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State Bar Court of California
Hearing Department
Los Angeles

Counsel For The State Bar

Terrie Goldade, Supervising Attorney
Office of Probation
1149 South Hill St.
Los Angeles, CA 90015
(213) 765-1494

Case Number (s)
07-PM-10302-RAH

(for Court's use)

FILED

MAY 02 2007

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

PUBLIC MATTER

Bar # 155348

Counsel For Respondent

Ericka Tabachnick
A Law Corporation
900 Wilshire Blvd., #1000
Los Angeles, CA 90017

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Submitted to: Assigned Judge

Bar # 94324

In the Matter Of:
David L. Gernsbacher

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

Bar # 89596

A Member of the State Bar of California
(Respondent)

PROBATION VIOLATION—"PM" PROCEEDING

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 November 29, 1979.
- (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 12 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."

- (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 (no actual suspension).
 - 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 (actual suspension).
 - costs to be paid in equal amounts prior to February 1 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

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-C-11101/S136359**
 - (b) Date prior discipline effective **November 20, 2005**
 - (c) Rules of Professional Conduct/ State Bar Act violations: **Business & Professions Code section 6068(a) [he was convicted of violating Penal Code, section 240 and Vehicle Code, section 20002(a)]**
 - (d) Degree of prior discipline **1 year suspension, stayed; 3 years probation with conditions**
 - (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.
- (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. **At the time the motion to revoke his probation was filed,**

Respondent had not filed three quarterly reports and had filed two quarterly reports late. Additionally, Respondent had not filed three reports stating his compliance with his criminal probation and had filed two such reports late. Moreover, Respondent had not timely completed Ethics School.

- (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.
- (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) No mitigating circumstances are involved.

Additional mitigating circumstances:

While it is not mitigating, Respondent belatedly filed his overdue quarterly reports and reports regarding his compliance with criminal probation on February 2, 2007 (which had been due July 10, 2006, October 10, 2006, and January 10, 2007) and completed Ethics School on February 8, 2007 (which had been due November 20, 2006); the probation revocation motion was filed January 25, 2007.

While it is not mitigating, Respondent offers the following by way of explanation: Respondent claims that his scleroderma re-occurred in mid to late 2005 and did not remit until mid December 2006. Currently, there is no cure for scleroderma. Respondent was engaged in a custody dispute for his daughter which did not end until mid 2006. Respondent was engaged in litigation regarding his home through September 2006. Respondent asserts that these stressors devastated him emotionally and made him angry and depressed. Respondent further asserts that he did not have the energy or inclination to take care of personal matters, such as complying with the terms and conditions of his probation.

D. Discipline (choose only one):

- (1) **Probation extended:** Respondent's probation in 04-C-11101/S136359 is extended for 18 months.
- (2) **Probation revoked; Probation Reinstated; Actual Suspension:** Respondent's probation is revoked and reinstated for _____ on the same terms and conditions as previously imposed in _____. The terms of probation remain the same as in the prior order except as indicated below. In addition, Respondent must be actually suspended from the practice of law for _____.
- (3) **Probation revoked; Probation Reinstated; No Actual Suspension:** Respondent's probation is revoked and reinstated for _____ on the same terms and conditions as previously imposed in _____. The terms of probation remain the same as in the prior order except as indicated below.
- (4) **Probation revoked; Probation not Reinstated; Actual Suspension:** Respondent's probation is revoked. Respondent must be suspended from the practice of law for _____.

E. In addition to conditions previously imposed by the Supreme court in its prior order, the following new conditions are recommended by this stipulation:

- (1) During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (2) 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.
- (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 in each report 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.
- (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) The following conditions are attached hereto and incorporated:
- | | |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) Probation Conditions Deleted or Modified: _____ :
- (2) **Rule 9.20, California Rules of Court:** Respondent must comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 30 and 40 days, respectively, from the effective date of the Supreme Court order herein.
- (3) **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the provisions of subdivisions (a) and (c) of rule 9.20, California Rules of Court, within 120 and 130 days, respectively, from the effective date of the Supreme Court order herein.

Attachment language (if any):

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statute.

