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STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

7 In Pro Per

8 **STATE BAR COURT**
9 **STATE BAR OF CALIFORNIA**
10 **HEARING DEPARTMENT – SAN FRANCISCO**

11 **In the Matter of**

Case No.: 11-O-18778-LMA

12 **LOUIS A. LIBERTY**
13 **SBN # 147975**

)
) **RESPONSE OF MEMBER LOUIS A.**
) **LIBERTY TO NOTICE OF DISCIPLINARY**
) **CHARGES.**

14 **A Member of The State Bar**

15 _____)
16 Member of the State Bar LOUIS A. LIBERTY (LIBERTY) responds to the Notice of
17 Disciplinary charges as follows:

18 **JURISDICTION**

19 Paragraph 1. Admit.

20 **COUNT ONE**

21 Paragraph 2. Deny.

22 Mr. Liberty has committed no act involving moral turpitude, dishonesty or corruption in
23 investigating corrupt practices of automobile dealers and the banks that finance them.

24 The controlling law is the federal Drivers Privacy Protection Act which prohibits the
25 states from denying access to drivers' personal information in certain circumstances.

26 The charge is made because Liberty used a form provided by DMV and DMV would not
27 release the information unless the form was used. (**Exhibit 1**)

28 The form does NOT prohibit the release of information to an attorney who is

1 investigating fraud (with no client) and if read with federal statutes, make perfect sense.

2 The Bar alleges the act of filling out THE ONLY FORM available and provided by the
3 DMV containing the statement:

4 “ Section E – Attorney’s Certification Statement, Signature and DL/ID Number. I certify
5 (or declare) under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct. The information received will be used solely in relation to
7 the incident stated in Section D. This request is made in accordance with the provisions
8 of Section 1808.22 of the California Vehicle Code which I have read and understand. The
9 residential address information is necessary in order to represent my client in a criminal
10 or civil action, which directly involves the sue of a vehicle/vessel, that is pending, is to be
11 filed, or is being investigated.”

12 LIBERTY readily admits he had no client, but disclosed that fact and disclosed he was
13 investigating auto dealer fraud.

14 In Section D of each request, LIBERTY disclosed the following:
15 Investigating Auto Dealer Fraud in the Sales Process. Potential lawsuit against dealership
16 for fraudulent actions Business Tort/consumer Law – failure to disclose.
17 No client or case number as yet. Under investigation. Approved by Kim Keister, DMV
18 Policy and Privacy Section Supervisor.

19 The State Bar ignores the “investigation” language of Cal. Vehicle Code §1808.22 as
20 well as 18 US Code §2721(b)(4) which authorizes the disclosure of same.

21 When confronted with the language of the form, LIBERTY contacted the DMV and Ms.
22 Keister. They spoke at length and Ms. Keister agreed with LIBERTY about his rights to access
23 the information.

24 LIBERTY objected to the language on the forms stating the information “is necessary in
25 order to represent my client” ... and requested he be able to send in his own form. Keister
26 represented this was impossible - everyone was required to use the DMV form. The two agreed if
27 LIBERTY put the language in Section D that he did not have a client, it would be perfectly fine
28 and Keister even gave permission for LIBERTY to use her name on the forms in order to avoid
rejection of the Requests.

The State Bar is also using the testimony of Kim Keister, who after being disciplined
(unfairly in my opinion) for releasing the information and for allowing LIBERTY to use her
name on the forms has changed her position. She now claims she allowed LIBERTY to use her
name one time only and not on a series of Requests. The reason was the department was unable

1 to process the number of Requests NOT that the Request were violative of statute.

2 The DMV (Investigator Christian Hansen) investigated Ms. Keister and LIBERTY and
3 Hansen said Ms. Keister was told in June 2011 to tell LIBERTY to stop the Requests using her
4 name. Keister failed to do so until October 12, 2011 when LIBERTY'S office left a message
5 with KEISTER relating to automobile dealers "swallowing" rebates – that is, not giving the
6 rebates to consumers, but signing them over to themselves. In response to LIBERTY'S phone
7 message, Keister called LIBERTY'S office and left a voice message for Karen Villagomez with
8 her phone number "(916) 657-8016". There was no urgency in her voice. The VM .wav file is
9 available.

10 When Ms. Villagomez returned her call, Keister was unable to help with rebate fraud, but
11 asked Villagomez to tell LIBERTY to stop using her name and said she authorized LIBERTY to
12 use her name one time "about 2 years ago".

13 In a response to an email from LIBERTY to Villagomez regarding the status of the rebate
14 issue, Villagomez emailed LIBERTY:

15 **From:** Karen Villagomez <karen@carlawyer.com>
16 **Date:** October 12, 2011 at 3:19:41 PM PDT
17 **To:** Louis Liberty <lou@carlawyer.com>
18 **Cc:** Jim Robichaud <jim@carlawyer.com>
19 **Subject:** Re: Cbeyond Unified Messaging (from 916-657-8016)(916-657-8016)
20 00:21 Voice Message

21 "already talked to her.

22 **it's Kim Keister from DMV. She cannot give me information on the requests
23 for rebate fraud since she does not have it. She gave me another number to
24 call and I am trying to get a hold of someone there.**

25 **She said that she authorized one form about 2 years ago and was not aware
26 we have more coming in "approved by her" asked we take her name off the
27 request since she only approved one. and recommended we open a
28 commercial account ...\$250 every two years she believes."**

29 Karen Villagomez
30 370 Bridge Parkway
31 Redwood City, CA 94065
32 TEL: (650) 341-0300
33 FAX: (650) 341.0302

1 Note: Keister is not saying LIBERTY'S actions violate the law, just that LIBERTY
2 should get a commercial account. The reason was the work involved in handling the Requests
3 was burdening the department.

4 The charge is LIBERTY **knowingly** violated Cal. Civ. Code §1808.22(c) because Cal.
5 Civ. Code §1808.22(d) requires such knowledge. His actions are allowed under federal law; and,
6 the DMV Policy and Privacy Section Supervisor agreed.

7 If the DMV or the Attorney General or any other state agency now disagrees, they are
8 permitted to establish a waiver policy to notify the effected consumers and mail a copy of the
9 Request with a statement the DMV will not release the information unless the consumer waives
10 his/her rights to privacy. [18 US Code §2721(e)].

11
12 The statute allegedly violated is Business & Professions Code §6106:

13 "The commission of any act involving moral turpitude, dishonesty or
14 corruption, whether the act is committed in the course of his relations as an
15 attorney or otherwise, and whether the act is a felony or misdemeanor or not,
16 constitutes a cause for disbarment or suspension. If the act constitutes a felony or
17 misdemeanor, conviction thereof in a criminal proceeding is not a condition
18 precedent to disbarment or suspension from practice therefor."

19 The Bar alleges Mr. Liberty committed moral turpitude, dishonesty or corruption by violating
20 Cal. Civ. Code §1808.22(c) with no support at all.

