

**FILED**

**MAR 28 2014**

**STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO**

**STATE BAR COURT OF CALIFORNIA**

**HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of	)	Case Nos.: <b>09-O-12085-PEM</b>
	)	(09-O-12213; 10-O-03693
<b>DEMAS W. YAN,</b>	)	10-O-03694; 10-O-03753
	)	10-O-06199)
<b>Member No. 257854,</b>	)	
	)	<b>ORDER RE DISCIPLINARY COSTS</b>
A Member of the State Bar.	)	

---

On November 4, 2013, respondent Demas W. Yan (respondent) filed a motion asking for relief from the order assessing disciplinary costs due to financial hardship and arguing that the certificate of costs should be amended since the increased amount was due to the actions of the Office of the Chief Trial Counsel of the State Bar of California (State Bar).

On December 19, 2013, the court entered an order granting respondent's motion in part and denying the motion in part. On March 5, 2014, the court granted the State Bar's motion for reconsideration of the December 19, 2013, order upon a showing that the State Bar did not receive notice of respondent's motion and was deprived of the opportunity to respond thereto.

On March 7, 2014, the State Bar filed an opposition to respondent's motion asserting its objection to any order granting a waiver of the assessed costs, but stating that it does not oppose an order granting respondent additional time to pay the assessed costs.



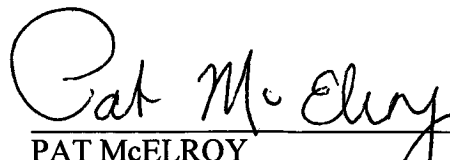
Having considered respondent's motion and the State Bar's opposition, the court finds that respondent has established hardship, special circumstances, and other good cause under rule 5.130(B) of the Rules of Procedure of the State Bar. Accordingly, respondent's motion is **granted in part and denied in part** as follows:

1. The amount of costs assessed against respondent is not completely waived but reduced from \$9,784.67 to \$5,945.00; and
2. Respondent is granted an extension of time to pay the reduced disciplinary costs. In view of respondent's financial hardship, the court orders respondent to pay the reduced disciplinary costs in five equal installments along with his membership fees commencing with the 2015 billing cycle. In accordance with Business and Professions Code section 6086.10, one-fifth of the costs must be paid with petitioner's membership fees for the years 2015, 2016, 2017, 2018 and 2019.

It is further **ORDERED** that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California. (Rules Proc. of State Bar, rule 5.134.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**IT IS SO ORDERED.**

Dated: March 28, 2014

  
PAT McELROY  
Judge of the State Bar Court

## 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 San Francisco, on March 28, 2014, I deposited a true copy of the following document(s):

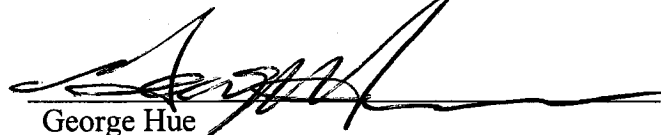
### ORDER RE DISCIPLINARY COSTS

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 San Francisco, California, addressed as follows:
- DEMAS W. YAN  
300 FRANK H OGAWA PLZ STE 218  
OAKLAND, CA 94612
- ☐ 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:

Robert Henderson, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 28, 2014.

  
George Hue  
Case Administrator  
State Bar Court