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State Bar Court of California Hearing Department Los Angeles			PUBLIC MATTER
Counsel For The State Bar Diane J. Meyers 1149 S. Hill St Los Angeles, CA 90015 (213) 765-1496 Bar # 146643	Case Number (s) 06-O-11977	(for Court's use) <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-weight: bold;">JAN 21 2009</div> <div style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</div>	
Counsel For Respondent Ellen A. Pansky 1010 Sycamore Ave., #101 South Pasadena, CA 91030 (213) 626-7300 Bar # 77688	Submitted to: Settlement Judge		
In the Matter Of: Josef M. Cowan Bar # 164243 A Member of the State Bar of California (Respondent)	STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING PUBLIC REPROVAL <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, 1993**.
- (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 consists of **11** pages, not including the order.
- (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."



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- (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.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
- costs added to membership fee for calendar year following effective date of discipline (public reproof)
 - case ineligible for costs (private reproof)
 - costs to be paid in equal amounts for the following membership years:
(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
- (9) The parties understand that:
- (a) A private reproof imposed on a respondent as a result of a stipulation approved by the Court prior to initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, but is not disclosed in response to public inquiries and is not reported on the State Bar's web page. The record of the proceeding in which such a private reproof was imposed is not available to the public except as part of the record of any subsequent proceeding in which it is introduced as evidence of a prior record of discipline under the Rules of Procedure of the State Bar.
 - (b) A private reproof imposed on a respondent after initiation of a State Bar Court proceeding is part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.
 - (c) A public reproof imposed on a respondent is publicly available as part of the respondent's official State Bar membership records, is disclosed in response to public inquiries and is reported as a record of public discipline on the State Bar's web page.

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
 - (b) Date prior discipline effective
 - (c) Rules of Professional Conduct/ State Bar Act violations:
 - (d) Degree of prior discipline
 - (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.

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- (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.
- (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.
- (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.

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- (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. **Respondent provided eight letters from a wide range of references in the general community who were aware of the extent of Respondent's misconduct and who attested to Respondent's good character.**
- (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:

Respondent has no prior record of discipline; considerable time has passed since Respondent's misconduct without further incident; and there have been no complaints received against Respondent since he was admitted to the State Bar on June 3, 1993. As such, Respondent's misconduct was aberrational. Respondent fully cooperated and participated in the State Bar's investigation and expressed candor and remorse about his misconduct. Respondent was active in community services at the time of his misconduct and afterwards.

D. Discipline:

- (1) **Private reproof (check applicable conditions, if any, below)**
- (a) Approved by the Court prior to initiation of the State Bar Court proceedings (no public disclosure).
- (b) Approved by the Court after initiation of the State Bar Court proceedings (public disclosure).

or

- (2) **Public reproof (Check applicable conditions, if any, below)**

E. Conditions Attached to Reproval:

- (1) Respondent must comply with the conditions attached to the reproval for a period of **one year**.
- (2) During the condition period attached to the reproval, 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 condition period attached to the reproval. 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 the reproval during the preceding calendar quarter. Respondent must also state in each report whether there are any proceedings pending against him or her in the State

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Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 (thirty) days, that report must be submitted on the next following 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 condition period and no later than the last day of the condition period.

- (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 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 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 conditions attached to the reprobation.
- (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:
- (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) 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 within one year of the effective date of the reprobation.
- No MPRE recommended. Reason:
- (11) 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:

G. Supporting Authority:

Culpability of a member of wilfully failing to perform services in an individual matter shall result in reprobation or suspension depending upon the extent of the misconduct and the degree of harm to the client. (Standard 2.4(b).)

