

**FILED**

**FEB 19 2016**

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

1 Lenore L. Albert, SBN 210876  
2 LAW OFFICES OF LENORE L. ALBERT  
3 7755 Center Avenue Suite #1100  
4 Huntington Beach, CA 92647  
5 Telephone (714) 372-2264  
6 Facsimile (419) 831-3376

7 Lenore Albert in propria persona

8 **STATE BAR COURT**

9 **HEARING DEPARTMENT – LOS ANGELES**

10  
11 In the Matter of:

12 **LENORE LUANN ALBERT**  
13 No. 210876

Case Nos. 15-O-11311  
15-O-11708  
15-O-12260

14 **LENORE ALBERT'S ANSWER**

15 Assigned to: Hon. Yvette Roland  
16 Case Filed: 12-16-15  
17 Answer: TBD  
18 Trial Date: TBD  
19



1 Respondent, LENORE ALBERT, (referred to as "Defendant") hereby ANSWERS the STATE  
2 BAR OF CALIFORNIA'S Notice of Disciplinary Charges (hereinafter referred to as "the bogus  
3 Complaint") as follows:

- 4 1. Defendant admits that Lenore LuAnn Albert was admitted to the practice of law in the State of  
5 California on December 5, 2000, was a member IN GOOD STANDING at all times pertinent to  
6 these bogus/trumped up charges by the State Bar of California, and is currently a member IN  
7 GOOD STANDING with the State Bar of California at present as alleged in ¶1.
- 8 2. Defendant specifically denies the allegation made in the bogus Complaint ¶ 2.
- 9 3. Defendant specifically denies the allegation made in the bogus Complaint ¶ 3.
- 10 4. Defendant specifically denies the allegation made in the bogus Complaint ¶ 4.
- 11 5. Defendant specifically denies the allegation made in the bogus Complaint ¶ 5.
- 12 6. Ms. Albert co-authored an article for the Unfair Competition Law section of the California State  
13 Bar comparing the FTC rule with California Business & Professions Code §17200.
- 14 7. Ms. Albert stopped the foreclosure sale of approximately 1,000 California homes in the case of  
15 Yau v Deutsche Bank Natl Trust Co. in 2011.
- 16 8. Ms. Albert attained summary judgment for her client, plaintiff Jason Norman in the Montana  
17 case of Norman v Deutsche Bank Natl Trust Co on quiet title, leading the way to his win at jury  
18 trial for the taking of his home at foreclosure although he paid cash for it.
- 19 9. Ms. Albert is the attorney who won reversal in the Ninth Circuit case of Yau v Deutsche Bank  
20 Natl Trust Co. (2013). Ms. Albert is also the attorney who won reversal in the Ninth Circuit case  
21 of Galope v Deutsche Bank Natl Trust Co. (2014). Ms. Albert won reversal in the California  
22 Court of Appeal case of Lueras v BAC Home Loans (2013 - published). Ms. Albert also won  
23 reversal in the California Court of Appeal case Womack v Lovell (2015 - published). Ms.  
24 Albert also drafted the brief which won reversal in the California Court of Appeal case Majd v  
25 Bank of America (2016 - published).
- 26
- 27
- 28

- 1 10. Ms. Albert is currently an appointed delegate to the Democratic State Central Committee and  
2 sits on the Credentialing Committee. She is currently running for Assembly District 72 seat for  
3 the November 2016 election.
- 4 11. Ms. Albert has never been the subject of public disciplinary charges before. See Ex A.
- 5 12. Ms. Albert is informed and believes and alleges thereon that Cindy Brown is the informant listed  
6 in the Sisson intake who is a member of the CLOA Common Law Offices of America, a known  
7 Sovereign Citizen Extremist organization which practices law in the State of California without  
8 a license. Ms. Albert is informed and believes and alleges thereon that Jodi Sisson and Cindy  
9 Brown know each other.
- 10 13. Ms. Albert is informed and believes and alleges thereon that her actual client Joel Spinosi saved  
11 his home from foreclosure, has not filed a complaint against Ms. Albert leading to disciplinary  
12 charges and has not waived his attorney-client privilege.
- 13 14. Ms. Albert is informed and believes and alleges thereon that her actual clients Helen Koshak and  
14 Norman Koshak retained Ms. Albert after they lost their home to foreclosure in 2011, are still in  
15 the middle of an appeal where Philip Green is *opposing counsel*; Mr. and Mrs. Koshak have not  
16 filed a complaint against Ms. Albert leading to disciplinary charges and have not waived their  
17 attorney-client privilege.
- 18 15. Ms. Albert sued the State Bar in 2014 and refiled that lawsuit in December 2015 before the  
19 Orange County Superior Court Case No. 2015-00826730-CU-AT-CXC and is informed and  
20 believes and alleges thereon that the State Bar is retaliating against her by making these Charges.
- 21 16. Furthermore, Ms. Albert alleges the following affirmative defenses:
- 22

23 **AFFIRMATIVE DEFENSE NUMBER 1**

24 **(FAILURE TO STATE A CLAIM)**

- 25 17. The bogus Complaint, and each and every claim therein fails to state a valid cause of action.

26 **AFFIRMATIVE DEFENSE NUMBER 2**

27 **(FAILURE OF CONSIDERATION, PERFORMANCE AND/OR BREACH BY PLAINTIFF)**

28

1 18. To the extent an agreement is alleged in the bogus Complaint, plaintiff failed to provide  
2 consideration or perform, or breached the conditions precedent thereof. By reason of such  
3 failure and/or breach, any further obligation by defendants, to the extent there were any, were  
4 discharged.

5 **AFFIRMATIVE DEFENSE NUMBER 3**  
6 **(RELEASE AND/OR WAIVER)**

7 19. Plaintiff by its conduct or actions expressly or impliedly released and/or waived the claims  
8 alleged against defendant. By reason of such release and/or waiver, defendant was excused from  
9 further performance of any alleged obligations to the extent there were any.  
10

11 **AFFIRMATIVE DEFENSE NUMBER 4**  
12 **(RATIFICATION AND/OR CONSENT)**

13 20. Plaintiff through their acquiescence, agreement, works, actions, and/or consent, ratified and/or  
14 consented to the alleged acts, omissions, or manifestations, if any, by defendants for which  
15 plaintiff seeks recovery. As a result, plaintiff is barred from recovery to the extent thereof.  
16

17 **AFFIRMATIVE DEFENSE NUMBER 5**  
18 **(PRIVILEGE AND/OR LAWFUL ACTION)**

19 21. Defendants actions, as alleged in the Complaint, were privileged.

20 **AFFIRMATIVE DEFENSE NUMBER 6**  
21 **(SETOFF)**

22 22. Defendants are entitled to setoff of any damages claimed by plaintiff in the bogus Complaint  
23 with the damages defendants are entitled to in the Complaint sitting in Orange County Superior  
24 Court Case captioned Albert v State Bar of California Case No. 2015-00826730-CU-AT-CXC.

25 **AFFIRMATIVE DEFENSE NUMBER 7**  
26 **(JUSTIFICATION)**

27 23. The acts or omissions complained of by plaintiff against defendants were justified.  
28

**AFFIRMATIVE DEFENSE NUMBER 8**

1 (UNCLEAN HANDS)

2 24. Plaintiff's action is barred to the extent it is determined that plaintiff comes to this Court with  
3 unclean hands.

4 AFFIRMATIVE DEFENSE NUMBER 9

5 (ESTOPPEL)

6 25. By reason of plaintiff's acts, omissions, acquiescence, agreements, words, and/or proceedings,  
7 Plaintiff is estopped from recovering the relief sought against defendants.  
8

9 AFFIRMATIVE DEFENSE NUMBER 10

10 (AGENCY)

11 26. Defendants are not liable for any acts, omissions, or statements by persons or entities who were  
12 not so authorized to act on behalf of defendants, and/or by anyone who exceeded the scope of  
13 their authority by any such acts, statements or omissions.  
14

15 AFFIRMATIVE DEFENSE NUMBER 11

16 (LACHES)

17 27. Plaintiff's claims may be barred under the doctrine of laches.

18 AFFIRMATIVE DEFENSE NUMBER 12

19 (COMPARATIVE FAULT)

20 28. Plaintiff was comparatively at fault in causing the event/occurrence or lack thereof.

21 AFFIRMATIVE DEFENSE NUMBER 13

22 (FULL PERFORMANCE)

23 29. Defendants fully performed any and all contractual, statutory, or equitable duties or actions  
24 required, except for those duties that may have been discharged or excused from performance.  
25

26 AFFIRMATIVE DEFENSE NUMBER 14

27 (STATUTE OF FRAUDS)

28 30. Plaintiff's claims are barred by the statute of frauds.

AFFIRMATIVE DEFENSE NUMBER 15

1 **(INTERVENING AND/OR SUPERSEDING CAUSE)**

2 31. Upon information and belief, the acts, injuries, and damages, if any, alleged in the bogus  
3 Complaint were proximately caused or contributed to by the independent conduct of parties  
4 other than defendant. To this extent, recovery, if any, against defendant is barred or should be  
5 reduced proportionately.

6 **AFFIRMATIVE DEFENSE NUMBER 16**

7 **(FAILURE TO MITIGATE DAMAGES)**

8 32. Plaintiff's action is barred and/or any recovery sought should be reduced in proportion to the  
9 extent plaintiff failed to reasonably mitigate his alleged damages or injuries.

10 **AFFIRMATIVE DEFENSE NUMBER 17**

11 **(STATUTE OF LIMITATIONS)**

12 33. Plaintiff's claims are barred by the statute of limitations.

13 **AFFIRMATIVE DEFENSE NUMBER 18**

14 **(IMMATERIAL/NONSUBSTANTIAL BREACH)**

15 34. Defendant substantially performed under any valid contract alleged by plaintiff in the bogus  
16 Complaint, if any. Plaintiff's claimed breaches of defendants, if any, were not substantial under  
17 any agreement alleged that would entitle plaintiff to damages.

18 **AFFIRMATIVE DEFENSE NUMBER 19**

19 **(FAULT AND/OR CONTRIBUTORY NEGLIGENCE)**

20 35. The matters complained of were upon information and belief proximately caused in whole or in  
21 part, by the fault or negligence of plaintiff and/or third parties. To the extent there is any  
22 recovery herein by plaintiff, which is expressly denied, such recovery should be proportioned to  
23 such comparative fault and/or contributory negligence.

24 **AFFIRMATIVE DEFENSE NUMBER 20**

25 **(LACK OF JURISDICTION)**

26 36. The lawsuit is brought in the wrong venue and exceeds the jurisdictional power of this court.

1 **AFFIRMATIVE DEFENSE NUMBER 21**

2 **(LACK OF STANDING)**

3 37. Plaintiff lacks standing to sue because this bogus Complaint violates state law including the case  
4 law enumerated in Baker v State Bar; and federal law, including Defendant's Fourteenth  
5 Amendment right to Due Process, antitrust laws, and fundamental right to pursue her profession.  
6

7 **AFFIRMATIVE DEFENSE NUMBER 22**

8 **(VIOLATION OF ATTORNEY CLIENT PRIVILEGE)**

9 38. Plaintiff is violating the Attorney-Client privilege with this bogus Complaint and attempting to  
10 force Defendant into violating the Attorney-Client privilege on claims where Plaintiff lacks  
11 standing to sue.

12 **AFFIRMATIVE DEFENSE NUMBER 23**

13 **(LACK OF STANDING)**

14 39. Plaintiff does not have the power of a law enforcement agency or to initiate its own complaints  
15 and then prosecute on them.

16 **AFFIRMATIVE DEFENSE NUMBER 24**

17 **(LACK OF STANDING)**

18 40. Plaintiff, and/or plaintiff's agent violated federal law which prohibits a government agency or  
19 another person from giving material assistance to a domestic terrorist organization, extremists,  
20 or hate groups.

21 **AFFIRMATIVE DEFENSE NUMBER 25**

22 **(IN PARI DILECTO)**

23 41. Plaintiff is acting in pari dilecto and was equally responsible for the harm caused, if any.  
24

25 **AFFIRMATIVE DEFENSE NUMBER 26**

26 **(ASSUMPTION OF RISK)**

27 42. Plaintiff assumed the risk for any harm caused by the conduct alleged, if any.  
28

**AFFIRMATIVE DEFENSE NUMBER 27**

**(MISJOINDER OF PARTIES)**

1 43. Plaintiff has failed to join all necessary and indispensable parties to this bogus Complaint.

