

FILED

JAN 29 2015

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No.: 13-O-16762-DFM
)	
VICENTA E. MONTOYA-TORRES,)	ORDER VACATING ORDERS
)	ENTERING DEFAULT AND
Member No. 97192,)	ENROLLING INACTIVE; ORDER
)	VACATING ORDER SUBMITTING
A Member of the State Bar.)	DEFAULT MATTER FOR DECISION;
)	PETITION FOR DISBARMENT MOOT

On May 5, 2014, the State Bar of California, Office of the Chief Trial Counsel (State Bar) filed with this court and sought to serve on Respondent Vicenta E. Montoya-Torres (Respondent) a Notice of Disciplinary Charges (NDC) in the above-entitled matter. When Respondent subsequently failed to file a response to the NDC, the State Bar filed and purportedly served a motion for the entry of Respondent's default on June 19, 2014. Respondent's default was thereafter entered on July 15, 2014. The State Bar has now filed a petition seeking Respondent's disbarment pursuant to rule 5.85 of the Rules of Procedure of the State Bar of California.

After reviewing and considering the papers filed in this matter, the court finds that both the NDC and the State Bar's motion for the entry of Respondent's default were sent to an



incorrect addressee and an incorrect address.¹ The court also notes that the petition for disbarment filed by the State Bar failed to comply with rule 5.85(B) of the Rules of Procedure of the State Bar of California, as it failed to include Respondent's prior records of discipline.

Accordingly, the court issues the following orders:

1. The July 15, 2014, order entering Respondent's default and enrolling her inactive under Business and Professions Code section 6007, subdivision (e), is hereby vacated, nunc pro tunc, to July 15, 2014;
2. The State Bar's petition for disbarment filed on October 17, 2014, is deemed moot, as the court is vacating the order entering Respondent's default in this matter;
3. The November 17, 2014, order submitting this default matter for decision is hereby vacated; and
4. The State Bar is directed to file a proof of proper service of the NDC in this matter by February 6, 2015, or the matter will be dismissed without prejudice.

IT IS SO ORDERED.

Dated: January 29, 2015


DONALD F. MILES
Judge of the State Bar Court

¹ The declarations of service attached to the NDC and the motion for the entry of Respondent's default reflect that both the NDC and the motion were served on Vincenta E. Montoya-Torres at 300 E. Charleston Blvd., Suite 200, Las Vegas, NV 89104, rather than Vicenta E. Montoya-Torres at 330 E. Charleston Blvd., Suite 200, Las Vegas, NV 89104.

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on January 29, 2015, I deposited a true copy of the following document(s):

ORDER VACATING ORDERS ENTERING DEFAULT AND ENROLLING
INACTIVE; ORDER VACATING ORDER SUBMITTING DEFAULT MATTER FOR
DECISION; PETITION FOR DISBARMENT MOOT

in a sealed envelope for collection and mailing on that date as follows:


- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

VICENTA E. MONTOYA-TORRES
330 E CHARLESTON BLVD STE 200
LAS VEGAS, NV 89104

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

TIMOTHY BYER, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on January 29, 2015.



Rose M. Luthi
Case Administrator
State Bar Court