STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT - LOS ANGELES

In the Matter of DOUGLAS GORDON ILER, State Bar No. 235350.	)	Case Nos. 16-O-13006 (16-O-15077); 17-O-02973-CV (Consolidated) DECISION

Introduction[1]

In this contested disciplinary proceeding, Douglas Gordon Iler (Respondent) is charged with 24 counts of misconduct in four client matters. The charged acts of misconduct include: (1) failing to perform with competence; (2) failing to comply with laws; (3) improperly withdrawing from employment; (4) failing to cooperate in a disciplinary investigation; (5) failing to release client file; (6) seeking to mislead a judge; (7) committing an act of moral turpitude by making misrepresentations; (8) failing to obey a court order; and (9) failing to communicate with client.

This court finds, by clear and convincing evidence, that Respondent is culpable of 19 of the charged counts of misconduct.[2] In view of Respondent's misconduct and the evidence in aggravation and mitigation, the court recommends, among other things, that Respondent be

[1] Unless otherwise indicated, all references to rules refer to the State Bar Rules of Professional Conduct that were operative until October 31, 2018. Furthermore, all statutory references are to the Business and Professions Code, unless otherwise indicated.

[2] Respondent is culpable as follows: **16-O-13006**: counts 1-4, 6, 13, 14 (counts 5, 12, and 15 are dismissed); **16-O-15077**: counts 9, 10, and 11 (counts 7 and 8 are dismissed); **17-O-02973**: culpable on all nine counts.

suspended for two years, execution of that suspension is stayed, be placed on probation for two years, and be actually suspended for the first one year of probation.

Significant Procedural History

1. ***First Notice of Disciplinary Charges (Case Nos. 16-O-13006 (16-O-15077))***

On July 6, 2017, the Office of Chief Trial Counsel of the State Bar of California (OCTC) initiated this proceeding by filing a Notice of Disciplinary Charges (NDC) in case Nos. 16-O-13006 (16-O-15077). On July 31, 2017, Respondent filed a response.

On October 19, 2017, the court abated this matter pending filing of new charges, which was later unabated on April 23, 2018.

Subsequently, OCTC filed a First Amended NDC on August 3, 2018. Respondent responded to the First Amended NDC on September 10, 2018.

2. ***Second Notice of Disciplinary Charges (Case No. 17-O-02973)***

On April 4, 2018, a second NDC was filed in case No. 17-O-02973. On May 7, 2018, Respondent filed a response. On July 2, 2018, this matter was consolidated with the first NDC.

3. ***Pretrial Motions and Trial***

On July 6, 2018, Judge Donald F. Miles (retired) transferred the case to the undersigned judge.

On August 3, 2018, the court denied as moot OCTC's motion to exclude Respondent's witnesses and exhibits for failure to serve discovery responses. On October 24, 2018, the OCTC renewed its motion. This court ultimately allowed Respondent to call witnesses and offer exhibits despite his documented failure to fully comply with OCTC's discovery requests.

On November 16, 2018, OCTC filed its second motion to keep the record open to allow the testimony of Jason Hartman who did not make himself available during the dates of the initial

trial set by Judge Miles, nor during any of the eight days of trial in this case. On December 10, 2018, the undersigned judge denied the motion, no good cause having been shown.

An eight-day trial was held December 11, 12, and 13, 2018; January 22 and 23, 2019; and February 5, 6, and 11, 2019. The court took this matter under submission on February 11, 2019. The parties filed closing briefs thereafter.

Findings of Fact and Conclusions of Law

Respondent was admitted to the practice of law in California on January 10, 2005, and has been a licensed attorney of the State Bar of California at all times since that date.

The following findings of fact are based on the stipulation as to facts, filed December 11, 2018, and the documentary and testimonial evidence admitted at trial.

Case No. 16-O-13006 (Hartman)

On October 2, 2013, Respondent was hired to represent Jason Hartman and his corporation, Platinum Properties Investor Network, Inc. (Platinum), in two litigation matters: (1) a bad faith claim against an insurance company (AMCO case); and (2) a defamation case.

Hartman v. AMCO

On July 9, 2014, Respondent filed a lawsuit on behalf of Hartman and Platinum against AMCO Insurance Co. in *Jason Hartman et al. v. AMCO Insurance Co.* (erroneously sued as Nationwide Ins. Co.), Orange County Superior Court, case No. 30-2014-00733069.

On August 18, 2014, the action was removed to the United States District Court for the Central District of California, case number 8:14-cv-01321 (AMCO case).

AMCO served Rule 26 Initial Disclosures on Respondent. Respondent served the Rule 26 Initial Disclosures on AMCO after April 1, 2015.