2 **AFFIRMATIVE DEFENSE NUMBER 28**

3 **(INDEMNITY/CONTRIBUTION)**

4 44. Defendant is entitled to indemnity and contribution from complainants who were acting in an  
5 unethical manner or lying to obtain charges against Defendant in this bogus Complaint.

6 **PRAYER FOR RELIEF**


7 **WHEREFORE, Defendant prays that** plaintiff takes nothing by way of its bogus  
8 Complaint, all Charges dismissed with prejudice, the Plaintiff be forever enjoined from  
9 asserting any other bogus Complaint against Defendant, and as follows:

- 10
- 11 **A.** Injunctive relief;
- 12 **B.** An order requiring the State Bar to demand removal of Solicitation of complaints against Ms. Albert
- 13 on the CLOA sovereign citizen extremist website;
- 14 **C.** Disciplinary action against Philip Green, Jennifer Needs, Devin Lucas, Cindy Brown, Jayne Kim,
- 15 Joseph Carlucci, Mia Ellis, Brooke Schafer, Erin McKeown Joyce, Robin Brune, Celeste Pasillas,
- 16 **D.** That Plaintiff take nothing by way of the Complaint;
- 17 **E.** Set off of damages;
- 18 **F.** A public apology posted for three times as long as the State Bar has posted the Disciplinary charges
- 19 on the Calbar website;
- 20 **G.** A letter sent to every former and current client, judge and court for the past 15 years of Defendant's
- 21 by the State Bar giving notice that it's complaint was bogus and unwarranted;
- 22 **H.** Costs of this action, including the fees and costs of experts;
- 23 **I.** Attorneys' fees; and
- 24 **J.** Such other and further relief as this Court finds necessary and proper.

25 Dated: February 18, 2016

Respectfully Submitted,

26 LAW OFFICES OF LENORE ALBERT

27 /s/ Lenore Albert   
28 LENORE L. ALBERT, ESQ.  
Respondent, Lenore Albert



1  
2 **PROOF OF SERVICE**

3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

4 I declare that I am over the age of 18 years, and not a party to the within action; that I am employed in  
5 Orange County, California; my business address is 7755 Center Avenue Suite #1100, Huntington  
6 Beach, CA 92647.

7 On February 18, 2016, I served a copy of the following document(s) described as:

8 **LENORE ALBERT'S ANSWER**

9 On the interested parties in this action as follows:


10 Erin McKeown Joyce  
11 Senior Trial Counsel  
12 Jayne Kim, No. 174614  
13 Chief Trial Counsel  
14 Joseph R. Carlucci, No. 172309  
15 Deputy Chief Trial Counsel  
16 Mia R. Ellis, No. 228235  
17 Acting Assistant to Chief Trial Counsel  
18 Brooke A. Schafer, No. 194824  
19 Supervising Senior Trial Counsel  
20 Erin McKeown Joyce, No. 149946  
21 Senior Trial Counsel  
22 State Bar of California  
23 Office of Chief Trial Counsel  
24 845 South Figueroa Street  
25 Los Angeles, California 90017-2515  
26 (213) 765-1356

27 ☐ **PERSONAL DELIVERY** – I caused such document(s) hand delivered to the partie(s) above.  
28 ☒ **BY OVERNIGHT MAIL** – I caused such document(s) to be placed in pre-addressed envelope(s)  
with postage thereon fully prepaid and sealed, to be deposited as Overnight delivery mail for delivery to  
the aforementioned addressee(s).

☐ **BY FAX** – I caused such document(s) to be transmitted facsimile from the offices located in  
Huntington Beach, California this business day to the aforementioned recipients.

I declare under penalty of perjury under the laws of the State of California and the United States  
of America that the foregoing is true and correct.

Dated: February 18, 2016

  
/s/ Mary Lueras  
Mary Lueras

## **EXHIBIT A**

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Orange

**01/21/2016** at 11:45:00 PM

Clerk of the Superior Court  
By Georgina Ramirez, Deputy Clerk

Lenore L. Albert, Esq. SBN 210876  
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Attorney for Plaintiff, LENORE ALBERT, an individual

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ORANGE**

LENORE ALBERT; and ROES 1 through  
100,

Plaintiffs,

vs.

THE STATE BAR OF CALIFORNIA;  
JAYNE KIM; CELESTE PASILLAS; ERIN  
MCKEOWN JOYCE; CAITLIN ELEN-  
MORIN; and DOES 1 through 100, inclusive,

Defendants.

CASE NO. 30-2015-00826730-CU-AT-CXC

Assigned to: Judge Theirry Patrick Colaw, CX-105  
Action Filed: 12-22-15

**FIRST AMENDED COMPLAINT**

**[Demand for Jury Trial as to Part]**

1. Fraud
2. 42 USC § 1983 (Fourth Amendment)
3. Violation of 15 USC §§ 2, 51 (Monopolization)
4. Violation of 15 UC §§ 2, 26 (Monopolization)
5. Public Disclosure of Private Facts
6. Public Disclosure of Private Facts
7. Tortious Interference with a Contract
8. Retaliation
9. Breach of Fiduciary Duty
10. UCL Violation § 17200
11. FAL Violation § 17500

[This case is related to OCSC 30-2014-00738725-CU-DF-CJC Justice Protection Project v Xcentric Ventures; OCSC 30-2015-00784213-CU-DF-CJC Baldwin v Albert; Koshak v 10675 S Orange Park Blvd LLC now on appeal; Spinosi v Quality Loan Services, LLC dismissed. This is a refiling of the federal suit Albert v State Bar of California CACD Case No. 14-cv-01905-DOC-AN dismissed 4/23/15]

Plaintiff California State Central Committee Delegate LENORE ALBERT who has also been  
a California State Bar member in good standing since December 5, 2000, and ROES 1 through 100,

1 (referred to as "Plaintiff" or "Plaintiffs"), by and through their attorney, now amends their  
2 complaint once as of right and brings this action against defendants, STATE BAR OF  
3 CALIFORNIA; JAYNE KIM; CELESTE PASILLAS; ERIN McKEOWN JOYCE; CAITLIN  
4 ELEN-MORIN; and DOES 1 through 100, and each of them so captioned, (collectively the  
5 "Defendants") and alleges the following on information and belief, except as to those allegations  
6 which pertain to the Plaintiffs and are within their personal knowledge:

### 7 JURISDICTION

8 1. This action is related to the federal action of Albert v State Bar of California CACD No.  
9 14-cv-01905-DOC filed on December 3, 2014 and dismissed as to the State Bar defendants on 11<sup>th</sup>  
10 Amendment grounds, and without prejudice to the City of Huntington Beach on March 27, 2015. It is  
11 also related to several Orange County Superior Court actions listed in the caption above.

12 2. The Court has jurisdiction over this action under 42 USC § 1983, *Brosterhous*  
13 *v. State Bar* (1995) 12 Cal. 4th 315, 340-341, and the state tort claims act.

### 14 PARTIES

15 3. Plaintiff LENORE ALBERT, who at all times mentioned herein relevant to this  
16 complaint, was a resident of Orange County, California and licensed to practice law in this state (SBN  
17 #210876).

18 4. Defendant STATE BAR OF CALIFORNIA is an agency, with its principal place of  
19 business in California and regularly conducts business in the State of California.

20 5. Defendant JAYNE KIM, who at all times mentioned herein relevant to this complaint,  
21 was a resident of Los Angeles County, California and was employed by the State Bar of California and  
22 was acting under color of law and within the scope of her employment at all times mentioned in this  
23 complaint, unless otherwise specifically designated.

24 6. Defendant CELESTE PASILLAS, who at all times mentioned herein relevant to this  
25 complaint, was a resident of Los Angeles County, California and was employed by the State Bar of  
26 California and was acting under color of law and within the scope of her employment at all times  
27 mentioned in this complaint, unless otherwise specifically designated.

28 7. Defendant ERIN MCKEOWN JOYCE, (hereinafter Erin Joyce) who at all times  
mentioned herein relevant to this complaint, was a resident of Los Angeles County, California and was  
employed by the State Bar of California and was acting under color of law and within the scope of her  
employment at all times mentioned in this complaint, unless otherwise specifically designated.

8. Defendant CAITLYN ELEN-MORIN who at all times mentioned herein relevant to this complaint resided in California and was employed by the State Bar of California and was acting within the scope of her employment at all times mentioned in this complaint, unless otherwise specifically designated.

9. Defendant State Bar of California, Jayne Kim, Celeste Pasillas, Robin Brune, Erin Joyce and City of Huntington Beach were acting jointly, and were acting under color of law in relation to the First and Fourth Amendment violations alleged below.

10. Plaintiff does not know the true name and capacity of the Plaintiffs ROES 1 through 100, inclusive, and as such names said Plaintiffs by such fictitious names. Plaintiff will amend the complaint to state the true name and capacity of the ROE Plaintiff(s) when such information is ascertained.

11. Plaintiff does not know the true name and capacity of the defendants DOES 1 through 100, inclusive, and as such names said defendants by such fictitious names. Plaintiff will amend the complaint to state the true name and capacity of the DOE defendant(s) when such information is ascertained.

12. Plaintiff is informed and believes and alleges thereon that each defendant is responsible in some manner for the occurrences alleged in this complaint, and that Plaintiff's damages were proximately caused by the defendants.

13. Plaintiff is further informed and believes and alleges thereon that each defendant was the agent, servant, representative, and/or employee of their co-defendants, and in doing the things hereinafter alleged were acting in the scope of their authority as agents, servants, representatives, and/or employees, and with the permission and consent of their co-defendants.

14. Additionally, Plaintiff is informed and believes and alleges thereon that each defendant assisted, aided and abetted, adopted, ratified, approved, or condoned the actions of every other defendant and that each corporate defendant, if any, was acting as the alter ego of the other in the acts alleged herein.

## FACTUAL ALLEGATIONS

15. Plaintiff, Lenore Albert, a member of the State Bar of California for the past fourteen (14) years, and Whistleblower Roes 1 through 100 bring this whistleblower action and demand for injunctive relief against the State Bar of California (the “State Bar”) based on the State Bar’s pattern

1 and practice of harassing consumer advocates, solo (small practitioners) as a revenue generating  
2 source of income.

3 16. Immediately after Plaintiff advised the State Bar that the “complainants” they were  
4 hearing from were related to or worked for a Sovereign Citizen extremist non-licensed office called  
5 the Common Law Offices of America and a group called the Cal-18, and provided documents to the  
6 State Bar and other agencies including the FBI from on or about September 2014 through February 27,  
7 2015, the State Bar threatened Plaintiff with disciplinary action of suspension and/or disbarment if she  
8 did not make certain payouts to the State Bar and others.

9 17. Plaintiff’s whistleblower notices identified serious ethical breaches, prosecutorial  
10 lapses, and fiscal improprieties by the State Bar employees, including but not limited to Jayne Kim,  
11 Erin Joyce, Caitlin Elin-Morin, and Celeste Pasillas.

12 18. The conduct Plaintiff complained about included, but was not limited to; (1) the  
13 intentional lack of prosecutorial efforts to proactively investigate and prosecute attorneys working at  
14 defense firms; (2) the intentional lack of prosecutorial efforts to proactively investigate and prosecute  
15 or refer out prosecution of those such as the Sovereign Citizen extremists and Cal-18 for the  
16 unauthorized practice of law (UPL); (3) the use of those at CLOA to solicit State Bar complaints  
17 online and elsewhere; (4) and the State Bar’s conflict of interest with members who litigate against  
18 financial institutions and insurance companies.

19 19. Since becoming a member of the California State Bar, Plaintiff received consistent  
20 praise from her clients. In fact, she never had any prior public disciplinary charges against her record  
21 and had two of her appeals published by the Court of Appeal in the Fourth District, Division Three.

22 20. In 2014 Joe Dunn was terminated from his position as the Executive Director of the  
23 Bar in a fight between him and others at the State Bar.

