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| State Bar Court of California | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Hearing Department <input checked="" type="checkbox"/> Los Angeles | | <input type="checkbox"/> San Francisco |
| Counsel for the State Bar William F. Stralka Deputy Trial Counsel 1149 S. Hill Street Los Angeles, CA 90015-2299 (213) 765-1091 Bar # 056147 | Case number(s) 06-O-10128 | (for Court's use) PUBLIC MATTER FILED SEP 26 2006 STATE BAR COURT CLERK'S OFFICE LOS ANGELES |
| <input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per, Respondent Walter J. Roberts, IV 3325 Wilshire Blvd., Suite 1350 Los Angeles, CA 10010 Bar # 225339 | Submitted to <input checked="" type="checkbox"/> assigned judge <input type="checkbox"/> settlement judge | |
| In the Matter of WALTER JAMES ROBERTS, IV Bar # 225339 A Member of the State Bar of California (Respondent) | STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input type="checkbox"/> PREVIOUS STIPULATION REJECTED | |

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted JUNE 3, 2003
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation, are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consist of 13 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law."
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.



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(8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):

- until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 284, Rules of Procedure.
- costs to be paid in equal amounts prior to February 1 for the following membership years:
2007 AND 2008 following the effective date of the Supreme Court Order
(hardship, special circumstances or other good cause per rule 284, Rules of Procedure)
- costs waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs"
- costs entirely waived

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

(1) Prior record of discipline [see standard 1.2(f)]

(a) State Bar Court case # of prior case 04-O-11044 (S133040)

(b) Date prior discipline effective JULY 31, 2005

(c) Rules of Professional Conduct/ State Bar Act violations: _____

Rules of Professional Conduct, rule 3-110(A), failure to perform with competence.

Business and Professions Code, section 6090.5(a)(2) agreement to withdraw State Bar complaint.

(d) Degree of prior discipline 30 days suspension stayed, two years probation.

(e) If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."

(2) **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.

(3) **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

(4) **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.

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- (5) **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) **No aggravating circumstances are involved.**

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Respondent stipulated to discipline at the first opportunity presented.
- (4) **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) **Restitution:** Respondent paid \$ _____ on _____ in restitution to _____ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) **Good Faith:** Respondent acted in good faith.
- (8) **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.

(Do not write above this line.)

- (10) **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

(1) **Stayed Suspension:**

(a) Respondent must be suspended from the practice of law for a period of ONE YEAR

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following: _____

(b) The above-referenced suspension is stayed.

(2) **Probation:**

Respondent must be placed on probation for a period of TWO YEARS, which will commence upon the effective date of the Supreme Court order in this matter.
(See rule 953, Calif. Rules of Ct.)

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(3) **Actual Suspension:**

(a) Respondent must be actually suspended from the practice of law in the State of California for a period of THIRTY (30) DAYS

- i. and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. and until Respondent does the following: _____

E. Additional Conditions of Probation:

- (1) If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.

(Do not write above this line.)

- (8) Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: _____
condition imposed in case no. 04-O-11044 (S133040) completed on July 21, 2006.
- (9) Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) The following conditions are attached hereto and incorporated:
- | | |
|-----------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input checked="" type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 951(b), California Rules of Court, and rule 321(a)(1) & (c), Rules of Procedure.**
- No MPRE recommended. Reason: _____
Respondent took MPRE on August 4, 2006 for case no. 04-O-11044 (S133040).1
- (2) **Rule 955, California Rules of Court:** Respondent must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) **Conditional Rule 955, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: _____
- (5) **Other Conditions:**
Respondent will be required to take and pass the MPRE within the time periods required under condition F.(1) if he does not pass the August 4, 2006 exam.

1. In the Matter of Trousil (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 229, 244.

In the Matter of

Case number(s):

WALTER J. ROBERTS, IV

06-O-10128

A Member of the State Bar

Law Office Management Conditions

- a. Within **60** days/ months/ years of the effective date of the discipline herein, Respondent must develop a law office management/organization plan, which must be approved by the Office of Probation. This plan must include procedures to (1) send periodic reports to clients; (2) document telephone messages received and sent; (3) maintain files; (4) meet deadlines; (5) withdraw as attorney, whether of record or not, when clients cannot be contacted or located; (6) train and supervise support personnel; and (7) address any subject area or deficiency that caused or contributed to Respondent's misconduct in the current proceeding.
- b. Within days/ months/ **2** years of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than hours of Minimum Continuing Legal Education (MCLE) approved courses in law office management, attorney client relations and/or general legal ethics. This requirement is separate from any MCLE requirement, and Respondent will not receive MCLE credit for attending these courses (Rule 3201, Rules of Procedure of the State Bar.)
- c. Within 30 days of the effective date of the discipline, Respondent must join the Law Practice Management and Technology Section of the State Bar of California and pay the dues and costs of enrollment for **2** year(s). Respondent must furnish satisfactory evidence of membership in the section to the Office of Probation of the State Bar of California in the first report required.