First Round of Discovery

In connection with AMCO's Interrogatories ("ROGS"), Requests for Admissions ("RFAs"), and Requests for Production of Documents ("RFPs"), dated December 23, 2014, Respondent represented to opposing counsel Christine Emanuelson that he had not received these discovery requests in the mail or otherwise. Emanuelson stated that she would email copies of the discovery requests to Respondent. He also told Emanuelson that he had not received the originally served discovery because he had moved his office, and that he would go over the requests "early next week."

Having received no response to the discovery requests, Emanuelson emailed Respondent inquiring about these responses, and requesting a Local Rule 37-1 conference with Respondent.

Respondent told Emanuelson that Hartman had been traveling and asked if he could provide the responses by March 6, 2015. She agreed to Respondent's request.

On March 13, 2015, Respondent sent a letter to Emanuelson and the mediator in the AMCO case.

On April 1, 2015, Emanuelson filed a Motion to Compel ROGS and RFP and Request for Monetary Sanctions, along with a declaration in support of the motion, which was served on Respondent.

On April 14, 2015, Magistrate Judge Jay C. Gandhi ordered further meet and confer efforts regarding the Motion to Compel Responses/Sanctions.

On April 23, 2015, Respondent and Emanuelson met in person to meet and confer. In this meeting, Respondent told Emanuelson that he would provide verified responses to the discovery requests at a future date.

On April 28, 2015, Respondent sent an email to Hartman and his employee, William Musser, confirming an 11:45 a.m. call with them to go over the discovery requests.

On April 28, 2015, Respondent served discovery responses to AMCO.

On April 30, 2015, the hearing regarding the motion to compel discovery was held. Respondent was present but did not file any opposition to the motion.

During the April 30, 2015 hearing, Magistrate Judge Gandhi granted AMCO's motion to compel and ordered Respondent's client to produce discovery within 10 days. Magistrate Judge Gandhi harshly admonished Respondent for producing discovery just prior to the hearing, stating that he did not "subscribe to that state court philosophy of trying to moot discovery motions by providing initial disclosures or discovery on the day of the hearing" and warning Respondent that "I am going to sanction your client every dollar of attorney fees." Magistrate Judge Gandhi further advised Respondent that if they did not resolve discovery issues forthwith, they would be facing terminating sanctions. He directed Respondent to impress upon Hartman the seriousness of the matter, and the consequences of continued non-compliance. Magistrate Judge Gandhi then took AMCO's request for monetary sanctions under submission. Finally, he ordered Respondent to file a corrected declaration from Hartman that would comply with federal requirements.

On April 30, 2015, Musser sent an email to Respondent, inquiring about the AMCO case. Rather than reporting the truth of the judge's stern admonishments and sanctions warnings at the hearing, Respondent replied to Musser's emails stating, "Yes we worked all this out at the meet and confer meeting last week and in court today. Judge was happy that we resolved many of the discovery issues. More to do obviously and I'll need your help with it re: getting your docs and also things from [Lee] Hardee and others. More soon."

On May 28, 2015, Emanuelson sent an email to Respondent with a draft Stipulated Protective Order to resolve the attorney-client privilege issues raised by Hartman that concerned litigation in Missouri and Kansas. Respondent ignored Emanuelson's email.

Second Round of Discovery

On June 19, 2015, Respondent was served with additional discovery requests. He delayed providing these requests to Hartman. As he had previously claimed with respect to the first round of discovery, Respondent denied having received the discovery. As before, opposing counsel resent the requests to Respondent via email on July 24, August 13, October 1, and October 9, 2015, and in a motion to compel and motion for sanctions filed on October 15, 2015. Despite opposing counsel's diligence and courtesy in sending multiple reminders regarding Respondent's failure to respond to the second round of discovery, Respondent never communicated these discovery requests to Hartman. Respondent thus made it impossible for Hartman to comply in a timely manner.

On July 8, 2015, Hartman's deposition was taken.

Third Round of Discovery

Third-round discovery demands were made on August 21 and 24, 2015. Respondent never advised Hartman regarding these discovery demands. Opposing counsel reminded Respondent several times by various means, e.g. emails, phone conversations, letters, and voicemail messages, that third-round discovery demands remained outstanding.

From September 1 through September 3, 2015, Respondent communicated with his client via email. Respondent did not tell Hartman, or Hartman's other counsel, Lee Hardee, that Emanuelson drafted a proposed Stipulated Protective Order to resolve the attorney-client privilege issues raised by Hartman that concerned litigation in Missouri and Kansas. And, despite the court's April 30, 2015 order, Respondent continued to mislead Hartman into believing that AMCO was being unreasonable.