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Attachment language (if any)

Respondent admits that the following facts are true and that he is culpable of the following violation:

FACTS:

1. In 1993, Respondent's brothers, C. Richard Cowan ("Richard") and Robert Cowan ("Robert"), formed Power Lift Corporation ("PLC"), a dealer of Mitsubishi Caterpillar Forklift America Inc.'s ("MCFA") "Caterpillar" brand products in Los Angeles and Orange Counties.
2. In October 1994, Power Lift LLC ("LLC") was formed to, among other things, assume MCFA's forklift distribution business in Los Angeles and Orange Counties from PLC. (Together these entities are referred to as "Power Lift.")
3. From July 2000 to September 13, 2002, several years after the events that later resulted in litigation between Power Lift and MCFA, Respondent worked at Power Lift. From August 2001 to July 2002, Respondent was president of Power Lift.
4. Marina Landscape ("Marina") was a landscape contractor. Between 1997 and 2001, Respondent worked full-time for Marina as a director and its president, and in 2001, became its Chief Executive Officer. Beginning in September 2002, Respondent's law office was located within the building that housed Marina's office, and he utilized its e-mail system for his business and personal e-mail communications. Respondent's law office utilized an employee of Marina, as a secretary. Respondent was responsible for supervising the secretary.
5. On August 27, 2001, MCFA filed a lawsuit entitled, *Mitsubishi Caterpillar Forklift America, Inc. v. C. Richard Cowan, et al.*, United States District Court case number SACV 01-815, claiming money due on shareholder and owner guaranties ("the MCFA case"). Respondent was not named as a defendant in the MCFA case, and MCFA made no claim or allegation against Respondent in the lawsuit.
6. On November 11, 2001, Power Lift filed a lawsuit entitled, *Power Lift Corporation v. Mitsubishi Caterpillar Forklift America, Inc, et al.*, United States District Court case number SACV 01-1084 ("the Power Lift case"). On June 28, 2002, the MCFA and Power Lift cases were consolidated. On July 25, 2002, various counter-claims were filed by MCFA against several counter-defendants, including but not limited to a claim that Respondent benefited from certain business transactions consummated by his brothers to the detriment of MCFA.
7. On June 26, 2002, LLC filed a voluntary Chapter 11 bankruptcy petition and became a debtor-in-possession.
8. During all relevant times, an independent litigation law firm represented the defendants, with the exception of Power Lift LLC, which was represented by counsel for the bankruptcy trustee. Between October 3, 2002 and July 23, 2003, Respondent served as co-counsel of record for the counter-defendants along with the outside law firm. The outside law firm served as lead counsel for the defendants.
9. Respondent voluntarily left his employment at Power Lift on September 13, 2002. Earlier that same week, Respondent directed his secretary to transfer certain litigation-related materials from Power Lift's Pico Rivera office to Power Lift's Anaheim office where Respondent intended to work in order to be closer to his home in Orange County. A few days later, Richard directed the same secretary to also transfer Richard's personal materials and certain materials relating to R&R Real Estate (Richard's and Robert's limited partnership) to the same location.
10. On or about September 16, 2002, the Bankruptcy Court issued a tentative ruling granting MCFA's motion for an appointment of a Chapter 11 trustee. Richard thereafter deleted certain files and e-mail from Power Lift's computer system.
11. On September 17, 2002, Respondent's secretary, as previously instructed, transferred the materials from Power Lift's Pico Rivera office to Power Lift's Anaheim office. Shortly after the documents were transferred from Pico Rivera to Anaheim, the trustee was informed by Respondent's co-counsel about the transfer of the materials and was given an opportunity to inspect them.