21 (c) Section 1808.21 does not apply to an attorney when the attorney states, under
22 penalty of perjury, that the motor vehicle or vessel registered owner or driver
23 residential address information is necessary in order to represent his or her client
24 in a criminal or civil action which directly involves the use of the motor vehicle or
25 vessel that is pending, is to be filed, *or is being investigated*. Information
26 requested pursuant to this subdivision is subject to all of the following:

27 (1) The attorney shall state that the criminal or civil action that is pending, is
28 to be filed, or is being investigated relates directly to the use of that motor
vehicle or vessel.

(2) The case number, if any, or the names of expected parties to the extent they
are known to the attorney requesting the information, shall be listed on the
request.

(3) A residence address obtained from the department shall not be used for any
purpose other than in furtherance of the case cited or action to be filed or which is
being investigated.

1 (4) If no action is filed within a reasonable time, the residence address
2 information shall be destroyed.

3 (5) No attorney shall request residence address information pursuant to this
4 subdivision in order to sell the information to any person.

5 (6) Within 10 days of receipt of a request, the department shall notify every
6 individual whose residence address has been requested pursuant to this
7 subdivision.

8 (d) A knowing violation of paragraph (1), (2), (3), (4), or (5) of subdivision (c)
9 is a misdemeanor. A knowing violation of paragraph (1), (2), (3), (4), or (5) of
10 subdivision (c) in furtherance of another crime is subject to the same penalties as
11 that other crime.

12 (e) This section shall become operative on January 1, 2007.

13 LIBERTY did not knowingly violate Cal. Civ. Code §1808.22(c)

14 **FEDERAL LAW PROVIDES FOR RELEASE OF STATE MOTOR VEHICLE
15 RECORDS FOR CERTAIN PURPOSES. 18 U.S. CODE §2721**

16 (a) **In General.** A State department of motor vehicles, and any officer, employee, or
17 contractor thereof, shall not knowingly disclose or otherwise make available to any
18 person or entity:

19 (1) personal information, as defined in 18 U.S.C. 2725(3), about any individual
20 obtained by the department in connection with a motor vehicle record, except as
21 provided in subsection (b) of this section...

22 (2) highly restricted personal information, as defined in 18 U.S.C. 2725(4), about
23 any individual obtained by the department in connection with a motor vehicle
24 record, without the express consent of the person to whom such information
25 applies, **except uses permitted in subsections (b)(1), (b)(4), (b)(6), and (b)(9):**

26 (b) **Permissible Uses.** Personal information referred to in subsection (a) shall be
27 disclosed for use in connection with matters of motor vehicle or driver safety and theft,
28 ... and, subject to subsection (a)(2), may be disclosed as follows:

(4) For use in connection with any civil, criminal, administrative, or arbitral
proceeding in any Federal, State, or local court or agency or before any self-regulatory
body, including the service of process, investigation in anticipation of litigation, and the
execution or enforcement of judgments and orders, or pursuant to an order of a Federal,
State, or local court.

If the DMV disagrees, or wishes to limit the release of this information, it is free to establish a
waiver policy under 18 U.S. CODE §2721(d):

(d) Waiver Procedures.

A State motor vehicle department may establish and carry out procedures under
which the department or its agents, upon receiving a request for personal
information that does not fall within one of the exceptions in subsection (b),
may mail a copy of the request to the individual about whom the information
was requested, informing such individual of the request, together with a

1 statement to the effect that the information will not be released unless the
2 individual waives such individual's right to privacy under this section.

3 The California DMV has decided NOT to establish such a policy.

4
5 Since LIBERTY was acting under the direction of DMV interpreting state law, and the
6 DMV form to allow for release of the information under the "investigation" exception, there can
7 be no violation. The information is also allowed to be released under federal law. There can be
8 no knowing violation of any statute and certainly no moral turpitude.

9 Paragraph 3. Deny.

10 "No cost." Next the State Bar claims LIBERTY failed to warn consumers they could be
11 responsible for attorney's fees if they lost. This is not true.

12 A frame damage case is prosecuted under the Consumers Legal Remedies Act. The act
13 does not provide for attorney's fees in a case where a plaintiff loses unless the court finds the
14 action was brought in bad faith.

15 The court will award court costs and attorney's fee to a prevailing plaintiff in
16 litigation filed pursuant to Civ. Code §1780 / Civ. Code § 1780(d). Reasonable
17 attorney's fees may be awarded to a prevailing defendant on a finding by the court
18 that the plaintiff's prosecution of the action was not in good faith [Civ. Code §
19 1780(d).

20 Each CLRA claim is brought in good faith and none of LIBERTY'S clients has ever lost
21 a CLRA claim and been ordered to pay fees.

22 The State Bar is making this claim because in one matter (TUN v California Beemers)
23 Plaintiff lost against the dealer – but prevailed against the Holder (Wells Fargo). The court
24 awarded the dealer fees and costs on the Automobile Sales Finance Act (ASFA) claim. But this
25 case is distinguishable because TUN signed a fee agreement warning him he could be
26 responsible for fees if he lost his ASFA claims that arose after his case was analyzed and more
27 violations were found.

28 The judge (Orange County – with a reputation for being "anti consumer" refused to allow

1 Plaintiff to give jury instructions on the ASFA, despite it being a cause of action because, in his
2 opinion, it was too technical for the jury to understand.

3 Of course, that case is on appeal by both TUN and Wells Fargo.

4
5 **COUNT TWO**

6 Paragraph 4. Deny.

7 This is a rehash of COUNT ONE, paragraph 2.

8
9 **COUNT THREE**

10 Paragraph 5. (a) Deny.

11 **LIBERTY NEVER REPRESENTED ANY SPECIAL RELATIONSHIP WITH THE
12 DMV.**

13 LIBERTY did what the law allowed him to do. That is, make a Request to
14 DMV for ownership information. The DMV form is what it is. LIBERTY cannot
15 be held accountable for a DMV form. In fact, the part of the DMV form sent to
16 the owners states:

17 *“The requester (attorney) shown has received information* concerning
18 your vehicle/vessel registration or drivers license/identification car record in order
19 to represent his/her client in a vehicle/vessel related incident. This is your
20 notification that the information has been provided as required by California
21 Vehicle Code Section 1808.22©. *If you have questions regarding the incident*
specified, please contact the Attorney. If the information provided in Section D is
22 incorrect, please contact the DMV at the address shown on the bottom of this
23 form.

24 The form contains the Purpose of the Request in Section D:

25 Investigating Auto Dealer Fraud in the Sales Process. Potential lawsuit
26 against dealership for fraudulent actions Business Tort/consumer Law – failure to
27 disclose.

28 No client or case number as yet. Under investigation. Approved by Kim
Keister, DMV Policy and Privacy Section Supervisor.

There is no representation LIBERTY had any special relationship with DMV or

1 the State Bar could prosecute any attorney who uses this form.

