

FILED

JUL 06 2016

1 Sanjay Bhardwaj SBN 257780
2 Law Offices of Sanjay Bhardwaj
3 44663 Japala Pl
4 Fremont CA 94539.
5 bhardwajsa@cs.com
6 5106512755

STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO

IN THE STATE BAR OF CALIFORNIA COURT

CASE No.: 14-O-00848

7 State Bar of California

8 Petitioner

9 v.

10 Sanjay Bhardwaj

11 Respondent.

RESPONDENT'S ANSWER TO
NOTICE OF DISCIPLINARY
CHARGES

Date: 7.6.16

Judge: Hon. Patrice McElroy

Hearing Date : 7.11.16

Date Action Filed: 6.6.16

16 **RESPONDENT'S PRELIMINARY ANSWER TO NOTICE OF DISCIPLINARY**
17 **CHARGES**

18 On 6.6.16, State Bar filed an NDC. Respondent filed a motion to strike and
19 dismiss on 6.16.16. State Bar filed a response on 6.22.16. Respondent filed
20 the reply to response on 6.28.16. On 6.30.16, the State Bar Court summarily
21 denied all claims by Respondent regarding immediate striking and dismissal.
22 The State Bar Court offered no reasoning, basis in law of fact. The denial is
23 with prejudice. Respondent intends to seek an interlocutory review of the
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1 ruling through a petition for review to be filed in 15 days from 6.30.16. In
2 the interim, Respondent files this preliminary answer to meet the notice of
3 disciplinary charges. The filing of the preliminary answer is in no way a
4 concession of the claim that State Bar Court lacks jurisdiction over subject
5 matter and claims. The action is claimed to be barred under state's anti-
6 SLAPP statute CCP §425.16, by the Supremacy Clause of the US
7 Constitution (Article VI, Clause 2), by the federal case law on petitions to
8 federal courts against state public officials, and state and federal whistle
9 blower laws.
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14 PROCEDURAL AND FACTUAL BACKGROUND

15 The alleged charges stem from Respondent's own divorce case involving
16 division of community property. At the time of the allegations, Respondent was
17 not a practicing attorney, but was employed in the profession, vocation or
18 occupation of engineer. Respondent was not within the purview of the State Bar
19 Act, but Professional Engineer Act. Respondent did not hold himself out to public
20 for rendering of legal services. During the adjudication of the dissolution action,
21 Respondent observed disregard of law and facts to make arbitrary property rulings
22 regarding his real and personal property. Apparently because Respondent was of
23 foreign origin and *pro per*, first the State Judge (Stephen M Pulido, later improper
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1 delegation to a commissioner, Thomas Nixon) and the corresponding appellate
2 division (Division V Barbara J R Jones) came in lock step (enterprise to protect
3 each other¹) to make arbitrarily rulings designed to take property from Respondent.
4 Rulings were made with a predisposed position to sell realty and convert to cash
5 for award of arbitrary property to other party and her attorney. Such conduct
6 multiplied after Respondent approached the US Supreme Court after summary
7 denials of petition for review and petition of certiorari to the California Supreme
8 Court. Litigation was accepted and property taken beyond entry of judgment that
9 terminates trial court litigation in all US jurisdictions.
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14 It was during the post-judgment litigation from September 2012 to January
15 2013 that Respondent realized a scheme of doctoring of transcripts perpetrated by
16 opposing attorney and trial judge with the use of court personnel. A complete
17 review revealed the scheme ongoing from the first proceeding in October 2009 to
18 on and after 2.8.13. Due to wrongful taking and complete breakdown of lawful
19 proceedings and illegal acts, Respondent petitioned to the US District Court for the
20 Northern District of California through case 13-CV-3807 which is *subjudice* to this
21 day under 13-17498 with the United States Court of Appeals for the Ninth Circuit.
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26 ¹ So that the decisions and opinions are not looked at by other courts or
27 judicial officers (as purpose of enterprise), exorbitant sanctions were
28 levied with no basis and understanding of standards and law.

