

1 JERRY KAPLAN, ESQ., BAR NO. 49142  
2 JOAN KENEGOS, ESQ., BAR NO. 94015  
3 KAPLAN, KENEGOS & KADIN  
4 9150 Wilshire Blvd., Suite 175  
5 Beverly Hills, Ca 90212  
6 (310) 859-7700

7 Attorney for Respondent

**FILED**

**FEB 18 2016**

STATE BAR COURT  
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STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

11 In the Matter of: ) Case No.: 15-O-12406  
12 )  
13 MARY DERPARSEGHIAN aka ) RESPONSE TO AMENDED NOTICE OF  
14 MARY DER-PARSEGHIAN, ) DISCIPLINARY CHARGES  
15 No. 224541, )  
16 Respondent, )

17 Respondent MARY DER-PARSEGHIAN, responds to the amended  
18 notice of disciplinary charges filed herein as follows:

19 1. The address to which all further notices to respondent  
20 in relation to these proceedings may be sent is as follows:

21 Jerry Kaplan, Esq.

22 KAPLAN, KENEGOS & KADIN

23 9150 Wilshire Blvd., Suite 175

24 Beverly Hills, Ca 90212

25 2. Respondent admits the allegations of Paragraph 1 of the  
26 Notice of Disciplinary Charges.

27 3. Respondent admits the allegations of Count One, lines 9  
28 through 15 up to the words April 16, 2015. Respondent denies that

1 she did not remove funds that she had earned as attorney's fees  
2 from her Client Trust Account, and instead, left her attorney's  
3 fees in her Client Trust Account to be withdrawn as needed in  
4 Wilful Violation of Rules of Professional Conduct, Rule 4-100(A).

5 4. Respondent admits the allegations of the first three  
6 sentences of Paragraph 3, Count Two. Respondent denies that she  
7 failed to maintain a balance of the approximately sum of  
8 \$60,000.00 on behalf of her client in her Client Trust Account,  
9 in Wilful Violation of Rules of Professional Conduct, Rule 4-100  
10 (A).

11 5. Respondent admits the allegations of the first three  
12 sentences of Paragraph 4, Count Three. Respondent denies the  
13 charge.

14 6. Respondent denies the allegations of Paragraph 5, Count  
15 Four in their entirety.

16 7. Respondent admits the allegations of first three  
17 sentences of Paragraph 6, Count Five. Respondent denies the  
18 charges contained in Paragraph 6, Count Five.

19 8. Respondent denies the charges and facts contained in  
20 Paragraph 7, Count Six in their entirety.

21 9. Respondent admits the first four sentences of Paragraph  
22 8, Count 7. Respondent denies the allegations of Paragraph 8,  
23 County Seven in their entirety.

24 10. Respondent admits the allegations of the first four  
25 sentences of Paragraph 9, Count Eight. Respondent denies the  
26 balance of the allegations of Paragraph 9 and the charge.

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First Affirmative Defense

At no time did Respondent misappropriate any money belonging to a client. The money at issue was placed into a separate interest bearing account at the request of and with the consent of the client and deposited into such account pending the ongoing litigation with the remaining defendants and medical lien holders prior to any client distribution.


Second Affirmative Defense

There is no complaining witness and no victim in this case. No charges have been alleged by the clients of Respondent.

WHEREFORE, respondent prays that the Hearing Panel find that the act(s) charged did not constitute professional misconduct or, if misconduct is found, that it be excused virtue of mitigating circumstances.

Dated: February 17, 2016

KAPLAN, KENEGOS & KADIN

By:   
JERRY KAPLAN  
Attorneys for Respondent  
MARY DER-PARSEGHIAN

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PROOF OF SERVICE

STATE OF CALIFORNIA       )  
                                  )       ss.  
COUNTY OF LOS ANGELES    )

I am employed in the county of Los Angeles, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is 9150 Wilshire Blvd., Suite 175, Beverly Hills, California 90212.

On February 17, 2016 I served the foregoing documents described as RESPONSE TO NOTICE OF DISCIPLINARY CHARGES on all parties in this action by placing a copy thereof in sealed envelope addressed as follows:

Charles T. Calix  
Deputy Trial Counsel  
State Bar of California  
Office of the Chief Trial Counsel  
845 South Figueroa Street  
Los Angeles, Ca 90017  
(213) 765-1255

[X] BY MAIL

[X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under the penalty of perjury under the laws of the State of California that the above is true and correct.

EXECUTED on February 17, 2016 at Beverly Hills, California.

  
\_\_\_\_\_  
Maria Sandoval