12. On September 17, 2002, the Bankruptcy Court issued its order appointing a trustee, effective that day, and granted the trustee full authority and control of all Power Lift's records. From that point forward, the bankruptcy trustee also controlled the consolidated litigation on behalf of Power Lift LLC.
13. On September 23, 2002, the trustee terminated Richard's services and Richard was ordered to immediately vacate Power Lift's premises.
14. On a single occasion, on September 25, 2002, Respondent attempted to access his personal e-mail on Power Lift's computer system, via remote access, but his access to the system was denied and he never accessed or deleted any e-mail on that system following his departure from Power Lift.
15. In October 2002, MCFA conducted additional discovery, following which MCFA and the trustee brought a joint motion to compel production of documents and to enjoin the further spoliation of evidence, and a request for sanctions against the counter-defendants. The discovery referee, in ruling on the motion on December 12, 2002, found that Richard had engaged in discovery abuses and recommended sanctions against Richard only. The referee warned the counter-defendants (including Respondent) and their secretary, not to destroy or discard documents of any type.
16. On January 31, 2003, notice of the referee's ruling was faxed to counsel for all parties. The order provided that MCFA and the trustee be given access to the removed documents and further provided that, "Violation of this Order of court will result in a recommendation of terminating sanctions against the offending party or parties."
17. On February 5, 2003, the District Court adopted the referee's order that all of the documents moved from Pico Rivera to Anaheim be made available to MCFA for inspection and that copies of certain electronic files be provided to MCFA within three business days.
18. On February 5, 2003, Respondent became aware that, prior to the referee's January 31, 2003 ruling, his secretary had discarded some of the documents moved from Pico Rivera to Anaheim. On February 8, 2003, Respondent's co-counsel informed MCFA and the trustee's attorneys of the secretary's actions. MCFA then submitted an emergency motion for terminating sanctions to the discovery referee.
19. Prior to the hearing on the motion on February 17, 2003, the defendants had delivered to MCFA a voluminous number of documents consisting of e-mails and attachments which had been printed from computer discs.
20. The discovery referee concluded that the terms of the February 5, 2003 order were violated when the defendants did not allow timely access to all of the documents moved from Pico Rivera to Anaheim and did not produce copies of each and every document on the computer discs and all of the e-mail with attachments within three business days. The referee found that these omissions caused irreparable harm to MCFA.
21. In June 2003, the District Court adopted the referee's findings and ordered that the counter-defendants jointly and severally pay MCFA \$253,589.30, to reflect actual costs, expenses, and legal fees incurred by MCFA. The sanctions were paid by Richard. The District Court expressed its belief that the discovery abuses by the counter-defendants were fairly and largely attributable to Richard.
22. While Respondent was not aware of his secretary's actions at the time she discarded some of the documents that were moved from Pico Rivera to Anaheim, Respondent acknowledges that he was responsible for her supervision, that he did not properly supervise her handling of the documents, and that he did not take adequate measures to preserve or produce documents that were subject to MCFA's discovery and the referee's and the District Court's rulings regarding the discovery.
23. On October 23, 2003, the Court ordered Marina to produce all of its books and records for inspection by MCFA. E-mail originally produced for inspection by Marina had been generated mostly within sixty days prior to the inspection. During Respondent's employment with Marina, he routinely moved what he believed to be non-essential e-mail from the inbox to the delete box on his computer at Marina. During the course of Marina's production of documents, it was determined that Marina's computer system, including Respondent's computer, had a default program which automatically deleted e-mail from the delete box after 60 days. Respondent was unaware of this default setting, and understood that all "deleted" e-mails remained in the software program in a folder called "deleted

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items." In any event, Marina, with the assistance of a forensic expert, later recovered and produced to MCFA most, but not all, of the e-mail that was related to its case against defendants and that had been deleted by the computer's default program.

24. On December 5, 2003, two weeks before the commencement of the second phase of the trial, and at the request of Marina's then counsel, Respondent had his assistant send an e-mail to all Marina employees which requested that the employees save their e-mail and directed that no documents be discarded thereafter.

25. Respondent had a duty to ensure that Marina's e-mail was properly preserved. Even though Respondent instructed Marina personnel to preserve all documents in late 2002, Respondent failed to implement proper document retention procedures prior to late 2003.

LEGAL CONCLUSION:

By not properly supervising his secretary's handling of documents, and by not employing adequate measures to preserve Marina's e-mails after the discovery referee and the District court had admonished defendants to maintain and preserve documents, Respondent repeatedly failed to perform legal services with competence in wilful violation of Rules of Professional Conduct, rule 3-110(A).

In the Matter of
Josef Cowan

Case number(s):
06-O-11977

A Member of the State Bar

NOLO CONTENDERE PLEA TO STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION

Bus. & Prof. Code § 6085.5 Disciplinary Charges; Pleas to Allegations

There are three kinds of pleas to the allegations of a Notice of Disciplinary Charges or other pleading which initiates a disciplinary proceeding against a member:

- (a) Admission of culpability.
- (b) Denial of culpability.
- (c) **Nolo contendere, subject to the approval of the State Bar Court. The court shall ascertain whether the member completely understands that a plea of nolo contendere shall be considered the same as an admission of culpability and that, upon a plea of nolo contendere, the court shall find the member culpable. The legal effect of such a plea shall be the same as that of an admission of culpability for all purposes, except that the plea and any admission required by the court during any inquiry it makes as to the voluntariness of, or the factual basis for, the pleas, may not be used against the member as an admission in any civil suit based upon or growing out of the act upon which the disciplinary proceeding is based. (Added by Stats. 1996, ch. 1104.) (emphasis supplied)**