(b) Respondent shall complete the nine (9) hours of MCLE within nine (9) months of the effective date of the order of the Supreme court in this matter.

ATTACHMENT TO

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: WALTER J. ROBERTS, IV

CASE NUMBER(S): 06-O-10128

PENDING PROCEEDINGS:

The disclosure date referred to, on page one, paragraph A.(7), was August 15, 2006

PARTIES ARE BOUND BY THE STIPULATION FACTS:

The Parties intend to be and are hereby bound by the stipulation to facts contained in this stipulation. This stipulation as to facts, and the facts so stipulated shall independently survive, even if the conclusions of law and/or stipulated disposition set forth herein are rejected, or changed in any manner whatsoever, by the Hearing Department or the Review Department of the State Bar Court, or by the California Supreme Court.

STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW:

Respondent admits that the following facts are true, and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct, or has otherwise committed acts of misconduct warranting discipline.

FACTS: CASE NO. 06-O-10128:

1. On January 19, 2005, a Dismissal without prejudice was entered at the request of the Plaintiff's attorney in the case of *Charles Buffa v. Salwa Barsoum*, Los Angeles Superior Court, case no. SC081383 ("the BUFFA matter").
2. On April 26, 2005, following the dismissal of the BUFFA matter, Charles Buffa ("Buffa"), the Plaintiff, signed a retainer agreement with Respondent to make a motion to set aside the dismissal of the BUFFA matter. Because of the date of dismissal, time was of the essence in filing the Motion to Set Aside the Dismissal.

3. On June 22, 2005, Respondent advised opposing counsel that he had been retained to represent Buffa. Respondent requested that opposing counsel agree to set aside the Dismissal granted on January 19, 2005. Respondent also requested a response to his offer to set aside the Dismissal before June 29, 2005.
4. On July 15, 2005, Respondent transmitted to Buffa a Substitution of Attorney Form for his signature. Respondent advised Buffa that opposing counsel was ignoring him. Respondent further advised Buffa that he would be filing a Motion to Set Aside the Dismissal and would request a court date by the end of the following week.
5. On July 22, 2005, Respondent informed David Greenwald ("Greenwald"), Buffa's prior counsel, that he had misplaced the Substitution of Attorney Form that Buffa had previously executed. Respondent then requested that Greenwald sign and return a new Substitution of Attorney Form.
6. Between July 22 and July 29, 2005, Greenwald returned the signed Substitution of Attorney Form to Respondent. On July 29, 2005 Respondent filed the Substitution of Attorney Form with the Court.
7. On October 11, 2005, Respondent filed and served the Motion to Set Aside Dismissal. This Motion was brought pursuant to Code of Civil Procedure Section 473, that permits a motion to set aside dismissal to be filed "in no case exceeding six months after...dismissal..." [Code of Civ. Proc., section 473]. Dismissal in this action, as stated previously, was entered at Plaintiff's request on January 19, 2005. The Motion to Set Aside Dismissal was filed on October 11, 2005, nearly three months late. The Motion was denied because it was not timely filed.
8. On October 26, 2005, the opposition to the Motion to Set Aside Dismissal was filed.
9. On November 10, 2005, Buffa's Motion to Set Aside Dismissal was called regularly for hearing. Respondent failed to appear at the regularly called scheduled hearing and the Court tentatively denied the Motion to Set Aside.
10. On November 16, 2005, the Court denied the Motion to Set Aside Dismissal.
11. On March 1, 2005, Respondent entered into a Stipulation as to Facts, Conclusion of Law and Disposition ("Stipulation") with the State Bar in case no. 04-O-11044.
12. On March 10, 2005, the Hearing Department of the State Bar filed an order

approving the Stipulation and making disciplinary recommendations to the California Supreme Court, including a period of stayed suspension and probation as set forth below.

