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The Honorable Gregory J. Kreis

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING
JUDGE GREGORY J. KREIS

No. 209

**RESPONDENT'S VERIFIED
ANSWER TO NOTICE OF
FORMAL PROCEEDINGS**

Judge Kreis submits this Verified Answer to the Notice of Formal
Proceedings.

COUNT I

The annual Antlers campout was a gathering between Luke Brownfield's and Quincy Brownfield's family and their childhood friends. Judge Kreis had attended the event in the past but did not go in 2018 in order distance himself from attorneys with whom he used to work or were friends. While the annual event attracted private attorneys, public defenders, district attorneys and others, it was primarily a Brownfield family event.

Judge Kreis was invited to and did attend the 2019 event. Rory Kalin and his wife Stephanie were invited to the Antler's Campout because Quincy Brownfield was a friend of Stephanie Kalin.

Judge Kreis denies that he smoked any vaporized cannabis product that day and further denies that he became intoxicated. Judge Kreis further denies that he ridiculed Mr. Kalin and never said anything about his employment status. It is believed that Mr. Kalin made up these allegations after he was fired from the public defender's office in order to enhance his lawsuits against Humboldt County and Judge Kreis. It is believed that the Humboldt County Public Defender's Office had already decided to terminate Mr. Kalin before the Antler's event took place.

While Judge Kreis does acknowledge consuming alcohol during the event, he denies that he was ever intoxicated on the boat as alleged. Judge Kreis never called Mr. Kalin "jew boy". In connection with Mr. Kalin's civil litigation, other than perhaps Ms. Kalin and Rory Kalin, no other witnesses we have interviewed verify that Judge Kreis referred to Mr. Kalin as "jew boy". Perhaps this is an imagined statement since the witnesses all confirm that Mr. Kalin was into the heavy use of cannabis products during the event, and over-using prescribed medications.

Judge Kreis denies that he gave Ms. Brownfield a lap dance, although in recalling the event, he may have sat on her lap as they have been friends for 20 years and it is a close family friendship.

There is a tradition during the event of people getting pushed into the lake. Judge Kreis acknowledges that when Mr. Kalin was getting out of a kayak to get onto the boat, Judge Kreis was assisting him and joked about Mr. Kalin's swimming apparel; pants and a shirt. Judge Kreis then, consistent with tradition, pushed Mr. Kalin into the lake. Judge Kreis does not recall Mr. Kalin being upset at that time. In fact, he laughed, at which time Judge Kreis recalls helping him to get back onto the boat.

During the event, Judge Kreis was aboard the ski boat which was operated by Cole Reilly. The Judge's friend, Rye Hoine, was making fun of him, especially the fleshiness of his chest. Taking a yellow towel, Mr. Hoine fashioned a "bra" and put it on the Judge. Admittedly, Ms. Kalin was on the pontoon boat and the color of the towel happened to match her swimsuit, but it is denied that Mr. Hoine or the Judge did anything to mock anyone, including Ms. Kalin.

Later in the evening at a gathering, Judge Kreis asked Ms. Kalin about Rory's whereabouts. She mentioned that he was in their tent and that he was upset because his phone had been damaged when he was pushed into the lake. Along with Quincy Brownfield, Judge Kreis went to the Kalin tent to talk with Rory. At the tent, Mr. Kalin reported that he was fine, and Judge Kreis apologized because he was unaware that Mr. Kalin had his cell phone in his pocket when he was pushed into the lake. Judge Kreis told Mr. Kalin that he would pay for the phone. Mr. Kalin declined the offer but thanked Judge Kreis nonetheless. Ms. Brownfield and the Judge then left the tent.

Judge Kreis has no recollection and doesn't believe that he asked Ms. Kalin "where's your girlfriend?" implying that Rory Kalin was the "girlfriend." Judge Kreis denies that he drank to excess as alleged or that he attempted to bully anyone. As noted, while Mr. Kalin was reported to have consumed copious quantities of cannabis product during the event, Judge Kreis denies that he consumed any.

