

PUBLIC MATTER

FILED

JAN 20 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:)	Case Nos. 14-O-03234 and 14-O-03730
)	
JOVAN IVOSEVIC,)	
No. 241032,)	NOTICE OF DISCIPLINARY CHARGES
)	
A Member 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.

1 The State Bar of California alleges:

2 JURISDICTION

3 1. Jovan Ivosevic ("Respondent") was admitted to the practice of law in the State of
4 California on December 12, 2005, was a member at all times pertinent to these charges, and is
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 14-O-03234
8 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9 2. On or about March 24, 2011, Yasmine Samalya employed Respondent to perform
10 legal services, namely to file a personal injury civil action arising out of a work related assault
11 incident occurring on March 4, 2011, styled *Samalya v. National Railroad Passenger*
12 *Corporation*, Case Nos. BC485075 and BC502162, which Respondent intentionally, recklessly,
13 or repeatedly failed to perform with competence, in willful violation of Rules of Professional
14 Conduct, rule 3-110(A), by the following conduct:

- 15 a) failing to appear at the initial case management conference resulting in the
16 dismissal of the action, Case No. BC485075 on or about October 12,
17 2012;
- 18 b) failing to timely respond to requests for admission, demand for production
19 of documents, special interrogatories, and form interrogatories in Case No.
20 BC502162;
- 21 c) failing to appear at an informal discovery appearance on or about October
22 23, 2013;
- 23 d) failing to oppose or appear at the hearing on the multiple motions to
24 compel discovery responses on or about January 3, 2013; and
- 25 e) failing to oppose or appear at the hearing on the terminating sanctions
26 motion conducted on or about May 23, 2014.

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COUNT TWO

Case No. 14-O-03234
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

3. Respondent failed to keep Respondent's client, Yasmine Samalya, reasonably informed of significant developments in a personal injury civil action arising out of a work related assault incident occurring on March 4, 2011, styled *Samalya v. National Railroad Passenger Corporation*, Case Nos. BC485075 and BC502162, in which Respondent had agreed to provide legal services, in willful violation of Business and Professions Code, section 6068(m), by failing to inform the client of the following:

- a) that Samalya's original action, Case No. BC485075, was dismissed for Respondent's failure to appear at the initial case management conference;
- b) that she was required to provide verified discovery responses in timely fashion after on or about September 16, 2013;
- c) that the failure to provide verified discovery responses in timely fashion would result in a motion to compel responses seeking sanctions for discovery abuse;
- d) that the court ordered that requests for admission were deemed admitted, that verified responses to special interrogatories, form interrogatories and a request for production were ordered, that Samalya was ordered to appear for her deposition, and that sanctions of \$2,400 were assessed against Samalya and Respondent by court order dated January 3, 2014;
- e) that if no verified discovery responses were served upon defense counsel pursuant to the court order, a motion for terminating sanctions could follow;
- f) that a motion for terminating sanctions could result in the court ordering the action dismissed and assessing monetary sanctions for discovery abuse;

1 g) that the motion for terminating sanctions was unopposed and granted on or
2 about May 23, 2014; and

3 h) that an amended judgment of dismissal awarding defendant costs of
4 \$4,926.50, was entered in favor of the defendants in the personal injury
5 action on or about July 16, 2014.

6 COUNT THREE

7 Case No. 14-O-03234
8 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

9 4. Respondent failed to cooperate and participate in a disciplinary investigation
10 pending against Respondent by failing to provide a substantive response to the State Bar's letters
11 of August 2 and August 25, 2014, which Respondent received, that requested Respondent's
12 response to the allegations of misconduct being investigated in case no. 14-O-03234, in willful
13 violation of Business and Professions Code, section 6068(i).

