

1 **JOSEPH GIOVANAZZI**

2 (SBN #42827)

3 1402 Market Street

4 Vista CA 92084

5 (760) 622-6364

6 Respondent Attorney *Pro Se*

FILED

APR 20 2011

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

7 **THE STATE BAR COURT OF THE STATE BAR OF CALIFORNIA**

8 **HEARING DEPARTMENT- LOS ANGELES**

9
10 In the Matter of

) Case No. 09-O-19328, 09-O-16405

11 JOSEPH GIOVANAZZI

) **Response**

12 No. 42827

) State Bar Rules of Procedure Rule 5.80(A)(3)

13 A Member of the State Bar

) And Rule 5.43 ©

14 Now comes the respondent, Attorney Joseph Giovanazzi, and responds to the Notice
15 of Disciplinary Charges as follows:

- 16 1. He admits the allegations of paragraph one.
- 17 2. He denies the allegations of paragraph two.
- 18 3. He denies the allegations of paragraph three.
- 19 4. He denies the allegations of paragraph four.
- 20 5. He denies the allegations of paragraph five.
- 21 6. He denies the allegations of paragraph six.
- 22 7. He denies the allegations of paragraph seven.
- 23 8. He denies the allegations of paragraph eight.
- 24 9. He denies the allegations of paragraph nine.
- 25 10. He denies the allegations of paragraph ten.
- 26 11. He denies the allegations of paragraph eleven.
- 27
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12. He denies the allegations of paragraph twelve.
13. He denies the allegations of paragraph thirteen.
14. He denies the allegations of paragraph fourteen.
15. He denies the allegations of paragraph fifteen.
16. He denies the allegations of paragraph sixteen.
17. He denies the allegations of paragraph seventeen.
18. He denies the allegations of paragraph eighteen.
19. He denies the allegations of paragraph nineteen.
20. He denies the allegations of paragraph twenty.
21. He denies the allegations of paragraph twenty one.
22. He denies the allegations of paragraph twenty two.
23. He denies the allegations of paragraph twenty three.
24. He denies the allegations of paragraph twenty four.
25. He admits the allegations of paragraph twenty five.
26. He denies the allegations of paragraph twenty six.
27. He denies the allegations of paragraph twenty seven.
28. He denies the allegations of paragraph twenty eight.
29. He denies the allegations of paragraph twenty nine.
30. He denies the allegations of paragraph thirty.
31. He denies the allegations of paragraph thirty one.
32. He denies the allegations of paragraph thirty two.
33. He denies the allegations of paragraph thirty three.
34. He denies the allegations of paragraph thirty four.
35. He admits the allegations of paragraph thirty five.
36. He denies the allegations of paragraph thirty six.
37. He denies the allegations of paragraph thirty seven.

38. He denies the allegations of paragraph thirty eight.
39. He denies the allegations of paragraph thirty nine.
40. He denies the allegations of paragraph forty.
41. He denies the allegations of paragraph forty one.
42. He denies the allegations of paragraph forty two.
43. He denies the allegations of paragraph forty three.
44. He denies the allegations of paragraph forty four.
45. He denies the allegations of paragraph forty five.
46. He denies the allegations of paragraph forty six.
47. He denies the allegations of paragraph forty seven.
48. He denies the allegations of paragraph forty eight.
49. He denies the allegations of paragraph forty nine.
50. He denies the allegations of paragraph fifty.
51. He denies the allegations of paragraph fifty one.
52. He denies the allegations of paragraph fifty two.
53. He denies the allegations of paragraph fifty three.
54. He denies the allegations of paragraph fifty four.
55. He denies the allegations of paragraph fifty five.
56. He denies the allegations of paragraph fifty six.
57. He denies the allegations of paragraph fifty seven.
58. He denies the allegations of paragraph fifty eight.
59. He denies the allegations of paragraph fifty nine.
60. He denies the allegations of paragraph sixty.
61. He denies the allegations of paragraph sixty one.
62. He denies the allegations of paragraph sixty two.
63. He denies the allegations of paragraph sixty three.

