

is expected to OK the bill before the end of the week, according to DeVore's office.

San Luis Obispo attorney Warren

estate lawyer who uses the concept because in smaller estates "it's a less-expensive way of doing things."

See Page 5 — WISENEE

edged that Lockyer was complicating these efforts by continuing to pursue his own civil claims against the French parties. These claims have been dismissed and are on appeal.

That one state official would hinder the settlement efforts of another was "a bizarre spectacle," Matz said. He explained that the dynamic was particularly frustrating because Garamendi and Artemis "staked out" various settlement positions before trial that "were not that far apart."

"[My] first priority... is finding a way out of this mess," Matz said.

He urged Lockyer, who is running for state treasurer, to take part in settlement talks. Whatever his political aspirations, the attorney general remains obligated to serve the interests of the state's residents, Matz said.

Tom Dresslar, spokesman for Lockyer, insisted the attorney general is doing just that.

"Our suit is important to providing the maximum remedies possible to the policyholders," Dresslar said Friday.

He added that his office "respectfully disagrees" with Matz's suggestion that Lockyer's suit "has been, is or will be an impediment" to a resolution of the litigation.

Dresslar said that the attorney general's office played a constructive role in the pretrial settlements reached between Garamendi's legal team and the other French parties, including

See Page 5 — U.S. JUDGE

For Kevin B.

# The File Baffles San Francisco Court

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who is not directly involved in the case, said he was unsure what to expect if the file fails to turn up.

"I don't know what the answer is going to be," Gardner said. "You're entitled to the discovery, [but] if they don't have it, they don't have it. Then the question is, what's the remedy?"

Robert Morgan, who is not directly involved in the case, said he was unsure what to expect if the file fails to turn up.

Bolden was convicted of the 1986 murder of Henry Michael Pedersen, an accountant he'd met in a Castro District bar, according to court records. Pederson's body was found rolled up in a bedspread in his bathtub, with water running over his head from an open faucet, with a stab wound in his back and an L carved in his chest.

Morgan has held five hearings during the course of the search. A parade of witnesses testified, but none could shed light on where the case file might be.

Lt. John Hennessey, who is in charge of the police homicide detail, testified that he personally searched through the boxes that should contain the file, but was unable to locate it.

Hennessey said the case transpired before he took command of the homicide detail. "I have no control over what all these other lieutenants and everybody else did before I got here," he said.

"The reality of it is that it's a file from a case that goes back 20 years," he said. "It was stored off-premises. It wasn't stored in the police department facilities."

Retired Assistant District Attorney Gene Sweeters, the former chief of the district attorney's homicide unit, prosecuted Bolden, winning the conviction and convincing the jury to send him to death row.

Called to the stand, Sweeters said that, following his standard procedure, he duplicated everything in the police file for his own case record.

"I personally copied everything that was in the homicide file," he told Morgan. "I would never leave out anything that was in the homicide file."

A copy of Sweeters' copy has been turned over to Keevan-Lynch as part of the discovery proceeding. But she says she can't be sure isn't something more, perhaps exculpatory, in the original

See Page 5 — MISSING

## Legal Briefing

### APPELLATE REPORT

AND FULL TEXTS APPEAR IN SUPPLEMENT

part of judgment interest ended when entry of judgment in his favor was rendered. *Irving Nelkin & Co. v. South Beverly Hills Wilshire Jewelry & Loan, C.A. 2nd.*

### CRIMINAL LAW

**Criminal Law and Procedure:** Defendant who was excluded from in-chambers meeting to determine whether his attorney had conflict is not entitled to habeas relief. *Campbell v. Rice, U.S.C.A. 9th.*

**Criminal Law and Procedure:** Charge of possessing firearm after misdemeanor domestic violence conviction must be dismissed where prior conviction was for assault of former girlfriend. *U.S. v. Nobriga, U.S.C.A. 9th.*

**Criminal Law and Procedure:** Victim's spontaneous out-of-court statements to witness concerning gang-related shooting were admissible. *People v. Rincon, C.A. 2nd.*

### LATE REPORT

**SANTA ANA** — A jury on Friday awarded \$2.78 million in compensatory damages in the first wrongful death case stemming from a train crash that killed three people and injured 161 others.

Lawrence Sorenson was a passenger on a Metrolink commuter train in Placentia on April 23, 2002, when a Burlington Northern freight train careened into the commuter. Sorenson was crushed by the force of his collision and later died of his injuries.

Ken and Lillian Sorenson sued Burlington Northern & Santa Fe Railway Corp. on behalf of their 48-year-old son, a computer programmer who was on his way to work in Santa Ana.

"Our clients are very pleased with the verdict, and they are thankful that the jury recognized the magnitude of the loss they suffered due to the death of their son caused by the railroad," attorney Brian Panish, of Panish, Shea & Boyle in Los Angeles, said. "They wanted the railroad to be fully accountable for their actions."

In exchange for the railroad's admission of fault, the Sorenson's agreed to waive punitive damages, said Panish, who represents five plaintiffs injured in the collision. Those cases are pending.

At least 30 firms are taking on roughly 75 cases against Burlington Northern in Orange County Superior Court.

The Sorenson trial before Orange County Superior Court Judge Ronald Bauer took two days. The jury deliberated four hours before reaching its verdict Friday.

The National Transportation Safety Board ruled that the crew failed to see a yellow light warning them to slow down before the 67-car freight train smashed into the commuter.

— Tim Willert

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