24 21. During that same time period in November 2014, Celeste Pasillas authorized, directed,  
25 consented to, permitted, or acquiesced in having Cindy Brown, later discovered to be a Private  
26 Attorney General (PAG) from CLOA summons the Huntington Beach Police Department to enter  
27 Plaintiff’s business to take some files. **Plaintiff is informed and believes and alleges thereon that**  
28 **the State Bar, Jayne Kim, and Celeste Pasillas were aware of Cindy Brown and others plan to**  
**try to siege and shut down Ms. Albert’s law practice and disbar her. Plaintiff is informed and**  
**believes and alleges thereon that the State Bar, Jayne Kim, and Celeste Pasillas agreed with**  
**Cindy Brown and the others plan, creating a conspiracy.**

1           22.     Plaintiff sued the State Bar and the HBPD in federal court in or about December 3,  
2     2014 and served the State Bar with an anti-retaliation letter.

3           23.     In or about January 2015 Plaintiff discovered that Cindy Brown was in fact a PAG for  
4     CLOA. She informed the State Bar and several other agencies of this fact on or about February 5,  
5     2015. After giving the State Bar this information, instead of protecting Plaintiff as a member of the  
6     Bar they gave that information to Cindy Brown who then took her profile off of the CLOA website  
7     and put Plaintiff's photo on the website with a snake and monkey soliciting the public to file State Bar  
8     complaints against Plaintiff.

9           24.     Jayne Kim the main investigator dropped Cindy Brown's complaints.

10          25.     Erin Joyce, trying to remove Jayne Kim from her position as Chief Trial Counsel for  
11     the State Bar, started her own investigations against Plaintiff.

12          26.     Plaintiff is informed and believes and alleges thereon that Erin Joyce started these  
13     investigations against Plaintiff for her own advantage against Jayne Kim.

14          27.     Plaintiff is informed and believes and alleges thereon that Erin Joyce solicited  
15     approximately 70 other State Bar employees to assist her.

16          28.     On or about November 10, 2015 Erin Joyce testified before the Board to this fact.

17          29.     Ms. Albert was shocked, horrified, embarrassed, and mortified at this occurrence.

18          30.     The State Bar **conspired with**, directed, authorized, consented to, permitted, adopted,  
19     acquiesced in, and/or ratified Cindy Brown taking Plaintiff's photo and placing it on her Sovereign  
20     Citizen Extremist Website called the "Common Law Office of America."

21          31.     The front page had a photo of Cindy Brown representing she was a Private Attorney  
22     General working in California and that Plaintiff was a "scam" attorney that the State Bar of California  
23     was soliciting complaints against.

24          32.     The Common Law Office of America is run by Anthony Williams, another Personal  
25     Attorney General who has been arrested on multiple occasions for his sovereign citizen extremist  
26     activities.

27          33.     Rene Powers was elected to run their Trustee services of the Common Law Office of  
28     America which is also a known member of the Cal 18.

          34.     Valerie Lopez acts as an ambassador and/or consulate under the Sovereign Citizen  
          rubric which is also a known member of the Cal 18.

1           35.     The State Bar turned a blind eye when presented with evidence that in or about January  
2 2015 Valerie Lopez, Rene Powers, Anthony Williams, and Cindy Brown went to the Orange County  
3 Recorders Office on two occasions and recorded liens on the property of Valerie Lopez, Rene Powers,  
4 and Cindy Brown in order to avoid foreclosure on their home representing that the Common Law  
5 Office of America and MEI acting as trustee had taken first position on the properties. **This group**  
6 **with others conspired to siege Ms. Albert's office and get her disbarred. Plaintiff is informed**  
7 **and believes and alleges thereon that each of the named Defendants in this action knew of their**  
8 **plan and agreed with the co-conspirators and others and intended that the wrongful acts be**  
9 **committed from approximately on or about September 2014 to the present. As a result, Ms.**  
10 **Albert has been damaged.**

11           36.     Plaintiff gave notice of this solicitation for State Bar complaints through the Common  
12 Law Office of America to the State Bar but they refused to denounce their involvement, demand it  
13 taken down, or even respond to Plaintiff's demand and notice.

14           37.     Plaintiff gave notice of the illegal practice of law and recording of the liens at the  
15 Orange County Recorder's office to the State Bar but they refused to respond.

16           38.     The State Bar of California has a conflict of interest with consumer advocates and solo  
17 practitioners.

18           39.     The State Bar of California services that it offers attorneys mainly consist of financial  
19 services (banking) and insurance services. Both of those services are represented by the defense bar  
20 exclusively.

21           40.     Yet, the State Bar of California never prosecutes the defense bar or large firms that  
22 represent financial institutions and the insurance industry.

23           41.     The State Bar of California consistently prosecutes consumer advocates and solo  
24 practitioners unless it is related to criminal activity such as a defense attorney who has a DUI.

25           42.     The State Bar of California has not attempted to go after any financial institution, or the  
26 attorneys that represent lenders although it is common knowledge that the financial institutions were  
27 defrauding homeowners, dual tracking consumers while they were in the middle of loan modification  
28 negotiations and making a lot of money by doing so since 2009.

          43.     In 2011 after it was commonly known that the financial institutions were directing the  
homeowners to miss three monthly mortgage payments in order to qualify for a loan modification, the



1 State Bar disbarred two attorneys for this practice, blaming the attorneys representing the homeowners  
2 for said instruction.

3 44. Plaintiff is informed and believes and alleges thereon that the State Bar of California,  
4 attacked those attorneys who were trying to help the homeowners and there was some evidence of  
5 success in doing so. For example, the State Bar went after Walter Hackett, Esq. after he was bestowed  
6 the honor of being a speaker on foreclosure litigation before the judiciary in the Ninth Circuit. The  
7 State Bar went after Vern Bradley, Esq. after he won the appeal in Jolley v JPMorgan Chase (using  
8 Jolley as the complaining client). The State Bar went after the attorneys at the United Law Center  
9 after they were the first to obtain a multimillion dollar judgment on a dual tracking case (which was  
10 later reduced to a low six figure award). The State Bar went after Robert Scurrah, Esq. who challenged  
11 the constitutionality of Senate Bill 94 ("SB 94") which eradicated the ability of homeowners to obtain  
12 legal assistance in getting a loan modification (or starve the attorney). The State Bar even viciously  
13 went after Christopher Diener by throwing him in jail for 30 days based on 118 nonexistent felonies,  
14 then called his clients to see if they would complain against him. After the 30 day period in jail the  
15 Orange County prosecutor could only come up with 18 clients who mostly complained, not about the  
16 legal work, but about the lousy loan modification that the bank gave the homeowner.

16 45. By lobbying for the passing of SB 94, the State Bar left those consumers who wanted to  
17 hire attorneys to assist them in negotiating a contract loan modification with their financial institution  
18 without assistance of counsel on the grounds the legislation required the attorney to work for free.

19 46. On or about May 24, 2013 Plaintiff obtained reversal in the Ninth Circuit in the case of  
20 Yau v Deutsche Bank Natl Trust Co (Aurora) reinstating a dual tracking action to see if a claim for  
21 negligence could be pled. On or about October 31, 2013 Plaintiff obtained reversal in the California  
22 Court of Appeal, Fourth District, Division Three in the case of Lueras v BAC Home Loans where the  
23 appellate court held that a financial institution could be held liable for misrepresenting the status of a  
24 loan modification or the foreclosure sale date. Thereafter in March 27, 2014 Plaintiff obtained reversal  
25 in the Ninth Circuit in the case of Galope v Deutsche Bank Natl Trust Co (Barclays). That case is an  
26 antitrust case based on the LIBOR scandal. Finally, on November 3, 2015 the Ninth Circuit ordered  
27 additional briefing on the issue of retroactivity of 15 USC § 1641g in the case of Talaie v Wells Fargo  
28 Bank.

47. The following day, on or about November 4, 2015 the State Bar geared up its wheels  
against Plaintiff again sending her notice that they were going to seek to disbar her.

1           48. Plaintiff is informed and believes and alleges thereon that the State Bar is acting to  
2 protect interests adverse to consumer advocates like Plaintiff and those similarly situated and must be  
3 broken up into two Bars, one for the Plaintiff's Bar and one for the Defendant's Bar because there is  
4 no representation of the Plaintiff's Bar currently as it stands. Since consumers are aligned with the  
5 Plaintiff's Bar, the main purpose of protecting consumers is being thwarted.

6           49. It is also a violation of Cal Bus & Prof Code § 6068 which asserts one of the duties of  
7 an attorney is to represent the oppressed. Consumers and homeowners are the oppressed.

8           50. Plaintiff sent the State Bar anti-retaliation letters on the following dates, including but  
9 not limited to, December 6, 2014 and August 11, 2015. The State Bar never responded.

10           51. Plaintiff sent the California Supreme Court and the State Bar Board of Trustees a claim  
11 on November 11, 2014 to which no one ever responded. Plaintiff has sent multiple follow up claims to  
12 the State Bar Board of Trustees from that date to present without response the most recent on  
13 November 30, 2015 to which the State Bar rejected on December 8, 2015.

14           52. Plaintiff is informed and believes and alleges thereon that the HBPD was informed  
15 ahead of time that the State Bar was insisting on HBPD presence and to issue a citation number for  
16 their own use to retaliate against Albert.

17           53. Celeste Pasillas sounded outraged that Albert was not at the office when the HBPD  
18 arrived and left a voicemail on Albert's phone on November 10, 2014 demanding to know where Ms.  
19 Albert was and why she was not there. She also said she instructed the front desk to release the files to  
20 the HBPD and former client without signing the Release of Chattel form.

21           54. Instead of keeping the illegitimate use of the HBPD confidential, the State Bar  
22 disclosed that face to civil litigation attorneys David Seal and Devin Lucas Plaintiff was opposing, of  
23 the incident who then relayed that information to others via email.

24           55. Ms. Albert sent the State Bar another fax, which the State Bar then relayed to others,  
25 including but not limited to David Seal and Devin Lucas.

26           56. Neither David Seal nor Devin Lucas are employees of the State Bar or had any  
27 legitimate right to obtain this information from the State Bar.

28           57. Celeste Pasillas, CAITLIN ELEN-MORIN, Jayne Kim, Erin Joyce, and other  
employees from the State Bar would send letters requesting information in short time frames, and  
although the letters said they would extend time, they refused to do so, creating a burden to Plaintiff.  
From 2014 to the present the State Bar instituted the following inquiries and complaints against

1 Plaintiff, 14-26084, 14-0-4391; 15-0-12260; 14-0-05533; 14-0-5534; 14-0-29349; 14-22630; 15-0-  
2 11311; 15-0-11708; and 14-21498.

3 58. The communications approximated 100 in total.

4 59. Homeowner's rights cases are paper intensive. As such, the Bar would request  
5 thousands of pages to be located, organized and transmitted to them with a full explanation within a  
6 matter of days under threat that a complaint would be filed if Plaintiff did not cooperate.

7 60. No matter how much Ms. Albert begged for more time and no matter her litigation  
8 schedule the State Bar refused each request which was done over the phone.

9 61. Defendants acts have taken up so much time in the law practice that it has tortiously  
10 interfered with the representation of Plaintiff's other clients.

11 62. The State Bar has gone so far in interfering with Plaintiff's time that in or about  
12 December 2015 Plaintiff received an email from a limited scope former client asserting that State Bar  
13 assisted her in obtaining a continuance of an appeal and that the State Bar directed that Plaintiff must  
14 prepare and file an Opening brief for her for free.

15 63. This type of conduct is not only a risk to Plaintiff but to the general public that relies on  
16 the State Bar. It is also a violation of Plaintiff's Fourteenth Amendment rights.

17 64. On or about December 15, 2015 Erin Joyce demanded Plaintiff pay approximately  
18 \$15,000.00 to the State Bar and two defense firms that Plaintiff has never represented as clients in  
19 order to avoid their publication of charges to disbar attorney.

20 65. The State Bar's actions and/or failure to act do not protect the public.

21 66. Their conduct is nothing short of harassment.

22 67. When Plaintiff refused pay off the State Bar and defense counsel, Erin Joyce addressed  
23 a confidential and privileged letter to Plaintiff dated December 16, 2015 and then Plaintiff is informed  
24 and believes and alleges thereon that she sent it to an attorney in San Diego, California whom Plaintiff  
25 never met before.

26 68. Erin Joyce informed Plaintiff that the State Bar created a flat cost schedule that the  
27 State Bar gets to collect upon in discipline cases and it is not related to how much effort or work that  
28 the State Bar actually puts into the case. It is a one-size fits all. The State Bar has fixed the price and a  
guaranteed price tag for every Consumer Advocate who refuses to pay them off prior to making their  
charges (no matter how frivolous or tenuated) public.

