gave them on their desks as a daily reminder and often think about the pearls of wisdom he shared. That

was David: he did not simply tell us to keep going. He made us believe we could. That confidence was accompanied by standards he applied to himself. When asked how he wished to be remembered as a judge, David said he hoped people would know that he had been prepared. He, himself, had always done the work. He described always reading briefs at night, fervently looking again and again, and asking himself what he might have missed.

As a judge, David knew the weight of being entrusted with another person's future. His care had rigor in it. His humanity required something of him.

The Marine remained part of him throughout his life. He believed in preparation and in responsibility for the people beside him. He valued a team and remembered those whose work made his own possible. He could be forceful and he had strong opinions, a ready wit, and language that sometimes traveled well beyond the ceremonial. Judge Long could acknowledge his shortcomings and accept a correction. There was also always room in him for laughter and conscience, and for the tears that came when something mattered deeply.

For **Barbara Doyle**, **Kata Kim**, and **Kryztofr Kaine**, the loss reaches into years of close friendship. There were lunches that became part of the rhythm of their lives, conversations that mattered because David was the person across the table. Those memories join the recollections of so many others in our community who found in him a teacher, an ally, or a friend. Each knew a particular part of him. Together, we feel the breadth of his absence.

"After nearly twenty years, I find myself remembering the ordinary privilege of being with him," Kryztofr Kaine says. "Years of lunches with David. Time to talk and laugh. Time to hear how Shirley was doing. We all loved him in the normal course of living our lives, and that is where we will keep missing him."

Shirley was woven through those conversations. David spoke of his good fortune in finding her so often that those around him came to know that gratitude as one of the constants of his life. He always credited her with the calm and comfort that helped make his career possible. He respected



her strength. He delighted in her. His account of what he had accomplished always made room for what she had given him.

Shirley, we all remember how he spoke of you. We remember the happiness with which he knew himself to be your husband. Thank you for sharing so much of him with our humble law school and with this community, and for the life together from which so much of his generosity came. Our affection and our thoughts are with you and your family. We know that our shared loss gathers around an absence you must meet in the most familiar places of your days.

"Judge Long helped us understand what it means to remain responsible to a community," reflects **Dr. Matthew Nehmer**, president of The Colleges of Law. "He kept returning, kept teaching, kept making himself available. Generations of students at COL have benefited from the care he took with this school and with them."

Near the end of one interview, David was asked what advice he would leave with students. He offered a few plain words: "find ways to contribute." He spoke of life, of community, of families, of people with needs.

We hear those words now with the ache of knowing that we cannot ask him to come back and say them again. We hear, too, the responsibility they leave with us. There will be students who need someone to see their promise before they can see it themselves. There will be colleagues in need of patience and friends in need of company. There will be people whose lives require the best work we can do.

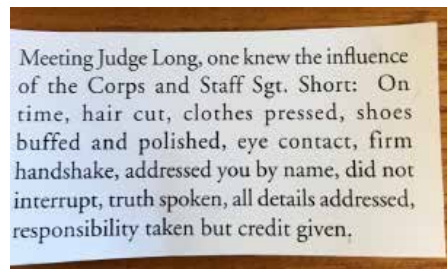
The world was better with David Long in it. We will miss him in the ordinary hours, at the lunches we had yet to arrange, in the conversations we had hoped to continue. And

when it is our turn to offer the encouragement or the kindness someone needs, we will remember how freely he gave his own.

He asked us to find ways to contribute. He showed us how. He led by example.

From Jon Light

Jon Light shared that he has kept this clipping from an old CITATIONS article about Judge Long on his desk for many years.



From Diana L. Reaser (formerly Diana Ochoa Leal)

Diana Reaser was formerly a paralegal for David Long. She shared her memory of him as a good lawyer, in fact, the “best” lawyer and that he had grace and integrity.