64. He denies the allegations of paragraph sixty four.
65. He denies the allegations of paragraph sixty five.
66. He denies the allegations of paragraph sixty six.
67. He denies the allegations of paragraph sixty seven.
68. He denies the allegations of paragraph sixty eight.
69. He denies the allegations of paragraph sixty nine.
70. He denies the allegations of paragraph seventy.
71. He denies the allegations of paragraph seventy one.
72. He denies the allegations of paragraph seventy two.
73. He denies the allegations of paragraph seventy three.
74. He denies the allegations of paragraph seventy four.
75. He denies the allegations of paragraph seventy five.
76. He denies the allegations of paragraph seventy six.
77. He denies the allegations of paragraph seventy seven.
78. He denies the allegations of paragraph seventy eight.
79. He admits the allegations of paragraph seventy nine.
80. He denies the allegations of paragraph eighty.
81. He denies the allegations of paragraph eighty one.
82. He denies the allegations of paragraph eighty two.
83. He denies the allegations of paragraph eighty three.
84. He denies the allegations of paragraph eighty four.
85. He denies the allegations of paragraph eighty five.
86. He denies the allegations of paragraph eighty six.
87. He denies the allegations of paragraph eighty seven.
88. He denies the allegations of paragraph eighty eight.
89. He denies the allegations of paragraph eighty nine.

90. He denies the allegations of paragraph ninety .
- 1 91. He denies the allegations of paragraph ninety one.
- 2 92. He denies the allegations of paragraph ninety two.
- 3 93. He denies the allegations of paragraph ninety three.
- 4 94. He denies the allegations of paragraph ninety four.
- 5 95. He denies the allegations of paragraph ninety five.
- 6 96. He denies the allegations of paragraph ninety six.
- 7 97. He denies the allegations of paragraph ninety seven.
- 8 98. He denies the allegations of paragraph ninety eight.
- 9 99. He denies the allegations of paragraph ninety nine.
- 10 100. He denies the allegations of paragraph one hundred.
- 11 101. He denies the allegations of paragraph one hundred one.
- 12 102. He denies the allegations of paragraph one hundred two.
- 13 103. He admits the allegations of paragraph one hundred three.
- 14 104. He denies the allegations of paragraph one hundred four.
- 15 105. He denies the allegations of paragraph one hundred five.
- 16 106. He denies the allegations of paragraph one hundred six.
- 17 107. He denies the allegations of paragraph one hundred seven.
- 18 108. He denies the allegations of paragraph one hundred eight.
- 19 109. He denies the allegations of paragraph one hundred nine.
- 20 110. He denies the allegations of paragraph one hundred ten.
- 21 111. He denies the allegations of paragraph one hundred eleven.
- 22 112. He admits the allegations of paragraph one hundred twelve.
- 23 113. He denies the allegations of paragraph one hundred thirteen.
- 24 114. He denies the allegations of paragraph one hundred fourteen.
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And further answering, the respondent asserts no cause of action is pled and the proceeding is required to be dismissed for the following reasons:

115. Count one alleging violation of a court order, which in good faith the attorney should
1 comply with, states no disciplinable offense as it has no allegations of service of a court order on
2 the attorney.
3

4 116. Count one alleging violation of a court order, which in good faith the attorney should
5 comply with, states no disciplinable offense as it has no allegation of an underlying court order
6 finding the claimed violations, and the State Bar and its Court lack jurisdiction to determine if
7 a Superior Court civil court order is violated.
8

9 117. Counts one and three alleging violation of a court order, which in good faith the attorney
10 should comply with, states no disciplinary offense as the statute is unenforceable as it is
11 unconstitutionally subjective, vague, ambiguous, and overbroad in violation of the United States
12 Constitution's First and Fourteenth Amendments Freedom of Speech, Due Process, and Equal
13 Protection clauses.
14

15 118. Counts one and three alleging violation of a court order, which in good faith the attorney
16 should comply with, states no disciplinable offense as it has no allegation of finality to the
17 contempt order, since a petition for a writ still lies from it.
18