2 The form letters sent out reference the DMV Request:

3 Notice re: Department of Motor Vehicles – Information Request CVC§1808.22

4 This is not sufficient to give anyone the impression, nor does LIBERTY claim to
5 have a special relationship with the DMV.

6 **LIBERTY NEVER MADE A CLAIM HE POSSESSED INFORMATION THE
7 VEHICLES WERE UNSAFE TO DRIVE.**

8 There were three versions of a letter (Exhibit 2).

9 The June 28, 2011 states:

10 We recommend that you take your vehicle to a frame inspection shop in your
11 area. It is possible that your car may not be safe to drive in its current
12 mechanical condition.

13 The August 4, 2011 and October 7, 2011 letters state:

14 It also may be unsafe to drive.

15 **SURRENDER THEIR LEGAL RIGHTS IF THEY CONTACTED THE DEALER
16 BEFORE CALLING RESPONDENT.**

17 As an attorney who has litigated thousands of cases against automobile dealers, this is my
18 professional opinion. A dealer will never tell a consumer the truth about anything especially in a
19 case where the dealer did something illegal. A dealer who is selling frame damaged cars with no
20 disclosure for a high profit is not a person who will give sound legal advice to a defrauded
21 consumer.

22 I know of no dealer who can cite Title 13 California Code of Regulations §260.03; Civil
23 Code §1770(a)(2), (5), (7) and (16); Vehicle Code §§ 11713(a), 11713.18, 16 C.F.R. 238.2 nor
24 the remedies available to the consumer. The dealer will always attempt to negotiate away the
25 consumer's rights.

26 This is a true statement.

27 **NO COST**

28 Rehash of COUNT 1, Paragraph 3.

1
2 None of the allegations in Paragraph 5 (a) "Contain any matter, or present or arrange any
3 matter in a manner or format which is false, deceptive, or which tends to confuse, deceive, or
4 mislead the public (1-400(D)(2).

5
6 Paragraph 5. (b) Deny.

7 **RESPONDENT HAD NO PERSONAL KNOWLEDGE THE USED CAR DEALER**
8 **FAILED TO DISCLOSE FRAME DAMAGE.**

9 Out of the 180 solicitation letters sent, only 1 or 2 people stated the dealer disclosed the
10 vehicle had sustained frame damage. LIBERTY cannot prove they were telling the truth, but one
11 in particular became hostile on the phone. He was somewhere in Marin County. He refused to
12 believe the dealer did not disclose frame damage. He called /emailed several times, each time
13 more hostile and abusive and then demanded LIBERTY send all the documents in LIBERTY'S
14 possession. LIBERTY refused.

15 Most responders were very polite and even commented they "knew something was wrong
16 with my car".

17 Before LIBERTY sent a letter, he researched the internet to find advertisements wherein
18 the vehicle was advertised and the advertisement failed to disclose frame damage after disclosing
19 condition (Title 13 California Code of Regulations §260.03).

20 Early on, some letters MAY have gone out without LIBERTY having an advertisement
21 that failed to disclose the known condition. But each vehicle had an AutoCheck® report stating
22 the vehicle was sold at auction with announced frame/unibody damage – after the action
23 performed an inspection. So, it may very well be true LIBERTY did not know the dealer failed to
24 disclose at the time of sale, but failing to disclose the known condition in an advertisement is a
25 classic bait and switch that cannot be cured when the consumer shows up to purchase the vehicle.
26 So, in that case (majority) LIBERTY had personal knowledge the dealer failed to disclose.

27 **YOUR VEHICLE IS WORTH LESS THAN 50% OF THE PURCHASE PRICE.**

28 Deny.

1 The letters stated: "Such a car is generally worth up to 50% less than what you paid" and,
2 "When it is time to trade in your car it is also likely that it will be worth significantly less than
3 you may think because no reputable Dealer will take a trade-in with frame / unibody damage."
4 The problem with a purchase of a frame damaged car is the consumer may not know for several
5 years until it is time to trade it in – and the consumer is hit with a dealer who will either not take
6 it in on trade or offer a fraction of its value – often more than 80% below its value without frame
7 damage. A consumer who then returns to the selling dealer will then be blamed for the damage.

8 Further, if AutoCheck® is reporting the vehicle as frame damaged, the value IS
9 REDUCED on average by 50% and sometimes more. Diminished value is real. (Exhibit 3)

10 **LEGAL RIGHTS.**

11 Rehash of COUNT 3, Paragraph 5 (a). Deny.

12 **FAILED TO DISCLOSE ADVERTISEMENT**

13 Paragraph 5. (c) Deny.

14 The office ran on labels. The envelopes to the DMV were labeled as were the return
15 envelopes. Each solicitation letter was sent in an envelope with a return address label with the
16 words "Legal Advisory" and at the bottom left "LEGAL ADVERTISEMENT". Inside, each
17 letter had the same label "LEGAL ADVERTISEMENT" attached. (Exhibit 4)

18 Paragraph 5. (d) Deny.

19 **LETTERS AND EMAILS IMPLYING ONLY LIBERTY COULD REMEDY.**

20 The letters and emails speak for themselves. The consumer could call and get the
21 condition report and AutoCheck® from us and hire whomever they wanted. We would not give
22 any out any advertisements. The guy from Marin was told we would not give him anything –
23 (because he was so hostile and rude). There is nothing in any solicitation LIBERTY is the only
24 lawyer who could help.

25 **COUNT FOUR**

26 Paragraph 6. Deny.

1
2 LIBERTY, Sutton & Maloney were working to start a referral service. It took about a
3 year to get it to a point where we thought we had something. Before September 2011, there was
4 nothing; no leader / no focus / no business plan. It was only after LIBERTY litigated several
5 cases that a plan was put together and at that point we hired a lawyer (NESS) at Orrick to create
6 a corporation / partnership / referral company.

7 LIBERTY shared no fees with SUTTON or MALONEY ever. In fact, that was the cause
8 of much bitterness on the part of SUTTON.

9 After a few weeks and several meetings / phone calls / emails/ NESS represented he
10 could not do so with LIBERTY as LIBERTY was an attorney and fee splitting was illegal. NESS
11 had SUTTON and MALONEY sign a document stating NESS / ORRICK represented the
12 corporation to be formed but never informed LIBERTY and LIBERTY never signed it. Then
13 NESS appeared on the incorporation documents as an officer/director. LIBERTY received these
14 documents in discovery in June, 2015 even though he WAS a lawyer.

15 LIBERTY made a State Bar complaint against NESS/ORRICK but the complaint was
16 closed as insufficient facts. (Exhibit 5)

17 LIBERTY never accepted nor paid referrals for such clients as LIBERTY worked on
18 each case filed and never split fees with SUTTON or MALONEY.

19 LIBERTY never violated:

20 6151. As used in this article: (a) A runner or capper is any person, firm, association or
21 corporation acting for consideration in any manner or in any capacity as an agent for an attorney
22 at law or law firm, whether the attorney or any member of the law firm is admitted in California
23 or any other jurisdiction, in the solicitation or procurement of business for the attorney at law or
24 law firm as provided in this article. (b) An agent is one who represents another in dealings with
25 one or more third persons.

