

PUBLIC MATTER

FILED

1 STATE BAR OF CALIFORNIA
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AUG 31 2015

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

13 In the Matter of:) Case Nos. 14-O-04620, 14-O-06207
14 CHRISTOPHER RAMOS MACARAEG,) and 15-O-10408
15 No. 222120,) NOTICE OF DISCIPLINARY CHARGES
16 A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

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

- 22 (1) YOUR DEFAULT WILL BE ENTERED;
- 23 (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
24 WILL NOT BE PERMITTED TO PRACTICE LAW;
- 25 (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
26 THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
27 AND THE DEFAULT IS SET ASIDE, AND;
- 28 (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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The State Bar of California alleges:

JURISDICTION

1. Christopher Ramos Macaraeg (“Respondent”) was admitted to the practice of law in the State of California on December 3, 2002, was a member at all times pertinent to these charges, and is currently a member of the State Bar of California.

COUNT ONE

Case No. 14-O-04620
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

2. In or about 2010, Pedro Gaspar (“Gaspar”) employed Respondent to represent him in an immigration removal matter, *In the Matter of Pedro Gonzalez-Gaspar*, file number A200 630 195, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to file an appellate brief or other pleading necessary to perfect the appeal, despite being reminded by a notice of briefing extension request granted at Respondent’s request dated October 22, 2013, resulting in the summary dismissal of the appeal on or about June 4, 2014, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT TWO

Case No. 14-O-04620
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

3. Respondent failed to keep Respondent’s client, Pedro Gaspar, reasonably informed of significant developments in a matter 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 that he failed to file the appropriate brief in conjunction with the client’s appeal, and that as a result Gaspar’s appeal had been dismissed on or about June 4, 2014.

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COUNT THREE

Case No. 14-O-04620
Rules of Professional Conduct, rule 3-700(D)(1)
[Failure to Release File]

4. Respondent failed to release promptly, after the termination of Respondent's employment on or about July 1, 2014, to Respondent's client, Pedro Gaspar, all of the client's papers and property following the client's request for the client's file on or about July 1, 2014, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

COUNT FOUR

Case No. 14-O-06207
Business and Professions Code, section 6068(a)
[Failure to Comply With Laws – Unauthorized Practice of Law]

5. On or about December 8, 2014, Respondent held himself out as entitled to practice law and actually practiced law when Respondent was not an active member of the State Bar by filing a voluntary dismissal of a pending appeal in the Ninth Circuit Court of Appeals, Case No. 13-74275, styled *Vasquez-Avila v. Holder* in violation of Business and Professions Code, sections 6125 and 6126, and thereby willfully violated Business and Professions Code, section 6068(a).

COUNT FIVE

Case No. 14-O-06207
Business and Professions Code, section 6106
[Moral Turpitude]

6. On or about December 8, 2014, Respondent held himself out as entitled to practice law and actually practiced law when Respondent knew, or was grossly negligent in not knowing, Respondent was not an active member of the State Bar by filing a voluntary dismissal of a pending appeal in the Ninth Circuit Court of Appeals, Case No. 13-74275, styled *Vasquez-Avila v. Holder*, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

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COUNT SIX

Case No. 14-O-06207
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

7. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith do or forbear, by failing to comply with the Order to Show Cause which respondent had notice of, served on respondent and filed in the Ninth Circuit Court of Appeals on or about August 22, 2014, in Case No. 14-80112, styled *In re: Christopher R. Macaraeg, Respondent*, in that Respondent failed to submit retainer agreements as requested, failed to timely file as ordered an opening brief in *Vasquez-Avila v. Holder*, Case No. 13-74275, or dismiss the matter, in willful violation of Business and Professions Code, section 6103.

COUNT SEVEN

Case No. 14-O-06207
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

8. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the Order which respondent had notice of, served on respondent and filed in the Ninth Circuit Court of Appeals on or about October 19, 2012, in Case No. 12-73319, styled *Peraza v. Holder*, in that Respondent failed to timely file a motion to proceed in forma pauperis, pay the filing fees for the petition or show cause why the matter should not be dismissed for failure to prosecute, in willful violation of Business and Professions Code, section 6103.