1 The federal claims arise under 42 USC §1983 (civil rights), 18 USC §1964 (civil
2 RICO) and 15 USC §1-7 (anti-trust). No state court can adjudicate anti-trust claims
3 where the jurisdiction is exclusively with federal courts. The Ninth Circuit has
4 been fully briefed regarding the course of events and conduct of state public
5 officials as of January 2015.
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8 For some strange and unknown reasons, the State Bar (creature of legislature
9 as opposed to Article III of US Constitution or Article VI of the California
10 Constitution) through trial counsel Robin B Brune (“Brune”), with evidence of
11 involvement of the attorney (Paul W Thorndal SBN 178622,), other party and the
12 appellate court in question and likely involvement of Alameda County Superior
13 Court (defendant in federal case), has filed the NDC on 6.6.16. Some of the claims
14 have statute of limitation expired beyond the permitted 5 years. State Bar fails to
15 plead any exceptions to expiry of statute of limitation. The early neutral evaluation
16 occurred around 12.15.15. It appears to Respondent that State Bar, working with
17 the parties having interest in the federal litigation, has filed this action in order to
18 influence the federal litigation. With this background, Respondent answers each
19 COUNT mentioned in the NDC.
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25 **RESPONDENT’S ANSWER ON EACH COUNT**
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1 JURISDICTION: From 7.2.2010 to 12.14.13, Respondent is subject to regulatory
2 jurisdiction but not discipline jurisdiction. Respondent refutes that State Bar has
3 jurisdiction to discipline. Respondent is not a practicing attorney but a full time
4 W2 employee in technology companies.
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7 COUNT ONE

8 Respondent is not a practicing attorney on or around 7.2.2010 and not within
9 discipline jurisdiction. The claimed order, even if true, is challenged as obtained
10 through extrinsic fraud, and deceit in a federal court, with matter still *subjudice*.
11 Respondent needs Article III court ruling as part of his defense. The statute of
12 limitation of five years has expired. State Bar fails to plead any exceptions in
13 NDC. Respondent disputes and refutes intent element of "willful." State Bar's
14 prosecutor has contacted several state and out of state courts in an *ex parte* manner
15 and violated Respondent's right of confidentiality during investigation. Rule 2302.
16 State Bar is improperly interfering in Respondent's private property rights having
17 nothing to do with attorney conduct.
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23 COUNT TWO

24 Respondent is not a practicing attorney on or around 2.28.12 and not within
25 discipline jurisdiction. The claimed order, even if true, is challenged as obtained
26 through extrinsic fraud, deceit and mistake in a federal court, with matter still
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1 *subjudice*. Respondent needs Article III court ruling as part of his defense.
2 Respondent disputes and refutes intent element of “willful.” The charging
3 instrument or order, even if authenticated, violates Respondent’s attorney client
4 privilege on pages 2 and 11 and is inadmissible as evidence. The alleged order uses
5 unsworn testimony as evidence first time on appeal and is inadmissible on this
6 ground as well. The order *prima facie* misapplies the “indisputably without merit”
7 standard. State Bar’s prosecutor (Brune) has contacted several state, federal and
8 out of state courts in an *ex parte* manner and violated Respondent’s right of
9 confidentiality during investigation. Rule 2302. State Bar is improperly interfering
10 in Respondent’s private property rights having nothing to do with attorney
11 conduct.
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17 **COUNT THREE**

18 Respondent is not a practicing attorney on or around 3.10.14 and not within
19 discipline jurisdiction. The claimed order, even if true, is challenged as obtained
20 through extrinsic fraud, deceit and mistake in a federal court, with matter still
21 *subjudice*. Respondent needs Article III court ruling as part of his defense.
22 Respondent disputes and refutes intent element of “willful.” The order is issued
23 without jurisdiction of the subject matter and is void. Respondent had no notice of
24 order and was not served on or around 3.10.14 or later. Respondent did not attend
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1 the hearing. State Bar's prosecutor (Brune) has contacted several state, federal and
2 out of state courts in an *ex parte* manner and violated Respondent's right of
3 confidentiality during investigation. Rule 2302. The order attempts to modify or
4 amend an entered judgment by a newly appointed Judge (Brad Seligman), as
5 opposed to Judge who entered the judgment and is void for this reason as well.
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9 **COUNT FOUR**

10 Respondent is not a practicing attorney from 4.9.2010 to 2.28.12 and not within
11 discipline jurisdiction. The claimed actions, if true, appeared objectively and
12 subjectively to be legal and just to Respondent. Action cited involves forced sale of
13 three pieces of realty without right to buy of a co-owner which is deemed as illegal
14 in all US jurisdictions. The claimed order, even if true, is challenged as obtained
15 through extrinsic fraud, deceit and mistake in a federal court, with matter still
16 *subjudice*. Respondent needs Article III court ruling as part of his defense.
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18 Respondent needs Article III court ruling as part of his defense. Respondent
19 disputes and refutes intent element of "willful." State Bar's prosecutor (Brune) has
20 contacted several state, federal and out of state courts in an *ex parte* manner and
21 violated Respondent's right of confidentiality during investigation. Rule 2302. The
22 order at issue, if and when authenticated, violates Respondent's attorney client
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1 privilege and uses unsworn testimony as evidence first time on appeal. It cannot be
2 legally used for subsequent new actions. The statute of limitation of five years has
3 expired. State Bar fails to plead any exceptions.
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6 **COUNT FIVE**

