

# PUBLIC MATTER

1 STATE BAR OF CALIFORNIA  
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STATE BAR COURT  
 CLERK'S OFFICE  
 LOS ANGELES

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STATE BAR COURT  
 HEARING DEPARTMENT - LOS ANGELES

In the Matter of:	)	Case No. 12-O-16308 [Sibilia]
	)	13-O-11519 [Sibilia]
ROBERT SIBILIA,	)	13-O-11520 [Lorenzo]
Member No. 126979	)	
	)	
W. STEPHEN LORENZO,	)	NOTICE OF DISCIPLINARY CHARGES
Member No. 110869	)	
	)	
Members of the State Bar	)	

**NOTICE - FAILURE TO RESPOND!**

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE. SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN ORDER RECOMMENDING YOUR DISBARMENT WITHOUT 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. Robert Sibilialia ("Respondent Sibilialia") was admitted to the practice of law in the State  
4 of California on December 11, 1986, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 2. W. Stephen Lorenzo ("Respondent Lorenzo") was admitted to the practice of law in  
7 the State of California on December 12, 1983, was a member at all times pertinent to these  
8 charges, and is currently a member of the State Bar of California.

9 COUNT ONE

10 Case No. 12-O-16308  
11 Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

12 3. On or about August 10, 2009, Respondent Sibilialia received on behalf of his client,  
13 Faith Antoinette Oris, from Unitrin Specialty a check made payable to Faith Antoinette Oris and  
14 Law Offices of Sibilialia & Lorenzo, for \$15,000, in settlement of Oris's personal injury claims  
15 arising from an incident that occurred on or about October 31, 2007. On or about August 18,  
16 2009, Respondent Sibilialia deposited the settlement check into his client trust account at City  
17 National Bank on behalf of the Client. Between approximately August 25, 2009 and August 21,  
18 2012, Respondent Sibilialia dishonestly or grossly negligently misappropriated for Respondent  
19 Sibilialia's own purposes at least \$5,540, that Oris's medical providers, including Wilkerson  
20 Chiropractic, Inc., Buena Vista Medical Solutions, and Key Health Medical Solutions, were  
21 entitled to receive, pursuant to liens held against Oris's recovery, and thereby committed an act  
22 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
23 Professions Code, section 6106.

24 COUNT TWO

25 Case No. 12-O-16308  
26 Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

27 4. On or about August 10, 2009, Respondent Sibilialia received on behalf of his client,  
28 Gary Gilbert, from Unitrin Specialty a check made payable to Gary Gilbert and Law Offices of

1 Sibilia & Lorenzo, for \$15,000, in settlement of Gilbert's personal injury claims arising from an  
2 incident that occurred on or about October 31, 2007. On or about August 18, 2009, Respondent  
3 Sibilia deposited the settlement check into his client trust account at City National Bank on  
4 behalf of Gilbert. Between approximately August 25, 2009 and August 21, 2012, Respondent  
5 Sibilia dishonestly or grossly negligently, misappropriated for Respondent Sibilia's own  
6 purposes at least \$5,540, that Gilbert's medical providers, including Wilkerson Chiropractic,  
7 Inc., Buena Vista Medical Solutions, and Advanced Radiology of Beverly Hills, were entitled to  
8 receive, pursuant to liens held against Gilbert's recovery, and thereby committed an act  
9 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
10 Professions Code, section 6106.

11 COUNT THREE

12 Case No. 12-O-16308  
13 Rules of Professional Conduct, rule 4-100(B)(4)  
14 [Failure to Pay Client Funds Promptly]

15 5. On or about August 10, 2009, Respondent Sibilia received on behalf of his client,  
16 Faith Antoinette Oris, from Unitrin Specialty a check made payable to Faith Antoinette Oris and  
17 Law Offices of Sibilia & Lorenzo, for \$15,000, in settlement of Oris's personal injury claims.  
18 Of this sum, the Client was entitled to at least \$9,500. In or about August 2009, the Client  
19 requested that Respondent Sibilia pay her medical providers pursuant to liens, and Respondent  
20 Sibilia withheld a minimum of \$5,560, of the client funds for that purpose. Respondent Sibilia  
21 did not pay any of the liens, as requested by the Client, until approximately August 21, 2012,  
22 when Respondent Sibilia disbursed \$2,000, to Wilkerson Chiropractic, Inc., in willful violation  
23 of Rules of Professional Conduct, rule 4-100(B)(4).

24 COUNT FOUR

25 Case No. 12-O-16308  
26 Rules of Professional Conduct, rule 4-100(B)(4)  
27 [Failure to Pay Client Funds Promptly]

28 6. On or about August 10, 2009, Respondent Sibilia received on behalf of his client,  
Gary Gilbert, from Unitrin Specialty a check made payable to Gary Gilbert and Law Offices of  
Sibilia & Lorenzo, for \$15,000, in settlement of Gilbert's personal injury claims. Of this sum,

1 the client was entitled to receive at least \$9,500. In or about August 2009, the Client requested  
2 that Respondent Sibilía pay his medical providers pursuant to liens, and Respondent Sibilía  
3 withheld a minimum of \$5,560, of the client funds for that purpose. Respondent Sibilía did not  
4 pay any of the liens, as requested by the Client, until approximately August 21, 2012, when  
5 Respondent Sibilía disbursed \$2,000, to Wilkerson Chiropractic, Inc., in willful violation of  
6 Rules of Professional Conduct, rule 4-100(B)(4).