26 Or,

27 6068. It is the duty of an attorney to do all of the following:

28 (a) To support the Constitution and laws of the United States and of this state.

Dated: November 23, 2015

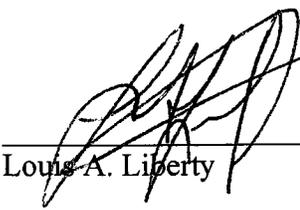

Louis A. Liberty

EXHIBIT 1

**INSTRUCTIONS FOR COMPLETING INF 11
ATTORNEY'S INFORMATION REQUEST
IMPORTANT - PLEASE READ CAREFULLY BEFORE COMPLETING FORM**

CIVIL/CRIMINAL PENALTIES

The willful, unauthorized disclosure or use of information from a department record or the use of any false representation to obtain information from a department record is a misdemeanor, punishable by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment in the county jail not exceeding one year, or both fine and imprisonment.

ARE YOU USING THE CORRECT FORM?

This form is to be used by a state bar licensed attorney who is requesting residence address information in order to represent their client in a civil or criminal matter directly involving the use of a motor vehicle or vessel in accordance with California Vehicle Code Section 1808.22(c). Any other use is prohibited by law.

CERTIFIED RECORD

Check box if you want the DL/ID or VR/Vessel record certified as a true copy on file with the DMV. There is no additional fee for this service.

TYPE OF INFORMATION REQUESTED (CHECK ONLY ONE BOX PER REQUEST)

IF YOU ARE REQUESTING...

Information regarding an individual's driver license/identification card (DL/ID), check the "Driver License/Identification Card (DL/ID)" box and complete Section B Only, **DO NOT COMPLETE SECTION C.**

IF YOU ARE REQUESTING...

Information regarding a vehicle or vessel registration (VR), check the "Vehicle/Vessel Registration (VR)" box and complete Section C Only, **DO NOT COMPLETE SECTION B.**

SECTION A – Attorney's Information

Provide the true full name of the attorney requesting the information. All information is required to be completed, such as, Name (First, MI, Last), state bar number, business address including city, state, zip code, and daytime telephone number. State bar numbers will be verified for Active status prior to processing request.

SECTION B – Driver License/Identification (DL/ID) Card Record Request

IF YOU ARE REQUESTING...

Information regarding an individual's driver license/identification card, you must supply either one of the following regarding the individual you are requesting information on:

Name (Last, First, MI) AND DL/ID Number OR Name (Last, First, MI) AND Date of Birth

TYPE OF INFORMATION AVAILABLE:

- Automated record (\$5 per RECORD) — An automated record is a computer-generated record.
Information available includes:
 - Current record includes name, DL/ID number, date of birth, physical description, license status, all accidents and abstracts that are reportable by law under California Vehicle Code Section 1808.
- Photocopy (\$20 per COPY)
 - Photocopy of a DL/ID application including guarantor's signature

SECTION C – Vehicle/Vessel Registration (VR) Record Request

IF YOU ARE REQUESTING...

Information regarding a vehicle or vessel registration, you must provide:

CA License Plate/CF Number OR Vehicle/Hull Identification Number

TYPE OF INFORMATION AVAILABLE:

- Automated record (\$5 per RECORD) — An automated record is a computer-generated record.
Information available includes:

- Current record – provide current registered owner and legal owner (y) name and address, vehicle/vessel description, registration status, etc.
- Owner as of date – provides the name and address of the registered and legal owner as of the date specified.
- Ownership History – provides current owner and generally the three previous registered owners, if available.
- Photocopy of hardcopy and/or microfilm documents (**\$20 per YEAR**) – A copy of any paper or microfilm document on file with the DMV. Information available includes:
 - Photocopies on file – Provides copies of paper documents for years specified, generally available for current year plus 3 prior years (i.e., 2003, 2002, 2001).

NOTE: To obtain information on all vehicles/vessels owned by a specific individual or business (commonly referred to as "asset search"), you must complete department form INF 70 located on DMV website www.dmv.ca.gov, under Forms. Name and address will be required on this form.

SECTION D – Purpose of Request

1. Provide a brief description of the vehicle/vessel related incident for which this information is required and include the data and location of the incident.
2. Provide the case number (if available) and the name of the involved parties, including your client(s).

California Vehicle Code Section 1808.22(c) states *Section 1808.21 does not apply to an attorney when the attorney states, under penalty of perjury, that the vehicle or vessel registered owner or driver residential address information is necessary in order to represent his or her client in a criminal or civil action which directly involves the use of the motor vehicle or vessel that is pending, is to be filed, or is being investigated. Information requested is subject to all of the following:*

1. *The attorney shall state that the criminal or civil action that is pending is to be filed, or is being investigated related directly to the use of that motor vehicle or vessel.*
 2. *The case number, if any, or the names of expected parties to the extent they are known to the attorney requesting the information, shall be listed on the request.*
 3. *A residence address obtained from the department shall not be used for any purpose other than in furtherance of the case cited or action to be filed or which is being investigated.*
 4. *If no action is filed within a reasonable time, the residence address information shall be destroyed.*
 5. *No attorney shall request residence address information pursuant to this subdivision in order to sell the information to any person.*
 6. *Within 10 days of receipt of a request, the department shall notify every individual whose residence address has been requested pursuant to this subdivision.*
- A knowing violation of paragraph (1), (2), (3), (4), or (5) is a misdemeanor or, if in the furtherance of another crime, is subject to the same penalties as that other crime.

SECTION E

PART I – Attorney's Certification Statement, Signature and DL/ID Number

Please provide the city, county and state where this document was completed and the date it was completed. The Attorney requesting the information must sign form and provide their DL/ID number for verification of identity.

PART II – Notice to Record Subject

Provides notice to record subject as required by Vehicle Code Section 1808.22(c).