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ROBIN COTTINGHAM RECEIVES 2026 VERNA KAGAN AWARD

By Paul Bujold



Ventura County Legal Aid is privileged to present the 2026 Verna Kagan Award to **Robin Cottingham**. Robin regularly volunteers at our bimonthly clinics, assisting clients with family law issues. She also provides expert advice to our attorneys on complex issues.

Robin finds working with victims of domestic violence especially meaningful. She understands the guilt and shame that plagues domestic violence victims, and how abusers can manipulate any situation to make them feel that they deserve the abuse.

Robin has always wanted to help people. She became interested in psychology as a teenager. In high school, she wanted to become a psychiatrist. As an undergraduate, she began working with kids at a daycare center. She bonded with a child with autism and began learning more about children with special needs. In college, she began working at Casa Pacifica and quickly became a supervisor.

After learning that most of the children at Casa Pacifica had attorneys, she decided to go to law school, with the goal of combining her education and training to help kids. In law school, she began working with older children, many of whom were in the foster system. She saw how too many kids got in trouble simply because they didn't understand things that their peers from more stable backgrounds took for granted.

Robin finds gratification in helping others without expecting anything in return.

She loves her pro bono clients' heartfelt appreciation. Not only is Robin kind and generous, but she is also tough. People might assume she's "girly" but she's not. She was a tomboy. She loved exploring and catching frogs. Her big heart leads her to help others, while her grit sustains her.

As a single mom, Robin knows how hard it can be to find time to volunteer. Robin would advise other attorneys who want to help but can't seem to find the time that anything helps. Come to one clinic. Volunteer at one event. Make time once, and something might click.

When Robin isn't working or volunteering, she loves spending time with her kids. She still likes hiking and camping. When she's camping, much to her kids' embarrassment, she still loves jumping in puddles and catching frogs.

Verna R. Kagan devoted nearly two decades to making legal help available to Ventura County residents who could not afford an attorney. She joined the Ventura County Volunteer Legal Services Program (VLSP) as an Emeritus Attorney when the program began in 1996 and later became its Program Manager, screening applicants, evaluating cases, and recruiting local attorneys to provide representation without charge. By 2016, *Citations* reported that thousands of cases had been vetted through the program, the majority by Kagan herself. The Verna R. Kagan Pro Bono Service Award honors a remarkable legacy of service to both the legal profession and the Ventura County community.



Paul Bujold is the Executive Director of Ventura County Legal Aid, Inc. He can be reached at paulbujold@vclegalaid.org.

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DINA ONTIVERAS RECEIVES 2026 JAMES D. LOEBL AWARD

By Ellie Gomez



Ventura County Legal Aid (VCLA) is proud to recognize **Dina Ontiveras** as the recipient of this year's James D. Loebbl Award.

Law runs in Dina's family. Her father was one of the first Chicano attorneys in Oxnard. As a kid, Dina answered phones in his office. She joined the U.S. Army at age 17 and, by 18, was trained as a MOS 71D, UCMJ Legal Specialist, then earned a B.A. in History, Anthropology, and Environmental Studies from the University of California, Santa Barbara, before receiving her Juris Doctor from The Colleges of Law in December 2023.

Since 2005, Dina has focused on elder care, first as a geriatric care manager, then as a health coach and other positions at the Area Agency on Aging. She is now a family consultant at the Coast Caregiver Resource Center supporting unpaid family caregivers of cognitively impaired seniors. She has experience helping the public access social services such as Medi-Cal. Her expertise with elders recently opened the door to elder law, a new journey she's excited to begin.

Volunteering has been a constant throughout Dina's life. She prepares advanced taxes with VITA, helping low-income families file their taxes yearly. She served as an Elections Inspector for 15 years and is president of her community's mutual water company. She helped secure votes to purchase property in her "disadvantaged community" to create a Community Facilities District for the John Zaragoza

Community Center, in unincorporated Ventura County. At VCLA's clinic, she has found fulfillment in making legal services available to people who otherwise couldn't afford them, and in the meaningful connections she's built with fellow attorneys.