Respondent ultimately responded to opposing counsel's October 13, 2015 communication but only to report that he was in trial, could not get phone reception, was not

available for Musser's upcoming deposition, was not available for the court telephonic conference set for Friday, and would file a notice of non-availability with the court. Musser's deposition had been rescheduled several times without Musser's knowledge or consent. On October 14, 2015, when Respondent failed to both appear and produce Musser at the scheduled deposition, opposing counsel took a certificate of non-appearance. Musser, in pro per, filed an opposition asserting that Respondent had neither the authority to accept a subpoena on his behalf, nor informed Musser of the October 14, 2015 deposition date. As Hartman's right-hand man, Musser's failure to appear at the deposition left the impression (as Respondent led Magistrate Judge Gandhi to believe) that Hartman was an uncooperative client.

On October 15, 2015, opposing counsel filed a second motion to compel. Respondent received the motion, but did not file an opposition. On October 26, 2015, Musser checked the docket and found that a second motion to compel had been filed. Musser informed Hartman. On October 27, 2015, Respondent called Hartman and told him that the AMCO case was "good." Later that same day, Hartman emailed Respondent and directed him to make sure the case was being handled properly. Later still that same day, Hartman emailed Respondent to inquire as to whether Respondent had seen the motion to compel.

On October 28, 2017, Hartman resent the motion to compel by email, asking, "[W]hat's going on here?" Respondent responded by saying that he "...had a long call with AMCO's attorneys today and it looks like we have resolved most of the issues in that motion. More details later, we will need to set up a call next week to respond to their improperly served discovery." In truth, the issues had not been resolved, and Hartman was at risk of being sanctioned. Hartman expressed concern, stating, "I sure hope we're ok and planning on winning this case."

Respondent reported truthfully that he had a meet and confer with opposing counsel on October 28, 2015. However, the substance of the meet and confer was recorded in a five-page letter sent from opposing counsel to Respondent on November 3, 2015, and makes clear that Respondent intentionally and detrimentally misrepresented to Hartman the substance and outcome of the meet and confer. Moreover, Respondent led Hartman and Musser to believe that any discovery problems were the result of opposing counsel's "improperly served" discovery requests. Hartman and Musser accepted Respondent's assurances that "matter[s] were being handled" and all was well.

In the November 3, 2015 letter, opposing counsel itemized the outstanding discovery and detailed the six categories of discovery that had never been produced. The letter also referenced Respondent's failure to secure the three third-party release signatures for the protective order despite multiple requests for the releases since July 2015. Opposing counsel advised Respondent that motions to compel would be pursued and Respondent's clients would be responsible for the costs of pursuing the motion.

Indeed, Respondent advised Hartman and two of the third-party counsel that opposing counsel was to blame for the discovery problems. Respondent did not accept any responsibility for failing to comply with the outstanding discovery demands, did not file oppositions to the motions to compel, and did not advocate this position to the court.

On November 12, 2015, a hearing was held regarding the AMCO's second Motion to Compel and Request for Monetary Sanctions. During the hearing, Magistrate Judge Gandhi readied to impose sanctions, stating, "I don't really want to impose sanctions on counsel if it's a client issue. And if it's a client issue where he's not getting cooperation from his client, I want – I want it to go to the right place. I wouldn't be wrong about that, would I?" Respondent

replied, "I guess the court is not wrong about that." The court issued an order sanctioning Hartman $17,000.

In fact, Respondent had never notified Hartman regarding the second round of discovery requests, which was the basis of the hearing and the motion to compel. He had not so much as raised with Hartman any of the issues outlined in opposing counsel's November 3, 2015 letter. Respondent created the problem, kept Hartman in the dark about discovery production and sanctions, allowed his client to be held responsible, misled the court, and failed to notify Hartman of the $17,000 sanctions order issued against him during the hearing.

Lee R. Hardee, Hartman's attorney in Missouri and Kansas, notified Hartman about the $17,000 sanctions order. Hartman responded to Hardee and copied Respondent, stating, "Of course not, I have NO IDEA what this is about! Doug [Respondent] – What the hell is going on here???" Respondent did not respond. Musser checked the court docket, obtained a copy of the order, and sent it to Hartman. On November 20, 2015, Musser and Hartman scrambled to find the discovery requests because Respondent had still not provided the second round of discovery requests to them.

On November 21 and 23, 2015, Hartman emailed opposing counsel, stating "my attorney, Doug Iler is unreachable, completely non-responsive. He has gone dark, AWOL . . . Doug Iler never provided discovery information (I didn't even know about this until two days ago). I want to comply pro se by supplying the answers ordered by the court." Hartman then requested copies of the second round request for discovery.

On November 24, 2015, opposing counsel attempted to reach Respondent by phone and by email. Respondent did not reply.

On December 2, 2015, opposing counsel sent Respondent a letter by fax and email inquiring about various issues in the case, including whether he would produce Musser for

deposition, outstanding discovery, sanctions, and advising Respondent that a third motion to comply would be filed shortly if Respondent failed to respond. On December 21, 2015, opposing counsel sent a joint stipulation re discovery responses to Respondent for review and signature. Respondent did not reply.

