

(Do not write above this line.)

<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>REPROVAL</b>		
<b>Counsel For The State Bar</b>  <b>PAUL T. O'BRIEN</b> <b>1149 S. HILL STREET</b> <b>LOS ANGELES, CA 90015-2299</b> <b>(213) 765-1378</b>  <b>Bar # 171252</b>	<b>Case Number(s):</b> <b>08-O-11869;</b> <b>08-O-12727;</b> <b>09-O-13357;</b> <b>10-O-01158</b>	<b>For Court use only</b>  <div style="text-align: center;"> <b>FILED</b>   <b>FEB 10 2011</b> <i>MC</i>  <b>STATE BAR COURT</b>  <b>CLERK'S OFFICE</b>  <b>LOS ANGELES</b> </div>
<b>Counsel For Respondent</b>  <b>DAVID A. CLARE</b> <b>444 W. OCEAN BLVD., SUITE 800</b> <b>LONG BEACH, CA 90802</b> <b>(562) 624-2837</b>  <b>Bar # 44971</b>	<b>PUBLIC MATTER</b>	
<b>In the Matter of:</b> <b>THANAYI LINDSEY</b>  <b>Bar # 192877</b>  <b>A Member of the State Bar of California</b> <b>(Respondent)</b>	<b>Submitted to: Assigned Judge</b>  <b>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND</b> <b>DISPOSITION AND ORDER APPROVING</b>  <b>PUBLIC REPROVAL</b>  <input type="checkbox"/> <b>PREVIOUS STIPULATION REJECTED</b>	

**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 December 9, 1997.
- (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."

(Effective January 1, 2011)

Reproval



- (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 are added to membership fee for calendar year following effective date of discipline (public reproof).
  - ☐ Case ineligible for costs (private reproof).
  - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: two billing cycles following the effective date of the order herein. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - ☐ Costs are 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.
- (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. After formal charges were filed, Respondent and her counsel met with deputy trial counsel for nearly three hours, providing documents and a detailed narrative. With the newly provided information, the State Bar was satisfied that dismissal of two counts was appropriate.
- (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. Respondent sought appropriate treatment and continues with her participation in the Lawyers Assistance Program to ensure against any recurrence of such difficulties.
- (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) ☐ **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 performed substantial pro bono services in her community, at the Mesereau Free Legal Clinic, giving fee legal advice on a volunteer basis. Additionally, she received the 2010 Los Angeles County Superior Court Award for ADR Meditation in Family Law.

**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 two years.
- (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 reprobation. 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 reprobation 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 (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:

☐ Substance Abuse Conditions

☐ Law Office Management Conditions

☐ Medical Conditions

☐ Financial Conditions

#### **F. Other Conditions Negotiated by the Parties:**

Attachment language (if any):

**ATTACHMENT TO**  
**STIPULATION RE FACTS AND CONCLUSIONS OF LAW**

IN THE MATTER OF: **THANAYI LINDSEY**      MEMBER # **192877**

CASE NUMBER(s): 08-O-11869; 08-O-12727; 09-O-13357; 10-O-01158

**PENDING PROCEEDINGS**

The disclosure date referred to on page one, paragraph A.(6), is October 18, 2010.  
(File no. 10-O-06987.)

**PARTIES ARE BOUND BY THE STIPULATED FACTS:**

The parties intend to be and are hereby bound by the stipulated 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 she/he is culpable of violations of the specified statutes and/or Rules of Professional Conduct, or has otherwise committed acts of misconduct warranting discipline, as follows:

**Case No. 08-O-11869 (The Archer Matter)**

1. On April 9, 2008, the State Bar opened an investigation regarding a complaint submitted by Respondent's former client Rebecca Archer. On July 30, 2008, a State Bar Investigator sent Respondent a letter to her State Bar Membership Record address requesting her response to the allegations in the complaint received from Rebecca Archer, Case No. 08-O-11869 ("Archer complaint"). Respondent received the July 30, 2008 letter but did not provide a response to the letter.

2. On September 23, 2008, a State Bar Investigator sent a second letter to the Respondent requesting her response to the allegations in the Archer complaint. Respondent received the September 23, 2008 letter but did not provide a response to the letter.

**Conclusions of Law for Case No. 08-O-11869**

By not providing a response to the State Bar Investigator regarding the Archer complaint, Respondent failed to cooperate and participate in a disciplinary investigation or investigations pending against Respondent, in willful violation of Business and Professions Code section 6068(i).

**Case No. 08-O-12727 (The Taylor Matter)**

3. In November 2006, Justin Taylor ("Taylor") employed Respondent to represent Taylor in a support and custody matter.

4. Respondent advised Taylor that it would be best to handle the case in two phases: Respondent would first handle the paternity and child support phase; then, she would work on custody and visitation.

