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**FILED**

**DEC 12 2012**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

**PUBLIC MATTER**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

) Case No. 11-O-10854

13 ASHKAN ALEX MOTAMEDI,  
14 No. 228384,

) NOTICE OF DISCIPLINARY CHARGES

15  
16 A Member of the State Bar

**NOTICE - FAILURE TO RESPOND!**

17  
18 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**  
19 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**  
**THE STATE BAR COURT TRIAL:**

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**  
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
**WILL NOT BE PERMITTED TO PRACTICE LAW;**  
22 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
**THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
**AND THE DEFAULT IS SET ASIDE, AND;**  
23 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
24 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
25 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**  
**ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**  
26 **FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,**  
**RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. Ashkan Alex Motamedi ("Respondent") was admitted to the practice of law in the  
4 State of California on December 2, 2003, was a member at all times pertinent to these charges,  
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 11-O-10854  
8 Rules of Professional Conduct, rule 3-110(A)  
9 [Failure to Perform with Competence]

10 2. Respondent willfully violated Rules of Professional Conduct, rule 3-110(A), by  
11 intentionally, recklessly, or repeatedly failing to perform legal services with competence, as  
12 follows:

13 3. On or about January 11, 2007, Naghmeh Samimi ("Samimi") was involved in an  
14 automobile accident. Samimi employed Respondent in January 2007 on a contingency basis to  
15 represent her in a personal injury matter against the driver of the other involved vehicle.

16 4. On or about August 5, 2008, Respondent successfully negotiated a settlement on  
17 behalf of Samimi with State Farm Insurance, the carrier for the other involved party to the  
18 accident, in the amount of \$15,000.

19 5. On or about August 11, 2008, Respondent deposited the settlement draft into his  
20 client trust account.

21 6. On or about September 25, 2008, Respondent wrote a letter to Samimi with an  
22 itemized settlement breakdown reflecting the total settlement, contingency fee, and an itemized  
23 listing of medical care treatment facilities utilized by Samimi including the cost of actual care  
24 and treatment and the negotiated reduction of those same amounts. The settlement breakdown  
25 omitted reference to Dr. Timothy Ghalbi/Santa Ana Spine Rehab Clinic, a facility with whom  
26 Samimi sought care and treatment for her injuries associated with this accident.

27 7. On or about September 21, 2010, Samimi was contacted by an attorney on behalf of  
28 Dr. Ghalbi threatening her with a small claims action due to her failure to address the  
outstanding medical bill of \$750 incurred by Samimi and left unsatisfied and ignored by

1 Respondent.

2 8. Upon being advised of the outstanding obligation owed to Dr. Ghalbi, Samimi  
3 repeatedly contacted Respondent by phone who failed to respond to her concerns and messages.

4 9. By failing to include within the settlement breakdown any reference to the medical  
5 bill incurred by Samimi with Dr. Ghalbi/Santa Ana Spine Rehab Clinic, by failing to address that  
6 same medical bill prior to disbursing the settlement proceeds to Samimi and by failing to respond  
7 to multiple phone calls from Samimi with respect to Dr. Ghalbi's outstanding bill, Respondent  
8 intentionally, recklessly, or repeatedly failed to perform legal services with competence.

9 COUNT TWO

10 Case No. 11-O-10854  
11 Business and Professions Code, section 6068(m)  
12 [Failure to Respond to Client Inquiries]

13 10. Respondent willfully violated Business and Professions Code, section 6068(m), by  
14 failing to respond promptly to reasonable status inquiries of a client, in a matter in which  
15 Respondent had agreed to provide legal services, as follows:

16 11. The allegations of Count One are incorporated by reference.

17 12. By not responding to Samimi's inquiries regarding the medical bill of Dr. Ghalbi and  
18 the threatened small claims action to resolve this dispute, Respondent willfully failed to respond  
19 to client inquiries in a matter in which Respondent had agreed to provide legal services.

20 COUNT THREE

21 Case No. 11-O-10854  
22 Rules of Professional Conduct, rule 4-100(B)(4)  
23 [Failure to Pay Client Funds Promptly]

24 13. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(B)(4), by  
25 failing to pay promptly, as requested by a client, any funds in Respondent's possession which the  
26 client is entitled to receive, as follows:

27 14. The allegations of Count One are incorporated by reference.

28 15. The letter dated September 28, 2008, sent by Respondent to Samimi which set forth  
the settlement breakdown, failed to include any reference to the medical bills of Dr. Ghalbi/Santa  
Ana Spine Rehab Clinic. Respondent failed to satisfy and address the bill of Dr. Ghalbi/Santa

1 Ana Spine Rehab Clinic until at or about October 10, 2010. The breakdown letter additionally  
2 referenced an adjusted billing from an MRI facility which was not in fact satisfied or addressed  
3 by Respondent until on or about May 31, 2011.

4 16. By failing to address the outstanding medical bill of Dr. Ghalbi/Santa Ana Spine  
5 Rehab Clinic at the time of disbursing the settlement proceeds to Samimi, and by delaying  
6 addressing and satisfying the medical lien of Dr. Ghalbi/Santa Ana Spine Rehab Clinic or the  
7 MRI facility, Respondent failed to pay promptly, as requested by a client, any funds in  
8 Respondent's possession which the client is entitled to receive.

9  
10 **NOTICE - INACTIVE ENROLLMENT!**

11 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
12 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
13 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
14 THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO  
15 THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
16 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
17 ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
18 RECOMMENDED BY THE COURT.**

19  
20 **NOTICE - COST ASSESSMENT!**

21 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC  
22 DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS  
23 INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING  
24 AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND  
25 PROFESSIONS CODE SECTION 6086.10.**

26 Respectfully submitted,

27 THE STATE BAR OF CALIFORNIA  
28 OFFICE OF THE CHIEF TRIAL COUNSEL

29 DATED: December 12, 2012

30 By:   
31 Hugh G. Radigan  
32 Deputy Trial Counsel

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**DECLARATION OF SERVICE BY CERTIFIED MAIL**

**CASE NUMBER: 11-O-10854**

I, the undersigned, over the age of eighteen (18) years, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that I am not a party to the within action; that I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service; that in the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day; that I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit; and that in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles, on the date shown below, a true copy of the within

**NOTICE OF DISCIPLINARY CHARGES**

in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9008 9111 0442 8839, at Los Angeles, on the date shown below, addressed to:

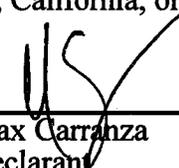
**Ashkan Alex Motamedi  
25302 Las Bolsas  
Laguna Hills, CA 92653**

in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

N/A

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: December 12, 2012

Signed:   
\_\_\_\_\_  
Max Carranza  
Declarant