On January 7, 2016, opposing counsel filed a motion to compel responses to the third set of discovery requests served on August 24 and 25, 2015.

On January 21, 2016, the court, on its own motion, directed the parties to further meet and confer personally at AMCO's counsel's office and advise the court by February 1, 2016, if they were able to resolve the dispute. Thereafter, opposing counsel made repeated efforts on almost a daily basis to get Respondent to comply with the court's meet and confer order. Respondent waited until 4:50 p.m. on February 1, 2016, to notify counsel that he could not meet and confer on that day as planned. He promised her discovery responses that night or early the next morning, but never followed through.

On February 2, 2016, Respondent advised Hartman that he would send the third-round discovery demands and proposed responses and that Hartman needed to return them as soon as possible after he received them. On February 4, 2016, at 8:39 a.m., Respondent emailed Hartman and Musser draft responses and blank verifications and said he would argue that AMCO was abusing the discovery process, that they had not objected to discovery plan, and that they should not be punished for it. This was the first time that Respondent provided second round discovery responses to Hartman – well after Hartman had been sanctioned - at the November 12, 2015 hearing - for not producing this discovery.

On February 4, 2016, at 9:27 a.m., Respondent emailed Emanuelson with the draft responses to discovery, and noted that he was awaiting verifications via email. He advised that

he had additional documents to provide that contained too much data to email and promised to copy the documents onto a disk and deliver to her shortly thereafter.

On February 4, 2016, Magistrate Judge Gandhi granted the motion to compel responses and production of documents, ordering Platinum and Hartman to provide responses within 10 days and awarding monetary sanctions against Platinum and Hartman (and not Respondent) in the amount of $4,042.50 to be paid within 10 days of the order.

As of February 8, 2016, Respondent had not advised Hartman of the recently-issued sanction order against him. Hartman emailed Respondent with questions regarding the required verifications, but Respondent failed to respond.

On February 9, 2016, opposing counsel advised Respondent that they were still waiting to receive the promised discovery, including missing signatures, improper objections that were waived, and objections that needed to be signed by him as the attorney of record. Opposing counsel also asked for the status of the 800-plus pages of documents that Respondent had promised to send.

On February 22, 2016, the unopposed Motion for Summary Judgment was granted and judgment was entered in favor of AMCO and against Hartman and Platinum. On April 21, 2016, Hartman paid sanctions in the amount of $27,285. On May 6, 2016, Hartman paid attorney fees to opposing counsel in the amount of $7,403.80. On May 15, and June 7, 2016, Hartman requested his file from Respondent. Respondent has not provided Hartman with his client file.

Hartman v. John Doe

On May 13, 2015, Respondent filed a defamation action on behalf of Hartman and Platinum in *Jason Hartman and Platinum v. John Doe et al.*, Orange County Superior Court,

case No. 30-2015-00787634 (the defamation case). The court set the Case Management Conference (CMC) for July 28, 2015.

On July 28, 2015, Respondent appeared at the CMC and requested a continuance. His request was granted and the CMC was continued to September 18, 2015.

On September 18, 2015, Respondent did not appear at the CMC. Respondent again claims that he made a simple mistake by either mis-calendaring or failing to calendar the conference. Consequently, the court continued the CMC and issued an order to show cause for October 16, 2015, as to why the case should not be dismissed and sanctions imposed on Respondent.

On October 16, 2015, Respondent did not appear at the CMC and order to show cause hearing, and the defamation case was dismissed without prejudice.

On October 26, 2015, Respondent received a notice of dismissal.

On October 27, 2015, Respondent told Hartman that the defamation case was not dismissed and was moving along well.

On October 30, 2015, Respondent emailed Hartman, explaining that he had just received notice of the dismissal, and would have it withdrawn. Respondent failed to take any steps to have the dismissal set aside.

State Bar Investigation

On August 9, 2016, State Bar Investigator Colie Dillon sent a letter and an email it to Respondent requesting a response to the allegations in the two Hartman matters. An "Auto reply" email from Respondent was generated which stated that he was out of town for approximately one week.

On November 15 and December 8, 2016, Dillon emailed Respondent, requesting a response.

On December 16, 2016, Dillon visited an address thought to be associated with Respondent, and left a note taped to the window of the house, requesting that Respondent contact him.

On December 19, 2016, Respondent replied, confirming receipt of the note left on his door. Dillon informed Respondent via email of the complaints and provided another copy of the letters that were mailed out.

On December 21, 2016, Dillon emailed Respondent asking him to confirm receipt of the previous email with copy of letters that were mailed out.