7 Respondent is not a practicing attorney on May 2, 2011 and not within discipline
8 jurisdiction. The claimed order, even if true, is challenged as obtained through
9 extrinsic fraud, deceit and mistake in a federal court, with matter still *subjudice*.
10 Respondent needs Article III court ruling as part of his defense. Respondent
11 disputes and refutes intent element of "willful." The allegations regarding word
12 limits constituting disciplinable offense are not in accord with facts. State Bar's
13 prosecutor (Brune) has contacted several state, federal and out of state courts in an
14 *ex parte* manner and violated Respondent's right of confidentiality during
15 investigation. Rule 2302. The order at issue, if and when authenticated, violates
16 Respondent's attorney client privilege and uses unsworn testimony as evidence
17 first time on appeal. It cannot be legally used for subsequent new actions. The
18 statute of limitation of five years has expired. State Bar fails to plead any
19 exceptions in the NDC. Respondent refutes that rule of court 8.204 (c) (1) is
20 violated.
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1 COUNT SIX

2 Respondent is not a practicing attorney on May 2, 2011 and not within discipline
3 jurisdiction. The claimed order, even if true, is challenged as obtained through
4 extrinsic fraud, deceit and mistake in a federal court, with matter still *subjudice*.
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6 Respondent needs Article III court ruling as part of his defense. Respondent
7 disputes and refutes intent element of "willful." Respondent disputes element of
8 "bad faith." The allegations regarding word limits constituting disciplinable
9 offense are not in accord with facts. State Bar's prosecutor (Brune) has contacted
10 several state, federal and out of state courts in an *ex parte* manner and violated
11 Respondent's right of confidentiality during investigation. Rule 2302. The order at
12 issue, if and when authenticated, violates Respondent's attorney client privilege
13 and uses unsworn testimony as evidence first time on appeal. It cannot be legally
14 used for subsequent new actions. The statute of limitation of five years has expired.
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16 State Bar fails to plead any exceptions in the NDC. Respondent disputes that any
17 alleged action constitutes an act of "moral turpitude."
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23 COUNT SEVEN

24 Respondent is not a practicing attorney on May 2, 2011 and not within discipline
25 jurisdiction. The claimed order, even if true, is challenged as obtained through
26 extrinsic fraud, deceit and mistake in a federal court, with matter still *subjudice*.
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1 Respondent needs Article III court ruling as part of his defense. Respondent
2 disputes and refutes intent element of “willful.” Respondent disputes element of
3 willful failure to maintain respect due to the courts of justice and judicial officers.
4 The allegations regarding word limits constituting disciplinable offense are not in
5 accord with facts. State Bar’s prosecutor (Brune) has contacted several state and
6 out of state courts in an *ex parte* manner and violated Respondent’s right of
7 confidentiality during investigation. Rule 2302. The order at issue, if and when
8 authenticated, violates Respondent’s attorney client privilege and uses unsworn
9 testimony as evidence first time on appeal. It cannot be legally used for subsequent
10 new actions. The statute of limitation of five years has expired. State Bar fails to
11 plead any exceptions in the NDC.
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17 COUNT EIGHT

18 Respondent is not a practicing attorney on October 5-7, 2009 and not within
19 discipline jurisdiction. The claimed order, even if true, is challenged as obtained
20 through extrinsic fraud, deceit and mistake in a federal court, with matter still
21 *subjudice*. Respondent needs Article III court ruling as part of his defense.
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23 Respondent disputes and refutes element of “knew” that opposing attorney and
24 judge will not read a submitted Income and Expense Declaration establishing
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1 Respondent's unemployment. The declaration was filed first day of trial. Filing of
2 objections immediately negates any such knowledge and intent. Respondent
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4 disputes element of willful failure to maintain respect due to the courts of justice
5 and judicial officers. State Bar's prosecutor (Brune) has contacted several state
6 and out of state courts in an *ex parte* manner and violated Respondent's right of
7 confidentiality during investigation. Rule 2302. The statute of limitation of five
8 years has expired. State Bar pleads no exceptions in the NDC.
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11 COUNT NINE

