



ATLANTIC LEGAL FOUNDATION

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June 17, 2026

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Chief Justice Patricia Guerrero
& Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4797

Re: *NNN Capital Fund I, LLC v. Mickles*, No. S296822

Dear Chief Justice Guerrero
& Associate Justices:

In accordance with California Rule of Court 8.500(g), I am writing on behalf of the Atlantic Legal Foundation to urge the Court to grant the petition for review filed by NNN Capital Fund I, LLC in the above-referenced appeal.¹

Established in 1977, the Atlantic Legal Foundation (ALF) is a national, nonprofit, nonpartisan, public interest law firm. ALF's mission for the past five decades has been to advance the rule of law and civil justice by advocating for individual liberty, free enterprise, property

¹ No party or counsel for a party authored or paid for this amicus letter in whole or part.

rights, limited and responsible government, sound science in judicial and regulatory proceedings, and effective education, including parental rights and school choice. With the benefit of guidance from the distinguished legal scholars, former government officials, corporate legal officers, private practitioners, business executives, and prominent scientists who serve on its Board of Directors and Advisory Council, ALF pursues its mission by participating as *amicus curiae* in carefully selected appeals before the Supreme Court, federal courts of appeals, and state supreme courts. See atlanticlegal.org.

* * *

ALF long has advocated for federal and state courts to fulfill the objectives of the Federal Arbitration Act (“FAA”), 9 U.S.C. § 1 *et seq.* The U.S. Supreme Court repeatedly has stated that FAA §§ 9-11 (concerning judicial enforcement of arbitration awards) “‘substantiat[e] a national policy favoring arbitration’ by helping to ‘resolv[e] disputes straightaway.’” *Jules v. Andre Balazs Properties*, 146 S. Ct. 1209, 1222 (2026) (quoting *Hall St. Assoc., L.L.C. v. Mattel, Inc.*, 522 U.S. 576, 588 (2008)). This policy favoring arbitration includes “the supervisory role that the FAA envisions for the courts,” including by “facilitating recovery on an arbitral award.” *Smith v. Spizzirri*, 601 U.S. 472, 478 (2024); see also *Moses H. Cone Mem. Hosp. v. Mercury Constr. Corp.*, 460 U.S. 1, 24 (1983) (FAA § 2, “the primary substantive provision of the Act . . . is a declaration of a liberal federal policy favoring arbitration agreements, notwithstanding any state substantive or procedural policies to the contrary”).

The California Arbitration Act, Code Civ. Proc. § 1280 *et seq.*, embodies similar objectives. See *Rosenthal v. Great Western Fin. Sec. Corp.* (1996) 14 Cal.4th 394, 406 (“In most important respects, the California statutory scheme on enforcement of private arbitration agreements is similar to the [FAA]; the similarity is not surprising, as the two share origins in the earlier statutes of New York and New Jersey.”).

Contrary to the objectives of both the FAA and the California Arbitration Act, the Court of Appeal’s majority opinion frustrates, rather than facilitates, efficient resolution of disputes through

contractual agreements to arbitrate.

The petition for review indicates that the defendants-appellants did not oppose, or even respond to, plaintiff-respondent's petition for trial-court confirmation of its \$ 21 million arbitration award, which was based on fraud and breach of fiduciary duties. Instead, they filed an appeal and only then objected to the award on jurisdictional grounds.

By entertaining the jurisdictional arguments raised by the defendants-appellants, the Court of Appeal majority has seriously undermined the finality of arbitration awards. The majority's published opinion does not help parties "resolv[e] disputes straightaway." *Jules*, 146 S. Ct. at 1222. Instead, the opinion essentially transforms what is supposed to be an efficient substitute for costly and lengthy litigation into a vehicle for a losing party to compel the successful party to engage in burdensome litigation before receiving the award.

For this fundamental reason, and those presented in the petition for review, ALF urges the Court to grant review.

Respectfully submitted,

Lawrence S. Ebner

Lawrence S. Ebner
Executive Vice President
& General Counsel

PROOF OF SERVICE

I am employed in the City of Washington, District of Columbia. I am over the age of 18 and not a party to this action. My business address is 1701 Pennsylvania Ave., Suite 200, Washington, DC 20006.

On **June 17, 2026**, the attached document described as **Amicus Letter in Support of Petition for Review** is being served as follows:

[X] (BY ELECTRONIC MAIL) The attached document is being served via electronic transmission to each addressee's electronic mail address as noted on the attached Service List via TrueFiling.

Executed on **June 17, 2026**, in Washington, D.C.

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

By: /s/ Lawrence S. Ebner

SERVICE LIST

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