On December 22, 2016, Respondent confirmed via email receipt of the December 21, 2016 email with the attached letters, saying he would "look at" the letters as soon as he could. Dillon informed Respondent that his response was due January 3, 2017.

On January 3, 2017, Respondent emailed Dillon, requesting an extension. Dillon emailed Respondent confirming an extension until January 17, 2017.

On January 17, 2017, Respondent requested an additional extension.

On January 30, 2017, Dillon emailed Respondent confirming an extension until February 3, 2017.

On April 14, 2017, Dillon emailed Respondent asking him to contact the Bar if he intended to submit a response. Respondent did not provide a substantive response.

Conclusions of Law

Count 1 – Rule 3-110(A) [Failure to Perform Legal Services with Competence]

Rule 3-110(A) provides that an attorney must not intentionally, recklessly, or repeatedly fail to perform legal services with competence.

In the defamation case, OCTC charged that Respondent willfully violated rule 3-110(A) by failing to appear at a Case Management Conference on September 18, 2015, and subsequent Order to Show Cause Hearing on October 15, 2015.

In the AMCO case, OCTC charged that Respondent willfully violated rule 3-110(A) by:

- Failing to provide discovery responses, submit Plaintiffs' portion of the joint stipulation in defendant's motions to compel, and oppose the motions to compel filed by defendant, resulting in sanctions against Hartman and Platinum;
- Failing to file an opposition to a Motion for Summary Judgment or appear on or about February 22, 2016 at the hearing on the Motion for Summary Judgment on behalf of Hartman;
- Failing to provide an amended declaration to opposing counsel on behalf of Hartman in compliance with the court's April 30, 2015 discovery order; and
- Failing to appear at the deposition of William Musser on behalf of Hartman on October 14, 2015.

In the defamation case, Respondent argues, among others, that he did not receive the minute order, the OSC or the dismissal order because the court orders were sent to the wrong address; and that he had miscalendared the CMC date ("a stupid mistake").

In the AMCO case, Respondent argues, among others, that his failure to appear at the motion for summary judgment hearing was a negligent act; and that the court ordered his client, not him, to provide a declaration in response to the discovery order. He argues that his negligent acts in both litigation matters did not constitute a failure to perform services competently.

The court does not find Respondent's claims credible or meritorious. For example, in the defamation case, when the first CMC was scheduled, it was Respondent who asked to continue the conference. Respondent's claim that the notice was sent to the wrong address is inexcusable.

He knew or should have known that his request to continue was granted and the conference was continued. Thus, there is clear and convincing evidence that Respondent committed the "stupid mistake" not by mere negligence, but by gross negligence.

Moreover, based upon the credible testimony of Musser, Hardee, opposing counsel (Emmanuelson and Monica Dib) and Magistrate Judge Gandhi's orders, there is clear and convincing evidence that Respondent failed to provide discovery responses, submit Hartman's portion of the joint stipulation in the motions to compel, and oppose AMCO's motions to compel. He also failed to file an opposition to a Motion for Summary Judgment or appear at the hearing on the Motion for Summary Judgment; failed to provide an amended declaration to AMCO on behalf of Hartman in compliance with the court's April 30, 2015 discovery order; and failed to inform William Musser that his deposition was scheduled on October 14, 2015, which Respondent cancelled the day before.

Diligence includes best efforts to accomplish with reasonable speed the purpose for which the attorney was employed. (*Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 931.) Respondent clearly failed to apply due diligence in his performance of the tasks he was retained to perform.

Therefore, Respondent failed to take any steps to advance the AMCO and defamation litigation he was hired to pursue. The OCTC established by clear and convincing evidence that Respondent failed to advance the litigation on behalf of his clients. As such, by failing to perform services with competence on behalf of Hartman and Platinum, Respondent willfully violated rule 3-110(A). (*Guzzetta v. State Bar* (1987) 43 Cal.3d 962, 979 [attorney failed to perform competently by taking no action to accomplish the purpose for which the client retained him].)

Count 2 – § 6068, Subd. (m) [Failure to Communicate]

Section 6068, subdivision (m), provides that an attorney has a duty to promptly respond to reasonable status inquiries of clients and to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide legal services.

The OCTC charged that Respondent failed to keep Hartman and Platinum reasonably informed of significant developments in the AMCO and defamation cases by not informing them of matters, including but not limited to, court dates and dismissal in the defamation case; and not informing them of mediation, depositions of third parties, court orders, discovery requests, discovery orders, discovery sanctions imposed on Hartman clients in the AMCO case, between December 23, 2014, and February 22, 2016, in willful violation of section 6068, subdivision (m).

Respondent argues that he did not fail to communicate because he did not know about the dismissal of the defamation case and that he communicated mainly with Musser, whom he relied on to relay the communications to Hartman.

