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FILED

AUG 25 2014

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

9 **STATE BAR COURT OF CALIFORNIA**
10 **LOS ANGELES**

11 STATE BAR OF CALIFORNIA

12 Petitioner,

13 vs.

14 MARY DERPARSEGHIAN

15 Respondent.

16 Case No.: 13-O-17168-DFM

17 RESPONDENT, MARY
18 DERPARSEGHIAN'S, RESPONSE TO
19 NOTICE OF DISCIPLINARY CHARGES

20 Respondent, MARY DERPARSEGHIAN, hereby responds to the Notice of Disciplinary
21 Charges (NDC) on file herein as follows:

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- 23 1. Respondent admits the allegations contained in ¶ 1 of the NDC.
 - 24 2. Respondent admits that she was retained by Paul Merrigan to perform legal

25 services, namely to defend Merrigan and his corporation, Desert Classic Concours D'Elegance in
26 *Image Lab Inc v. Desert Classic Concours D'Elegance, et al* Case No. INC1105053, in
27

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1 Riverside Superior Court. Respondent denies the remainder of the allegations contained in ¶ 2 of
2 the NDC.

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4 3. Respondent further asserts that she did seek a continuance of the trial in the
5 Merrigan matter and that such request was timely and made upon good cause. Respondent
6 contends that the denial of the ex parte application for trial continuance was contrary to law.

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8 4. Respondent further contends that as of the trial date that Desert Classic Concours
9 D'Elegance was a suspended corporation, or in the alternative, that documentation substantiating
10 the reinstatement of the corporation had not yet been obtained so that Desert Classic Concours
11 D'Elegance had no standing to defend itself at trial.

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13 5. Respondent denies that allegations set forth in ¶3 of the NDC and further
14 contends that she did keep Merrigan informed of the significant developments of his case and
15 immediately attempted to mitigate the damage and set aside the judgment. Respondent sought
16 both a new trial as well as a set aside of the judgment on the basis of C.C.P. §473. Both motions
17 were denied. Respondent contends that the denial of those motions was contrary to law.
18 Respondent also prepared to appeal the judgment but Merrigan substituted her out as counsel of
19 record before authorizing the filing of that appeal.

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21 7. On November 30, 2012, Derparseghian reminded Merrigan that the corporation
22 was still suspended and implored him to immediately resolve the problem and advised him of the
23 consequences of failure to reinstate the corporation. Having had no response, she sent letters
24 again on December 20 and 21, 2012, making the same request for immediate reinstatement of the
25 corporation and reminding him that the trial date was looming.
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1 8. On January 22, 2013 Respondent sent a written advisement to Merrigan the
2 continuance request was denied, and that the case moved forward in the absence of Defendants.
3 She further advised Merrigan that she would undertake efforts to remedy the trial outcome and
4 implored Mr. Merrigan, yet again, that she needed proof the corporation was reinstated.

5
6 9. Respondent's motion for a new trial and motion to set aside the judgment were
7 both denied. On August 30, 2013 Derparseghian informed Merrigan of the status of her efforts,
8 advised an appeal and provided the relevant timeline for it's filing and also conveyed her
9 attempts to resolve and settle the matter with Plaintiff. Merrigan signed a substitution of attorney
10 on September 2, 2013 and forwarded it to Ms. Derparseghian who signed and returned it on
11 September 10, 2013.

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13 10. There is another matter pending in Los Angeles Superior court for legal
14 malpractice against Respondent, which is premised on the same set of facts as the NDC.
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21 Dated: August 22, 2014

LAW OFFICES OF BRIAN J. WARD, PC

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23 
24 BRIAN J. WARD, ESQ.
25 Attorney for Respondent,
26 MARY DERPARSEGHIAN
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3 **PROOF OF SERVICE**

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

5 I am employed in the county aforesaid; I am over the age of 18 years and not a party to
6 the within action; my business address is 46 Smith Alley, Suite 200, Pasadena CA 91103.

7 On August 25, 2014, I served on the interested parties in this action the within document
8 entitled:

9 DEFENDANTS ANSWER TO COMPLAINT

10 by personally delivering the copies on:

11 Charles Calix
12 STATE BAR OF CALIFORNIA
13 OFFICE OF THE CHIEF TRIAL COUNSEL
14 845 S. Figueroa Street
15 Los Angeles, CA 90017

16 by placing the original a true copy thereof enclosed in a sealed
17 envelope addressed as follows:

18 (BY USPS MAIL) As follows: I am "readily familiar" with the firm's
19 practice for collection and processing of correspondence for mailing with
20 the United States Postal Service. Said correspondence will be deposited
21 with the U.S. Postal Service on this same day in the ordinary course of
22 business. I am aware that upon motion of party served, service is
23 presumed invalid if postal cancellation date or postage meter date is more
24 than one day after date of deposit for mailing as declared herein.

25 Executed on August 25, 2014, at Pasadena, California.

26 (STATE) I declare under penalty of perjury under the laws of the State of
27 California that the foregoing is true and correct.

28 BRIAN J. WARD, ESQ.