While she has expertise in elder care, Dina has assisted with other civil legal matters at VCLA's walk-in clinic. Earlier this year, a woman came to the clinic terrified she might be sent to prison for a debt she owed. Encounters like these ignited Dina's passion to learn more about other civil cases so she can help even more people. "To them it's a big deal, and that's all that matters," she says. In her view, no case is too small.

As Dina puts it simply: "I want to help the people in need." We're proud to honor her for doing exactly that.

The James D. Loebbl Pro Bono Award was established by the Ventura County Bar Association following Loebbl's death in 2003 to recognize attorneys who demonstrate an exceptional commitment to pro bono legal service. A former VCBA president and recipient of the Ben E. Nordman Public Service Award, Loebbl was a longtime Ventura County attorney and civic leader whose career was marked by decades of service to both the legal profession and the broader community. The award honors that legacy by recognizing lawyers who continue his tradition of service to those in need.



Ellie Gomez is the Operations Manager for Ventura County Legal Aid (VCLA), Inc.



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Philip Barbaro, Jr. is a partner in the law firm of Barbaro, Chinen, Pitzer & Duke, LLP. Certified by the State Bar of California as a specialist in Estate Planning, Trust and Probate law, he brings more than 30 years of experience and wisdom to the resolution of disputes that arise in the administration and litigation of probate, trust and conservatorship cases, including will and trust contests and matters involving elder abuse, undue influence and capacity issues. Mr. Barbaro is an experienced litigator. He applies his years of experience in safeguarding his clients' rights through the probate court system and to the resolution of contested disputes through the mediation process. He approaches each matter with compassion and the ability to understand family dynamics, including the pain often experienced by the parties in the litigation process.

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DID YOU NOTICE? GETTING NOTICE RIGHT IN PROBATE AND TRUST PROCEEDINGS

By David B. Shea

The petition is filed, the clerk assigns a hearing date, and the notice goes out. Routine enough. Then the probate notes are posted a few days before the hearing: defective notice. By then, it may be too late to fix the problem. A missed 15-day or 30-day notice requirement can mean a continued hearing, sometimes for weeks or longer.

Notice is one of those parts of probate practice that looks easier than it is. The Judicial Council form may be familiar, but the form does not answer every question. Who is entitled to notice? Is the deadline 15 days or 30? Is mailing enough? Does the petition have to be served with the notice? And is this even the right form?

Most notice problems are avoidable. They tend to arise from a handful of rules that are easy to overlook until the probate examiner finds them. This article focuses on court proceedings involving decedents' estates and trusts, and on some of the places where notice commonly goes wrong.

OPENING THE PROBATE ESTATE

The first trap can be the form itself. DE-120 and DE-121 look alike and both concern probate hearings, but they are not interchangeable. The initial petition to administer an estate is noticed on DE-121, *Notice of Petition to Administer Estate*, which doubles as the publication form.

The DE-121 goes to the decedent's heirs and devisees, among others, and identifying them is not always as straightforward as it sounds. An heir is entitled to take by intestate succession, not simply every relative of the decedent. A pour-over will adds another wrinkle. If the residue passes to the trustee of a trust, notice to the trustee generally satisfies the notice requirement; the trust beneficiaries do not also receive notice simply because they are beneficiaries. Probate Code section 1208 provides the rule, with an important exception when the personal representative and trustee are the same person.

Section 8003 does not let the court shorten the required notice period. Miss a single

heir on the DE-121 service list, and a quick supplemental mailing will not cure the problem: the full 15-day notice period must run. Use the wrong notice, or send it late, and finding out from the probate notes may be too late to save the hearing.

After the estate is opened, DE-120, *Notice of Hearing, Decedent's Estate or Trust*, becomes the familiar form for many later proceedings. And that is where it becomes easy to go on autopilot.