1           69.     Jayne Kim (not properly trained herself) never properly trained her attorneys or  
2 investigators, including but not limited to Celeste Pasillas, Erin Joyce or Caitlin Erin Morin.

3           70.     Erin Joyce (not properly trained herself) never properly trained her investigators,  
4 including but not limited to Caitline Elen-Morin and Robin Brune, or other employees how to properly  
5 evaluate a homeowner's rights case.

6           71.     Although Jayne Kim dropped all of her harassment in or about February 2015, Erin  
7 Joyce picked up where Jayne Kim left off after the federal lawsuit was dismissed. This dog and pony  
8 show has to stop. Using consumer advocates to generate their own numbers to the State Bar for  
9 number of prosecutions or closed files, is Jayne Kim, Celeste Pasillas, Caitlin Elen-Morin and Erin  
10 Joyce acting *in their individual capacity*.

11           72.     Erin Joyce, Jayne Kim, Celeste Pasillas, and Caitlin Erin Morin were acting in their  
12 individual capacity and under color of law (official capacity with the State Bar) when they were  
13 bringing disciplinary charges to obtain costs and monetary sanctions as a revenue source for the State  
14 Bar.

15           73.     The prosecutorial unit is a "profit center" of the State Bar.

16           74.     Erin Joyce was trying to dethrone Jayne Kim by showing that Jayne Kim erroneously  
17 dismissed investigations. Plaintiffs complaints were dismissed by Jayne Kim and Erin Joyce opened  
18 up new complaints against Plaintiff.

19           75.     Despite the State Bar's practice and policy of completing all investigations within 90  
20 days. Erin Joyce kept the investigations against Plaintiff open beyond that time.

21           76.     She then went to the Board meeting on or about November 20, 2015 along with Robin  
22 Brune and testified that investigators needed more than 90 days and Jayne Kim was unfit because she  
23 expected these investigations to be completed within 90 days.

24           77.     She testified that Jayne Kim was just clearing off the backlog. The truth was that Jayne  
25 Kim was presented with hard evidence that the Sovereign Citizen extremists were assisting the State  
26 Bar not real employees.

27           78.     Jayne Kim should have fired Erin Joyce and Robin Brune for the way they conducted  
28 their investigations in an illegal manner.

          79.     Robin Brune and Erin Joyce used the same exact Sovereign Citizen that the State Bar  
knew was practicing law illegally.

1           80.     A substantial portion of funding for the State Bar comes from sanctions due to  
2 disciplinary actions. It creates a financial bias to produce a particular result and to give specific  
3 testimony.

4           81.     A website captioned "KanBARoo" Court has been created by a third party listing a  
5 multitude of complaints about State Bar employees, including but not limited to, Erin Joyce falsifying  
6 testimony during State Bar disciplinary proceedings in order to obtain a favorable result for her  
7 prosecution.

8           82.     As of December 22, 2015 Plaintiff Lenore Albert still has an unblemished public  
9 profile of fifteen (15) years at the State Bar. Ex A.

10                               **FIRST CAUSE OF ACTION**  
11                               **FRAUD**  
12           **(Against Defendants STATE BAR OF CALIFORNIA, ERIN JOYCE and DOES 1 -100)**

13           83. Plaintiff incorporates paragraphs 1 through 82 as though fully incorporated herein.

14           84.     This is a mixed claim of misrepresentations and failure to disclose.

15           85.     From on or about December 5, 2000 to the present Plaintiff and Defendant State Bar of  
16 California have been in a membership relationship wherein Plaintiff is the member and Defendant is  
17 the principal.

18           86.     Defendant State Bar had a duty to disclose what it expected of Plaintiff as a condition  
19 of her maintaining her license in good standing with the Bar. The Defendant also had the duty to  
20 inform Plaintiff if it determined that it could pursue Plaintiff without any outside complainant on  
21 disciplinary charges.

22           87.     These disclosures were material to Plaintiff in that they gave her the rules of the road in  
23 order to maintain her status as an attorney in good standing without any type of disciplinary blemish  
24 on her public record.

25           88.     Defendant Erin Joyce failed to disclose these material terms to Plaintiff until on or  
26 about November 20, 2015 although she had previously interviewed Plaintiff and initiated her  
27 investigation in or about April 2015.

28           89.     Relying on the information that Plaintiff was made aware of including her Oath under  
Cal Bus & Prof Code § 6068, Plaintiff represented consumers who were underrepresented and  
oppressed against large financial institutions and others with deep pockets.

1           90. Plaintiff's reliance was reasonable on the grounds she was asked to take this oath on  
2 December 5, 2000 and this oath was codified in Cal Bus & Prof Code § 6068.

3           91. Plaintiff's reliance on the State Bar's representation and failure to disclose was a  
4 substantial factor in causing harm to Plaintiff because she was not on notice that the State Bar could  
5 disbar an attorney who was acting in the public's interest and for not paying off defense counsel's  
6 attorney fees.

7           92. As a result of this fraud, Plaintiff is facing public humiliation, reputation damage,  
8 barrier to obtaining clients, possible disbarment, and emotional distress including mental suffering,  
9 anxiety and humiliation.

10           93. Second, on December 5, 2000 Plaintiff took an Oath in order to become a member of  
11 the California State. That Oath included Cal Bus & Prof Code §6068 which represents in part that an  
12 attorney is upholding the law when the attorney ensures that she "Never [] reject[s], for any  
13 consideration personal to himself or herself, the cause of the defenseless or the oppressed."

14           94. The State Bar posted this oath on their website at www.Calbar.ca.gov which has been  
15 there every day up to and including the date that this action was filed.

16           95. The State Bar's representations were not true.

17           96. From on or about January 1, 2009 to the present, the State Bar knew these  
18 representations were no longer true but false, but the State Bar continued to make these  
19 representations knowing that they were false from on or about January 1, 2009 to the present and/or  
20 the State Bar was reckless when it continued to make these representations.

21           97. In making the representations, the State Bar intended to deceive Plaintiff into believing  
22 that she would not be disciplined by the State Bar if she practiced in a manner to "protect the public"  
23 and if she "Never [] reject[ed], for any consideration personal to himself or herself, the cause of the  
24 defenseless or the oppressed."

25           98. Plaintiff justifiably and reasonably relied on the State Bar's statements on the ground  
26 the representation was made in writing and placed on the State Bar's website. It was even codified in  
27 Cal Bus & Prof Code § 6068.

28           99. By reasonably relying on the State Bar's representations, Plaintiff became a Consumer  
advocate in order to represent the "defenseless and oppressed." Plaintiff stopped approximately 1,000  
homes from being sold at auction during the early part of 2011 in Yau v Deutsche Bank Natl Trust Co.

1 and started helping homeowners in litigation who were 'defenseless and oppressed' against large  
2 financial institutions and small hard money lenders alike.

3 100. When State Bar complaints started coming in by nonclients or initiated by the State  
4 Bar itself, Plaintiff took no legal action to stop the complaints on the grounds she had no reason to  
5 believe that she would be disciplined on the grounds her clients felt protected and she had objective  
6 results to show she was helping the public, not hurting them in conformity with what was represented  
7 to her.

8 101. As a direct and proximate result of these representations, Plaintiff was harmed.

9 102. Despite the express representations in the California Bar Website and Cal Bus & Prof  
10 Code § 6068, the State Bar initiated disciplinary proceedings against Plaintiff.

11 103. Plaintiff's reliance on the State Bar's representations and Cal Bus & Prof Code §6068  
12 about the scope of her duties was a substantial factor in causing his harm.

13 104. On or about December 15, 2015 the State Bar disclosed that it did its own initiation of  
14 Complaints at intake against Plaintiff and it did not matter if Plaintiff's actions actually were in  
15 furtherance of protecting the public or did in fact protect the public. The State Bar through Erin Joyce  
16 represented that all that mattered was that Plaintiff had to pay money to the State Bar **for** costs and to  
17 the financial institutions' counsel that she has been litigating if she wanted to continue to practice law.

18 105. It was foreseeable that Plaintiff would be harmed by an inaccurate or untimely  
19 communication about what the State Bar considered to be a duty that warranted discipline, including  
20 but not limited to the risk of disbarment, negative remarks being posted on her State Bar profile, loss  
21 of advantage in current litigation matters, risk of loss of current clients, the addition of an obstacle in  
22 obtaining new clients, and financial loss in an amount to be proven at trial but no less than \$25,000.00.

23 106. This caused Plaintiff to suffer serious emotional distress, including, without limitation,  
24 suffering, anguish, nervousness, grief, anxiety, worry, shock, humiliation, and shame, to such an  
25 extent that an ordinary, reasonable person would be unable to cope with it.

26 107. Plaintiff is also entitled to attorney fees and costs as a proximate and direct result.

27 108. As a result of **Defendants'** breach, Plaintiffs were injured emotionally, financially and  
28 their property was damaged in an amount to be proven at trial.

109. The person(s) who decided what to represent on the California Bar Website, Jayne  
Kim, Erin Joyce, Caitlin Erin Morin, Celeste Pasillas, Robin Brune were each a controlling manager,

1 of the State Bar of California, and as such, punitive damages from the State Bar of California are  
2 warranted.

3 110. The aforementioned conduct of defendant(s) was an intentional misrepresentation,  
4 deceit, or concealment of a material fact known to the defendant(s) with the intention on the part of  
5 the defendant(s) of thereby depriving Plaintiff of property or legal rights or otherwise causing injury,  
6 and was despicable conduct that subjected Plaintiff to a cruel and unjust hardship in conscious  
7 disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

## 8 **SECOND CAUSE OF ACTION**

### 9 **CIVIL RIGHTS VIOLATION**

10 **(Against the State Bar of California, Erin Joyce and Does 1 through 50)**

11 111. Plaintiff incorporates paragraphs 1 through 110 as though fully incorporated herein.

12 112. This is an action brought under 42 U.S.C. § 1983 to for injunctive relief and to recover  
13 damages against defendant for violation of Plaintiff's *federal constitutional right* to pursue her  
14 business without interference, her right to free speech, freedom of association and to petition for  
15 redress of grievances, guaranteed by the First and Fourteenth Amendments to the United States  
16 Constitution.

17 113. LENORE ALBERT is, and at all times mentioned in this complaint was, a citizen of  
18 the United States, and a resident of Orange County, California.

19 114. Plaintiff had a fundamental right to self-determination (to freely determine her political  
20 status and freely pursue her economic, social, and cultural development).

21 115. Plaintiff is a Delegate to the Democratic State Central Committee. She is also running  
22 as a candidate for the seat in Assembly District 72.

23 116. On or about one day after she created her social media page with that announcement  
24 for candidacy, Erin Joyce from the State Bar of California informed Plaintiff that she was going to  
25 seek Plaintiff's disbarment on or about November 4, 2015.

26 117. The timing by Erin Joyce was not related to the State Bar's own internal process.  
27 Plaintiff is informed and believes and alleged thereon that the State Bar's policy is to either dismiss a  
28 complaint or bring about disciplinary charges within 90 days after initiating the complaint and  
investigation process.

118. In this instance, the charges Erin Joyce represented she was bringing were well beyond  
the 90-day period.



1 119. Plaintiff is informed and believes and alleges thereon that Defendants communicated  
2 their intent to discipline her, in part, in an attempt to chill her political involvement and her running  
3 for Assembly District 72.

4 120. As a direct and proximate result, Plaintiff's constitutional rights were violated wherein  
5 she was damaged.

6 121. Plaintiff is informed and believes and alleges thereon that Defendants communicated  
7 their intent to discipline, in part, in an attempt to chill or sway decisions that may have a positive  
8 impact on homeowners. At that same time the Oral Argument of Talaie v Wells Fargo had just  
9 concluded on November 2, 2015 and the justices gave a written order for supplemental briefing on the  
10 retroactivity of 15 USC § 1641g which would have a profound positive effect on consumers and just  
11 as profound adverse effect on Wall Street on November 3, 2015.

12 122. Plaintiff has been practicing law for the past fourteen years as a consumer advocate in  
13 California. From on or about January 2011 through the present she has focused on advocating and  
14 protesting for homeowner rights. After Occupy was disassembled, each home was used as a staging  
15 area to protest foreclosures caused by financial institutions and Wall Street.