Rule 133, Rules of Procedure of the State Bar of California **STIPULATION AS TO FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

(a) A proposed stipulation as to facts, conclusions of law, and disposition must set forth each of the following:

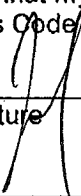
- (5) a statement that Respondent either
 - (i) admits the facts set forth in the stipulation are true and that he or she is culpable of violations of the specified statutes and/or Rules of Professional Conduct or
 - (ii) **pleads nolo contendere to those facts and violations. If the Respondent pleads nolo contendere, the stipulation shall include each of the following:**
 - (a) **an acknowledgement that the Respondent completely understands that the plea of nolo contendere shall be considered the same as an admission of the stipulated facts and of his or her culpability of the statutes and/or Rules of Professional Conduct specified in the stipulation; and**
 - (b) **if requested by the Court, a statement by the Deputy Trial Counsel that the factual stipulations are supported by evidence obtained in the State Bar investigation of the matter (emphasis supplied)**

I, the Respondent in this matter, have read the applicable provisions of Bus. & Prof. Code § 6085.5 and rule 133(a)(5) of the Rules of Procedure of the State Bar of California. I plead nolo contendere to the charges set forth in this stipulation and I completely understand that my plea must be considered the same as an admission of culpability except as state in Business and Professions Code/section 6085.5(c).

Date

1/6/09

Signature



Josef Cowan
Print Name

In the Matter of
Josef Cowan

Case number(s):
06-O-11977

A Member of the State Bar

Law Office Management Conditions

- a. Within 30 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/ 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 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.

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In the Matter of Josef M. Cowan	Case number(s): 06-O-11977
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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 Fact, Conclusions of Law and Disposition.

JANUARY 2, 2009

Date



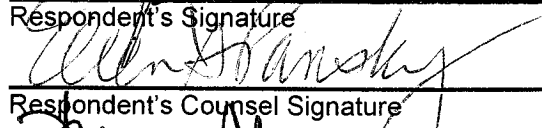
Respondent's Signature

Josef M. Cowan

Print Name

JANUARY 5, 2009

Date



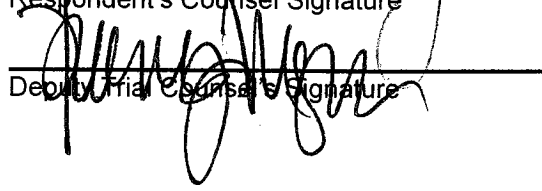
Respondent's Counsel Signature

Ellen A. Pansky

Print Name

1/6/09

Date



Deputy Trial Counsel's Signature

Diane J. Meyers

Print Name

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In the Matter Of Josef M. Cowan	Case Number(s): 06-O-11977
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ORDER

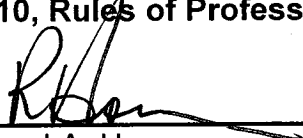
Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproval, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED AND THE REPROVAL IMPOSED.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the REPROVAL IMPOSED.
- All court dates in the Hearing Department 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 125(b), Rules of Procedure.) **Otherwise the stipulation shall be effective 15 days after service of this order.**

Failure to comply with any conditions attached to this reproval may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.

1-21-09
Date


Richard A. Honn
Judge of the State Bar Court

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 January 21, 2009, 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:

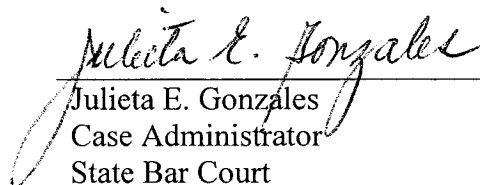
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

ELLEN A PANSKY ATTORNEY AT LAW
PANSKY MARKLE HAM LLP
1010 SYCAMORE AVE UNIT 101
SOUTH PASADENA, CA 91030

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

Diane J. Meyers, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 21, 2009.



Julieta E. Gonzales
Case Administrator
State Bar Court