

Supreme Court No. S206883  
4<sup>th</sup> Civ. No. G045920  
OCSC No. 05D011298

SUPREME COURT  
OF THE STATE OF CALIFORNIA

CHRISTINA ADAMS,

Respondent,

v.

JACK A.,

Appellant.

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**APPLICATION FOR EXTENSION OF TIME TO RESPOND OR FOR RELIEF  
FROM DEFAULT**

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*Association of Certified Family Law Specialists*

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**APPLICATION FOR RELIEF FROM DEFAULT OF RULE 8.1125(b) TIME FOR RESPONDING TO REQUEST FOR DEPUBLICATION**

1. On October 16, 2012, the Fourth District Court of Appeals for the State of California certified for publication its opinion in *In re Marriage of Christina Adams and Jack A.*

2. On November 26, the California Supreme Court received a request for depublication submitted by Callahan Thompson Sherman & Caudill LLP (“Callahan”).

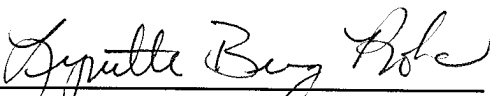
3. Pursuant to California Rule of Court § 8.1125(b), within 10 days after the Supreme Court receives a request for depublication, any person may submit a response opposing the request. Therefore, a timely response to Callahan’s request must have been submitted by December 6, 2012.

4. Although the period for timely filing a response may have passed, the Association of Certified Family Law Specialists of California (“ACFLS”) on today’s date, has submitted a response by placing our opposition in overnight mail by FEDEX. ACFLS requests that it be relieved from default for the following reasons: We are an all-volunteer bar association. We did not learn of the Callahan firm’s request for depublication by Mr. Zopatti, until November 27, 2012. Upon learning of Callahan’s request, the Committee moved as diligently as possible to timely file its response. We had to have the depublication letter and the published opinion to be reviewed by our volunteer amicus committee, and then, under our bylaws, we had to secure approval by the majority of our board members. Our board members are all over the state. Then, we needed to have a day to draft the response and have the final letter opposing the depublication reviewed by the amicus committee members. ACFLS did complete its response today, and we are serving on the appellant’s and respondent’s counsel and Mr. Zopatti at the

Callahan firm by mail today and will overnight the package to the Supreme Court today as well.

5. As demonstrated in ACFLS's response, filed concurrently herewith, we believe that this is a significant opinion worthy of publication. It appears to be the first opinion rendered on the subject of reversing a trial court's denial of a motion to remove a child custody evaluator. As such, it provides clarity as to the circumstances under which child custody evaluators, appointed by the court pursuant to Evidence Code § 730, should or must be removed from the case, no matter how much work has been completed.

6. Wherefore, the Committee respectfully requests that this Court grant its application for an extension of time to respond under California Rules of Court 8.60(b) or for relief from default under 8.60(d) of the 10-day period for submitting a response to Callahan's request for depublication, and consider the Committee's response filed herewith.

  
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Lynette Berg Robe, Esq.  
President  
Association of Certified Family Law Specialists