16 123. In March 2014, Plaintiff obtained reversal from the Ninth Circuit in the case of Galope  
17 v Deutsche Bank Natl Trust Company on behalf of a putative class of homeowners suing Barclays  
18 Bank and others for rigging LIBOR under the antitrust laws.

19 124. From on or about March 2014 to the present the State Bar has lobbied approximately  
20 ten (10) different complaints at Plaintiff, who up to that point in time had not been deluged by the Bar  
21 in such an extreme fashion over the past fourteen years.

22 125. The complainants included, clients, nonclients, opposing counsel and even the State  
23 Bar itself.

24 126. Plaintiff is informed and believes and alleges thereon that Erin Joyce, Jayne Kim and  
25 others at the State Bar are biased against Consumer Advocates and targeted Plaintiff due to her  
26 participation in protest activities and because she represented homeowners against these financial  
27 institutions, successfully so.

28 127. As a direct and proximate result, Plaintiff's constitutional rights were violated wherein  
she was damaged.

128. Plaintiffs are informed and believe and allege thereon that Defendants violated  
Plaintiffs' constitutional rights under the Fourteenth Amendment of the US Constitution and under the

1 California Constitution from on or about March 2014 through the present by following, which  
2 includes but is not limited to, (1) targeting attorneys who represent homeowners in wrongful  
3 foreclosure cases; (2) making it illegal for them to collect fees for their services, wholly dependent  
4 upon the actions of a financial institution which the attorney representing a homeowner would have  
5 no control over; (3) soliciting clients to represent that they were not satisfied with their attorney's  
6 services while representing them in homeowner cases; (4) intimidating them by using law  
7 enforcement (whether the police or District Attorney's office) or telling opposing counsel in other  
8 matters that said law enforcement were forced to raid their office, when that was not the case; (5)  
9 aiding, abetting, acting in concert with others to solicit complaints against said group of attorneys  
10 including but not limited to Sovereign Citizen Extremists like Rene Powers, Cindy Brown, Anthony  
11 Williams, Valerie Lopez and the Common Law Offices of America; sending police to their law  
12 offices unlawfully; and (6) have the police demand identification of the office personnel present, and  
13 rental circumstances surrounding the office without a warrant, consent or probable cause to do so in  
14 order to fulfill the STATE BAR OF CALIFORNIA'S own illegitimate aims. In so doing, the State  
15 Bar, Jayne Kim, Erin Joyce, Caitlin Elen-Morin and Celeste Pasillas were giving material aid to  
CLOA and Cindy Brown in their endeavors.

16 129. The members of the Bar, like Plaintiff, who represented the little guy like homeowners  
17 and were asserting the First Amendment Rights to Freedom of Speech, Freedom of Association and/or  
18 right to pursue their occupation without fear of being harassed, were suddenly finding themselves a  
victim of harassment by the STATE BAR OF CALIFORNIA.

19 130. Plaintiff is informed and believes and alleges thereon that the HBPD officers went to  
20 the Property to demand identification of other staff in the office at the direction of or in coordination  
21 with STATE BAR OF CALIFORNIA. As such the defendant CITY OF HUNTINGTON BEACH  
22 has so far insinuated itself into a position of interdependence with STATE BAR OF CALIFORNIA  
23 that it must be recognized as a joint participant in the challenged activity.

24 131. Defendant STATE BAR OF CALIFORNIA, JAYNE KIM, and CELESTE PASILLAS  
25 acts were discriminatory, targeted toward Plaintiff, or at the very least complicit. For example,  
26 Plaintiff had a taped voicemail message of attorney Mitchell Hannah who was opposing counsel,  
27 calling her client begging the client to sue Plaintiff for legal malpractice, telling him he could make  
28 more money that way. The client turned in a Complaint to the State Bar and with irrefutable proof of  
Attorney Hannah's voice or the voice of his client on the voicemail, the State Bar said it was not him

1 and refused to do anything at all. Unlike Plaintiff, Mitchell Hannah does not represent home owners  
2 or advocate for their rights. Discovery and investigation is continuing to determine if the State Bar  
3 instructed Hannah directly or indirectly to make that call to Plaintiff's client.

4 132. In acting as alleged in this complaint, **Defendants** violated Plaintiff's right to free  
5 speech, freedom of association, right to her occupation, and to petition for redress of grievances,  
6 guaranteed by the First and Fourteenth Amendments to the United States Constitution.

7 133. As a direct and proximate result of defendant's actions, described in this complaint,  
8 Plaintiff has suffered injury, loss, *and/or* damage. Specifically, Plaintiff has been injured in their  
9 business and property in a variety of ways, including the following: Plaintiffs were suppressed from  
10 asserting their right to self-determination (to pursue her own political, social and economic career),  
11 right to property interest (to not be deprived of her bar license); liberty interest (to pursue said  
12 profession and choosing clients to represent), due process (notice and opportunity to be heard before  
13 being damaged such as in damaging reputation), right to privacy (by filing its own Complaints or that  
14 of third parties, the State Bar is invading into the attorney-client privilege of Plaintiff's clients to  
15 Plaintiff's peril) and freedom of association.

16 134. As a further direct and proximate cause of the retaliation by defendants for Plaintiff's  
17 assertion of her constitutional rights, Plaintiff suffered severe emotional distress, anxiety, panic,  
18 insomnia, nose bleeds, headaches, stomach ailments, reclusiveness, shame, ridicule and humiliation.

19 135. Plaintiff also suffered business loss of revenue due to the tortious interference.

20 136. In acting as is alleged in this complaint, defendant acted knowingly, willfully, and  
21 maliciously, and with reckless and callous disregard for Plaintiff's federally protected rights.

22 137. The aforementioned conduct of defendant(s) was an intentional misrepresentation,  
23 deceit, or concealment of a material fact known to the defendant(s) with the intention on the part of the  
24 defendant(s) of thereby depriving Plaintiff of property or legal rights or otherwise causing injury, and  
25 was despicable conduct that subjected Plaintiff to a cruel and unjust hardship in conscious disregard of  
26 Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

### 27 **THIRD CAUSE OF ACTION**

#### 28 **Violation of 15 USC §§ 2, 51 (Monopolization)**

**(Lenore Albert and Roes 1 through 100 Against Erin Joyce, Jayne Kim, Caitlin Elen-  
Morin, State Bar and Does 1 through 50)**

1           138. Plaintiff incorporates in this cause of action all of the allegations in paragraphs 1  
2 through 137 of this Complaint as though set forth in full herein.

3           139. Section 2 of the Sherman Act provides that “[e]very person who shall monopolize, or  
4 attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any  
5 part of the trade or commerce among the several States... shall be deemed guilty” of an offense  
6 against the antitrust laws of the United States. 15 U.S.C. §2.

7           140. At all times material to this Complaint, Defendants Jayne Kim, Caitlin Elen-Morin,  
8 Erin Joyce, through the use of the State Bar collectively have maintained, attempted to achieve and  
9 maintain, or combined or conspired to achieve and maintain, a monopoly over the legal market.  
10 Moreover, Defendants have used, attempted to use, or combined and conspired to use, their monopoly  
11 power to reduce competition and harm consumers for their own profit in those relevant markets in the  
12 United States in violation of 15 U.S.C. §2.

13           141. Control over membership is one of the responsibilities imposed by the State Bar as part  
14 of its duty to self-regulation.

15           142. The State Bar Act does not contain an express exemption from anti-trust laws.

16           143. There is nothing built into the regulatory scheme which performs the anti-trust function  
17 at the State Bar.

18           144. Defendants did not impose the restraint as an action of government, but as an  
19 imposition by them of their will upon a minority by force of agreement or combination which the  
20 Sherman Act prohibits.

21           145. Defendants entered into a conspiracy in restraint of trade or to establish a monopoly  
22 contrary to the policies of the State Bar Act.

23           146. The State Bar has charged Plaintiff with failure of her and her client to pay discovery  
24 sanctions which the State Bar contends is punishable with disbarment.

25           147. The State Bar has in recent past disbarred other consumer attorneys for failure to pay  
26 monetary sanctions to the other party.

27           148. Restricting membership to the Bar by disbarring attorneys who have not made  
28 monetary payouts to the Defense Bar by the Plaintiff’s Bar has a substantial anticompetitive effect on  
membership. Consumer attorneys are ordered to pay discovery sanctions by approximately 3:1 in  
comparison to Defense attorneys. Moreover, the State Bar discriminates by initiating disciplinary

1 charges against Consumer attorneys more times than Defense attorneys where they and their clients  
2 have been ordered to pay discovery sanctions in at least an approximate 80% of the cases.

3 149. Second, the State Bar has fixed the price for Consumer attorneys to pay the State Bar  
4 when the State Bar decides to investigate the Consumer attorney no matter how much or how little  
5 work the State Bar actually undertook.

6 150. Third, the State Bar is generating revenue from disciplining Consumer advocates and  
7 other members of the Plaintiff's bar, yielding results where the investigators are monetarily  
8 incentivized to testify and prosecute in a certain way to their own advantage.

9 151. This is not a state action because there is no Statute requiring the State Bar to hunt for  
10 unpaid discovery sanctions by Consumer Advocates and solicit complaints from the Defense Bar for  
11 unpaid discovery sanctions by Consumer Advocates and then sanction the Consumer Advocate; and if  
12 they refuse to pay, to have them disbarred. Nor is there a rule in the State Bar Act that directs the  
13 administrative agency to avoid prosecuting Defense Attorneys for the same purported "offense",  
14 dismiss any complaints against them and avoid pursuing any disciplinary action for the same acts, but  
15 only reserve discipline for criminal charges such as DUIs. Yet, this is how the State Bar is operating  
16 with the Defense Bar.

17 152. As a result of this restraint in trade, Consumer Advocates are not allowed to represent  
18 the cause of the defenseless or the oppressed, and if they do they must pay to do so.

19 153. Defendants have **not** maintained their monopoly and/or market power in the relevant  
20 markets as a result of superior products or services, business acumen, or historical accident.  
21 Defendants specifically have intended, and continue to intend, through their exclusionary conduct, to  
22 willfully maintain their monopoly and/or market power, control prices, exclude competitors, harm  
23 consumers, and destroy competition in the relevant markets. Through the activities alleged above,  
24 among others, Defendants have gained, maintained, extended, and attempted to gain monopoly power  
25 in violation of Section 2 of the Sherman Act.

26 154. By instituting this practice, the State Bar has been making money by assisting the  
27 Defense Bar with an advantage during litigation on the grounds the State Bar collects added 'costs'  
28 from a fixed fee schedule from disciplined attorneys which the State Bar adds as Dues on their  
statement.

155. The sum collected is substantial. The State Bar collected \$82 million in membership  
fees and had a total revenue of \$140 million in 2014.

1           156. This sum obtained from Consumer Advocates is so substantial that the Auditor  
2 recommended the State Bar collect money every six months on the grounds that the State Bar is  
3 making so much money it was able to buy a \$72 million dollar building in Los Angeles without  
4 properly budgeting for it and still pay it off.

5           157. Since Consumer Advocates must be licensed to practice law in California through the  
6 California State Bar, they are forced to either pay the State Bar fixed costs, the discovery sanctions or  
7 have a disciplinary charge placed on their public record which in turn deters customers from doing  
8 business with the Consumer Advocate.

9           158. Plaintiff was forced to either pay the State Bar fixed costs, the discovery sanctions or  
10 have a disciplinary charge placed on her public record and possibly disbarred after having an  
11 unblemished record for 14 years which in turn has deterred her current clients and will deter future  
12 customers from doing business with her.

13           159. What appears to be an ordinary charge of discovery sanctions becomes insurmountable  
14 to the consumer advocate's client because they tend to be the oppressed and the defenseless. The  
15 sanctions are customarily based on hourly rate and the Defense Attorney customarily is allowed a  
16 higher hourly rate because his client a large financial institution, insurance company or government  
17 entity has deep pockets and can afford to pay a higher hourly rate making the disparity even worse.

18           160. If the Consumer advocate and her client cannot pay the sanctions, then the Consumer  
19 Advocate is sanctioned by the State Bar which in turn gives the defense a further advantage during  
20 litigation.

21           161. The California State Bar is the only licensing entity in California and acquired  
22 monopoly power.

23           162. Plaintiffs allege that the antitrust violation is the State Bar only disciplining Consumer  
24 Advocates for discovery sanctions or other monetary sanctions and not Defense Attorneys.