Again, the court rejects his arguments. Respondent knew or should have known that the defamation case was dismissed. Not only was he non-reponsive to AMCO, but he also failed to inform Hartman and Musser about the various court dates, discovery requests, court orders, and sanctions. In fact, on November 21 and 23, 2015, Hartman had to complain to opposing counsel that Respondent was "unreachable, completely non-responsive. He has gone dark, AWOL . . . Doug Iler never provided discovery information (I didn't even know about this until two days ago). I want to comply pro se by supplying the answers ordered by the court."

Hartman's email to opposing counsel reflected his increasing frustration at his inability to speak with Respondent and Respondent's violation of his statutory duty to communicate with him. Therefore, Respondents failed to keep Hartman reasonably informed of significant

developments in the defamation and AMCO cases, in which he had agreed to provide legal services, in willful violation of section 6068, subdivision (m).

Count 3 – § 6106 [Moral Turpitude]

Section 6106 provides, in part, that the commission of any act involving dishonesty, moral turpitude, or corruption constitutes cause for suspension or disbarment.

The OCTC charged that on October 28, 2015, Respondent represented to Hartman that most issues surrounding a motion to compel, filed by the opposing party in the AMCO case, had been resolved, when he knew or was grossly negligent in not knowing, that his representation was false in that the issues raised by the motion to compel had not been resolved and were outstanding, and thereby committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106.

Respondent contends, among others, that he had no intent to mislead his client and that his assessment of the litigation progress was subjective and a mere "quick update."

On the contrary, the commission of any act of dishonesty constitutes a violation of section 6106. (*In the Matter of Farrell* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 490, 497.) When Respondent misled Hartman into believing that he was working on his case and that most of the issues in that motion were resolved, he committed an act of dishonesty. His grossly negligent failure to disclose the material fact that the issues had not been resolved and that Hartman was at risk of being sanctioned violated his duties of honesty to his client.

Moreover, Respondent misled Hartman and Musser to believe that any discovery problems were the result of opposing counsel's "improperly served" discovery requests. Hartman and Musser accepted Respondent's assurances that "matter[s] were being handled" and all was well.

Therefore, there is clear and convincing evidence that Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106 by his misrepresentation to his client that the issues in the motion to compel had been resolved.

Count 4 – § 6106 [Moral Turpitude]

The OCTC charged that on November 12, 2015, Respondent, during a hearing for a motion to compel responses to interrogatories and production of documents in the AMCO case, made statements regarding the lack of discovery responses intending to lead Magistrate Judge Gandhi to believe the failure to provide discovery was the fault of his clients, Hartman and Platinum, when Respondent knew or was grossly negligent in not knowing the statements were false because the lack of discovery responses was not attributable to the clients, and thereby committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106.

Respondent argues that he was not being dishonest in confirming the court's belief that Hartman had been less than fully cooperative in producing discovery because Hartman had instructed his Missouri lawyers to not produce the documents to Respondent.

During the hearing, Magistrate Judge Gandhi asked Respondent, "I don't really want to impose sanctions on counsel if it's a client issue. And if it's a client issue where he's not getting cooperation from his client, I want – I want it to go to the right place. I wouldn't be wrong about that, would I?" Respondent replied, "I guess the court is not wrong about that."

As discussed in count 3, in October 2015, Respondent told the clients that opposing counsel was to be blamed for the discovery problems. Then at the November 2015 hearing, he represented to the court that his clients were to be blamed for the discovery problems. In fact, Respondent created the problem, did not inform Hartman about discovery production and

sanctions, and allowed his client to be held responsible by agreeing with the court that it was a "client issue."

Therefore, by confirming that "it's a client issue where he's not getting cooperation from his client," Respondent intentionally misled Magistrate Judge Gandhi to believe the failure to provide discovery was his clients' fault and thereby committed an act of misrepresentation, involving dishonesty, in willful violation of section 6106, by clear and convincing evidence.

Count 5 – § 6068, Subd. (d) [Attorney's Duty to Employ Means Consistent with Truth]

Section 6068, subdivision (d), provides that an attorney has a duty to employ those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of law or fact.

The OCTC alleged that on November 12, 2015, Respondent, during a hearing for a motion to compel responses to interrogatories and production of documents in the AMCO case, made statements regarding the lack of discovery responses leading Magistrate Judge Jay C. Gandhi to believe the failure to provide discovery was the fault of his clients, when Respondent knew the statements were false because the lack of discovery responses were not attributable to the client, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of section 6068, subdivision (d).

However, because these facts also support the misrepresentation culpability finding in count 4, the court dismisses count 5 with prejudice as a duplicative allegation of the section 6106 charge. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060 [Little, if any, purpose is served by duplicate allegations of misconduct].)