NOTICE AFTER THE ESTATE IS OPEN

Before the DE-120 goes out, three questions need answers: who gets it, when, and how.

For many estate proceedings, the answer starts with at least 15 days' notice. Those are calendar days. But 15 days is only the general rule. The statute governing the particular petition still needs to be checked to determine whether someone else must receive notice or whether a different requirement applies.

Mailing is another place where civil practice can create the wrong instinct. If the Probate Code requires 15 days' notice and the notice is mailed, do not add days for mailing. Under section 1215(a), notice by mail is complete the moment it is deposited. Fifteen days does not become 20 simply because the DE-120 went out by mail. Discovery and ordinary law-and-motion deadlines run on a different track altogether: they are governed by the Code of Civil Procedure, not by the Probate Code's notice periods, so do not borrow one set of timing rules to answer a question governed by the other. As a matter of practice, the notice should go out with the petition attached, except for a notice of a continued hearing where the petition has already been served. Serving the notice and petition together avoids the question of whether a particular proceeding requires it.

Some notice rules are not particularly intuitive. Suppose a 10-year-old beneficiary lives with his mother. California Rules of Court, rule 7.51 requires notice to the minor directly and a separate copy to the

person having legal custody with whom the minor resides. The notices cannot simply be placed in one envelope because they share an address. Two people, same address, two notices, two envelopes. The same rule creates another easy trap: notice "in care of" another person is insufficient unless the recipient is an adult who directed in writing that notice be sent that way. That is the kind of detail an old service list misses when it gets treated as the answer rather than the starting point.

TRUST PROCEEDINGS ARE DIFFERENT

The same DE-120 is used in trust proceedings, but the timing changes. A petition under section 17200 requires at least 30 days' notice under section 17203.

Not everyone receiving notice of a trust petition is treated the same way. Trustees and beneficiaries generally receive notice under section 17203, and so does the Attorney General when the trust has a charitable component, a step easy to skip when the rest of the service list is family. Name a hospital or a university as remainder beneficiary and the Attorney General still needs to be served, not just the relatives waiting in line.

Both terms are also broader than they look. Take a daughter named as successor trustee in her mother's trust: under section 84, she counts as a trustee the moment the instrument names her, whether or not she has formally accepted office or been confirmed by a court, so she may need notice before she has ever signed anything. A beneficiary under section 24 includes anyone with a present or future interest, vested or contingent, so the grandchildren who will not see a nickel until the current income beneficiary dies are still beneficiaries for notice purposes. As discussed below, however, new section 15804 may permit another person to receive notice on their behalf.

If the petition will affect the right, title, or interest of someone who is not a trustee or beneficiary, however, mailing a DE-120 may not be enough. That person may need

to receive both the notice and a copy of the petition in the manner provided for service under the Code of Civil Procedure.

Take a petition to set aside a deed the decedent used to fund the trust, naming the current titleholder as a respondent. That titleholder is neither a trustee nor a beneficiary, but the petition asks the court to affect his ownership directly, so a DE-120 alone will not do. The lesson generalizes: before the notice package goes out, ask why each person is on the list, trustee, beneficiary, or someone whose own rights or property the petition affects, since the answer changes both what must be served and how.

THE NEW VIRTUAL REPRESENTATION STATUTE

California's new virtual representation statute took effect January 1, 2026. Under section 15804, one person may, in certain circumstances, represent another for purposes of notice. If the statute applies, notice to the representative counts as notice to the person represented. For example, a trustee may represent trust beneficiaries, a personal representative may represent persons interested in an estate, and the statute provides other forms of representation for minors and persons with future interests.

There are important limits. The representative and the person being represented cannot have a conflict of interest concerning the particular matter, and the statute does not eliminate notice to someone who has requested special notice, filed a notice of appearance, or is specifically required by statute to receive notice. For now, the practical point is simple: when building the service list for a trust petition, section 15804 needs to be part of the notice analysis.