Judge Kreis denies using the term "jewboy" in Joanne Carter's presence in 2016 as alleged.

COUNT II

Other than as related here, Judge Kreis had very little interaction with Mr. Kalin at the 2019 Antler's event. In fact, the Judge was there for less than 24 hours, so it was not as though he spent very much time with or in the presence of Mr. Kalin. Judge Kreis does not believe the matters referred to by the Commission involve contested issues since they were all pre-trial truancy court appearances. Judge Kreis does not recall what disclosures he made, if any, in the cited cases but again it is not believed that these matters involved contested issues. Judge Kreis does not recall if Mr. Kalin made any disclosures nor did he file any type of challenge against Judge Kreis from hearing the matters.

COUNT III

Judge Kreis admits that he had a romantic involvement with Humboldt Superior Court family law facilitator, Tonya Ellis, but this relationship did not begin until the middle of July or early August 2021. Judge Kreis denies the allegation that Ms. Ellis placed her hand on his thigh, intimating that it was done in a sexual manner, at the AA Bar & Grill in Eureka "during the fall of 2019." Judge Kreis denies holding hands with Ms. Ellis at a "movie night" in November 2020 and in fact remembers Judge Joyce Hinrich being seated next to him. With respect to the cases cited in the preliminary investigation, Judge Kreis denies the existence of the relationship alleged and thus never felt he had a duty to disclose something that did not exist. Furthermore, Judge Kreis was not Ms. Ellis' supervisor and when she appeared in court, it was simply as a "scribe" writing orders issued by Judge Kreis. As noted, Judge Kreis' relationship with Ms. Ellis did not commence until the middle of 2021, after both the Judge and Ms. Ellis were deeply involved in dissolution proceedings.

Judge Kreis became aware in the late fall of 2020 that courtroom clerk Lois Casacca was spreading false rumors to other employees that Judge Kreis and Ms. Ellis were having an affair, as well as other false rumors. For example, Casacca spread false statements that Judge Kreis and Ms. Ellis were holding hands at the "movie night", that the Judge had a new house and a new car. These false rumors were causing a hostile work environment and Judge Kreis reported

this to the Court Executive Officer Kim Bartleson, Judge Joyce Hinrichs and the Director of Human Resources Gary Green. Our understanding is that a full inquiry was undertaken, and that Ms. Casacca was terminated for many of her past actions and lying when confronted with her statements about Ms. Ellis and Judge Kreis following verification by other court employees. Indeed, Ms. Casacca's own union refused to represent her in connection with the termination due to her not too insignificant history. Judge Kreis did not make any false or misleading statements to Judge Hinrichs and/or the Court Executive Officer.

COUNT IV

The circumstances giving rise to the statements render the allegation that the "statement would reasonably be interpreted as a threat to report Ms. O'Connell to the State Bar in retaliation for her exercise of the statutory right on behalf of one of her clients and gave the appearance that you were improperly attempting to dissuade Ms. O'Connell from exercising one or more peremptory challenges", erroneous. Ms. O'Connell began efforts to disqualify Judge Kreis after he found an attorney **she supervised** to be in contempt of court, arguably exposing her to State Bar discipline under Rule 5.1. The contempt was taken by writ to the First District Court of Appeal which upheld five of the six contempt findings. Judge Kreis did accept the disqualification and has never reported Ms. O'Connell to the State Bar or any other disciplinary authority.

COUNT V

Judge Kreis admits that he was the interim public defender in Humboldt County and applied to become the permanent public defender. Patrik Griego did file a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief in *Does 1 through 10 v. County of Humboldt* and Judge Kreis did sign a declaration as alleged but denies that he "collaborated with Mr. Griego in the handling of the case", whatever that means. Judge Kreis does admit he "collaborated" with Mr. Griego as a cooperating witness, but that is all. Judge Kreis denies he was "one of the Does petitioners" in that case.