COUNT EIGHT

Case No. 14-O-06207
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

9. In or about 2010, Berta Peraza ("Peraza") employed Respondent to represent her in an immigration removal matter in the Ninth Circuit Court of Appeals, Case No. 12-73319,

1 styled *Peraza v. Holder*, which Respondent intentionally, recklessly, or repeatedly failed to
2 perform with competence, by:

- 3 a. failing to timely file a motion to proceed in forma pauperis, timely pay the filing
4 fee for the petition, or show cause why the matter should not be dismissed for
5 failure to prosecute, resulting in the dismissal of the petition for review on or
6 about November 20, 2012;
- 7 b. failing to file an opening brief on appeal no later than September 9, 2013,
8 resulting in the dismissal of the appeal on or about October 22, 2013;
- 9 c. failing to file an opening brief on appeal no later than February 18, 2014, resulting
10 in the dismissal of the appeal on or about March 7, 2014;
- 11 d. failing to timely respond to the court's OSC dated December 18, 2013, why
12 respondent should not be sanctioned \$2,000 for failure to timely prosecute the
13 matter;
- 14 e. filing a motion to reinstate the appeal on or about June 4, 2014, without
15 submitting the required opening brief;
- 16 f. filing an untimely further motion to reinstate on or about August 11, 2014, again
17 unaccompanied with an opening brief; and
- 18 g. failing to file the motion to reinstate by July 4, 2014,
19 all in willful violation of Rules of Professional Conduct, rule 3-110(A).

20 COUNT NINE

21 Case No. 14-O-06207
22 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

23 10. Respondent disobeyed or violated an order of the court requiring Respondent to
24 do or forbear an act connected with or in the course of Respondent's profession which
25 Respondent ought in good faith do or forbear, by failing to comply with the Order to Show
26 Cause which respondent had notice of, served on respondent and filed in the Ninth Circuit Court
27 of Appeals on or about December 18, 2013, in Case No. 12-73319, styled *Berta Peraza v.*
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1 *Holder*, in that Respondent failed to timely file an opening brief and failed to show cause why he
2 should not be sanctioned \$2,000 for failure to timely prosecute the matter, in willful violation of
3 Business and Professions Code, section 6103.

4 COUNT TEN

5 Case No. 14-O-06207
6 Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

7 11. Respondent failed to report to the agency charged with attorney discipline, in
8 writing, within 30 days of the time Respondent had knowledge of the imposition of judicial
9 sanctions against Respondent by failing to report to the State Bar the \$2,000 in sanctions the
10 court imposed on Respondent on or about December 18, 2013, in connection with the Ninth
11 Circuit Court of Appeals Case No. 12-73319, styled *Berta Peraza v. Holder*, in willful violation
12 of Business and Professions Code section, 6068(o)(3).

13 COUNT ELEVEN

14 Case No. 14-O-06207
15 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

16 12. On or about 2005, Walter Collazos (“Collazos”) employed Respondent to
17 represent him in an immigration removal matter in the Ninth Circuit Court of Appeals, Case No.
18 05-75152, styled *Walter Collazos v. Holder*, which Respondent intentionally, recklessly, or
19 repeatedly failed to perform with competence, by failing to file the appropriate brief in
20 conjunction with the appeal, resulting in the summary dismissal of the appeal on or about April
21 12, 2006, in willful violation of Rules of Professional Conduct, rule 3-110(A).

22 COUNT TWELVE

23 Case No. 14-O-06207
24 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

25 13. Respondent disobeyed or violated an order of the court requiring Respondent to
26 do or forbear an act connected with or in the course of Respondent's profession which
27 Respondent ought in good faith do or forbear by failing to file an opening brief which was
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1 ordered to be filed no later than December 5, 2005, which respondent had notice of, by court
2 order served upon the respondent and filed in the Ninth Circuit Court of Appeals on or about
3 October 28, 2005, in Case No. 05-75152, styled *Walter Collazos v. Holder*, in willful violation of
4 Business and Professions Code, section 6103.

5 COUNT THIRTEEN

6 Case No. 14-O-06207
7 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

8 14. In or about 2012, Carlos Gutierrez-Correa (“Correa”) employed Respondent to
9 represent him in an immigration removal matter in the Ninth Circuit Court of Appeals, Case No.
10 12-72072, styled *Carlos Gutierrez-Correa v. Holder*, which Respondent intentionally, recklessly,
11 or repeatedly failed to perform with competence, by failing to file the appropriate brief in
12 conjunction with the appeal, resulting in the summary dismissal of the appeal on or about August
13 22, 2013, in willful violation of Rules of Professional Conduct, rule 3-110(A).