SECTION F – Return Mailing Label

If you are completing this form on-line, STOP, print, sign Part I and mail both Part I and Part II to the DMV at the address provided. **BE SURE TO INCLUDE APPROPRIATE FEE.**

If you are completing this form by hand, you will need to provide your name and mailing address in Part I, Section F and complete Part II in its entirety except for **DMV USE ONLY** sections. Sign Part I, Section E and mail BOTH Parts I and II to the DMV at the address provided. **Completing the pdf on the internet is preferred as completing by hand or typewriter may cause processing delays.**



ATTORNEY'S INFORMATION REQUEST
(Vehicle/Vessel Related Incidents Only)

PART I: Record Request

APPLICABLE FEE MUST ACCOMPANY REQUEST

Certify the record as a true copy of record on file with Department of Motor Vehicles - No Charge

TYPE OF INFORMATION REQUESTED (CHECK ONLY ONE BOX PER REQUEST)

- Driver License/Identification Card (DO NOT COMPLETE SECTION C)
- Vehicle/Vessel (DO NOT COMPLETE SECTION B)

SECTION A - Attorney's Information - ALL INFORMATION REQUIRED

ATTORNEY'S NAME (FIRST, MI, LAST) Louis A. Liberty		STATE BAR NUMBER 147975	DAYTIME TELEPHONE NUMBER (650) 341-0300	
BUSINESS ADDRESS 370 Bridge Parkway	CITY Redwood City	STATE CA	ZIP CODE 94065	

SECTION B - DL/ID Record Request ONLY - NAME AND DL/ID # OR NAME AND DATE OF BIRTH

INDIVIDUAL'S NAME (LAST, FIRST, MI)	AND	DL/ID CARD NUMBER	OR	DATE OF BIRTH (MM/DD/YYYY)
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Automated record (computer printout) - FEE: \$5 Per Record <input type="checkbox"/> Current Record	Photocopy of hardcopy and/or microfilm documents - FEE: \$20 Per Copy <input type="checkbox"/> DL/ID Application (Guarantor's Signature Search)
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SECTION C - VR/VESSEL Record Request ONLY - PLATE/CF NUMBER OR VIN/HIN REQUIRED

CA LICENSE PLATE/CF NUMBER	OR	VEHICLE/HULL IDENTIFICATION NUMBER 4T4BE46K09R107907
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Automated record (computer printout) - FEE: \$5 Per Record <input checked="" type="checkbox"/> Current Record <input type="checkbox"/> Ownership History (Specify _____ to current) YEAR	Owner as of date ____/____/____ <input type="checkbox"/>	Photocopy of hardcopy and/or microfilm documents - FEE: \$20 Per Year <input type="checkbox"/> Photocopies on file for: ____/____/____ (indicate years)
---	---	--

SECTION D - Purpose of Request - See Instructions

- Briefly describe the vehicle/vessel related incident for which this information is required. Include date and location:
Investigating Auto Dealer Fraud in the Sales Process. Potential lawsuit against dealership for fraudulent actions Business Tort/consumer Law - failure to disclose.
- Case number AND Names of involved parties (including your client(s)):
No client or case number as yet. Under investigation. Approved by Kim Keister, DMV Policy and Privacy Section Supervisor

SECTION E - Attorney's Certification Statement, Signature and DL/ID Number

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct. The information received will be used solely in relation to the incident stated in Section D. This request is made in accordance with the provisions of Section 1808.22 (c) of the California Vehicle Code which I have read and understand. The residential address information is necessary in order to represent my client in a criminal or civil action, which directly involves the use of a vehicle/vessel, that is pending, is to be filed, or is being investigated.

ATTORNEY'S SIGNATURE X	ATTORNEY'S DL/ID NUMBER N0747920/147975
---------------------------	--

DMV USE ONLY

Check/MO# _____ Total \$ _____	<input type="checkbox"/> DL/ID	<input type="checkbox"/> C.R.	<input type="checkbox"/> App	<input type="checkbox"/> VR	<input type="checkbox"/> C.R.	<input type="checkbox"/> As Of	<input type="checkbox"/> History	<input type="checkbox"/> Photocopy(ies)
<input type="checkbox"/> Refund _____	<input type="checkbox"/> Other _____	Cashier ID/Date _____						

SECTION F - Attorney's Mailing Label - DO NOT DETACH

ATTORNEY'S NAME Louis A. Liberty		
BUSINESS ADDRESS 370 Bridge Parkway		
CITY Redwood City	STATE CA	ZIP CODE 94065

PRINT & MAIL PARTS 1 & 2 TO:
Department of Motor Vehicles
Public Operations - G199
P.O. Box 944247
Sacramento, CA 94244-2470



ATTORNEY'S INFORMATION REQUEST
(Vehicle/Vessel Related Incidents Only)

PART II: Notice to Record Subject
SEE SECTION E BELOW

Certify the record as a true copy of record on file with Department of Motor Vehicles - No Charge

TYPE OF INFORMATION REQUESTED (CHECK ONLY ONE BOX PER REQUEST)

- Driver License/Identification Card (DO NOT COMPLETE SECTION C)
 Vehicle/Vessel (DO NOT COMPLETE SECTION B)

SECTION A - Attorney's Information - ALL INFORMATION REQUIRED

ATTORNEY'S NAME (FIRST, MI, LAST) Louis A. Liberty		STATE BAR NUMBER 147975	DAYTIME TELEPHONE NUMBER (650) 341-0300	
BUSINESS ADDRESS 370 Bridge Parkway	CITY Redwood City	STATE CA	ZIP CODE 94065	

SECTION B - DL/ID Record Request ONLY - NAME AND DL/ID # OR NAME AND DATE OF BIRTH REQUIRED

INDIVIDUAL'S NAME (LAST, FIRST, MI)	AND	DL/ID CARD NUMBER	OR	DATE OF BIRTH (MM/DD/YYYY)
-------------------------------------	-----	-------------------	----	----------------------------

Automated record (computer printout) - FEE: \$5 Per Record <input type="checkbox"/> Current Record	Photocopy of hardcopy and/or microfilm documents - FEE: \$20 Per Copy <input type="checkbox"/> DL/ID Application (Guarantor's Signature Search)
---	--

SECTION C - VR/VESSEL Record Request ONLY - PLATE/CF NUMBER OR VIN/HIN REQUIRED

CA LICENSE PLATE/CF NUMBER	OR	VEHICLE/HULL IDENTIFICATION NUMBER 4T4BE46K09R107907
----------------------------	----	---

Automated record (computer printout) - FEE: \$5 Per Record <input checked="" type="checkbox"/> Current Record <input type="checkbox"/> Owner as of date ____/____/____ <input type="checkbox"/> Ownership History (Specify _____ YEAR to current)	Photocopy of hardcopy and/or microfilm documents - FEE: \$20 Per Year <input type="checkbox"/> Photocopies on file for: ____/____/____/____ (indicate years)
---	---

SECTION D - Purpose of Request - See Instructions

- Briefly describe the vehicle/vessel related incident for which this information is required. Include date and location:
Investigating Auto Dealer Fraud in the Sales Process. Potential lawsuit against dealership for fraudulent actions Business Tort/consumer Law - failure to disclose.
- Case number AND Names of involved parties (including your client(s)):
No client or case number as yet. Under investigation. Approved by Kim Keister, DMV Policy and Privacy Section Supervisor

SECTION E - NOTICE TO RECORD SUBJECT

The requester (attorney) shown has received information concerning your vehicle/vessel registration or driver license/identification card record in order to represent his/her client in a vehicle/vessel related incident. This is your notification that the information has been provided as required by California Vehicle Code Section 1808.22 (c). If you have questions regarding the incident specified, please contact the Attorney. If the information provided in Section D is incorrect, please contact the DMV at the address shown on the bottom of this form.