5. Respondent completed the child support stage of the case and Richardson paid Respondent the agreed-upon fee of \$1800 for her services.

6. On September 6, 2007, Richardson paid Respondent an additional \$1400 in fees and paid \$320 by check payable to the Los Angeles Superior Court in filing costs for the support phase of the matter.

7. Subsequently, Respondent did not complete the necessary work on the custody and visitation phase.

8. In October 2007, Richardson, acting on Taylor's behalf, sent Respondent several email messages and left numerous voicemail messages on Respondent's cell phone and office numbers seeking an update as to Taylor's support matter.

9. On December 9, 2007, Richardson again emailed Respondent on Taylor's behalf asking Respondent whether she was handling Taylor's case and indicating that if Respondent did not reply she would hire another attorney. Respondent did not respond to Richardson's email, as Richardson was not her client and was thus not entitled to confidential information.

10. Upon receiving Richardson's messages, Respondent attempted to contact Taylor, but was unsuccessful in doing so. Respondent failed, however, to adequately follow up with him to confirm what his intentions were, as the content of Richardson's messages differed from Respondent's understanding of Taylor's previously expressed instructions.

11. On July 30, 2008, a State Bar Investigator sent Respondent a letter to her State Bar Membership Record address requesting her response to the allegations in the complaint received from Alicia Richardson, Case No. 08-O-12727. This letter was not returned as undeliverable by the United States Postal Service. Respondent received this letter. Respondent did not provide a response to the letter.

12. On September 24, 2008, a State Bar Investigator sent another letter to the Respondent requesting her response to the allegations in the complaint received from Alicia Richardson, Case No. 08-O-12727. Respondent received but did not provide a response to the letter.

### **Conclusions of Law for Case No. 08-O-12727**

By not completing the required work in Taylor's custody/visitation matter and not contacting Taylor in response to his mother's email messages, Respondent willfully failed to perform with competence legal services for which she was retained, in willful violation of rule 3-110(A), Rules of Professional Conduct.

By not providing a response to the State Bar Investigator regarding the allegations raised by Richardson, Respondent willfully failed to cooperate and participate in a disciplinary investigation or investigations pending against Respondent, in willful violation of Business and Professions Code section 6068(i).

### **Case No. 08-O-13357 (The Curry Matter)**

13. In November 2008, Natasha Curry ("Curry") employed Respondent to complete Curry's dissolution of Marriage. Curry and Respondent signed a retainer agreement. Curry paid Respondent \$2100 toward Respondent's fees.

14. On January 29, 2009, Respondent filed Curry's Petition for Dissolution of Marriage.

15. On April 8, 2009, Respondent advised Curry that her husband had not filed a response and that Respondent would proceed with a default filing.

16. On May 29, 2009, Curry emailed Respondent asking for the date of her court appearance and noting that she has not been able to reach Respondent. Respondent received but did not respond to Curry's email.

17. On June 2, 2009, Curry again emailed Respondent asking for a status update on her case. Respondent received the email but again failed to respond to Curry.

18. On June 12, 2009, Curry's father, Alonson Townsell emailed Respondent a copy of a complaint letter being sent to the State Bar. Respondent replied on July 13, 2009, stating that she would respond to the State Bar.

19. On October 22, 2009, Townsell sent Respondent a handwritten substitution of attorney form on Curry's behalf.

20. On November 5, 2009, Respondent prepared a typed substitution of attorney form and returned it to Curry.

21. Curry signed and executed the substitution of attorney form prepared by Respondent and filed it on November 19, 2009.

22. On July 14, 2009, a State Bar Investigator sent Respondent a letter to her State Bar Membership Record address requesting her response to the allegations in the complaint received



from Natasha Curry, Case No. 09-O-13357. Respondent received but did not provide a response to the letter.

23. On July 31, 2009, a State Bar Investigator sent Respondent a letter to her State Bar Membership Record address requesting her response to the allegations in the complaint received from Natasha Curry, Case No. 09-O-13357. Respondent received but did not provide a response to the letter.

#### **Conclusions of Law for Case No. 08-O-13357**

By not completing Curry's dissolution of marriage in a timely manner and failing to advise Curry regarding the status of her case, Respondent willfully failed to perform legal services with competence, in willful violation of rule 3-110(A), Rules of Professional Conduct.

By not responding to Curry's repeated status inquiries regarding her case, Respondent failed to respond to her client's reasonable status inquiries, in willful violation of Business and Professions Code section 6068(m).

By not providing responses to the State Bar Investigator regarding the allegations raised by Curry, Respondent willfully failed to cooperate and participate in a disciplinary investigation or investigations pending against Respondent, in willful violation of Business and Professions Code section 6068(i).