25           **Alternatively, Plaintiffs allege that the antitrust violation is the State Bar incentivizing their**  
26 **investigators and prosecutors to testify and produce evidence in a certain way to ensure that the**  
27 **State Bar is compensated by the prosecution.**

28           163. Alternatively, Plaintiffs allege that the antitrust violation was an explicit agreement  
between the State Bar and members of the Defense Bar to collude regarding the use of the disciplinary  
system in order to gain a tactical advantage in civil litigation by the Defense Bar.

164. As a direct and proximate result of this conduct, the Plaintiff has not been given any economic choice, prices are not tied to competition, and her rights and voice has been oppressed.

165. The entire process of competition has been eliminated and consumer welfare has been injured.

166. Defendants have no legitimate business justification for their exclusionary, anticompetitive conduct.

167. As a direct and proximate result of the aforesaid monopolization and/or attempted monopolization, and the actions taken pursuant thereto, Plaintiff has been injured in her business and property as follows: (a) Plaintiff's license to practice law is being threatened; (b) In the legal profession where confidence in those with whom a person deals is critical, the threatened choice of either paying off the Defendants and a 30 day suspension without due process or action of public discipline is an obstacle to attracting business and an obstacle to retaining existing clients; (c) Plaintiff has incurred additional expense that otherwise would have been avoided; (d) Plaintiff has incurred expense in having to seek legal redress in order to regain possession of her personal property; and (e) Plaintiff has otherwise been injured in her business and property.

168. Plaintiff does not know the full extent of her damages, but believes that damages have been substantial.

169. As a result of these federal antitrust violations, Plaintiff is entitled to recover her actual damages in amount, unknown, multiplied by three, and the cost of suit, including reasonable attorney's fees.

#### FOURTH CAUSE OF ACTION

### **Violation of 15 USC §§ 2, 26 (Monopolization)**

(Lenore Albert and Roes 1 through 100 Against the State Bar, Caitlin Elen-Morin, Jayne Kim and Erin Joyce, and Does 1 through 50)

170. Plaintiff incorporates in this cause of action all of the allegations in paragraphs 1 through 169 of this Complaint as though set forth in full herein.

171. Unless enjoined from doing so, Defendants State Bar, Jayne Kim, Erin Joyce, Caitlin Elen-Morin, and Does 1 through 50 will continue to violate Section 2 of the Sherman Act.

172. Furthermore, Plaintiff prays for breaking up the State Bar into two Bar Associations – one for Consumer Advocates and that the other Bar is set up for Defense Counsel in order to remedy what is actually occurring.

1 173. Plaintiff also is entitled to recover its costs of suit, including a reasonable attorney's  
2 fees.

3 **FIFTH CAUSE OF ACTION**

4 **PUBLIC DISCLOSURE OF PRIVATE FACTS**

5 **(Lenore Albert Against the State Bar, Jayne Kim, Celeste Pasillas and Does 1 through 100)**

6 174. The Defendant STATE BAR OF CALIFORNIA, JAYNE KIM and CELESTE  
7 PASILLAS not only violated Plaintiff's rights as alleged above, but then after they violated Plaintiff's  
8 rights, they bragged about it to others.

9 175. Plaintiff incorporates and re-alleges paragraphs 1 through 173 above as though set forth  
10 herein.

11 176. On or about December 21, 2015 Plaintiff received a call from an attorney in San Diego,  
12 California who read off a confidential and privileged letter addressed to Plaintiff but placed in an  
13 envelope and delivered to the attorney in San Diego, California instead.

14 177. The matter in the envelopes was confidential and privileged.

15 178. This was not the first time that the State Bar disseminated confidential and privileged  
16 information concerning Plaintiff.

17 179. On or about November, 2014 Devin Lucas an attorney representing the defendant in  
18 Kent v Fin City Foods, informed Plaintiff that he knew the State Bar had the HBPD at her office on or  
19 about November 10, 2014. (Plaintiff represented the Plaintiffs, Bonnie Kent and Teri Sue Kent Love.)

20 180. Devin Lucas sent this information by email to Jim Clark with the knowledge that Jim  
21 Clark would send this information off to Plaintiff's clients in the case, Bonnie Kent and Teri Sue Kent  
22 Love, which he did.

23 181. David Seal then acquired this information who was opposing party in another litigation  
24 matter.

25 182. Plaintiff was embarrassed, shocked and mortified.

26 183. The fact that the HBPD was at the office - was confidential information of the type  
27 Defendant STATE BAR OF CALIFORNIA was not supposed to disseminate to others.

28 184. Alternatively, the information was so highly sensitive that a reasonable person would  
be offended by its disclosure.



1 185. Plaintiff is informed and believes and alleges thereon that Defendants STATE BAR OF  
2 CALIFORNIA, JAYNE KIM, and CELESTE PASILLAS widely distributed the fact that the HBPD  
3 was at Plaintiff's Office on or about November 10, 2014 to Devin Lucas and others.

4 186. In neither instance was the private matter newsworthy, and neither instance was  
5 generally known to others who were not present.

6 187. Upon learning of the communication by David Seal and Devin Lucas which then  
7 spread to Plaintiff's clients Bonnie Kent and Teri Sue Love, Plaintiff sent a communication to the  
8 State Bar about the November 2014 incident.

9 188. Defendants never responded or did anything to contain the fact that the HBPD was at  
10 the Plaintiff's office with their knowledge on or about November 10, 2014.

11 189. Instead Plaintiff is informed and believes and alleges thereon Defendants STATE BAR  
12 OF CALIFORNIA, JAYNE KIM, and CELESTE PASILLAS further distributed the fact that the  
13 HBPD was at Plaintiff's Office on November 10, 2014 to attorney David Seal.

14 190. Bonnie Kent and Teri Sue Love found other counsel in the matter being litigated  
15 against Devin Lucas and substituted Plaintiff out of the case. Bonnie Kent complained to the State Bar  
16 about Devin Lucas but the State Bar never pursued the complaint. The State Bar's conduct was a  
17 substantial factor in their decision and an economic loss to Plaintiff.

18 191. As a direct and proximate cause of the retaliation by defendants for Plaintiff's assertion  
19 of her constitutional rights, Plaintiff suffered severe emotional distress, anxiety, panic, insomnia, nose  
20 bleeds, headaches, stomach ailments, reclusiveness, shame, ridicule and humiliation.

21 192. In acting as is alleged in this complaint, defendant acted knowingly, willfully, and  
22 maliciously, and with reckless and callous disregard for Plaintiff's federally protected rights.

23 193. Jayne Kim and Celeste Pasillas were a controlling manager of the State Bar making  
24 punitive damages against the State Bar appropriate.

25 194. The aforementioned conduct of defendant(s) was an intentional misrepresentation,  
26 deceit, or concealment of a material fact known to the defendant(s) with the intention on the part of the  
27 defendant(s) of thereby depriving Plaintiff of property or legal rights or otherwise causing injury, and  
28 was despicable conduct that subjected Plaintiff to a cruel and unjust hardship in conscious disregard of  
Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

#### **SIXTH CAUSE OF ACTION**

#### **PUBLIC DISCLOSURE OF PRIVATE FACTS**

1                   **(Lenore Albert Against the State Bar, Erin Joyce and Does 1 through 50)**

2           195. Plaintiff re-alleges paragraphs 1 through 194 above and incorporates them herein.

3           196. Plaintiff is informed and believes and alleges thereon that on or about December 16,  
4 2015 Defendant STATE BAR OF CALIFORNIA, and ERIN JOYCE mailed out a confidential and  
5 privileged communication meant for Lenore Albert to attorney Pamela Gayle Lacher at 12005 World  
6 Trade Dr #3, San Diego, CA 92128.

7           197. On or about December 21, 2015 Plaintiff received a call from someone representing  
8 themselves to be attorney Pamela Gayle Lacher and informed Plaintiff that she received a letter from  
9 the State Bar which contained a letter addressed to Plaintiff dated December 16, 2015.

10          198. She was supposed to receive a different correspondence however that correspondence  
11 must have been sent by the State Bar to yet another attorney because it did not get mailed to Ms.  
12 Albert's office.

13          199. Plaintiff was embarrassed, shocked and mortified.

14          200. The contents of the letter were marked confidential and privileged and contained  
15 sensitive information in it signed by Erin Joyce.

16          201. It was confidential information of the type Defendant STATE BAR OF CALIFORNIA  
17 was not supposed to disseminate to others.

18          202. Alternatively, the information was so highly sensitive that a reasonable person would  
19 be offended by its disclosure.

20          203. The information contained in the letter was not newsworthy, and not generally known  
21 to others outside of the State Bar.

22          204. Plaintiff is informed and believes and alleges thereon that the third person who must  
23 have received the letter addressed to Pamela Gayle Lacher has not notified Plaintiff or Pamela Gayle  
24 Lacher.

25          205. As a direct and proximate cause of the disclosure of private facts to others by  
26 defendants, Plaintiff suffered severe emotional distress, anxiety, panic, shame, ridicule and  
27 humiliation.

28          206. In acting as is alleged in this complaint, defendant acted knowingly, willfully, and  
maliciously, and/or with reckless and callous disregard for Plaintiff's federally protected rights.

          207. Erin Joyce was a controlling manager of the State Bar making punitive damages against  
the State Bar appropriate.

208. The aforementioned conduct of defendant(s) was an intentional misrepresentation, deceit, or concealment of a material fact known to the defendant(s) with the intention on the part of the defendant(s) of thereby depriving Plaintiff of property or legal rights or otherwise causing injury, and was despicable conduct that subjected Plaintiff to a cruel and unjust hardship in conscious disregard of Plaintiff's rights, so as to justify an award of exemplary and punitive damages.

## SEVENTH CAUSE OF ACTION

## TORTIOUS INTERFERENCE WITH A CONTRACT

**(Lenore Albert Against the State Bar, Jayne Kim, Celeste Pasillas and DOES 1 – 100)**

209. Plaintiff incorporates in this cause of action all of the allegations in paragraphs 1 through 208 as though set forth in full herein.

210. There was an existing contract between Plaintiff and other clients that Plaintiff represented.

211. Defendant STATE BAR OF CALIFORNIA, JAYNE KIM and CELESTE PASILLAS knew of the contracts Plaintiff had with these third parties including that of Bonnie Kent and Teri Sue Love.

212. As a result of the State Bar's interference described above, Plaintiff lost those clients in the case opposing Devin Lucas.

213. Second, Defendant STATE BAR OF CALIFORNIA, JAYNE KIM and CELESTE PASILLAS' conduct prevented performed or made performance more expensive or difficult in 2014 because the they kept disrupting deadlines and work flow by making last minute demands on the office which required going through thousands of pages of documents and through thousands of emails and other communications to attempt to give the State Bar an accurate response to their strange hodgepodge queries and demands. There were in excess of 100 communications over the past year and 10 separate complaints by the State Bar.

214. The State Bar called the clients, directly or contacted them through third parties, soliciting them to sue Plaintiff for legal malpractice **or joined in the conspiracy of others such as Norma White, Rene Powers, Cindy Brown, George Olivo, Sherry Hernandez, Maegan Donovan Nikolic, and Mitchell Hannah in their plan to take siege of Plaintiff's practice and disbar her.**

For example, Cindy Brown contacted Norman and Nathan Koshak and instructed them to contact

1 George Olivo. Norman and Nathan Koshak contacted George Olivo who then told Norman and  
2 Nathan Koshak that he was working with 15 other attorneys and Mr. Koshak needed to get a new  
3 attorney because they were going to hold Plaintiff "accountable." In another case, David Lovell was  
4 contacted in March 2014 through opposing counsel Mitchell Hannah and advised Lovell to get a  
5 second opinion and that his recourse was to sue Plaintiff for legal malpractice. Lovell refused to listen  
6 and cooperated with Plaintiff. As a result, in June 2015, Plaintiff won a reversal of JNOV and  
7 Lovell's jury verdict reinstated. The California Court of Appeal published the decision. However, in  
8 other cases, it spelled out disaster. For example, Plaintiff lost all of the class representatives in the  
9 putative class action of Urenia v Public Storage (Bank of America) who had Public Storage as their  
10 lessor resulting in dismissal of the antitrust action against one of the largest R.E.I.T.'s in the world and  
an eventual loss on summary judgment.

11 215. The State Bar also refused to extend any deadlines after Plaintiff informed them that  
12 she had other court deadlines in current litigation matters, although they would put that option in  
13 writing.