WHEN ROUTINE NOTICE IS NOT ENOUGH

Section 850 petitions are another place where routine can get in the way. A section 850 petition may be filed in an estate or a trust, but this time, put the DE-120 away.

The proceeding has its own form, DE-115, and its own notice and service requirements under section 851.

Start with the property. What property are you asking the court to recover, transfer, or determine ownership of? The notice must describe the property sufficiently so that someone claiming an interest knows what is at stake. For real property, section 851 requires the address or other location information and the assessor's parcel number. A vague reference to property of the estate or trust misses the point. The most common version is the *Heggstad* petition: real property listed on the trust's Schedule or Exhibit A as a trust asset but never actually deeded into the trust before the settlor died.

Then ask who has the property or claims an interest in it. For specified persons, section 851 requires at least 30 days' notice and service of both the notice and the petition in the manner provided for service of a civil summons. That is easy to miss when the section 850 petition is filed in a case where everyone has become accustomed to mailing DE-120s. Take a caregiver who withdrew funds from the decedent's account before death: she is not a beneficiary, but the petition is asking the court to take that property away from her, so she gets the full civil summons treatment, not a DE-120.

Another problem can surface after the original petition has already been noticed. Something changes before the hearing. Is the new filing an amendment or a supplement? Rule 7.53 makes the distinction important. An amendment requires the same notice as the original pleading, including publication if publication was required. A supplement does not require another notice of hearing, although the supplement must be served when service of the original pleading was required unless the court waives service.

Adding a newly discovered asset to a section 850 petition is ordinarily an amendment. Filing additional documents or information supporting the relief already requested, on the other hand, is a supplement. This is exactly the sort of issue that can first appear in the probate notes, when there

may no longer be enough time to correct it before the hearing. And calling a filing a supplement does not make it one if it actually amends the pleading or changes the relief being requested.

There is one final check that should be part of the office routine: look at the docket for a Request for Special Notice. The request may have been filed months earlier and is easy to overlook when preparing a new petition. Depending on the request and the proceeding, special notice can require not only notice of the hearing but also a copy of the petition, report, account, or other paper. Checking the docket before every notice goes out is easier than finding the omission in the probate notes.

A missing address is not an excuse to skip notice either. Rule 7.52 requires a declaration of diligent search, checking relatives, phone directories, and property records, before the court will authorize an alternate form of notice or dispense with notice altogether.

Notice in probate and trust proceedings is often routine, but it should not be mechanical. Identify the proceeding, determine who is entitled to notice, decide what each recipient must receive and how it must be served, and then select the form. The time to find a notice problem is before the notice goes out, not when the probate notes are posted.



David B. Shea is a Santa Barbara-based mediator with Lexington Mediation APC and a Certified Specialist in Estate Planning, Trust and Probate Law with

more than 30 years of experience litigating trust and estate disputes. A quick-reference chart collecting the statutes, rules, and forms discussed in this article is available at lexington-adr.com.

MEMBER SPOTLIGHTS:

PATTI MANN AND MARC ANDERSON

By Kathleen Maheu



Patricia "Patti" Mann has spent her entire legal career in family law, practicing in California since 1989 and joining the Ventura County Bar Association the following year. A Ventura College of Law graduate who earned her undergraduate degree from Cal State Northridge, Mann is self-employed and focuses her practice on family law, including serving as minor's counsel. She has also been active in the Family Law Bar Section, serving twice as its president.

A Ventura native who now lives in Moorpark, Mann says her decision to become a lawyer was refreshingly practical: she "thought it would be a good way to make a living." Family law has been her practice area from the beginning. And although she missed out on participating in Ventura County's Mock Trial program as a student, she suspects that was only because it wasn't around yet: "Don't think they had it back then or I would have participated."

Law also figures prominently in Mann's family. She has been married to her husband, Michael Mars, for 36 years after meeting him in law school. They have two daughters, Mary Mars and Lizzie Mars, and both Michael and Lizzie are attorneys. Asked what she prizes most, however, Mann doesn't hesitate: her children.

