

# PUBLIC MATTER

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**FILED**

**APR 29 2015**

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR OF CALIFORNIA  
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## STATE BAR COURT

### HEARING DEPARTMENT - LOS ANGELES

In the Matter of:

GEORGE AWAD SABA,  
No. 134316,

A Member of the State Bar.

Case Nos.: 15-O-10706; 15-O-10743;

**NOTICE OF DISCIPLINARY CHARGES**

### **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. GEORGE AWAD SABA ("Respondent") was admitted to the practice of law in the  
4 State of California on June 14, 1988, was a member at all times pertinent to these charges, and  
5 is currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 15-O-10743  
8 Business and Professions Code, section 6068(c)  
[Maintaining an Unjust Action]

9 2. On or about January 7, 2013, Respondent failed to counsel or maintain such action,  
10 proceedings, or defenses only as appear to Respondent legal or just by filing a complaint on  
11 behalf of the plaintiffs in a case entitled, *Bucur, et al. v. FedEx Ground Package System, Inc., et*  
12 *al.*, bearing Riverside County Superior Court case number RIC 13 00203, that he knew was  
13 frivolous or had no merit because all claims asserted against FedEx and its employee Mirza  
14 Shamim Ahmad and Chuck Wasarhelyi were barred as a matter of law by the prohibition  
15 against claim splitting or by the doctrines of judicial admission, judicial estoppel, *res judicata* or  
16 collateral estoppel or by the statute of limitations or were contractually time-barred or had no  
17 evidentiary support and was thereby in willful violation of Business and Professions Code,  
18 section 6068(c).

19 COUNT TWO

20 Case No. 15-O-10743  
21 Business and Professions Code, section 6068(c)  
[Maintaining an Unjust Action]

22 3. On or about April 1, 2014, Respondent failed to counsel or maintain such action,  
23 proceedings, or defenses only as appear to Respondent legal or just by filing a first amended  
24 complaint on behalf of the plaintiffs in a case entitled, *Bucur, et al. v. Mirza Shamim Ahmad, et*  
25 *al.*, bearing San Bernardino County Superior Court case number CIV DS 14 00473, that he  
26 knew was frivolous or had no merit because all claims asserted against Mirza Shamim Ahmad  
27 were barred as a matter of law by the prohibition against claim splitting or by the doctrines of  
28 judicial admission, judicial estoppel, *res judicata* or collateral estoppel or by the statute of

1 limitations or were contractually time-barred or had no evidentiary support and was thereby in  
2 willful violation of Business and Professions Code, section 6068(c).

3 COUNT THREE

4 Case No. 15-O-10706  
5 Business and Professions Code, section 6103  
6 [Failure to Obey a Court Order]

7 4. Respondent disobeyed or violated an order of the court requiring Respondent to do  
8 or forbear an act connected with or in the course of Respondent's profession which Respondent  
9 ought in good faith to do or forbear by failing to comply with the court order, filed on or about  
10 September 18, 2013, to pay \$2,170 in monetary sanctions within 30 days of the order to  
11 defendant Dilip Vithlani in a case entitled *VLB Associates, Inc., et al. v. Dilip Vithlani, et al.*,  
12 bearing Riverside County Superior Court case number RIC 13 05031, in willful violation of  
13 Business and Professions Code, section 6103.

14 COUNT FOUR

15 Case No. 15-O-10706  
16 Business and Professions Code, section 6103  
17 [Failure to Obey a Court Order]

18 5. Respondent disobeyed or violated an order of the court requiring Respondent to do  
19 or forbear an act connected with or in the course of Respondent's profession which Respondent  
20 ought in good faith to do or forbear by failing to comply with the court order, filed on or about  
21 July 20, 2014, to pay \$2,120 in monetary sanctions within 20 days of the order to defendant  
22 Dilip Vithlani in a case entitled *VLB Associates, Inc., et al. v. Dilip Vithlani, et al.*, bearing  
23 Riverside County Superior Court case number RIC 13 05031, in willful violation of Business  
24 and Professions Code, section 6103.

25 COUNT FIVE

26 Case No. 15-O-10743  
27 Business and Professions Code, section 6103  
28 [Failure to Obey a Court Order]

6. 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 court order, filed on or about

1 November 10, 2014, to pay \$16,648.75 in monetary sanctions to defendant Mirza Shamim  
2 Ahmad within 30 days of the order in a case entitled *Bucur, et al. v. Mirza Shamim Ahmad, et*  
3 *al.*, bearing San Bernardino County Superior Court case number CIV DS 14 00473, in willful  
4 violation of Business and Professions Code, section 6103.

5 COUNT SIX

6 Case No. 15-O-10743  
7 Business and Professions Code section 6106  
8 [Moral Turpitude]

9 7. On or about January 14, 2015 and on or about February 27, 2015, in a matter entitled  
10 *Bucur, et al. v. Mirza Shamim Ahmad, et al.*, bearing San Bernardino County Superior Court  
11 case number CIV DS 14 00473, Respondent executed under penalty of perjury two declarations,  
12 each attached to a set of Requests for Admission propounded and served on defendants Chuck  
13 Wasarhelyi and Eva Kulczycki, respectively, and which attested in paragraph 3 of each  
14 declaration that no previous requests for admission had been propounded upon Mr. Wasarhelyi  
15 or upon Ms. Kulczycki. In truth and fact, on or about May 7, 2014, Respondent had  
16 propounded and served 76 requests for admission upon Mr. Wasarhelyi and 66 requests for  
17 admission upon Ms. Kulczycki, respectively. At the time Respondent executed the declarations,  
18 Respondent knew or was grossly negligent in not knowing that the statements in paragraph 3 in  
19 each attached declaration were false, thereby committing an act or acts involving moral  
20 turpitude, dishonesty or corruption in willful violation of Business and Professions Code,  
21 section 6106.

22 NOTICE - INACTIVE ENROLLMENT!

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

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**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: April 29, 2015

By:   
ASHOD MOORADIAN  
Senior Trial Counsel

# DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **15-O-10706; 15-O-10743;**

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, California 90017, 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))**

- 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 U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**

☐

**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 0719 76** 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: |
|----------------|--|--------------------|-------------------|
| George A. Saba | 2514 Glenbush Circle<br>Corona, CA 92882 | 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: April 29, 2015

SIGNED: \_\_\_\_\_

Charles C. Bagai  
Declarant