DMV USE ONLY - DO NOT DETACH

NAME
ADDRESS
CITY
STATE
ZIP CODE

Department of Motor Vehicles
Public Operations - G199
P.O. Box 944247
Sacramento, CA 94244-2470

EXHIBIT 2

LOUIS A. LIBERTY
ATTORNEY AT LAW

YOUR KEY TO A FAIR CAR DEAL

Lou@carlawyer.com

THE CAR LAWYER
370 BRIDGE PARKWAY
REDWOOD CITY, CA 94065

TELEPHONE: (650) 341-0300
FACSIMILE: (650) 341-0302

June 28, 2011

«FirstName» «LastName»
«Address1»
«City», «State» «PostalCode»

Notice re: Department of Motor Vehicles – Information Request CVC§1808.22

Dear «Title» «LastName»:

We are in the process of closing the file on your case.

We believe that your car may have suffered frame / unibody damage prior to your purchase. We recommend that you take your vehicle to a frame inspection shop in your area. It is possible that your car may not be safe to drive in its current mechanical condition.

We also believe that the Dealer who sold the car to you knew about this damage. If these facts were not disclosed to you at the time of purchase you may have an action against the Dealer.

When it is time to trade in your car it is also likely that it will be worth significantly less than you may think because no reputable Dealer will take a trade-in with frame / unibody damage.

Our firm restricts its practice exclusively to Automobile Dealership Fraud.

Please contact us at your earliest convenience to if you wish to pursue this matter further with this office.

You will incur no cost for this investigation.

Please have your sales documents with you when you call us. Thank you.

Louis A. Liberty

LOUIS A. LIBERTY
ATTORNEY AT LAW

YOUR KEY TO A FAIR CAR DEAL

Lou@carlawyer.com

THE CAR LAWYER
370 BRIDGE PARKWAY
REDWOOD CITY, CA 94065

TELEPHONE: (650) 341-0300
FACSIMILE: (650) 341-0302

August 4, 2011

«FirstName» «LastName»

«Address1»

«City»

Re: VIN: «VIN»
Model: «Color» «Year» «Model»
Sale Date: «Saledate»
Mileage: «Mileage»
Dealer: «Dealer»

Your Case number is: «CaseNumber»

Notice re: Department of Motor Vehicles – Information Request CVC§1808.22

Dear «Title» «LastName»:

According to our records, your dealer may have failed to inform you of the true condition of your car. Such a car is generally worth up to 25% less than what you paid. It also may be unsafe to drive.

Because of this we believe you may be due a large refund.

There is no cost to you for our firm to handle the dealer negotiations and legal paperwork to get you the refund you are due. Our fee, if there is any, comes entirely from the dealer.

Our firm restricts its practice exclusively to Automobile Dealership Fraud in the State of California.

Please feel free to give me a call at (650) 341-0300 or drop by our peninsula office at 370 Bridge Parkway, Redwood City, CA 94065.

Lastly, please do not surrender your legal rights by contacting your dealer before you call us.

Please have your sales documents and the DMV notice with you when you call. Thank you.

Sincerely

Louis A. Liberty

LOUIS A. LIBERTY
ATTORNEY AT LAW

YOUR KEY TO A FAIR CAR DEAL

Lou@carlawyer.com

THE CAR LAWYER
370 BRIDGE PARKWAY
REDWOOD CITY, CA 94065

TELEPHONE: (650) 341-0300
FACSIMILE: (650) 341-0302

October 7, 2011

«FirstName» «LastName»

«Address1»

«City»

Re: VIN: «VIN»
Model: «Color» «Year» «Model»
Sale Date: «Saledate»
Mileage: «Mileage»
Dealer: «Dealer»

Your Case number is: «CaseNumber»

Notice re: Department of Motor Vehicles – Information Request CVC§1808.22

Dear «Title» «LastName»:

According to our records, your dealer may have failed to inform you of the true condition of your car. Such a car is generally worth up to 50% less than what you paid. It also may be unsafe to drive.

Because of this we believe you may be due a large refund.

There is no cost to you for our firm to handle the dealer negotiations and legal paperwork to get you the refund you are due. Our fee, if there is any, comes entirely from the dealer.

Our firm restricts its practice exclusively to Automobile Dealership Fraud in the State of California.

Please feel free to give me a call at (650) 341-0300 or drop by our peninsula office at 370 Bridge Parkway, Redwood City, CA 94065.

Lastly, please do not surrender your legal rights by contacting your dealer before you call us.

Please have your sales documents and the DMV notice with you when you call. Thank you.

Sincerely

Louis A. Liberty

EXHIBIT 3

May 25, 2015 - Helping consumers get a fair settlement. It can start to finish!

Celebrating over 20 years of service to consumers



Enlist our National Network of over 2000 Local Appraisers

CALL US TODAY TOLL-FREE: 877-655-1661

Oregon Diminished Value Appraisal: 503-655-1661

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Settled: \$29,645 Offered: \$1,000 Settled: \$19,600 Offered: \$4,000 Settled: \$36,000 Offered: \$1,113 Settled: \$11,200 Offered: \$7,500 Settled: \$16,000

read our reviews on superpages.com

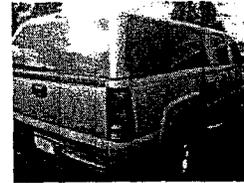
★★★★★

Ask about our discounts for the military, seniors & students. Call today.

TOLL-FREE: (877) 655-1661

Success Stories

- The new Total Loss offer of \$34,000 is a fair amount for my 05 Chevy Truck. After you and I both negotiating the Total Loss claim against State Farm they have paid us over \$6,000 more than their initial offer.



It really is a shame people have to distrust their insurance company but it is reassuring to know that Autoloss is there for consumers. You have done an excellent job and I will tell my boys to give you a call too.

Virgil Parks Medford Oregon

Read more...



Terry M. Fisher Autoloss.com Founder

Start Your Appraisal

Name (*)

E-mail (*)

Phone # (*)

Year/Make/Model of Vehicle (*)

Type of Appraisal (*) Total Loss

Amount of Damage (*) Less than \$1000

Details / Comments (*)

Re-type Number 220823

Refresh Number

Submit Application

Share Autoloss 18

Latest Testimonials

- Steve Fortgang, Hollywood, Florida
Nick Verlotta, Mount Pleasant, SC
James Scully, Sarasota, Florida

Diminished Value

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- Essentials of an Effective Diminished Value Report
States With the Highest (and Lowest) Car Insurance Rates
Diminished Value Claims for Toyota
How Frame Damage Ruins Vehicle Resale Value
Best Insurance Companies for Diminished Value Claims

Home Diminished Value Diminished Value Articles Essentials of an Effective Diminished Value Report

Essentials of an Effective Diminished Value Report

If you are seeking a Diminished Value claim on a vehicle, when filing the claim with the insurance company, one essential element is the Diminished Value report. Not all reports are created equal. It's important that it lays out all the important details, stating your case in the most effective manner possible. Here are some of the most crucial details to include.