14 216. This meant that Plaintiff would have to expend days-worth of time responding to the  
15 State Bar instead of working on client's cases. Plaintiff specifically informed the State Bar that asking  
16 for every communication or every paper in many cases on these complex matter meant thousands of  
17 pages that needed to be transmitted, but the State Bar did not care and would demand the responses in  
18 full within days. It did not matter if appellate briefs or other litigation papers were due. The State Bar  
19 expected the office to work 40 hours per week on State Bar needs, which was more than unreasonable,  
it was harassing. The State Bar was doing everything it could to drive Plaintiff out of business.

20 217. Defendants conduct intended to disrupt the performance of the contracts and/or knew  
21 that disruption of performance was certain and substantially certain to occur.

22 218. Plaintiff was harmed as a proximate and direct result of the Defendants' conduct.  
23 Expenses tripled for the office while the income was decreased just from the interference alone.  
24 Clients became worried about having their files at the office, worried that the State Bar would swoop  
25 in and take them, leaving them in the lurch. Clients were more anxious than ever that the office  
26 complete all work on their cases because they didn't trust other attorneys to handle their cases, which  
27 in most cases are complex.

28 219. Defendant STATE BAR OF CALIFORNIA, JAYNE KIM and CELESTE PASILLAS'  
conduct was a substantial factor in causing that harm.

1           220. Defendants JAYNE KIM and CELESTE PASILLAS acted with malice, fraud, or  
2 oppression entitling Plaintiff to punitive damages.

3           221. JAYNE KIM and CELESTE PASILLAS were controlling managers, directors, officers,  
4 and/or directors of the STATE BAR OF CALIFORNIA thus warranting punitive damages against the  
5 STATE BAR OF CALIFORNIA, too.

6                                   **EIGHTH CAUSE OF ACTION**

7                                   **RETALIATION**

8           **(Lenore Albert and Roes 1 through 100 Against the State Bar of California, Erin Joyce, Caitlin**  
9                                   **Elen-Morin and Does 1 through 100)**

10           222. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 221 as though  
11 fully set forth herein.

12           223. In or about September 2014 Plaintiff submitted information on the Cal-18 to the State  
13 Bar.

14           224. Later on February 27, 2015 Plaintiff submitted a whistleblower complaint to the FBI  
15 and other agencies outlining the State Bar's involvement with a known Sovereign Citizen Extremist  
16 group, Common Law Offices of America ("CLOA") demanding an investigation and concerns about  
17 CLOA's unauthorized practice of law that the State Bar was ignoring while consenting, permitting,  
18 acquiescing in and/or acting in concert therewith to solicit complaints against Consumer Advocates, in  
19 particular Plaintiff to be funneled to the State Bar through the CLOA website.

20           225. In March 2015 Jayne Kim dropped the charges she was pursuing which relied on Cindy  
21 Brown.

22           226. However, attorney Erin Joyce was trying to unseat Jayne Kim as Chief Trial Counsel of  
23 the State Bar.

24           227. So on or about April 22, 2015 Erin Joyce and Caitlin Elen-Morin opened an  
25 investigation against Plaintiff to assist in Erin Joyce's plan. This complaint was supported with  
26 representations made by Cindy Brown of CLOA.

27           228. Plaintiff provided evidence of CLOA Private Attorney General Cindy Brown, Anthony  
28 Williams, Rene Powers, and Valerie Lopez each participating in the recording of false liens on  
properties in Orange County, California and advocating for homeowners in court but the State Bar has  
not only refused to act against them but continues to use their assistance in disciplining Plaintiff.

1           229. From that time forward, Plaintiff has reasserted her complaint to the State Bar and other  
2 agencies of the State Bar's willful failure to prosecute UPL fraud which would protect the homeowner  
3 community.

4           230. Plaintiff had already submitted an anti-retaliation letter to the State Bar on her fourteen-  
5 year anniversary date of December 5, 2014. She followed up that letter two more times with the State  
6 Bar on August 11, 2015 and August 24, 2015. The State Bar never responded.

7           231. On or about November 4, 2015 the State Bar, by and through, Erin Joyce, gave Plaintiff  
8 notice that they were going to formally file disciplinary charges against her and seek disbarment.

9           232. The only part of the disciplinary charges that has a client attached to the charges has the  
10 informant of one Cindy Brown who is a Private Attorney General working for CLOA.

11           233. Plaintiff is informed and believes and alleges thereon that she was given notice of the  
12 State Bar's decision to formally seek disbarment on or about November 4, 2015 because she sued  
13 them in December 2014 when they crossed the line and had Cindy Brown show up at her office with  
14 the Huntington Beach Police Department without a warrant or probable cause; and then she blew the  
15 whistle on them when she discovered that they were using Sovereign Citizen extremists like CLOA's  
16 Cindy Brown to attack Consumer Advocates like herself and they intended to cover up their  
17 misfeasance/malfeasance at the State Bar and secure their own agenda in usurping power at the State  
18 Bar.

19           234. The State Bar has directed, permitted, ratified, condoned and/or acquiesced in the  
20 actions or omissions by Defendants Jayne Kim, Celeste Pasillas, Erin Joyce, and/or Erin Morin  
21 Caitlin. Specifically, the State Bar decided to seek disbarment of Plaintiff because she reported the  
22 serious malfeasance/misfeasance, illegal conduct, and financial improprieties described above.

23           235. Seeking to disbar Plaintiff on account of her complaints about the unlawful conduct  
24 violates fundamental public policy against retaliation of whistleblowers in this State and the  
25 protections afforded by law.

26           236. As a result of the unlawful treatment of Plaintiff which culminated in the State Bar  
27 seeking to disbar her, Plaintiff suffered and continues to suffer damages.

28           237. Plaintiff seeks civil penalties, injunctive relief in addition to damages.

**NINTH CAUSE OF ACTION**  
**BREACH OF FIDUCIARY DUTY**

**(Lenore Albert and Roes 1 through 100 Against the State Bar of California, Jayne Kim, Erin Joyce and Does 1 through 50)**

238. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 237 as though fully set forth herein.

239. At all times **mentioned herein**, Defendants Jayne Kim and Erin Joyce owed a fiduciary duty to the State Bar, Plaintiff, and to the public.

240. Defendant Jayne Kim and Erin Joyce breached their fiduciary obligations by engaging in the conduct described above, including but not limited to utilizing a Sovereign Citizen Extremist website like CLOA to solicit State Bar complaints against Plaintiff; condoning the unauthorized practice of law in competition with Plaintiff's practice; failing to implement proper training and supervision; failing to complete investigation files within 90 days; using the disciplinary system to keep Attorneys like Plaintiff quiet for a protracted period of time; using the disciplinary system for their own agenda to unseat the Chief trial counsel and/or for personal advancement; and starting its own intake complaints against whistleblowers like Plaintiff in order to cover up their own unethical and unlawful conduct.

241. As a direct and proximate cause of Defendants' conduct, Plaintiff has been injured in an amount according to proof at trial.

242. Defendants' conduct was wanton, willful, and malicious giving rise to punitive damages in favor of Plaintiff.

### TENTH CAUSE OF ACTION

## UCL §17200 VIOLATION

**(Lenore Albert and Roes 1 through 100 Against Jayne Kim, Erin Joyce and Does 1 through 50)**

243. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 242 in this pleading as through set forth in full herein.

244. Business & Professions Code §17200 prohibits any “unlawful, unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the Business & Professions Code” and reaches past and one-time acts. *Id. See also, Stop Youth Addiction, Inc. v Lucky Stores, Inc.*, 17 Cal4th 553, 570 (1998).

1           245. In or about 2009 to the present Jayne Kim and Erin Joyce has targeted consumer  
2 attorneys representing homeowners. Although it is legal under SB 94 to discipline attorneys for taking  
3 upfront fees for loan modification negotiations, a substantial number of the members of the Bar were  
4 not in fact taking upfront fees for loan modification negotiations, but were targeted anyway for  
5 absurdities like violation of Bus & Prof Code §6103 for failure to pay discovery sanctions to opposing  
6 counsel, making the acts by Jayne Kim and Erin Joyce unlawful by filing said false claims, and as  
7 such, a violation of Bus & Prof Code § 17200.

8           246. Plaintiffs were also threatened if they sent the State Bar too many papers to defend  
9 themselves from the State Bar's accusations that they would have to pay the cost of the State Bar  
10 having to review the papers being demanded, which was oppressive and substantially injurious to  
11 Plaintiffs and the owners of such property.

12           247. The State Bar also demanded Plaintiff to set aside work on her client's cases and  
13 deadlines to respond fully to their questions and requests within an unreasonably short time frame  
14 which they refused to extend.

15           248. As a result of the aforementioned acts, Plaintiffs and others similarly situated, have lost  
16 money or property and suffered injury in fact.

17           249. By the time this complaint was filed over 40 members of the Consumer (Plaintiffs') bar  
18 were either sanctioned or disbarred since 2009 in California in a disproportionate number compared to  
19 members practicing in Defense firms.

20           250. The sanctions were employed by employees who had no adequate skill, knowledge or  
21 training by the STATE BAR OF CALIFORNIA in the complex and evolving area of homeowner's  
22 rights.

23           251. This resulted in intimidating and harassing most professionals from practicing in this  
24 area of law, leaving few attorneys like Plaintiff overburdened with too much demand.

25           252. This conduct as described above was unfair in that it violated the public policy  
26 underlying Bus & Prof Code 6068; the First, Fourth and Fourteenth Amendment and Cal. Const. Art 1  
27 §1 (right to pursue occupation).

28           253. The conduct was fraudulent because a reasonable consumer would believe that so long  
they were practicing in the interests of the public that the State Bar prosecutors would not attempt to  
interfere with their rights.



254. Finally, stopping this practice furthers the public interest. Plaintiffs are therefore entitled to reasonable attorney's fees under section 1021.5 of the California Code of Civil Procedure. Wherefore Plaintiff demands judgment against defendants as set forth below.

## ELEVENTH CAUSE OF ACTION

### Violation of §17500

**(Lenore Albert and Roes 1 through 100 Against State Bar of California, Erin Joyce,  
Jayne Kim and Does 1 through 50)**

255. Plaintiff incorporates in this cause of action all of the allegations in paragraphs 1 through 254 as though set forth in full herein.

256. California's Bus & Prof Code §17500 statute provides: "It is unlawful for any person, firm, corporation or association, or any employee thereof with intent directly or indirectly to dispose of real or personal property or to perform services, professional or otherwise, or anything of any nature whatsoever or to induce the public to enter into any obligation relating thereto, to make or disseminate or cause to be made or disseminated before the public in this state, or to make or disseminate or cause to be made or disseminated from this state before the public in any state, in any newspaper or other publication, or any advertising device, or by public outcry or proclamation, or in any other manner or means whatever, including over the Internet, any statement, concerning that real or personal property or those services, professional or otherwise, or concerning any circumstance or matter of fact connected with the proposed performance or disposition thereof, which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so made or disseminated any such statement as part of a plan or scheme with the intent not to sell that personal property or those services, professional or otherwise, so advertised at the price stated therein, or as so advertised. Any violation of the provisions of this section is a misdemeanor punishable by imprisonment in the county jail not exceeding six months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by both that imprisonment and fine." *Id.*

257. Beginning at an exact date unknown to Plaintiff but at least since October 9, 2009, Erin Joyce and Does 1 through 50 of the State Bar of California have committed acts of untrue and misleading advertising, as defined by Bus & Prof Code §17500, by engaging in the following acts and practices with the intent to induce its own members of the bar to represent the oppressed by issuing

1 press releases and making public comments to the media without placing adequate warnings as  
2 particularly described above.

3 258. The State Bar has and continues to advertise the following on its website:

4 **a. What role does the bar play in legislation?**

- 5 • Each year the State Bar sponsors legislation which, following the 1989 U.S. Supreme  
6 Court decision in Keller v. State Bar of California, may pertain only to regulating the  
7 legal profession or improving the administration of justice.
- 8 • The bar also reviews other law-related bills through its committees and sections that  
9 specialize in various areas of the law. The views of these sections and committees and  
10 the Board of Trustees are communicated to legislators by the bar's Office of  
11 Governmental Affairs.