David Nims was a colleague of Patrik Griego at the Janssen Malloy law firm as alleged. David Nims and Judge Kreis have known one another as

professional colleagues for years. For a period, they lived within close proximity of one another. Judge Kreis was never a close personal friend of David Nims in the sense that they never went to dinner together at each other's homes that he can recall. In 2018, Judge Kreis moved next to Mr. Nims, but their relationship remained primarily professional. Occasionally Mr. Nims would stop by to say hello, usually when he was walking his dog. Judge Kreis does not dispute that he had openly texted with Mr. Nims as alleged, and that Mr. Nims had on maybe two occasions attended some of the Memorial Day weekend campouts at Lake Shasta.

Judge Kreis never considered David Nims to be a close personal friend, just a "professional" friend and neighbor. Admittedly, they attended common events but not on any regular frequency. Judge Kreis admits that he retained Patrik Griego, in or around April 2020 to represent him in the Humboldt County Superior Court lawsuit filed by Rory Kalin, *Kalin v. Elvine-Kreis*.

A. Neither "hearing" involved a contested matter. The August appearance was to set a date for a hearing and the February appearance was to stipulate to a continuance. There was no requirement under the circumstances to disclose anything. David Nims was a professional acquaintance and while Judge Kreis was "friendly" with David Nims, they were not "friends" as alleged. Judge Kreis, as disclosed, was a witness not a "collaborator" inaction No. CV170183.

B. Both appearances were for stipulating to a continuance. There was no requirement under the circumstances to disclose anything. David Nims was a professional acquaintance and while Judge Kreis was "friendly" with David Nims, they were not "friends" as alleged. Judge Kreis, as disclosed, was a witness not a "collaborator" inaction No. CV170183.

C. David Nims was a professional acquaintance and while Judge Kreis was "friendly" with David Nims, they were not "friends" as alleged. Judge Kreis, as disclosed, was a witness not a "collaborator" inaction No. CV170183.

D. David Nims was a professional acquaintance and while Judge Kreis was "friendly" with David Nims, they were not "friends" as alleged. Judge Kreis, as disclosed, was a witness not a "collaborator" inaction No. CV170183.

E. As verified by Patrik Griego, Mr. Griego never represented Judge Kreis on November 8, 2019 in any matter. David Nims was a professional acquaintance and while Judge Kries was “friendly” with David Nims, they were not “friends” as alleged. Judge Kreis, as disclosed, was a witness not a “collaborator” inaction No. CV170183.

F. The reference DVTRO and Amendment to DVTRO suggests these were contested hearings. They were not. The Orders issued on the papers filed with the Court. The May 19, 2020 hearing was not contested. The parties had stipulated to a three year Restraining Order There was no requirement under the circumstances to disclose anything. David Nims was a professional acquaintance and while Judge Kries was “friendly” with David Nims, they were not “friends” as alleged. A recusal was unnecessary because Judge Kries was only performing administrative services.

G. There was no contested hearing. These matters were essentially status conferences where disclosures were not required. Judge Kreis did state that he would recuse himself if there was a contested hearing in the case which there was on May 4, 2021. It is believed that Judge Joyce Hinrichs presided over the contested hearings.

COUNT VI

Judge Kreis denies that he “collaborated” with Patrik Griego or that he was “friends” with David Nims such or that under the circumstances any “disclosures” were required.

In *Rodrigues v. Howard*, Judge Kreis is unsure what the basis of the disqualification was and has been unable to make that determination through file review. What can be said is that at the domestic violence restraining order hearing, a DVRO was then in place and would remain in place until the matter was heard and determined. Thus, an extension of the DVRO until the matter could be heard and decided was an administrative matter that a disqualified judge could act upon. Likewise, ordering an inventory with instructions to bring the inventory of items to the next hearing, which was to decide a Restraining Order

was administratively an appropriate exercise of a power invested in a disqualified judge.

COUNT VII

Judge Kreis admits he worked with Joanne Carter in the Humboldt County Public Defenders office and previously socialized with her, and others from that department. Whatever relationship existed between Judge Kreis and Ms. Carter ended in Nov/Dec 2016. For a period of time, Judge Kreis did recuse himself from hearing any cases in which Ms. Carter had a role. Ms. Carter did not make any disclosures in connection with the referenced cases and Judge Kreis did not believe that any disclosures regarding his previous relationship was required. Judge Kreis concluded that he was not automatically disqualified from hearing cases in which Ms. Carter appeared after 2018. Ms. Carter never sought Judge Kreis's disqualification in the cited cases.