Count 6 – § 6068, Subd. (i) [Failure to Cooperate in State Bar Investigation]

Section 6068, subdivision (i), provides that an attorney has a duty to cooperate and participate in any disciplinary investigation or other regulatory or disciplinary proceeding pending against the attorney.

Respondent admits, and the court so finds, that he did not provide a substantive response to the allegations of misconduct contained in the State Bar investigator's letters on August 9, November 15, December 8, 19, and 21, 2016, and April 14, 2017, in willful violation of section 6068, subdivision (i), in count 6.

Count 12 – § 6068, Subd. (a) [Attorney's Duty to Support Constitution and Laws of United States and California]

Section 6068, subdivision (a), provides that an attorney has a duty to support the Constitution and laws of the United States and California.

The State Bar alleged that Respondent willfully violated section 6068, subdivision (a), by breaching his common law fiduciary duties and duty of loyalty to Hartman and Platinum by leading Magistrate Judge Gandhi to believe that his lack of discovery production was his clients' fault as opposed to Respondent's fault.

Because these facts also support the misrepresentation culpability finding in count 4, the court dismisses count 12 with prejudice as a duplicative allegation of the section 6106 charge. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1060 [Little, if any, purpose is served by duplicate allegations of misconduct].)

Count 13 – § 6103 [Failure to Obey a Court Order]

Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment.

The State Bar alleged that Respondent willfully violated section 6103 by failing to comply with a January 21, 2016 minute order in the AMCO case, requiring Respondent to meet and confer, fully and diligently and in person at AMCO's counsel's office by on or about February 1, 2016, which Respondent violated by failing to meet and confer with opposing counsel at any time after January 21, 2016.

Respondent argues that he attempted to meet and confer but there was no mutually agreeable time to meet and that the court order became moot when the AMCO case was terminated in February 2016.

Again, Respondent's arguments are rejected. To be clear, opposing counsel made repeated efforts on almost a daily basis to get Respondent to comply with the court's meet and confer order. Respondent waited until 4:50 p.m. on February 1, 2016, to notify counsel that he could not meet and confer on that day as planned. He promised her discovery responses that night or early the next morning, but never followed through. The court order did not become moot until three weeks later when the court granted summary judgment against Hartman and Platinum on February 22, 2016. Therefore, by failing to timely meet and confer in compliance with the January 21, 2016 court order, Respondent willfully violated section 6103.

Count 14 – Rule 3-700(A)(2) [Improper Withdrawal from Employment]

Rule 3-700(A)(2) prohibits an attorney from withdrawing from employment until the attorney has taken reasonable steps to avoid reasonably foreseeable prejudice to the client's rights, including giving due notice to the client, allowing time for the employment of other counsel, and complying with rule 3-700(D) and other applicable rules and laws.

The State Bar alleged that Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to Hartman and Platinum by constructively terminating Respondent's employment on February 4, 2016, by failing to take any

action on the clients' behalf after that date in the AMCO case, and thereafter failing to inform the client that Respondent was withdrawing from employment, in willful violation of rule 3-700(A)(2).

Respondent argues that neither Hartman terminated his employment nor did he withdraw from employment in February 2016. Instead, he claims that his involvement in the AMCO case ended by operation of law through a terminating sanction by the court.

Again, Respondent's arguments are without merit. On February 4, 2016, Respondent provided second round discovery responses to Hartman and communicated with opposing counsel regarding the discovery responses. That was the last time Respondent provided any legal services on behalf of his clients in the AMCO case. Rule 3-700(A)(2) may reasonably be construed to apply when Respondent ceased to provide services, even in the absence of intent to withdraw as counsel. (*In the Matter of Burckhardt* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 343.)

Therefore, Respondent's failure to complete the services he undertook for his clients and his de facto withdrawal from employment without taking reasonable steps to avoid foreseeable prejudice to Hartman and Platinum, after February 4, 2016, and thereby constructively terminating employment without giving due notice to his clients that he was withdrawing from employment, were willful, and violated rule 3-700(A)(2). (See *In the Matter of Peterson* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 73.)

Count 15 – Rule 3-700(D)(1) [Failure to Return Client Papers/Property]

The OCTC requested to dismiss count 15 at trial. After careful consideration, the court agrees. Accordingly, count 15 is hereby dismissed with prejudice.

Case No. 16-O-15077 (Battery)

In 2010, Respondent met Richard Keller, owner and CEO of 1-800-Battery, Inc. (Battery), and later became his attorney in various legal matters, including two litigation cases: *1-800-Battery, Inc. v. Fidelity National Title Insurance Company*, Orange County Superior Court, case number 3030-2015-00790673-CU-IC-CXC (Fidelity case); and *George Kalo et al. v. 1-800-Battery, Inc.*, case number 30-2015-00811823-CU-OR-CJC (Kalo case).