13. On July 1, 2005, The California Supreme Court filed an Order ("Order") in case no. S133040 (State Bar Court case no. 04-O-11044) that Respondent be suspended from the practice of law for thirty days, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the State Bar Court Hearing Department.
14. On July 1, 2005, the Clerk of the California Supreme Court properly served the Respondent with a copy of the July 1, 2005 Order. Respondent received the order.
15. The July 1, 2005 Order became effective on July 31, 2005, thirty days after it was entered.
16. Pursuant to the July 1, 2005 California Supreme Court Order and the State Bar Court Hearing Department's March 10, 2005 Order approving the stipulation, the Respondent was ordered to comply with the following relevant conditions of probation, among other conditions: "During the probation period, Respondent shall comply with the provisions of the State Bar Act and Rules of Professional Conduct of the State Bar of California."
17. Respondent had actual knowledge of the Supreme Court order at all relevant times herein from the effective date of his probation and at all times during the pendency of his probation in case no. S133040.

CONCLUSIONS OF LAW:

1. Respondent failed to substitute into the BUFFA matter immediately after he was employed. Respondent failed to timely file the Motion to Set Aside Dismissal in the BUFFA matter, or to appear at the Motion to Set Aside Dismissal hearing. Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).
2. Respondent failed to inform Buffa of the loss of the original Substitution of Attorney form signed by Buffa. Respondent failed to inform Buffa of the

untimely filing of the Motion to Set Aside Dismissal. Respondent failed to inform Buffa of the court date for the Motion to Set Aside Dismissal hearing that Respondent later missed; therefore, Respondent failed to keep the client reasonably informed of significant developments in a case that the Respondent had agreed to provide legal services, in wilful violation of Business and Professions Code, section 6068(m).

3. Respondent wilfully violated Rules of Professional Conduct, rule 3-110(A), and Business and Professions Code, section 6068(m), by failing to timely file the Motion to Set Aside Dismissal and by failing to keep Buffa reasonably informed of significant developments in the BUFFA matter, while he was on disciplinary probation in case no. S133040, in wilful violation of Business and Profession Code, section 6068(k).

SUPPORTING AUTHORITY:

Standards for Attorney Sanctions for Professional Misconduct, Standard(s) 1.4(C); 1.5(d); 1.7(a); 2.4(b); 2.6(a); and 2.10.

In determining the level of discipline in a probation violation case, the court must consider the "total length of stayed suspension which could be imposed as an actual suspension and the total amount of actual suspension earlier imposed as a condition of the discipline at the time probation was granted." (*In the Matter of Potack* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 525, 540.) Given the nature of the misconduct in this case, the actual suspension need not exceed the stayed suspension imposed in Respondent's prior discipline matter.

COSTS OF DISCIPLINARY PROCEEDINGS:

Respondent acknowledges that the Office of Chief Trial Counsel has informed Respondent that as of August 8, 2006, the estimated prosecution costs in this matter are approximately \$1,983. Respondent acknowledges that this figure is an estimate only and that it does not include State Bar Court costs which will be included in any final cost assessment.

Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

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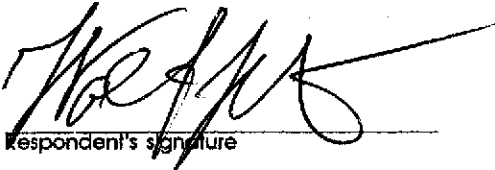
Attachment Page 4

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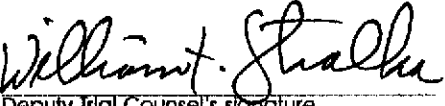
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| In the Matter of WALTER J. ROBERTS, IV | Case number(s): 06-O-10128 |
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law and Disposition.

8/26/06  WALTER J. ROBERTS, IV
Date Respondent's signature Print name

Date _____
Respondent's Counsel's signature Print name

8/31/06  WILLIAM F. STRALKA
Date Deputy Trial Counsel's signature Print name

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| In the Matter of WALTER J. ROBERTS, IV | Case number(s): 06-O-10128 |
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ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 135(b), Rules of Procedure.) The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 953(a), California Rules of Court.)

Date

9-22-06

Judge of the State Bar Court

ROBERT M. TALCOTT

CERTIFICATE OF SERVICE
[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 26, 2006, I deposited a true copy of the following document(s):

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION
AND ORDER APPROVING**

in a sealed envelope for collection and mailing on that date as follows:

- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**WALTER J. ROBERTS IV, ESQ.
3325 WILSHIRE BLVD STE 1350
LOS ANGELES CA 90010-1709**

- [X] by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

WILLIAM STRALKA, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **September 26, 2006.**



Rose M. Luthi
Case Administrator
State Bar Court