COUNT VIII

Judge Kreis denies that he and Casey Russo were close personal friends. The Judge met Mr. Russo as a co-worker in the Public Defender's Office and would socialize only through the office or at office parties. Mr. Russo has never been to the Judge's house and the Judge has never been to Mr. Russo's house. Judge Kreis' last contact with Mr. Russo before 2019 was when they worked in the same office in 2017. At that time, Mr. Russo worked in the main Public Defender's Office and Judge Kreis was in the Counsel Conflict Office. The only event Judge Kreis can recall where Mr. Russo was also in attendance was the Memorial Day 2019 Shasta Lake event where a number of people attended. No disclosures were made in the cited cases because the Judge and Mr. Russo were not close friends and because of the limited interaction with Mr. Russo in 2019 Judge Kreis did not believe any disclosures were necessary.

COUNT IX

Judge Kreis has known Kimberly Stutte since at least 2017. There was no adverse party in the matter of *Cassidy Stutte* to whom disclosure was required. The guardianship reviews were not adversarial in nature and no third party

participated. Judge Kreis did not believe, nor does he believe, that any disclosures were required nor that his relationship with Ms. Stutte was such that he was disqualified from the Conservatorship proceedings.

COUNT X

In re Jacob O. did not involve any contested issues, therefore a CCP Section 170.1 disqualification was, in the Judge's reasoned opinion, unnecessary. Judge Kreis did make the disclosures as cited. Judge Kreis did give the District Attorney the opportunity to bring a challenge under Code of Civil Procedure Section 170.1 if the District Attorney believed a disqualification was in order. Obviously concluding a disqualification did not exist, the District Attorney filed a 170.6 preemptory challenge.

COUNT XI

This allegation is denied. Judge Kreis did not give legal advice to Ms. Brownfield. What was discussed were various legal options that would be available, not legal advice as to what should be done. Presumably, Quincy Brownfield would have discussed those legal options with her husband, an attorney. Certainly, she did not consult Judge Kreis for a legal opinion. As admitted above, Judge Kreis is a friend of Mr. and Ms. Brownfield.

COUNT XII

To begin with, Judge Kreis' ex-wife did not counsel anyone at her work. She is a patient navigator and ran support groups along with other duties. She would periodically have the clients over to their house and Judge Kreis would leave. If he said anything to anyone, it would be in passing, just giving them a quick "Hi". If his ex-wife had a friendship with Ms. Erickson, he was never aware of that friendship and always assumed her relationship was professional only. As far as he knew, his ex-wife did not have a social relationship with Ms. Erickson nor was he aware that they shared meals or would go out as friends. The Judge separated from his now ex-wife in October 2020. As far as he was aware, the relationship between his now ex-wife and Ms. Erickson was strictly professional through his former wife's job.

On March 11, 2019, Mr. Erickson acknowledged he was aware that the Judge's former wife worked in the subject facility but never objected when the disclosure was made. Admittedly, there was a later effort to disqualify Judge Kreis in connection with this matter, but that disqualification motion was denied. Judge Kreis' declaration in connection with that disqualification effort was truthful, based on his recollection of events and the relationship between Ms. Erikson and his ex-wife.

This allegation is denied. Judge Kreis did not make a knowingly false statement or one with reckless disregard of the truth.