14 COUNT FOURTEEN

15 Case No. 14-O-06207
16 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

17 15. Respondent disobeyed or violated an order of the court requiring Respondent to
18 do or forbear an act connected with or in the course of Respondent's profession which
19 Respondent ought in good faith to do or forbear by failing to file an opening brief which was
20 ordered to be filed no later than July 5, 2013, which respondent had notice of, by court order
21 served on respondent and filed in the Ninth Circuit Court of Appeals on or about March 29,
22 2013, in Case No. 12-72072, styled *Carlos Gutierrez-Correa v. Holder*, in willful violation of
23 Business and Professions Code, section 6103.

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COUNT FIFTEEN

Case No. 14-O-06207
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

16. In or about 2009, Mario Escobedo-Cardona (“Cardona”) employed Respondent to represent him in an immigration removal matter in the Ninth Circuit Court of Appeals, Case No. 09-72866, styled *Mario Escobedo-Cardona v. Holder*, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to respond to an Order to Show Cause dated September 18, 2009, requiring respondent to voluntarily dismiss the matter or show cause why it should not be dismissed for lack of jurisdiction, resulting in the summary dismissal of the appeal on or about October 19, 2010, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT SIXTEEN

Case No. 14-O-06207
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

17. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith do or forbear by failing to respond to an Order to Show Cause which respondent had notice of, served on respondent and issued September 18, 2009, requiring respondent to voluntarily dismiss the matter or show cause why it should not be dismissed for lack of jurisdiction, resulting in the summary dismissal of the appeal on or about October 19, 2010, filed in the Ninth Circuit Court of Appeals, in Case No. 09-72866, styled *Mario Escobedo-Cardona v. Holder*, in willful violation of Business and Professions Code, section 6103.

COUNT SEVENTEEN

Case No. 14-O-06207
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

18. In or about 2011, Rafael Aparacio-Pasqual (“Pasqual”) employed Respondent to represent him in an immigration removal matter in the Ninth Circuit Court of Appeals, Case No.

1 11-72103, styled *Rafael Aparacio-Pasqual v. Holder*, which Respondent intentionally,
2 recklessly, or repeatedly failed to perform with competence, by failing to respond to an Order to
3 Show Cause issued August 12, 2011, requiring respondent to voluntarily dismiss the matter or
4 show cause why it should not be dismissed for lack of jurisdiction, resulting in the summary
5 dismissal of the appeal on or about September 19, 2011, in willful violation of Rules of
6 Professional Conduct, rule 3-110(A).

7 COUNT EIGHTEEN

8 Case No. 14-O-06207
9 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

10 19. Respondent disobeyed or violated an order of the court requiring Respondent to
11 do or forbear an act connected with or in the course of Respondent's profession which
12 Respondent ought in good faith do or forbear by failing to respond to an Order to Show Cause
13 which respondent had notice of, served on respondent and issued August 12, 2011, requiring
14 respondent to voluntarily dismiss the matter or show cause why it should not be dismissed for lack
15 of jurisdiction, resulting in the summary dismissal of the appeal on or about September 19, 2011,
16 filed in the Ninth Circuit Court of Appeals, in Case No. 11-72103, styled *Rafael Aparacio-*
17 *Pasqual v. Holder*, in willful violation of Business and Professions Code, section 6103.

18 COUNT NINETEEN

19 Case No. 14-O-06207
20 Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

21 20. In or about 2011, Silvia Claro ("Claro") employed Respondent to represent him in
22 an immigration removal matter in the Ninth Circuit Court of Appeals, Case No. 11-72150, styled
23 *Silvia Claro v. Holder*, which Respondent intentionally, recklessly, or repeatedly failed to
24 perform with competence, by failing to respond to an Order to Show Cause issued August 10,
25 2011, requiring respondent to voluntarily dismiss the matter or show cause why it should not be
26 dismissed for lack of jurisdiction, resulting in the summary dismissal of the appeal on or about
27 September 13, 2011, in willful violation of Rules of Professional Conduct, rule 3-110(A).

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COUNT TWENTY

Case No. 14-O-06207
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

21. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith do or forbear by failing to respond to an Order to Show Cause which respondent had notice of, served on respondent and issued August 10, 2011, requiring respondent to voluntarily dismiss the matter or show cause why it should not be dismissed for lack of jurisdiction, resulting in the summary dismissal of the appeal on or about September 13, 2011, filed in the Ninth Circuit Court of Appeals, in Case No. 11-72150, styled *Silvia Claro v. Holder*, in willful violation of Business and Professions Code, section 6103.