19 119. Counts one and three alleging violation of a court order, which in good faith the attorney
20 should comply with, states no disciplinable offense as it has no allegation of finality to the
21 contempt order, since there is no finding by the issuing court of the claimed violations of its
22 order; and the State Bar and its Court lack jurisdiction to determine if a State Superior Court civil
23 court order is violated.
24

25 120. Count one, alleging violation of a court order, which in good faith the attorney should
26 comply with, states no disciplinable offense as there was no service of the orders on the attorney,
27 he was not a party or attorney, the orders were ambiguous and unconstitutional as the Superior
28

1 Court could not apply its orders ex parte to the attorney or his non-judgment clients.

2 121. Count three, alleging violation of a court order, which in good faith the attorney should
3 comply with, states no disciplinable offense as there is no allegation of the attorney's ability to
4 pay the sums of money ordered which indicates he in good faith can not comply.

5
6 122. Counts two and seven alleging acts of moral turpitude in making statements to persons
7 which are claimed to be misrepresentations and in filing protected lawsuits-two of which are
8 pending- as the owner of real property as trustee of a trust state no disciplinable offense as the
9 statute and claims, which were rejected by the American Bar Association for unconstitutionality
10 over fifty years ago, are unenforceable for subjectivity, vagueness, ambiguity, and overbreadth
11 in violation of the United States Constitution's First and Fourteenth Amendments Freedom of
12 Speech, Petition for Redress of Grievances, Due Process, and Equal Protection clauses.
13

14
15 123. Counts four-seven alleging the attorney maintained three actions-two of which are still
16 pending-that did not appear to him to be legal or just state no disciplinable offense as the statute
17 is unenforceable for vagueness, ambiguity, and overbreadth in violation of the Constitution's
18 First and Fourteenth Speech, Petition for Redress, Due Process, and Equal Protection clauses.
19

20 124. Counts four-seven alleging maintaining actions that do not appear to the attorney to
21 be legal or just are facially legally defective and state no disciplinable offense as the attorney's
22 Quiet Title, and Davis-Stirling lawsuit against Homeowner's Association persons, and pending
23 Unlawful Detainer lawsuit are based on the Notice of Disciplinary Charges's admission that the
24 attorney is the owner of the property as trustee of a trust, has the only deed to it, the Title
25 Companies confirm he owns the property, he is subject to no lawsuit or court order over his
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1 ownership of his property, and he solely seeks to enforce his lawful ownership interest as trustee
2 of a trust in the face of what is before the United States Supreme Court as an "Ambush Owner
3 Scam." See United States Supreme Court docket no. 10-8960.
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5 125. Counts two and seven alleging acts of moral turpitude duplicate the allegations of counts
6 one and four through six requiring they be dismissed for unconstitutionality.
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8 126. The deputy trial counsel of the State Bar of California is disqualified due to his conflict
9 of interest in prosecuting this matter as a matter of due process and equal protection of the law.
10

11 127. The judges of the State Bar Court of the State Bar of California are disqualified due to
12 their conflict of interest in adjudicating this matter as a matter of due process and equal protection
13 of the law.
14

15 128. The judges of the California Supreme Court are disqualified due to their conflict of
16 interest in adjudicating this matter as a matter of due process and equal protection of the law.
17

18 129. This is an unconstitutional vindictive prosecution.
19

20 130. Such other defenses as appear in the course of the proceeding.
21

22 I declare under the penalty of perjury under the law of the State of California that the
23 foregoing Response is true and correct, based on my personal knowledge, information, and belief
24 and executed under the penalties of perjury this 18th day of April, 2011 at Carlsbad, CA.
25

26
27 
28 JOSEPH GIOVANAZZI

PROOF OF SERVICE

I am over eighteen and not a party to the proceeding. My address is Joseph Giovanazzi, 1402 Market Street, Vista, CA 92084. I served a copy of the Response by mailing by United States first class mail to the following person(s):

AGUSTIN HERNANDEZ, ESQ.
Office of Chief Trial Counsel
State Bar of California
1149 South Hill Street
Los Angeles, CA 94102

I declare under the penalties of perjury under the laws of the State of California that the foregoing is true and correct this 18 th day of April, 2011 at Long Beach, CA.


