

1 ERIC BRAKEBILL JONES
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4 (626) 348-3019
5 Objector In Pro Per

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF MONTEREY**

10 1200 Aguajito Road, Monterey, CA 93940
11 Estate of JUDY BRAKEBILL JONES,) Case No.: 25PR000590
12 Decedent.) **MOTION TO DISQUALIFY**
13) **COUNSEL UNDER RULE 3.7**
14) **(Lawyer as Witness)**
15) Dept: 13
16) Hearing Date: March 4, 2026
17) Time: 9:00 AM

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19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

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21 PLEASE TAKE NOTICE that Objector ERIC BRAKEBILL JONES hereby moves
22 to disqualify ALBERT J. NICORA, ESQ. and NICORA LAW OFFICES, LLP
23 from representing Petitioner HEIDI MARICHEN JONES BLANCHARD in this
24 matter pursuant to California Rule of Professional Conduct 3.7.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

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3 **I. INTRODUCTION**

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5 On June 27, 2025, Albert J. Nicora, Esq. authored a letter to Objector that
6 contains a dispositive admission regarding the possession and control
7 of \$10,650.00 in Trust assets. This written admission makes
8 Mr. Nicora a necessary witness on a contested factual issue, requiring
9 his disqualification under Rule 3.7 of the California Rules of
10 Professional Conduct.

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12 **II. THE WRITTEN ADMISSION**

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14 The June 27, 2025 letter from Nicora Law Offices, LLP states that
15 Petitioner 'sold tangible personal property including a vehicle'
16 and proposes to distribute \$10,650.00 in proceeds. This letter,
17 authored by Mr. Nicora, constitutes an admission by a party-opponent
18 under Evidence Code Section 1220.

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1 III. LEGAL AUTHORITY

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3 A. California Rule of Professional Conduct 3.7

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5 Rule 3.7(a) provides: 'A lawyer shall not act as an advocate at a
6 trial in which the lawyer is likely to be a witness unless:
7 (1) the testimony relates to an uncontested issue;
8 (2) the testimony relates to the nature and value of legal services
9 rendered in the case; or
10 (3) disqualification would work substantial hardship on the client.'

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12 B. Kennedy v. Eldridge (2011) 201 Cal.App.4th 1197

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14 The Court of Appeal held that disqualification is required where the
15 attorney's credibility is a contested issue. In Kennedy, the court
16 disqualified an attorney whose personal knowledge of disputed facts
17 made him a necessary witness. The court stated that when an attorney's
18 own statements create the factual dispute, the attorney cannot also
19 serve as the advocate.

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1 IV. APPLICATION TO THIS CASE

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3 Here, Mr. Nicora's written admission directly contradicts the verified
4 allegations in Petitioner's Petition for Probate. The Petition claims
5 the identity of the Executor is 'unknown,' yet Mr. Nicora's letter
6 demonstrates his client possessed and controlled Trust assets and
7 acknowledged ongoing communication with the successor trustee.

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9 The disputed amount of \$10,985.00 (comprising \$10,650.00 from the
10 vehicle sale plus \$335.00 from garage sales) is a central contested
11 issue. Mr. Nicora, as the author of the admission letter, is the only
12 witness who can explain the circumstances of its drafting.

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14 V. CONCLUSION

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16 For the foregoing reasons, Objector respectfully requests that the
17 Court disqualify Albert J. Nicora, Esq. from representing Petitioner
18 in this matter. Rule 3.7(b) permits other attorneys from the firm to
19 continue representation if the individual attorney is disqualified.

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21 DATED: December 30, 2025

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25 ERIC BRAKEBILL JONES
26 Objector In Pro Per