COUNT XIII

Sai R v. Valerie R, Humboldt County Superior Court No. FL090159, was a highly contentious family law case. Mr. R is mentally ill and would constantly interrupt court, raise his voice, and be otherwise disruptive. He has been deemed a vexatious litigant and is the subject of a restraining order for both Judge Kreis and the Judge's daughter as protective parties following statements Mr. R made to his therapist that he was going to kidnap the Judge's daughter and kill her in front of the Judge. The therapist called the police because she considered Mr. R to be serious. Most of these issues were appropriately addressed by the appellate court and were appropriately handled. Judge Kreis gave Mr. R a full opportunity to submit on the record and he chose that option. It wasn't until after Judge Kreis' decision and after dealing with two other matters involving Mr. R that he changed his tune and then wanted to testify. Because the matter was already submitted, the Judge did not feel obligated to reopen the case and take Mr. R's testimony. Had Mr. R requested the opportunity to present witness testimony before the matter stood submitted, it would have been granted. Judge Kreis denies that he acted inappropriately. Judge Kreis further denies he made false or misleading statements in his declaration opposing Mr. R's disqualification motion. Judge Kreis denies the allegations of misconduct.

Judge Kreis did give Mr. Rose a full opportunity to provide his evidence.

Judge Kreis has no recollection of the referenced discussion with Douglas Kaber consistent with his response of July 7, 2023 to the preliminary investigation.

COUNT XIV

A. The allegations of misconduct in this count are denied. Judge Kreis was not impatient nor undignified in his statements made in this highly contentious custody battle nor were they made to “ridicule the father”. Judge Kreis denies he had prejudged the case.

B. The allegations of misconduct are denied. Judge Kreis, consistent with many other judges, often makes orders to the effect that the parties in family law matters such as the one at issue will comply with the direction of the counselor. That is all the Judge did in this case. It was unnecessary for him to review the letter that both parties had already been provided and read. His order was simply, follow the directions of the counselor. Judge Kreis was not impatient nor undignified in his statements made in this highly contentious custody battle. Judges need to be stern with parties who intentionally refuse to follow proper court orders. When it is impossible to reason with a party, for whatever reason, direct, stern language is appropriate. That is all Judge Kreis did in connection with this allegation.

C. These allegations are denied. Judge Kreis’ decisions made at the hearing in question were during a non-evidentiary hearing. Judge Kreis, or any judge for that matter, can rely on pleadings for temporary orders in non-evidentiary hearings. The orders were made keeping in mind that Judge Kreis believed they were in the best interests of the child in an extremely contentious custody dispute. There were no objections to the dates the court set. Again, Judge Kreis was trying as best as he could to protect the interests of the child, which were paramount. Judge Kreis denies he abused his authority or disregarded the father’s fundamental rights as alleged.

D. The allegations of misconduct are denied. Without any factual basis, Curran S accused Judge Kreis of racial animus only because respondent was African-American, petitioner was White, as was the judge. Curran S was obviously, and without any factual basis, attempting to claim that Judge Kreis could not be fair and unbiased to an African-American man. Judge Kreis believed it was important to address that allegation to maintain the integrity of the court as

well as his decisions in the case. The Judge never took umbrage from the accusation nor did he become embroiled in the case. Curran S and Mr. Schrock were fanning the flames of an already contentious custody battle. Judge Kreis was attempting to de-escalate the situation. At no time did the Judge lose his temper when making any decisions in the case but as noted, he was probably stern in his efforts to get Curran S to understand the significance of his actions. Judge Kreis was not embroiled and his comments to Mr. Schrock did not show embroilment. Mr. Schrock impugned the honesty of Jhette Diamond, the attorney for Kristie G. The comments made by Mr. Schrock were out of line, unfounded, unnecessary, and inflammatory given the fact that the statement was made in front of others not involved in the case, accusing an attorney of essentially lying. The comments made by Judge Kreis to Mr. Schrock were appropriate under the circumstances and did not show embroilment whatsoever.

E. These allegations are denied. After a very contentious hearing during a Zoom conference, parties, attorneys and especially the staff feel the stress. All Judge Kreis was doing here was attempting to bring a professional level of levity to the courtroom to alleviate that stress. Based on discovery provided by the Commission we do not believe the clerk was offended.

It is not an uncommon practice for lawyers to unnecessarily file documents late, which hinders the ability of the court to act efficiently. This is frequently a topic with lawyers that Judge Kreis raises in court. Judge Kreis recalls that the statement was made to Mr. Schrock with a nod and a smile and not meant to be sarcastic or gratuitous. Judge Kreis denies that under the circumstances his conduct was improper.