COUNT TWENTY-ONE

Case No. 14-O-06207
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

22. In or about 2010, Santos Pedro ("Pedro") employed Respondent to represent him in an immigration removal matter in the Ninth Circuit Court of Appeals, Case No. 10-73950, styled *Santos Pedro v. Holder*, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to file the appropriate brief in conjunction with the appeal resulting in the summary dismissal of the appeal on or about March 21, 2012, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT TWENTY-TWO

Case No. 14-O-06207
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

23. Respondent disobeyed or violated an order of the court requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith do or forbear by failing to file an opening brief which was ordered to be filed no later than September 27, 2011, which respondent had notice of, by court

1 order served on respondent and filed in the Ninth Circuit Court of Appeals on or about June 29,
2 2011, in Case No. 10-73950, styled *Santos Pedro v. Holder*, in willful violation of Business and
3 Professions Code, section 6103.

4 COUNT TWENTY-THREE

5 Case No. 14-O-06207
6 Rules of Professional Conduct, rule 3-110(A)
7 [Failure to Perform with Competence]

8 24. In or about 2009, Raul Guerrero-Villapando (“Villapando”) employed
9 Respondent to represent him in an immigration removal matter in the Ninth Circuit Court of
10 Appeals, Case No. 09-72266, styled *Raul Guerrero-Villapando v. Holder*, which Respondent
11 intentionally, recklessly, or repeatedly failed to perform with competence, by failing to file the
12 appropriate brief in conjunction with the appeal resulting in the summary dismissal of the appeal
13 on or about January 12, 2010, in willful violation of Rules of Professional Conduct, rule 3-
14 110(A).

15 COUNT TWENTY-FOUR

16 Case No. 14-O-06207
17 Business and Professions Code, section 6103
18 [Failure to Obey a Court Order]

19 25. Respondent disobeyed or violated an order of the court requiring Respondent to
20 do or forbear an act connected with or in the course of Respondent's profession which
21 Respondent ought in good faith do or forbear by failing to file an opening brief which was
22 ordered to be filed no later than December 14, 2009, which respondent had notice of, by court
23 order served upon respondent and filed in the Ninth Circuit Court of Appeals on or about July
24 20, 2009, in Case No. 09-72266, styled *Raul Guerrero-Villapando v. Holder*, in willful violation
25 of Business and Professions Code, section 6103.

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COUNT TWENTY-FIVE

Case No. 15-O-10408
Rules of Professional Conduct, rule 3-110(A)
[Failure to Perform with Competence]

26. On or about May 5, 2010, Reyna Telo-Tello (“Tello”) employed Respondent to represent her in an immigration removal matter, *In the Matter of Reyna Juana Tello-Tello*, Case No. A 200-62-830, which Respondent intentionally, recklessly, or repeatedly failed to perform with competence, by failing to file the appropriate brief in conjunction with the appeal resulting in the summary dismissal of the appeal on or about December 13, 2013, in willful violation of Rules of Professional Conduct, rule 3-110(A).

COUNT TWENTY-SIX

Case No. 15-O-10408
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

27. On or about February 7, 2014, Respondent stated to Tello’s sister Christina Rodriguez Tello and her son Samuel Rodriguez, acting on behalf of Tello who spoke little English, that Tello’s appeal was progressing in good order when it had in fact been dismissed on or about December 13, 2013, when Respondent knew, or was grossly negligent in not knowing, the statement was false, and thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT TWENTY-SEVEN

Case No. 15-O-10408
Business and Professions Code, section 6068(m)
[Failure to Inform Client of Significant Development]

28. Respondent failed to keep Respondent’s client, Reyna Telo-Tello, reasonably informed of significant developments in a matter 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 that he failed to file the appropriate brief in conjunction with the client’s appeal, and that as a result the appeal was dismissed on or about December 13, 2013.

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NOTICE - INACTIVE ENROLLMENT!

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

NOTICE - COST ASSESSMENT!

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

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: August 31, 2015

By: Hugh G. Radigan
Hugh G. Radigan
Deputy Trial Counsel

DECLARATION OF SERVICE

by

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

CASE NUMBER(s): 14-O-04620, 14-O-06207, 15-O-10408

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))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (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 0696 69 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, Fax Number, Courtesy Copy to. Row 1: Christopher R. Macaraeg, Law Offices of Christopher R Macaraeg, 424 F St Ste C, San Diego, CA 92101, 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').

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: August 31, 2015

SIGNED:

Handwritten signature of Juli Finnila

JULI FINNILA
Declarant