14 COUNT FOUR

15 Case No. 14-O-03234
16 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

17 5. Respondent disobeyed or violated an order of the court requiring Respondent to do
18 or forbear an act connected with or in the course of Respondent's profession which Respondent
19 ought in good faith to have done by failing to comply with the January 3, 2014, discovery order
20 in *Samalya v. National Railroad Passenger Corporation*, Case No. BC502162, requiring him to
21 provide verified responses to form interrogatories, special interrogatories, a request for
22 production of documents, to make his client available for deposition without objection, and to
23 pay sanctions of \$2,400 no later than January 31, 2014, in willful violation of Business and
24 Professions Code, section 6103.

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1 COUNT SIX

2 Case No. 14-O-03730
3 Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

4 7. Respondent failed to keep Respondent's client, Jonathan Amram, reasonably
5 informed of significant developments in a personal injury civil action arising out of an assault
6 and battery incident occurring on April 9, 2011, styled *Amram v. HEI/GC Hollywood & Vine*
7 *LLC*, Case No. BC495770, in which Respondent had agreed to provide legal services, in willful
8 violation of Business and Professions Code, section 6068(m), by failing to inform the client of
9 the following:

- 10 a) that he was required to provide verified discovery responses in timely
11 fashion from on or about April 26, 2013;
- 12 b) that the failure to provide verified discovery responses in timely fashion
13 would result in motions to compel responses seeking sanctions for
14 discovery abuse;
- 15 c) that the court ordered that requests for admission were deemed admitted,
16 that verified responses to special interrogatories, form interrogatories, a
17 request for production and a request for statement of damages, were
18 ordered, and that sanctions of \$1,150 were assessed against Amran and
19 Respondent by court order dated on or about October 17, 2013;
- 20 d) that if no verified discovery responses were served upon defense counsel
21 pursuant to the court order by on or about November 6, 2013, that a
22 motion for terminating sanctions could follow;
- 23 e) that a motion for terminating sanctions could result in the court ordering
24 the action dismissed and assessing monetary sanctions for discovery
25 abuse;
- 26 f) that the motion for terminating sanctions was unopposed and granted on or
27 about May 23, 2014; and
28

- 1 g) that if no verified discovery responses were served upon defense counsel
2 pursuant to the court order dated on or about October 23, 2014, that a
3 motion for terminating sanctions could follow; and
4 h) that an ex parte application for an order dismissing the complaint or
5 alternatively requesting terminating sanctions was filed on or about
6 December 18, 2014, as a result of the failure to comply with the court's
7 order of October 23, 2014, which is currently pending decision.

8 COUNT SEVEN

9 Case No. 14-O-03730
10 Business and Professions Code, section 6068(i)
[Failure to Cooperate in State Bar Investigation]

11 8. Respondent failed to cooperate and participate in a disciplinary investigation
12 pending against Respondent by failing to provide a substantive response to the State Bar's letters
13 of August 4 and October 9, 2014, which Respondent received, that requested Respondent's
14 response to the allegations of misconduct being investigated in case no. 14-O-03730, in willful
15 violation of Business and Professions Code, section 6068(i).

16 COUNT EIGHT

17 Case No. 14-O-03730
18 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

19 9. Respondent disobeyed or violated an order of the court requiring Respondent to do
20 or forbear an act connected with or in the course of Respondent's profession which Respondent
21 ought in good faith to do or forbear by failing to comply with the October 23, 2014, discovery
22 order in *Amram v. HEI/GC Hollywood & Vine LLC*, Case No. BC495770, requiring him to
23 provide verified responses to form interrogatories, special interrogatories, a request for
24 production and a request for statement of damages, pay sanctions of \$1,150 and/or associate in or
25 substitute new counsel by on or about November 22, 2014, in willful violation of Business and
26 Professions Code, section 6103.

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DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **14-O-03234 and 14-O-03730**

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, 845 South Figueroa Street, Los Angeles, CA 90017-2515, 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))

☒

By U.S. Certified 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 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,

Article No.: 9414 7266 9904 2010 0908 61 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)

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Jovan Ivošević	Westgate Law 9107 Wilshire Blvd Ste 450 Beverly Hills, CA 90210	Electronic Address	

☐ 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"). 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, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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: January 20, 2015

SIGNED:



JULI FINNILA
Declarant