Then there are the other members of the Mann household: five cats named Mookie, Freddie, Clayton, Chole and Claire. The cats recur frequently enough in Mann's answers to suggest that they exercise considerable influence over her life outside the office. If she weren't practicing law, she would be traveling, crafting and spending time

with them. Her preferred form of exercise? "Drinking wine with my cats." Her favorite car? A "Cat"illac. And something her colleagues might not know about her? "I once had a dog but she identified as a cat."

Mann is also an enthusiastic Dodgers fan. Vin Scully is the historic figure she would most like to interview, baseball is her favorite sport to watch, and relaxing means watching a Dodgers game. Closer to home, her favorite Ventura County locale is Ventura Beach, while Mastro's gets her vote for a favorite restaurant. Her favorite food is anything chocolate, and when it comes to a getaway, she favors Bora Bora—or, really, any tropical location.

On screen, Mann's favorites include *To Kill a Mockingbird* and *Law & Order*.

Mann's priorities are reflected in her favorite quote: "A hundred years from now, it won't matter what my bank account was, the house I lived in, the kind of car I drove but the world may be different because I was important in the life of a child."



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Marc Anderson was a beekeeper in junior high school and, before that, a member of Page Elementary School's Unicycle Team. In retrospect, both seem oddly appropriate preparation for a future personal injury lawyer: an early education in stings, falls and the consequences of losing one's balance.

Fortunately, Anderson survived both pursuits and went on to practice law in California beginning in 1994. A graduate of Pepperdine University School of Law, he earned his undergraduate degree from Harding University in Searcy, Arkansas. He has been a member of the Ventura County Bar Association since approximately 2003, or, in Anderson's own cautiously qualified recollection, "2003 (I hope!!)."

Today, Anderson practices with Quirk Law Firm, LLP in Ventura, focusing on personal injury and wrongful death. His earlier practice included elder neglect, medical negligence and criminal defense. He has also been active in Ventura County's legal community, serving on the VCBA Board and as VCBA president, as well as on the Ventura County Trial Lawyers Association Board and as its president.

Originally from Minneapolis, Minnesota, Anderson now lives in Oxnard with his wife, Kristi. They have two children, Bodie, 20, and Libby, 18. The household also includes Cowboy, a 14-year-old Toy Fox Terrier, and Fuller, a one-year-old yellow Lab who is a guide dog in training. Asked what he prizes most, Anderson names two things: "My family; my time."

His path to the law was considerably less calculated than his career might suggest. "I went to law school because I didn't know what else to do after college," he admits. It turned out to be a fortunate choice: "Thankfully, I liked law school and the practice of law!"

Anderson's interests remain nearly as eclectic as his childhood résumé. He relaxes by playing the accordion and stays active by hiking. Given the opportunity to interview historical figures, he would choose explorers Meriwether Lewis and William Clark.

His Minnesota roots, meanwhile, have clearly survived his years in California. Anderson remains loyal to the Minnesota Vikings, and when it comes to food, battered, deep-fried cheese curds top the list. Closer to home, Lure is his restaurant of choice. For television, he singles out the HBO Max miniseries *Station Eleven*, while Edward Abbey's *The Fool's Progress* gets the nod on his bookshelf.

When it's time to get away, Anderson heads for the Eastern Sierras. And if he gets to choose the transportation, there's little suspense: he's partial to his 2021 Ford Bronco.

Even Anderson's legal selections have a certain thematic consistency. He points to Civil Code section 3514: "One must so use his own rights as not to infringe upon the rights of another." And fittingly for an attorney whose practice focuses on personal injury and wrongful death, he closes with William L. Prosser: "The law of torts is a battleground of social theory."



Kathleen "Kat" Mabeu is an associate attorney practicing family law with Pachowicz | Goldenring, a PLC, and Managing Editor of CITATIONS. She can be reached at kat@pglaw.law.

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