7 COUNT FIVE

8 Case No. 13-O-11519

9 Case No. 13-O-11520

10 Business and Professions Code, section 6106

11 [Moral Turpitude - Misappropriation]

12 7. On or about November 10, 2010, Respondent Sibilía and Respondent Lorenzo  
13 received from Infinity Insurance Company a check in the sum of \$5,500; and, on or about May 2,  
14 2011, the Respondents received from The Hartford Insurance Company a check in the sum of  
15 \$1,000. The Respondents received both checks on behalf of their client, Yigal Manusevitz, in  
16 settlement of the Client's personal injury claims arising out of an incident that occurred on or  
17 about June 18, 2010. Each settlement check was made payable to the Respondents and their  
18 Client. Respondents deposited the checks, on or about November 16, 2010, and on or about May  
19 10, 2011, respectively, into their law firm's client trust account at City National Bank on behalf  
20 of Manusevitz. Between approximately May 10, 2011, and February 9, 2013, Respondents  
21 dishonestly or grossly negligently misappropriated for their own purposes at least \$1,625, that  
22 the Client's medical providers, including Tirsch & Lowenberg Chiropractic, Inc., were entitled to  
23 receive, pursuant to a lien held against Manusevitz's recovery, and thereby committed an act  
24 involving moral turpitude, dishonesty or corruption in willful violation of Business and  
25 Professions Code, section 6106.

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1 COUNT SIX

2 Case No. 13-O-11519  
3 Case No. 13-O-11520  
4 Rules of Professional Conduct, rule 4-100(B)(4)  
5 [Failure to Pay Client Funds Promptly]

6 On or about November 10, 2010, Respondent Sibia and Respondent Lorenzo received  
7 from Infinity Insurance Company a check in the sum of \$5,500; and, on or about May 2, 2011,  
8 the Respondents received from The Hartford Insurance Company a check in the sum of \$1,000.  
9 The Respondents received both checks on behalf of their client, Yigal Manusevitz, in settlement  
10 of the Client's personal injury claims arising out of an incident that occurred on or about June 18,  
11 2010. Respondents deposited the checks, on or about November 16, 2010, and on or about May  
12 10, 2011, respectively, into their law firm's client trust account at City National Bank on behalf  
13 of Manusevitz. Of the sum of \$6,500, the Client was entitled to \$4,875. In or about November  
14 2010, the Client requested that Respondents pay his medical providers pursuant to liens, and the  
15 Respondents withheld a minimum of \$1,833, of the client funds for that purpose. Respondents  
16 did not pay any liens until on or about February 9, 2013, when Respondents disbursed \$1,833, to  
17 Tirsch & Lowenberg Chiropractic, Inc. Respondents have failed to pay promptly, as requested by  
18 Respondent's client, any portion of the \$1,833, in Respondent's possession in willful violation of  
19 Rules of Professional Conduct, rule 4-100(B)(4).

20 COUNT SEVEN

21 Case No. 13-O-11519  
22 Case No. 13-O-11520  
23 Rules of Professional Conduct, rule 4-100(B)(4)  
24 [Failure to Pay Client Funds Promptly]

25 8. On or about October 7, 2011, the Respondent Sibia and Respondent Lorenzo  
26 received from Mercury Insurance Group a check in the sum of \$14,000. The Respondents  
27 received the check on behalf of their client, Yigal Manusevitz, in settlement of the Client's  
28 personal injury claims arising out of an incident that occurred on or about June 10, 2011.  
Respondents deposited the settlement check on or about October 14, 2011, into their law firm's  
client trust account at City National Bank on behalf of the Client. Of the sum of \$14,000, the  
Client was entitled to \$10,500. In or about October 2011, the Client requested that Respondents

1 pay his medical providers pursuant to liens, and the Respondents withheld \$4,500, of the client  
2 funds for that purpose. Respondents did not pay any liens until on or about February 9, 2013,  
3 when Respondents disbursed \$1,588 to Tirsch & Lowenberg Chiropractic, Inc. Respondents  
4 have failed to pay promptly, as requested by Respondent's client, any portion of the \$4,500, in  
5 Respondent's possession in willful violation of Rules of Professional Conduct, rule 4-100(B)(4).

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7 **NOTICE - INACTIVE ENROLLMENT!**

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

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17 **NOTICE - COST ASSESSMENT!**

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

23 Respectfully submitted,

24 THE STATE BAR OF CALIFORNIA  
25 OFFICE OF THE CHIEF TRIAL COUNSEL

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27  
28 DATED: December 12, 2013

By: 

Rizamar C. Sitton  
Senior Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 12-P-16308; 13-O-11519; and 13-O-11520

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 1149 South Hill Street, Los Angeles, California 90015, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- 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.

By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))

By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").

By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)

(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested,

Nos. 7196 9008 9111 1008 1592 (Margolis obo Sabilia) and 7196 9008 9111 1008 1608 (Lorenzo) at Los Angeles, addressed to: (see below)

(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS,

Tracking No.: \_\_\_\_\_ addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Person Served, Business-Residential Address. Row 1: Arthur L. Margolis, MARGOLIS & MARGOLIS, LLP, W. Stephen Lorenzo, 2630 SW 28th Street #14.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

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, and overnight delivery by the United Parcel Service ("UPS").

I am aware that on motion of the 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.

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, 2013

SIGNED:

Handwritten signature of Charles C. Bagai

Charles C. Bagai
Declarant