

4th Civil No. E058293, Consolidated with 4th Civil No. E062777

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT, DIVISION TWO

DAVID HITZ, Trustee of the L.L. Nunn Trust,

Petitioner and Respondent,

vs.

KINCH HOEKSTRA, EDWARD KEONJIAN, Trustees of the L.L. Nunn Trust,

Respondents and Appellants.

NON-OPPOSITION AND RESPONSE TO MOTION FOR CALENDAR PREFERENCE

Appeal from the Superior Court for the County of Inyo,
Case No. SICVPB 12-53232
Hon. Dean T. Stout

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TO THE COURT AND TO THE PARTIES AND THEIR ATTORNEYS
OF RECORD:

Objectors Kinch Hoekstra and Edward Keonjian do not oppose the granting of a calendar preference for this appeal. Although Petitioner frames the issue as one of a college “still” waiting to implement coeducation after five years, Objectors contend, for the reasons set forth in their briefings on the merits, that the issue is instead that the decision by a majority of trustees in 2011 to reinterpret or modify the trust herein is not permitted as a matter of law, and should not occur because the college is fulfilling its purpose. Objectors agree with Petitioner that because either side is likely to seek Supreme Court review, and reaching finality would be beneficial to all parties, a calendar preference is desirable, if in the Court’s judgment doing so will allow proper consideration of the issues that are important both for the future of the college and for the future of trust law.

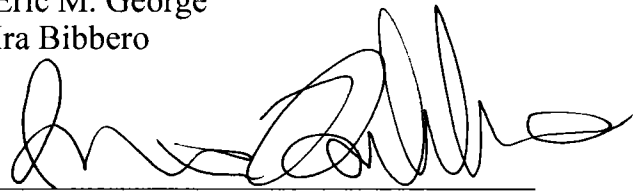
DATED: May 12, 2016

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Eric M. George

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By



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Attorneys for Respondents (below) and
Appellants Kinch Hoekstra, Edward
Keonjian, Trustees of L.L. Nunn Trust

PROOF OF SERVICE

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 2121 Avenue of the Stars, Suite 2400, Los Angeles, CA 90067.


On May 12, 2016, I served true copies of the following document(s) described as **NON-OPPOSITION AND RESPONSE TO MOTION FOR CALENDAR PREFERENCE** 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 Browne George Ross LLP's practice for collecting and processing correspondence for mailing. On the same day that the 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.

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

Executed on May 12, 2016, at Los Angeles, California.



Jacqueline E. Baker

SERVICE LIST

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