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September 5, 2019

Justices DeSantos, Smith, and Meehan

Fifth District Court of Appeal

2424 Ventura Street

Fresno, CA 93721

Re: Request to publish

*J.H. Boyd Enterprises, Inc. v. Boyd*, F078292 (Aug. 23, 2019)

Honorable Justices:

The California Academy of Appellate Lawyers requests publication of this Court’s opinion in *J.H. Boyd Enterprises*. If published, the opinion would be valuable precedent on the issue of the non-appealability of orders denying a judicial reference.

The members of the Academy are experienced appellate practitioners whose common goals include promoting and encouraging sound appellate procedures designed to ensure proper and effective representation of appellate litigants, efficient administration of justice at the appellate level, and improvements in the law affecting appellate litigation.<sup>1</sup> The Academy has a particular interest, of course, in cases addressing what sorts of order are appealable.

This Court’s opinion expressly notes that “there does not appear to be any published case directly addressing the appealability of orders denying judicial reference.” (Opn. at p. 20.) On pages 19 to 24 of the opinion, this Court analyzes this issue of appealability and concludes that the order at issue is not

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<sup>1</sup> We note that counsel for respondent, attorney Scott Reddie, is a member of the Academy and its Amicus Committee. Mr. Reddie, however, was entirely recused from any consideration of the Academy’s decision to file this publication request.

appealable. The opinion carefully rejects the appellant’s novel argument for appealability premised on Code of Civil Procedure section 1294.2, “which provides ancillary appellate jurisdiction over orders affecting appealable arbitration orders.” Thus, the opinion emphasizes the need to seek appellate review under these circumstances by way of writ petition.

This Court’s opinion may be seen as establishing a new rule of law, making it worthy of publication. (Cal. Rules of Court, rule 8.1105(c)(1).) At the very least, this Court’s opinion applies existing law to a previously unexplored situation and explains the contours of an existing rule of appealability. (Rules 8.1105(c)(2), (3), & (4).) This Court’s opinion would be valuable precedent and publication is amply warranted.

Respectfully submitted,

CALIFORNIA ACADEMY OF  
APPELLATE LAWYERS  
AMICUS CURIAE COMMITTEE

A handwritten signature in black ink, appearing to read "Kirk Jenkins". The signature is written in a cursive, flowing style.

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**PROOF OF SERVICE**

**J.H. Boyd Enterprises, Inc. v. Boyd et al.  
Court of Appeal Case No. F078292**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 3601 West Olive Avenue, 8th Floor, Burbank, CA 91505-4681.

On September 5, 2019, I served true copies of the following document(s) described as **REQUEST FOR PUBLICATION LETTER** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Horvitz & Levy LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) as indicated on the attached service list:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 5, 2019, at Burbank, California.

  
\_\_\_\_\_  
Cassandra St. George

**SERVICE LIST**  
**J.H. Boyd Enterprises, Inc. v. Boyd et al.**  
**Court of Appeal Case No. F078292**

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