F. Judge Kreis denies that his comments were sarcastic or gratuitous and violated his duties to be patient and courteous. The file shows that the amount of litigation engaged in by Conner S, first as his own attorney, and thereafter with Mr. Schrock was ridiculous and in fact out of control. Judge Kreis has a reputation amongst family law practitioners to be patient, dignified and courteous to all who appear before him. The statement was designed to point out in a humorous way that the parties were so focused on the child custody dispute,

they were spending more time with one another in court than they ever did as partners. The concern was that the custody dispute was a vehicle to direct animus between the parents.

COUNT XV

A. On November 9, 2018, Judge Kreis and his now ex-wife, while walking past the home of David and Meghan Nims, stopped to say hello. David and Meghan Nims, along with Katelyn Woods and Ryan Woods, were present, had obviously been drinking and were drinking when the Kreises arrived. The Judge recalls staying at Mr. Nims' house for maybe 5-10 minutes. Upon leaving, David Nims gave Judge Kreis a "man hug" and lightly slapped his bottom, similar to a football player giving another player a "good game" tap, and said goodbye. Judge Kreis returned the slap. That then became a joke and Ryan Woods did the same as well as Meghan Nims. When it became Katelyn Woods' turn, she had been laughing but said something like, "Not me" but was laughing so hard Judge Kreis thought she was joking. He then gave her a hug and the similar light slap. When he turned to leave, the Judge saw that Ms. Woods' face was now somewhat serious. He immediately apologized and told her that he thought she was kidding. Upon arrival at home, Judge Kreis texted the Nimes and told them that he was sorry for possibly offending Ms. Woods. The response was that Katelyn Woods was overreacting and that the Kreises should not worry about it. Obviously, Judge Kreis misread the situation and apologized for that.

B. These allegations are denied. The allegation that Judge Kreis "went into Ms. Carter's bedroom while she was sleeping, pulled down your pants, and had your penis out and near her face as you tried to awaken her" is offensive, false and therefore denied.

COUNT XVI

Judge Kreis barely remembers the recited event, but in his efforts to recall specifics, he does believe that he consumed one cocktail at his home before leaving. The Judge denies that he brought the cocktail with him into his vehicle and for that matter, nor was he aware that anyone else in the car had a cocktail or an open container. The Judge remembers making an iced tea for himself and

believes he had a thermos of iced coffee with him in the car. It is believed that the “facts” in this allegation from either the Judge’s ex-wife or her friends. Judge Kreis’ dissolution action was extremely contentious and there were numerous false allegations made against him including one involving this event.

COUNT XVII

A. Judge Kreis has no recollection of this alleged statement, so it is denied. If the statement was in fact made, it was merely done to add some levity to the courtroom, which standing alone does not seem to a reasonable person as some type of threat. Judge Kreis has no idea when he first became aware that Roger Rees carried a gun and certainly did not mean to imply that Roger Rees would have to kill Luke Brownfield if Mr. Brownfield discovered the “secret” to trial assignments.

B. Judge Kreis has no recollection of ever making a statement in open court before proceedings commenced words to the effect that he wished “that attorney Edward Schrock would disappear”. The allegations of impropriety are denied. Mr. Schrock and Judge Kreis were acquaintances before the Judge became a judge and had always gotten along well together. Admittedly—and most judges will attest to this—Mr. Schrock can be highly disruptive in court and sometimes extremely frustrating. He acknowledges his shortcomings by the frequent apologies he has given to Judge Kreis and other judges.

C. Judge Kreis admits to making the comment outlined in this allegation. During Covid, Judge Kreis was constantly trying to get lawyers to appear on time and frequently used levity to bring home the point. Mr. Kamada never mentioned to him that the attempt at humor statement was offensive and had Mr. Kamada done so Judge Kreis would have apologized.