1. On June 19, 2005, Respondent executed a Stipulation re Facts, Conclusions of Law and Disposition with the State Bar in State Bar Court Case No. 04-C-11101 ("Stipulation"). The Hearing Department of the State Bar Court filed an order approving the Stipulation on June 28, 2005.
2. On October 21, 2005, the California Supreme Court filed an Order in Case No. S136359 (State Bar Court Case No. 04-C-11101) that Respondent be suspended from the practice of law for a period of one year, that execution of suspension be stayed and that Respondent be placed on probation or a period of three years subject to the conditions of probation as recommended by the Hearing Department of the State Bar Court in its order approving the Stipulation filed on June 28, 2005. Respondent was ordered to comply with the following terms and conditions of probation, among others:
 - a. As a condition of probation, Respondent was ordered to comply with the Rules of Professional Conduct and the State Bar Act and report such compliance quarterly under penalty of perjury. Respondent filed his first two quarterly reports late: his reports due January 10, 2006 and April 10, 2006 were filed on May 10, 2006. Respondent filed his next three quarterly reports due July 10, 2006, October 10, 2006, and January 10, 2007, late on February 2, 2007.
 - b. As a condition of probation, Respondent was ordered to attend Ethics School by November 20, 2006 and provide proof of passage of the test given at the end of the session to the Office of Probation. Respondent did not attend Ethics School until February 8, 2007.
 - c. As a condition of probation, Respondent was ordered to comply with all conditions of probation imposed in the underlying criminal matter and so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation. Respondent filed his first two declarations of compliance in his quarterly reports late: his reports due January 10, 2006 and April 10, 2006 were filed on May 10, 2006. Respondent filed his next three declarations of compliance with his quarterly reports, which were due July 10, 2006, October 10, 2006, and January 10, 2007, late on February 2, 2007.
3. On November 17, 2005, the Office of Probation mailed an initial letter to Respondent at his membership records address outlining the terms and condition of his probation. Respondent received the letter
4. On February 9, 2006, the Office of Probation mailed a letter to Respondent at his membership records address advising him that his first quarterly report was due January 10, 2006 but was not received. A copy of the initial letter dated November 17, 2005 was enclosed for

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Respondent's reference. This letter was returned by the United States Post Office as undeliverable because Respondent had moved and left no forwarding address.

5. On or about February 9, 2006, the Office of Probation left Respondent a telephonic voice mail message asking that he return the call.
6. On or about February 15, 2006, Respondent telephoned the Office of Probation. He was informed that he had failed to file his Quarterly Report due January 10, 2006. It was discussed that the initial letter dated November 17, 2005 had not been returned as undeliverable by the postal service, but that the letter dated February 9, 2006 had. Respondent said that he had changed his address. He was told to notify Membership Records in writing of his change of address. Respondent provided his fax number so that the letters of November 17, 2005 and February 9, 2006 could be faxed to him. (They were, and he received them.) He was also told to call if he had any questions, and to file his quarterly report due January 10, 2006 immediately.
7. On or about April 21, 2006, the Office of Probation telephoned Respondent's membership records telephone number. A message could not be left; the outgoing sound seemed as though it were a fax machine.
8. On or about April 21, 2006, the Office of Probation telephoned Respondent's cell phone number. A man answered and stated that he had taken Respondent's phone and Respondent had taken his. He stated that he would tell Respondent to return the call. Respondent did not return the call.
9. On or about April 27, 2006, the Office of Probation telephoned Respondent's membership records telephone number and left a message asking that Respondent return the call as soon as possible.
10. On or about April 27, 2006, the Office of Probation telephoned Respondent's cell phone number. Respondent stated that it was his cell phone. The Office of Probation asked that he call back. Respondent stated that he would.
11. On or about April 28, 2006, the Office of Probation mailed a letter to Respondent advising him that the Office of Probation had not received quarterly reports due January 10, 2006 and April 10, 2006 and enclosing copies of its letters to him dated November 17, 2005 and February 9, 2006.
12. On or about April 28, 2006, Respondent telephoned the Office of Probation. Respondent was informed that a reminder letter had been sent to him that date. He was told that if he did not comply with the conditions of his probation, he would be referred for further discipline. He was told that if he had any questions, he could call the Office of Probation.

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13. On or about September 11, 2006, the Office of Probation telephoned Respondent's membership records telephone number and asked that he submit his quarterly report due July 10, 2006. Respondent stated that he would do so.

14. On or about December 21, 2006, the Office of Probation telephoned Respondent at his cell phone number. He stated that he could not talk because he was on his way to San Francisco with his kids. He said that he would call back on December 26, 2006. He did not do so.

15. On or about December 29, 2006, the Office of Probation telephoned Respondent at his cell phone number and left a message stating that because the Office of Probation had not heard from him, there was no option but to refer him.