12 **b. Values of the State Bar:**

- 13 • 1. We strive to protect the public by developing, supporting and enforcing rigorous  
14 standards of competence, ethical behavior and commitment to public service in the  
15 legal profession.
- 16 • 2. We work to strengthen the State Bar's leadership and accountability in improving the  
17 administration of justice and ensuring the rule of law in our civil society.
- 18 • 3. We value a culture of transparency and commitment to continuous improvement.
- 19 • 4. We believe that all people should have access to high-caliber legal services,  
20 regardless of their financial or other circumstances.
- 21 • 5. We work to provide services and benefits to members that promote a culture of  
22 collegiality and excellence in the practice of law.
- 23 • 6. We seek to promote economic, racial and geographic diversity in the legal  
24 community in an effort to solidify our ties to California's vibrant multicultural  
25 demographic.

26 259. Defendant publicly disseminated advertising which contained a statement which was  
27 untrue or misleading, and which the **Defendant** Erin Joyce knew was untrue or misleading, and which  
28 concerned a service or their disposition or performance with regard to the standards the State Bar would  
**adhere to in the protection** of its members.

1           260.       In the alternative or in addition to the above, **Defendant** Erin Joyce of the State Bar  
2 publicly disseminated the above statements leading a reasonable member of the Bar to believe it meant  
3 that attorneys who represented the public to give them equal access to the court regardless of their  
4 economic status would not be disciplined.

5           261.       The State Bar did not issue a warning, send out any notices to the Plaintiffs or provide  
6 a call-in telephone number to members of the Bar cautioning **the members** that if their clients had  
7 discovery sanctions issued against them and the attorney jointly and severally and they were not paid,  
8 that the State Bar would seek disbarment based on Cal Bus & Prof Code § 6103 even if the attorney  
9 was protecting the client at the time and seeking to gain equal access to the court regardless of their  
client's economic status.

10          262.       Plaintiff relied on the statements as outlined herein and in the prior cause of action and  
11 were lulled into representing these consumers without fear that their license was in jeopardy for doing  
12 so and lulled into inaction with a false sense of security.

13          263.       Furthermore, defendant State Bar owed a duty to Plaintiffs and those similarly situated  
14 to investigate so as to prevent any false advertising. *People v Forest E. Olson, Inc.*, 137 CalApp3d  
15 137, 139 (1982).

16          264.       Defendants Jayne Kim and Erin Joyce breached that duty by failing to self-police and  
17 investigate any false advertising.

18          265.       The acts of untrue and misleading advertising by The State Bar employees described in  
19 this complaint present a continuing threat to members of the Bar in that the State Bar continues to  
20 advertise the same representations as to what it stands for.

21          266.       Yet, the attorneys being disbarred, and consumer advocates paying the money to avoid  
22 disbarment were never widely publicized so the average bar member who represents consumers never  
had a chance of discovering this before signing up clients that are oppressed.

23          267.       Plaintiffs and other members of the general public have no other adequate remedy at  
24 law in that they are threatened with the loss of their license to practice law which is deemed unique,  
25 and a liberty interest.

26          268.       Plaintiff and other members have suffered emotional distress as result, as more  
27 particularly described in the cause of action above and are entitled to general and special damages as a  
28 result.

269. As a further proximate result, Plaintiff and those similarly situated are entitled to restitution pursuant to Cal Bus & Prof Code §17535 as necessary “to restore to any person in interest any money or property, real or personal, which may have been acquired by means of any practice in this chapter declared to be unlawful.”

a. Wherefore Plaintiff demands judgment against defendants as set forth below.

## EXEMPLARY DAMAGES

270. Defendants' conduct was reprehensible.

271. CELESTE PASILLAS and JAYNE KIM while working at the STATE BAR OF CALIFORNIA acted with the intent to cause injury to Plaintiff as evidenced by having the former client call the HBPD and tell the HBPD a series of untruths about Plaintiff in order to create a sympathetic barrier where the HBPD then questioned the staff working at Plaintiff's office, entered the office, took files and hauled them out of the office (physically) without a warrant or probable cause.

272. CELESTE PASILLAS and JAYNE KIM's conduct was despicable and was one with a willful and knowing disregard of the rights or safety of another. Calling Plaintiff "unstable" to the HBPD put Ms. Albert in danger if any other calls come from that office for help. This is especially true after it was discovered that Cindy Brown was really working as a PAG for a Sovereign Citizen extremist organization like CLOA.

273. CELESTE PASILLAS and JAYNE KIM knew that the former client they used to tell the police these things was associated with a person who had attempted to assault Ms. Albert last July and made threats to run over her dog with a car.

274. They also knew that David Seal was associated with them, too.

275. ERIN JOYCE, CAITLIN ERIN-MORIN, CELESTE PASILLAS and JAYNE KIM, and Does 1 through 50 acted with knowing disregard when the defendant was aware of the probable dangerous consequences of his, her, or its conduct and deliberately failed to avoid those consequences.

276. CELESTE PASILLAS, ERIN JOYCE, CAITLIN ERIN-MORIN and JAYNE KIM, and Does 1 through 100 acted with "Oppression" in that they used their administrative position and used the HBPD to act as a law enforcement agency without any legal authority to do so. Defendant's conduct was despicable and subjected Ms. Albert to cruel and unjust hardship in knowing disregard of her rights.

1           277. CELESTE PASILLAS, ERIN JOYCE, CAITLIN ERIN-MORIN and JAYNE KIM,  
2 and Does 1 through 100 conduct is so vile, base, or contemptible that it would be looked down on and  
3 despised by reasonable people.

4           278. Defendants CELESTE PASILLAS and JAYNE KIM, and Does 1 through 10  
5 intentionally misrepresented or concealed a material fact that there was no warrant, probable cause or  
6 legal authority to send the police to her business and did so intending to harm Ms. Albert.

7           279. An employee is a "managing agent" if he or she exercises substantial independent  
8 authority and judgment in his or her corporate decision making such that his or her decisions  
9 ultimately determine corporate policy. CELESTE PASILLAS, ERIN JOYCE, CAITLIN ERIN-  
10 MORIN and JAYNE KIM, and Does 1 through 25 were managing agents of the STATE BAR OF  
CALIFORNIA.

11           280. The malice, oppression, or fraud was conduct of one or more officers, directors, or  
12 managing agents of STATE BAR OF CALIFORNIA, who acted on behalf of STATE BAR OF  
13 CALIFORNIA.

14           281. An officer, a director, or a managing agent of STATE BAR OF CALIFORNIA had  
15 advance knowledge of the unfitness of JAYNE KIM and CELESTE PASILLAS in investigating  
16 attorneys working in the complex and emerging area of homeowner's rights and employed her with a  
17 knowing disregard of the rights or safety of others.

18           282. Alternatively, the conduct constituting malice, oppression, or fraud was authorized by  
19 one or more officers, directors, or managing agents of STATE BAR OF CALIFORNIA.

20           283. Alternatively, one or more officers, directors, or managing agents of STATE BAR OF  
21 CALIFORNIA knew of the conduct constituting malice, oppression, or fraud and adopted or approved  
22 that conduct after it occurred. This occurred when Ms. Albert sent multiple emails and faxes to the  
23 State Bar board and officers which did not refute or respond at all. They adopted each and every act,  
24 including sending the HBPD to the office without a warrant or probable cause or legal authority to do  
so.

25           284. The conduct must be stopped. Attorneys in the Plaintiff's Bar must be allowed to freely  
26 practice in their profession without worrying that the State Bar is going to come after them without  
27 due process of law.

28           285. Plaintiff has an unblemished record. She has had multiple legal successes in the area  
of consumer rights.

286. Plaintiff files this complaint with regret, being forced to file and expose what has been going on because the Defendant's outrageous and extreme conduct has become too great to keep behind closed doors.

## PRAYER FOR RELIEF

**WHEREFORE, Plaintiffs pray for judgment** against defendants, and each of them, as follows:

### First Cause of Action

1. **General Damages**
2. **Special Damages**
3. **Attorney Fees**
4. **Costs**
5. **Punitive Damages**
6. **Any further relief the court may deem equitable and just.**

### Second Cause of Action

1. For a preliminary injunction ordering defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with defendants, to refrain from the unconstitutional conduct as alleged in this complaint in violation of a member's Equal Protection under the law; Due Process Rights and Fundamental rights.
2. For actual damages;
3. For general damages;
4. For a permanent injunction permanently enjoining and restraining defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with defendants from similar conduct in the future;
5. Costs;
6. Attorney fees
7. Punitive damages
8. Any further relief the court would deem appropriate and just.

### Third Cause of Action

1. Actual Damages
2. Treble Damages

3. Attorney Fees
4. Costs
5. Such further relief the court may deem just and appropriate

**Fourth Cause of Action**

1. For a preliminary injunction restraining defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with defendants, from anticompetitive conduct including price fixing.
2. To break up the State Bar into two bars.
3. For a permanent injunction permanently enjoining and restraining defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with defendants from similar conduct in the future.
4. Costs;
5. Attorney fees;
6. Any further relief the court would deem appropriate and just.

**Fifth and Sixth Cause of Action**

1. To enjoin Defendants from publicly disclosing private facts of Plaintiff
2. General Damages
3. Special Damages
4. Costs
5. Punitive Damages
6. Any further relief the court would deem appropriate and just.

**Seventh Cause of Action**

1. For a preliminary injunction restraining defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with defendants, from tortiously interfering in Plaintiff's business affairs and cases where she represents others;
2. For a permanent injunction permanently enjoining and restraining defendants, and their officers, agents, employees, successors, and attorneys, and all those in active concert or participation with defendants from similar conduct in the future.
3. For actual damages;
4. For general damages;

5. Punitive damages;
6. Costs;
7. Attorney fees;
8. Any further relief the court would deem appropriate and just.

**Eighth Cause of Action**

1. General and special damages
2. Costs
3. Injunctive relief
4. Any further relief the court would deem appropriate and just

**Ninth Cause of Action**

1. General and special damages
2. Exemplary damages
3. Costs
4. Any further relief the court would deem appropriate and just.

**Tenth and Eleventh Cause of Action**

1. Pursuant to Business and Professions Code sections § 17203 and §17535, and pursuant to the equitable powers of this Court, Plaintiff prays that the defendants be preliminarily and permanently enjoined from committing any acts of unfair competition in violation of § 17200 and §17500, including, but not limited to, the violations alleged herein.
2. Pursuant to Business and Professions Code sections § 17203 and §17535, and pursuant to the equitable powers of this Court, Plaintiff prays that the defendants are ordered to restore to the general public all funds or property acquired by means of any act or practice declared by this Court to be unlawful or fraudulent or to constitute unfair competition under Business & Professions Code §17200 et seq., or untrue or misleading advertising under §17500 et seq.
3. Restitution of property, title and/or identity to Plaintiffs and all other members;
4. Disgorgement of profits;
5. Costs;
6. Attorneys' fees;
7. Such other and further relief as this Court finds necessary and proper.



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**Dated: January 21, 2016**

By: s/Lenore L. Albert

Plaintiff, pro se

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF ORANGE:

3 I declare that I am over the age of 18 years, and not a party to the within action; that I am  
4 employed in Orange County, California; my business address is 7755 Center Avenue  
5 Suite #1100, Huntington Beach, CA 92647.

6 On January 21, 2016, I served a copy of the following document(s) described as:

7 **FIRST AMENDED COMPLAINT**

8  
9 On the interested parties in this action as follows:

10 For State Bar of California, Jayne Kim, Erin McKeown Joyce, Caitlin Elen-Morin, and  
11 Celeste Pasillas:

12 Lawrence Yee

13 Mark Torres

14 The State Bar of California, Ofc of Genl Counsel

15 180 Howard Street

16 San Francisco, CA 94105

17 Ph: 415-538-2012

18 Fx: 415-538-2321

19 Eml: mark.torresgil@calbar.ca.gov

20 Joyce.erin@calbar.ca.gov

21 Jayne.kim@calbar.ca.gov

22 Celeste.pasillas@calbar.ca.gov

23 Caitlin.Morin@calbar.ca.gov

24 [x] BY EMAIL – I caused such document(s) to be transmitted to the office(s) of the  
25 addressee(s) listed above by electronic mail at the e-mail address(es) set forth through a  
26 court approved e-service provider.

27 I declare under penalty of perjury under the laws of the State of California and the  
28 United States of America that the foregoing is true and correct.

Dated: January 21, 2016

/s/ Mary Lueras

Mary Lueras