Identifying Features of the Vehicle

This is fairly rudimentary stuff, but it's important to have a detailed layout of all the identifying features of the vehicle in the report, from the make and model, all the way to the smallest of upgrades.

Damage Assessment

Your diminished value report should include a thorough assessment of the vehicle's damage. This starts with a detailed report of the condition the vehicle was in prior to the accident, which helps establish the pre-loss fair market value.

There is no one-size-fits-all approach, since every vehicle depreciates differently, depending on various factors, such as market demand, brand, and manufacturing quality.

Local Comparables

When you are making a case for what your vehicle is worth, a comprehensive list of local comparables is essential. The diminished value report should include four or more dealer-advertised prices on vehicles that closely resemble yours, including the year, make, model, body style, engine configuration, and other optional features. Dealer examples are preferable to private party, since laypeople will have a higher probability of placing an unrealistic price on their vehicle than the professionals at a well-established and reputable dealership. The DV Expert's License Numbers

Just as with any professional service, you want verification that you are dealing with someone who is licensed and accredited in their field. When you have your vehicle professionally appraised, your diminished value expert should always include their appraiser license number in the report to establish the validity of the expert opinions and research expressed in the report.

Dealer Testimonials



One of the more powerful aspects of our diminished value reports is the testimony from car dealerships that sell the same types of vehicles. Having a list of professionals giving their unvarnished opinions about how the damage affects the resale value, and in many cases how they might not even bring the vehicle on their lot, is a powerful element to your argument.

Does your vehicle appraisal company work for you or do they work for the insurance company? Autoloss is the only national appraisal company that works just for consumers. If you have a diminished value claim and want an expert report prepared on your behalf, contact us today.

David Snyder, Beaverton, Oregon
Mary Townsend, Houston, Texas

Consumer Links

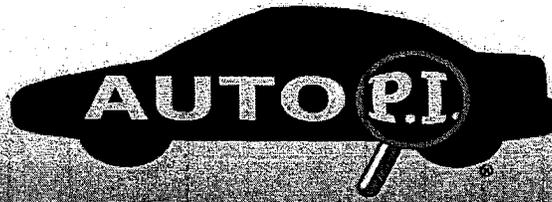
- Insurance Company Telephone Numbers
- Directory of State Insurance Agencies
- Links for Consumers



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Austin, Texas
512.454.5999

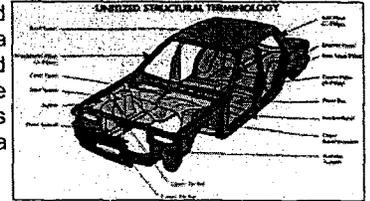
Used Car Buying Help:

- [600-Point Pre-Purchase Inspection](#)
- [Top 10 Buying Myths and Mistakes](#)
- [Why use Auto P. I. Inspections?](#)
- [The 1-2-3 Steps of Buying a Used Vehicle](#)
- [Why Master Technicians & Frame Specialist](#)
- [Frame Inspection is Crucial](#)
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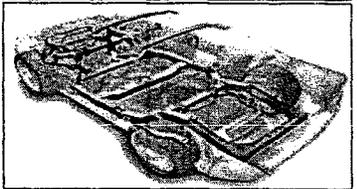
Frame Inspection is Crucial

Frame Terminology:

Unibody Construction: Most vehicles today are manufactured with a Unibody/Frame (Unibody) construction. This is a manufacturing process where sheet metal is bent and formed then spot welded together to create a box which makes up the structural frame and functional body of the car. These vehicles have "crumple Zones" to protect the passengers in case of a collision.



Body-on-Frame Construction: Most heavy duty trucks and a few premium full-size cars are still manufactured with a body-on-frame construction. This is a manufacturing process which a weight-bearing frame is welded together and then the engine, driveline, suspension, and body are bolted to the frame.



In an accident, a unibody frame is designed to "crumple" and absorb the energy of an impact better than a Body-on-Frame construction. However, the unibody frame was not designed to take more than one accident.

The news magazine "60 Minutes" reported vehicles with unibody frames that were collapsing in low speed accidents (30 mph). After an investigation, these vehicles were shown to have had previously frame damage. A unibody frame vehicle, with previous frame damage, will have had substantially weaken or compromise the structural integrity of the vehicle's frame. The only way to determine the structural safety of a repaired frame vehicle, is to wreck the vehicle again, and see if it survives.

Also, there is a direct connection from vehicles with previous accident damage and chronic mechanical problems. We hear of people complaining that their car (Ford, Chevy, Honda, Toyota, etc...) has chronic mechanical problems. Many times these chronic mechanical problems can be attributed to some past accident and un-repaired or un-repairable frame damage. Farmers Insurance Corp. estimated that 40% of all frame repairs are substandard.

In addition to the structural and mechanical concerns listed above, a previous wrecked vehicle will be worth less than a non-wrecked vehicle of the same type. This is called "Diminished Value".

A pre-purchase inspection should include a frame inspection performed by Certified Frame expert. An inspection should determine any previous collision damage such as rebuilt or damaged frame channels, frame rails, front and rear frame horns, sub-frames, floor pans, core supports, upper and lower control arms, valence panels, cross members, rust damage, frame alterations, non-factory welds, etc. A Certified Frame expert will be able to tell the buyer if the frame is the same as when it came from the factory or, the the extent of any previous accident damage and the quality of any repairs.



Totaled due to structural and mechanical damage

A "clean" Carfax Report But structurally unsound

Most automotive technicians have little or no experience in frame analysis or repair. There is big difference between a mechanical technician and a body technician. Rarely will you find a shop that has ASE Master Technicians and ASE Certified Body and Frame Technicians under one roof. Before purchasing, be sure to have the vehicle's frame professionally inspected by a Certified Frame Specialist.

Every Auto P. I. Inspector is a ASE Certified Master Technician for the mechanical and electrical systems and is also certified in Body and Frame Analysis. This combination of Master Technician and Frame Analysis make our Inspectors some of the best qualified technicians to perform pre-

Buyer Beware:

- [7 Problems with a Carfax Report](#)
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- [Other Types of Used Car Inspections](#)
- [Voided Factory Warrantee on Used Cars](#)
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purchase inspections.

The #1 reason vehicles with existing problems are purchased is the buyers' inability to determine the current condition before purchase.

[Information on our 600-point Pre-purchase Inspection & Pricing](#)

"Before you buy... Call Auto P. I."