#### **Case No. 10-O-01158 (The Ndiaye Matter)**

24. On June 19, 2009, Diedra Ndiaye ("Ndiaye") employed Respondent to complete her dissolution of marriage matter. Ndiaye paid Respondent a \$2500 retainer fee which was to be applied to Respondent's work on the matter at an hourly rate.

25. Over the next two months, Ndiaye became dissatisfied with the progress of her divorce case and terminated Respondent's employment on September 8, 2009, requesting the return of her file and a refund of any unearned portion of the advanced fee.

26. On October 6, 2009, Ndiaye sent an email to Respondent advising her that she still had not received her client file or any portion of the retainer. Respondent did not respond to this email.

27. On December 28, 2009, Ndiaye submitted a complaint about Respondent's services to the State Bar.

28. On April 26, 2010, Ndiaye sent a letter by U.S. mail to Respondent requesting an accounting and a copy of her file. Respondent did not respond to this letter.

29. Respondent did not provide Ndiaye with the requested accounting and a copy of the client file until July 21, 2010.

### **Conclusions of Law for Case No. 10-O-01158**

By not providing Ndiaye with an accounting until July 21, 2010, Respondent failed to promptly render, as requested by a client, an accounting of the funds paid by the client for Respondent's legal services, in willful violation of rule 4-100(B)(3), Rules of Professional Conduct.

By not providing Ndiaye with her client file until July 21, 2010, Respondent failed to release all client papers and property promptly, at the client's request, upon termination of employment, in willful violation of rule 3-700(D)(1), Rules of Professional Conduct.

### **PENDING PROCEEDINGS.**

The disclosure date referred to, on page 2, paragraph A(7), was January 19, 2011.

### **DISMISSALS.**

The parties respectfully request the Court to dismiss the following alleged violations in the interest of justice:

<u>Case No.</u>	<u>Count</u>	<u>Alleged Violation</u>
08-O-12727	THREE	B&P §6068(m)
10-O-01158	EIGHT	B&P §6068(m)

### **COSTS OF DISCIPLINARY PROCEEDINGS.**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of January 19, 2011, the prosecution costs in this matter are \$3,654.00. 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 1.3**—the primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgement of a member's professional misconduct are the protection of the public, the courts, and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the profession.

**Standard 2.4(b)**—Culpability of a member of wilfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of a member of wilfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the member's misconduct and the degree of harm to the client.

**Standard 2.6**—culpability of a member of a violation of any of the following provisions of the Business and Professions Code shall result in disbarment or suspension depending on 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: . . . 6068. . . .

**STATE BAR ETHICS SCHOOL.**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education credit upon the satisfactory completion of State Bar Ethics School.

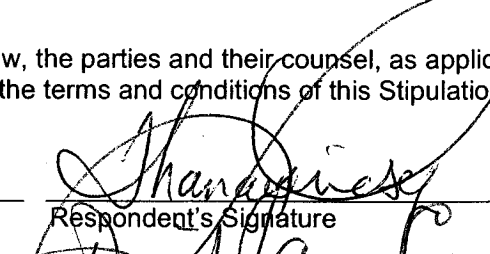
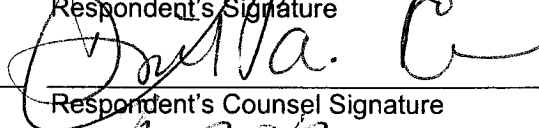
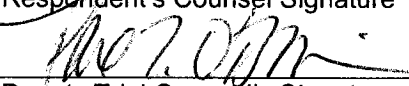
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In the Matter of:  
THANAYI LINDSEY

Case number(s):  
08-O-11869-RAP, et al.

### 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.

X 01/28/11		THANAYI LINDSEY
Date	Respondent's Signature	Print Name
1/28/11		DAVID A. CLARE
Date	Respondent's Counsel Signature	Print Name
02/02/11		PAUL T. O'BRIEN
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of:  
THANAYI LINDSEY

Case Number(s):  
08-O-11869-RAP, et al.

### REPROVAL ORDER

Finding that the stipulation protects the public and that the interests of Respondent will be served by any conditions attached to the reproof, 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 5.58(E) & (F), 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 reproof may constitute cause for a separate proceeding for willful breach of rule 1-110, Rules of Professional Conduct.**

Date

02-09-11

Judge of the State Bar Court

NICHARD A. PLATEL

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); 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 February 10, 2011, I deposited a true copy of the following document(s):

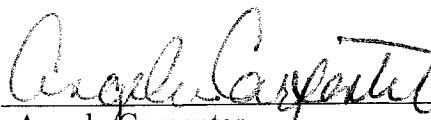
### STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

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:  
  
DAVID A CLARE  
ATTORNEY AT LAW  
444 W OCEAN BLVD STE 800  
LONG BEACH CA 90802
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

PAUL O'BRIEN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on February 10, 2011.

  
Angela Carpenter  
Case Administrator  
State Bar Court