COUNT XVIII

Judge Kreis denies the allegation that “between approximately 2013 and 2017, “before you became a judge. You frequently used cocaine”. The allegation regarding Humboldt Hill was made by Joanne Carter. Judge Kreis admits that he has seen Joanne Carter use cocaine, the last time was probably in 2013. He denies asking Joanne Carter to purchase cocaine for him and never knowingly

accompanied her so that she could buy cocaine. Judge Kreis has no memory of going to Humboldt Hill with David Nims and Joanne Carter to buy cocaine. Additionally, he denies ever trying to pressure Mr. Nims into using cocaine and in fact has never seen David Nims using cocaine. These false allegations were made by Ms. Carter in retaliation for Judge Kreis' refusal to promote her within the Public Defender's office. These false allegations can be explained by the fact that following his refusal to promote Ms. Carter in 2016, they have been anything but friendly. The promotion of Mr. Brownfield over Ms. Carter was made on the basis that the former Public Defender, Kevin Robinson, in consultation with Judge Elvine-Kreis, decided that Mr. Brownfield was the best candidate due to his former management experience while in the District Attorney's office. In fact, when Luke Brownfield was appointed, Ms. Carter became so angry that she stormed out of the meeting when the promotion was announced. In November/December 2016 Ms. Carter ended their "friendship" and she has been his antagonist ever since. Thereafter Ms. Carter behaved so poorly, including berating staff, that Judge Kreis had to meet with her to explain the problems created by her behavior. There is a witness to the meeting in January 2017 that Ms. Carter threatened to make up a claim of sexual harassment against Judge Kreis in the event she was fired. Ms. Carter had several incidents of yelling at coworkers and being obstructionist. On at least three occasions, Judge Kreis was required to engage her in the fact that her behavior was inappropriate. Because Ms. Carter was creating a hostile work environment, when Judge Kreis met with her on January 27, 2017, she was told that her improper behavior needed to stop immediately, she needed to apologize to staff and move forward with her job. If she was unable to heed that advice, then she was to resign. If her behavior did not stop and she didn't resign, Judge Kreis told her he would be forced to terminate her employment.

COUNT XIX

Judge Kreis denies the allegations regarding Deputy District Attorney Schaffer. He never called her a "bitch", or a "pretentious bitch" and the allegation is surprising given the admission that it occurred "out of earshot". Judge Kreis

does recall this hearing. He felt that Ms. Schaffer was not being straightforward with the court, was overstepping her role as the Deputy District Attorney and interfering with his role as the defendant's attorney. Clearly Judge Kreis was frustrated with Ms. Schaffer. After the case was concluded, he attempted to speak with Ms. Schaffer and in fact followed her out of the courtroom, politely asking her to discuss the matter with him. She would not, and therefore the Judge turned around and went back to the courtroom. After thinking about this and trying to recall the details, when Judge Kreis returned to the Courtroom, there may have been a DDA still present and he may have said something to the effect "why is she being so bitchy" but it would not have been directed to Ms. Schaffer. This interaction had nothing to do with Judge Kreis' subsequent appointment to the court, nor could it be perceived that he was acting as a judge while representing the defendant, Bonnie Lee Hall, in connection with the situation set forth.

DATED: February 23, 2024

MURPHY, PEARSON, BRADLEY & FEENEY

A handwritten signature in black ink, appearing to read "James A. Murphy", written over a horizontal line.

James A. Murphy
Attorneys for
Judge Gregory J. Kreis

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CERTIFICATE OF SERVICE

I, Alice M. Kay/, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 580 California Street, Suite 1100, San Francisco, California 94104.

On February 23, 2024, I served the following document(s) on the parties in the within action:

**RESPONDENT’S VERIFIED ANSWER TO NOTICE OF
FORMAL PROCEEDINGS
INQUIRY NO. 209**

	VIA MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at San Francisco, California on this date, addressed as listed below.
X	VIA E-MAIL: I attached the above-described document(s) to an e-mail message, and invoked the send command at approximately _____ AM/PM to transmit the e-mail message to the person(s) at the e-mail address(es) listed below. My email address is AKay@mpbf.com/
	VIA HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as listed below.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on February 23, 2024.

By  _____
Alice M. Kay/