Austin 512-454-5999	MONDAY - SATURDAY other locations click here	Austin 512-454-5999
--------------------------------------	---	--------------------------------------

 Pre-Purchase Inspections <i>as seen on ABC News 20/20</i>	 We have 24 5 star reviews	
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EXHIBIT 4

Department of Motor Vehicles
Public Operations -- G199
P.O. Box 944247
Sacramento, CA 94244-2470

The Car Lawyer
Louis A. Liberty, Esq.
370 Bridge Parkway
Redwood City, CA 94065

Department of Motor Vehicles
Public Operations -- G199
P.O. Box 944247
Sacramento, CA 94244-2470

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Sacramento, CA 94244-2470

The Car Lawyer
Louis A. Liberty, Esq.
370 Bridge Parkway
Redwood City, CA 94065

LEGAL ADVERTISEMENT

EXHIBIT 5



THE STATE BAR
OF CALIFORNIA

OFFICE OF THE CHIEF TRIAL COUNSEL
INTAKE

Dane Dauphine, Assistant Chief Trial Counsel

845 SOUTH FIGUEROA STREET, LOS ANGELES, CALIFORNIA 90017-2515

TELEPHONE: (213) 765-1000

FAX: (213) 765-1168

<http://www.calbar.ca.gov>

April 29, 2015

Louis Liberty
553 Pilgrim Drive Suite A1
Foster City, CA 94404

RE: Inquiry Number: 15-13495
Respondent: Lowell Ness

Dear Mr. Liberty:

The State Bar's Office of the Chief Trial Counsel has reviewed your complaint against Lowell Ness to determine whether there are sufficient grounds to prosecute a possible violation of the State Bar Act and/or Rules of Professional Conduct.

In your complaint, you stated that you, Bill Sutton, and Larry Maloney wished to form a partnership and could not determine how to do it without violating ethics rules regarding splitting attorney fees with non-attorneys. You stated that the partnership you wished to form was for a business that would identify fraudulent disclosures in auto sales, and then locate lawyers to pursue legal action against the auto dealers. You explained that you, Mr. Sutton, and Mr. Maloney met with Mr. Ness and, after a few meetings, Mr. Ness formed a corporation with Mr. Sutton and Mr. Maloney. You noted that Mr. Ness obtained an interest in the corporation, leaving you out entirely. You explained that he obtained your interest in National Automobile Safety Council (NASC). You indicated that NASC was selling cases for \$3,500 per case.

Accordingly, we contacted Mr. Ness regarding your allegations. In response to your complaint, Mr. Ness stated that in 2011, he was a partner at Orrick, Herrington & Sutcliffe LLP ("Orrick"), practicing in the firm's Emerging Companies Group. Mr. Ness explained that in fall 2011, Larry Maloney asked for assistance in incorporating a new business that he and William Sutton were proposing to create. Orrick then agreed to represent the new business, which was called National Automobile Safety Council, Inc. ("NASC"), and confirmed the representation with an engagement letter dated October 11, 2011. Mr. Ness stated that a review of the engagement letter shows that Orrick was representing only NASC, and not any individuals associated with NASC. Mr. Ness stated that at no time did he agree to represent you.

Mr. Ness explained that Orrick required that Mr. Maloney and Mr. Sutton, as the company's founders, sign a "Founders' Acknowledgement," confirming that Orrick was not representing the founders' personal interests and acknowledging Orrick's advice that the founders may wish to engage separate counsel to represent their personal interests.

Louis Liberty
Inquiry No.: 15-13495
April 29, 2015
Page 2

Mr. Ness maintains Orrick was never engaged to form a partnership among you, Mr. Maloney, and Mr. Sutton. Mr. Ness stated that when NASC was formed in fall 2011, the only shareholders were Mr. Maloney and Mr. Sutton. Mr. Ness further stated that neither he nor Orrick have ever been a shareholder of NASC, nor have they received any form of compensation from NASC other than the modest legal fee collected from NASC for approximately 15 hours of work in forming the corporation and making early corporate filings on its behalf.

Mr. Ness stated that the incorporation of NASC was completed in 2011 and he has had no involvement with NASC's day-to-day operations, nor any contact with the company beyond a handful of telephone calls and occasional requests for miscellaneous advice.

Mr. Ness maintains that based on his understanding of Orrick's representation of NASC in 2011, the company intended to identify fraudulent practices in used car sales, whereby unscrupulous dealers omitted to disclose to buyers that the vehicle had sustained frame damage in a collision, and to provide that information to lawyers seeking to protect the buyers' interests. Mr. Ness asserted that he is not aware of the details of the services NASC actually provided.

We reviewed your complaint and supporting documents and considered the response and supporting documents provided by Lowell Ness which does not support that Mr. Ness or Orrick were past or are current shareholders of NASC. Both you and Mr. Ness have indicated that litigations is currently pending. Should you obtain information or evidence that Mr. Ness committed acts of misconduct, please re-submit the complaint with any supporting documents in support of your complaint. Based upon this information and our evaluation of the matter, we have determined that no further action is warranted at this time.

For these reasons, the State Bar is closing this matter.

If you have any questions or disagree with the decision to close your complaint or have new information or other allegations not included in your initial complaint, you have two options. If you have new information about your complaint or additional allegations, you may speak directly with a Complaint Analyst. You may leave a voice message with Complaint Analyst Hugo Gonzalez at (213) 765-1217. Be sure to clearly identify the lawyer complained of, the case number assigned, and your telephone number including the area code in your voice message. The Complaint Analyst will return your call within two business days.

Otherwise, you may request the State Bar's Audit & Review Unit to review your complaint. An attorney may re-open your complaint if he or she determines that you presented new, significant evidence about your complaint or that the State Bar closed your complaint without any basis. You must submit your request for review with the new evidence or a showing that closing your complaint was made without any basis. To request review, you must submit your request in writing, together with any new evidence, post-marked within **90 days of the date of this letter, to:**

Louis Liberty
Inquiry No.: 15-13495
April 29, 2015
Page 3

State Bar of California
Audit & Review Unit
845 South Figueroa Street
Los Angeles, CA 90017-2515.

Please note that telephonic requests for review will not be accepted.

The State Bar cannot give you legal advice. If you wish to consult an attorney about any other remedies available to you, a certified lawyer referral service can provide the names of attorneys who may be able to assist you. In order to find a certified lawyer referral service, you may call our automated Lawyer Referral Services Directory at 1-866-442-2529 (toll free in California) or 415-538-2250 (from outside California) or access the State Bar's website at www.calbar.ca.gov and look for information on lawyer referral services.

Thank you for bringing your concerns to the attention of the State Bar.

Very truly yours,



Lee Kern
Deputy Trial Counsel

/hg

DECLARATION OF SERVICE

I, the undersigned, over the age of eighteen, declare that [] I am/[] I am not a party to the within action, in the City and County of San Francisco, on November 24, 2015 served the following document(s):

Response of Member Louis A. Liberty
TO Notice of Disciplinary Charges

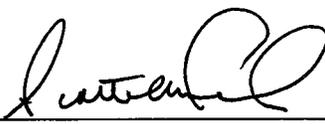
by personal delivery:

Esther Rogers
Office of the Chief Trial Counsel
180 Howard Street
San Francisco, CA 94105

other:

I declare under penalty of perjury at San Francisco, California, on the date shown below, that the foregoing is true and correct.

Dated: 11/24/15


SCOTT M. FEELY
CA REGISTERED PROCESS SERVER
San Mateo County