16. On or about January 22, 2007, Respondent telephoned the Office of Probation. It was discussed that he had not submitted quarterly reports, criminal probation compliance reports, and had not completed Ethics School. He requested that a copy of his quarterly report be faxed to him. It was and he received it.

By failing to timely file his Quarterly Reports due from January 10, 2006 through January 10, 2007; by failing to timely attend Ethics School; and by failing to timely file his reports of compliance in the underlying criminal matter from January 10, 2006 through January 10, 2007, Respondent wilfully violated Business and Professions Code, section 6068(k).

PENDING PROCEDURES.

The disclosure date referred to, on page one, paragraph A.(7) was March 16, 2007

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of Probation has informed respondent that as of March 16, 2007, the estimated prosecution costs in this matter are approximately \$1,546. 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.

AUTHORITIES SUPPORTING DISCIPLINE.

Standard 2.6, subsection (a), states that culpability of a member of a violation of Business and Professions Code, section 6068(k), shall result in disbarment or suspension depending upon the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

An attorney who violated his probation by failing to timely complete restitution and by failing to timely attend Ethics School, received two years' probation with a condition that the first 30 days he be actually suspended. *In the Matter of Gorman* (Review Dept. 2003) 4 Cal. State Bar Ct. Rptr. 567. Neither bad purpose nor intentional evil is required to establish willful violations of disciplinary probation. *Id.* at 572. An attorney's cooperation in stipulating to facts warrants some mitigative consideration. *Id.* More serious sanctions are assigned to probation violations closely related to reasons for imposition of previous discipline or to rehabilitation. *Id.* at 573-574. An attorney who willfully violates a restitution probation condition can anticipate actual suspension in the absence of compelling mitigating circumstances. *Id.* at 574.

In this matter, Respondent's underlying disciplinary violation was in relation to violating Vehicle Code, section 20002(a), and Penal Code, section 240. As part of his plea bargain, he was ordered to undergo six months of anger management. As part of his disciplinary probation, Respondent was ordered to file quarterly reports, reports that he was in compliance with his criminal probation, and attend Ethics School. These disciplinary conditions were related to his original misconduct, important for his rehabilitation, and were intended to assist the State Bar in monitoring Respondent's rehabilitation. However, in light of Respondent's explanation, as set forth above in Section C., the Office of Probation is willing to deviate from standard 2.6 based upon Respondent's belated compliance, his stipulation to his violations, and his agreement to extend his probation and obtain psychiatric or psychological help/treatment for a minimum of ten hours over twenty months.

In the Matter of
David L. Gernsbacher

Case number(s):
07-PM-10302-RAH

Medical Conditions

- a. Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of _____ times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for _____ days or months or _____ years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of once every other month and must furnish evidence to the Office of Probation that he is attending as ordered and is complying with all treatment recommendations. Help/treatment should

(Medical Conditions form approved by SBC Executive Committee 10/16/2000. Revised 12/16/2004. 12/13/2006.)

commence immediately, and in no event, no later than thirty days after the effective date of this stipulation. Treatment must continue for the period of probation or until a motion to modify (see below) this condition is granted and that ruling becomes final.

If, after at least 20 months and 10 hours of treatment, the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of Probation may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 550 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

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In the Matter of David L. Gernsbacher	Case number(s): 07-PM-10302-RAH
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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.

_____	_____	David L. Gernsbacher
Date	Respondent's Signature	Print Name
_____	_____	Erica Tabachnick
Date	Respondent's Counsel Signature	Print Name
3/28/07	<i>Terrie Goldade</i>	Terrie Goldade
Date	Deputy Trial Counsel's Signature	Print Name

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In the Matter of DAVID L. GERNSBACHER Bar No. 89596	Case number(s): 07-PM-10302-RAH
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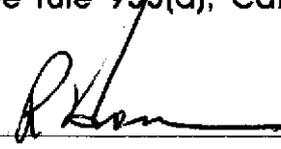
ORDER

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.)

5/2/07
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 May 2, 2007, 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:

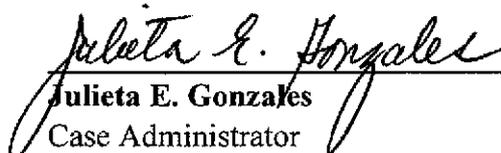
- [X] by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**ERICA A TABACHNICK ATTORNEY AT LAW
900 WILSHIRE BLVD #1000
LOS ANGELES, CA 90017**

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

Terrie L. Goldade, Office of Probation, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **May 2, 2007**.



Julieta E. Gonzales
Case Administrator
State Bar Court