12 Respondent is not a practicing attorney from 7.10.12 to 12.14.13 and not within
13 discipline jurisdiction. The claimed actions, even if true, are challenged as
14 involving commission of extrinsic fraud, deceit and mistake in a federal court,
15 with matter still *subjudice*. Respondent needs Article III court ruling as part of his
16 defense. Respondent disputes element of willful and with regards corrupt motive of
17 passion or interest, for the purpose of harassment and delay.
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21 Respondent has no notice of disciplinable offense from the pleadings. Other party
22 in litigation and her attorney and state courts are engaged in sham litigation to steal
23 Respondent's separate property. No corresponding court found the elements State
24 Bar relies on, even if true. The action involves petitioning against public officials
25 for corruption and connived or actual incompetence (Pulido, Nixon). Such actions
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1 cannot be unjust. Actions are protected under the First Amendment of the US
2 Constitution. State Bar's prosecutor has contacted several state, federal and out of
3 state courts in an *ex parte* manner and violated Respondent's right of
4 confidentiality during investigation. Rule 2302. State Bar is improperly interfering
5 in Respondent's private property rights.
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9 COUNT TEN

10 Respondent is not a practicing attorney from 7.10.12 to 12.14.13 and not within
11 discipline jurisdiction. Respondent disputes element of willful and with regards to
12 elements of merit, improper purpose and for purpose of delay. Respondent
13 disputes and states that his actions, even if true, objectively and subjectively
14 appeared to him and were in fact just and legal. The claimed actions, even if true,
15 are challenged as involving commission of extrinsic fraud, deceit and mistake in a
16 federal court, with matter still *subjudice*. Respondent needs Article III court ruling
17 as part of his defense. Respondent has no notice of disciplinable offense from the
18 pleadings. Other party in litigation and her attorney and state courts are engaged in
19 sham litigation to steal Respondent's separate property. No corresponding court
20 found the elements State Bar relies on, even if true. The action involves petitioning
21 against public officials for corruption and connived or actual incompetence
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1 (Pulido, Nixon). Such actions cannot be unjust. Actions are protected under the
2 First Amendment of the US Constitution. State Bar's prosecutor has contacted
3 several state, federal and out of state courts in an *ex parte* manner and violated
4 Respondent's right of confidentiality during investigation. Rule 2302. Petition to
5 federal courts, even if true, without more, cannot be subject of attorney discipline.
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7 State Bar is improperly interfering in Respondent's private property rights.
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10 COUNT ELEVEN

11 Respondent is not a practicing attorney from 7.10.12 to 12.14.13 and not within
12 discipline jurisdiction. Claimed court orders and adjudications are claimed to be
13 obtained by fraud, deceit and mistake in federal court where the matter is
14 *subjudice*. Respondent needs Article III court ruling for his complete defense.
15
16 Violation of court order (beyond a reasonable doubt burden or even lower burden)
17 has not been judicially determined in any adjudication. It is a false claim by State
18 Bar. Respondent disputes element of willful and with regards to claimed improper
19 purpose regarding sale of property, retaliation, violation of court orders.
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21 Respondent disputes the acts, even if true constitute moral turpitude, dishonesty or
22 corruption. State Bar's prosecutor has likely sat down with opposing attorney to
23 provide defenses to federal action. Respondent has no notice of disciplinable
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1 offense from the pleadings. Some actions are initiated by third party and all others
2 by opposing party. Other party in litigation and her attorney and state courts are
3 engaged in sham litigation to steal Respondent's separate property. No
4 corresponding court found the elements State Bar relies on, even if true. The action
5 involves petitioning against public officials for corruption and connived or actual
6 incompetence (Pulido, Nixon). Actions are protected petitioning under the First
7 Amendment of the US Constitution. State Bar's prosecutor has contacted several
8 state and out of state courts in an *ex parte* manner and violated Respondent's right
9 of confidentiality during investigation. Rule 2302. Petition to federal courts, even
10 if true, without more, cannot be subject of attorney discipline. Timing of the filing
11 is designed to affect federal litigation and is self-serving. State Bar is improperly
12 interfering in Respondent's private property rights.
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19 COUNT TWELVE

20 Respondent is not a practicing attorney from 7.10.12 to 12.14.13 and not within
21 discipline jurisdiction. State Bar factually misstates date to be 12.14.14. Claimed
22 court orders and adjudications are claimed to be obtained by fraud, deceit and
23 mistake in federal court where the matter is *subjudice*. Respondent needs Article
24 III court ruling for his complete defense. Violation of court order (generally
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1 beyond a reasonable doubt burden or even lower burden) has not been judicially
2 determined. It is a false claim by State Bar. Respondent disputes element of willful
3 and with regards to claimed improper purpose regarding sale of property,
4 retaliation, violation of court orders. Respondent disputes acts, even if true,
5 constitute failure to maintain respect due to the courts of justice and judicial
6 officers. The allegations are vague and Respondent cannot plan a defense as
7 judicial officers are not named. Through civil RICO and anti-trust claims pursued
8 in federal court, criminal conduct is alleged. State Bar's prosecutor has likely sat
9 down with opposing attorney to provide defenses to federal action². Respondent
10 has no notice of disciplinable offense from the pleadings. Some actions are
11 initiated by third party and all others by opposing party. Other party in litigation
12 and her attorney and state courts are engaged in sham litigation to steal
13 Respondent's separate property. No corresponding court found the elements State
14 Bar relies on, even if true. The action involves petitioning against public officials
15 for corruption and connived or actual incompetence (Pulido, Nixon). Actions are
16 protected under the First Amendment of the US Constitution. State Bar's

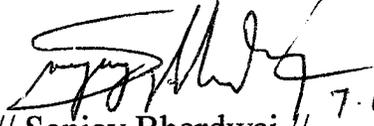
24 ² After being sued in federal court (8.16.13) Thorndal (SBN 178622) continued
25 sham litigation with Alameda County Superior Court to make orders consistent
26 with this count. Having failed (Seligman did not oblige), Thorndal approaches
27 the State Bar as part of his state enterprise. Respondent expects no new
28 orders or findings from State Bar Court (creature of legislature with
jurisdiction limited to attorney discipline).

1 prosecutor (Brune) has contacted several state, federal and out of state courts in an
2 *ex parte* manner and violated Respondent's right of confidentiality during
3 investigation. Rule 2302. Petition to federal courts, even if true, without more,
4 cannot be subject of attorney discipline. Timing of the filing is designed to affect
5 federal litigation and is self-serving. State Bar is improperly interfering in
6 Respondent's private property rights.
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10 **COUNT THIRTEEN**

11 Respondent is not a practicing attorney from 7.10.12 to 12.14.13 and not within
12 discipline jurisdiction. State bar misstates date to be 12.14.14. Claimed court
13 orders and adjudications are claimed to be obtained by fraud, deceit and mistake in
14 federal court where the matter is *subjudice*. Respondent needs an Article III court
15 adjudication for his complete defense. Violation of court order (generally beyond a
16 reasonable doubt burden or even lower burden) has not been judicially determined.
17 It is a false claim by State Bar. Respondent disputes element of willful and with
18 regards to claimed improper purpose regarding sale of property, retaliation,
19 violation of court orders. Respondent disputes acts, even if true constitute failure to
20 comply with laws. State Bar fails to cite any law and claims court orders even if
21 valid are "laws." This COUNT is immediately dismissible. State Bar's prosecutor
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1 (Brune) has likely sat down with opposing attorney to provide defenses to federal
2 action. Respondent has no notice of disciplinable offense from the pleadings.
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4 Some actions are initiated by third party and all others by opposing party. Other
5 party in litigation and her attorney and state courts are engaged in sham litigation
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7 to steal Respondent's separate property. No corresponding court found the
8 elements State Bar relies on, even if true. The action involves petitioning against
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10 public officials for corruption and connived or actual incompetence (Pulido,
11 Nixon). Actions are protected petitioning under the First Amendment of the US
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13 Constitution. State Bar's prosecutor (Brune) has contacted several state, federal
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15 and out of state courts in an *ex parte* manner and violated Respondent's right of
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17 confidentiality during investigation. Rule 2302. Petition to federal courts, even if
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19 true, without more, cannot be subject of attorney discipline. Timing of the filing is
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21 designed to affect federal litigation and is self-serving. State Bar is improperly
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23 interfering in Respondent's private property rights.
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7.6.16
// Sanjay Bhardwaj //
Sanjay Bhardwaj, Esq.
Attorney

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PROOF OF SERVICE

The undersigned hereby declares that I am over 18 years and not a party to this action, My business address is: Arria Printing and Shipping 43575 Mission Blvd Fremont CA 94539. On 7.6.16, I mailed a true copy of

Respondent's ~~Reply in response on his motion to strike and or dismiss~~
Answer (Response) to NDC 

By mail, by placing the said document(s) in an envelope addressed as shown below. I sealed the envelope and placed it in for collection and mailing with postage fully prepaid on the date stated below to the addressee below.

Robin Brune
Senior Trial Counsel
State Bar of California
180 Howard Street
San Francisco CA 94105-1639

I declare under the penalty of perjury, under the laws of the State of California that the foregoing is true and correct. The declaration is executed at Fremont California on 7.6.16.