Because he was starting a new job in May 2016, Respondent informed Keller that he would have to substitute out of the cases. At Respondent's recommendation, Keller then hired the Law Offices of Bruce C. Bridgman to handle the Fidelity and Kalo cases. But in June 2016, Respondent was still the attorney of record.

Between June 23, 2016, and July 5, 2016, attorneys in the Law Office of Bruce C. Bridgman attempted to contact Respondent by phone, letter, and email to request that Respondent sign a substitution of attorney form and turn over the client file to the firm as successor counsel. Respondent did not respond to their request.

On June 27, 2016, attorney Ruth Hess of the Bridgman law firm told Keller that the law firm was making a complaint to the State Bar regarding Respondent's refusal to return their calls and provide them with the client file because they had been unable to make contact with Respondent "the past three days."

On July 11, 2016, attorney Hess filed an ex parte application for an order to have the Law Offices of Bruce C. Bridgman substitute in in place of Respondent in both Fidelity and Kalo cases. On July 11, 2016, the court granted the ex parte applications and substitution of attorney in both cases and ordered Respondent to turn over the client files.

On July 12, 2016, attorney Hess sent a copy of the two court orders in both Fidelity and Kalo cases to Respondent at two addresses: 7777 Center Drive, #450, Huntington Beach, CA

92647 and 2192 Dupont Drive, Irvine, CA 92612. The mailing addressed to Irvine was returned but the mailing addressed to Huntington Beach was not returned. Moreover, attorney Justin Betance testified, and the court so finds, that he agreed to let Respondent use his office address in Huntington Beach to receive mail and that Respondent picked up his mail between April and August 2016. Therefore, Respondent received copies of the court orders from attorney Hess.

Yet, Respondent did not turn over the client files to the Law Offices of Bridgman. Keller subsequently fired the Law Offices of Bridgman and hired Joseph Ferucci.

Keller requested his files from Respondent around May 2016. Although Respondent was not responsive during that time, he eventually replied and provided the files. Keller felt that he received the files within a reasonable time period after he terminated the employment of the Law Offices of Bridgman (although it was almost a full year after Respondent substituted out of the case.) Keller testified that he was not the complaining witness and that he did not want any part of the Bridgman law firm's State Bar complaint against Respondent. He was not dissatisfied with Respondent's representation. In fact, Keller has rehired Respondent to be his attorney on both of the cases once again in 2018.

State Bar Investigation

On December 9, 2016, State Bar Investigator Dillon sent a letter to Respondent requesting a response to the allegations in this Battery matter.

The following stipulated facts are the same as those in the Hartman matter:

On December 16, 2016, Dillon visited an address thought to be associated with Respondent, and left a note taped to the window of the house, requesting that Respondent contact him.

On December 19, 2016, Respondent replied, confirming receipt of the note left on his door. Dillon informed Respondent via email of the complaints and provided another copy of the letters that were mailed out.

On December 21, 2016, Dillon emailed Respondent asking him to confirm receipt of the previous email with copy of letters that were mailed out.

On December 22, 2016, Respondent confirmed via email receipt of the December 21, 2016 email with the attached letters, saying he would "look at" the letters as soon as he could. Dillon informed Respondent that his response was due January 3, 2017.

On January 3, 2017, Respondent emailed Dillon, requesting an extension. Dillon emailed Respondent confirming an extension until January 17, 2017.

On January 17, 2017, Respondent requested an additional extension.

On January 30, 2017, Dillon emailed Respondent confirming an extension until February 3, 2017.

On April 14, 2017, Dillon emailed Respondent asking him to contact the Bar if he intended to submit a response. Respondent did not provide a substantive response.

Conclusions of Law

Count 7 – Rule 3-700(D)(1) [Failure to Return Client Papers/Property]

Rule 3-700(D)(1) requires an attorney, upon termination of employment, to promptly release to the client, at the client's request, all client papers and property, subject to any protective order or non-disclosure agreement. This includes pleadings, correspondence, exhibits, deposition transcripts, physical evidence, expert's reports and other items reasonably necessary to the client's representation, whether the client has paid for them or not.

The OCTC alleges that Respondent failed to release promptly, after termination of his employment on or about June 23, 2017, to his client, Battery, all of the client's papers and

property following the client's request for the client's file on June 23, 24, and 27, 2017, which Respondent received, in willful violation of rule 3-700(D)(l).

The Law Offices of Bridgman requested the client files on three separate occasions within less than two weeks between June 23 and July 5, 2016. When Respondent did not respond to their requests, the law firm filed a State Bar complaint against him. Keller testified that the Bridgman law firm was his attorney at most four to five weeks. Attorney Hess testified that she worked on the cases for about four months. Most notably, Keller did not complain about Respondent's failure to return his files. But rather, it was the law firm. And, Keller did not want any part of its State Bar complaint against Respondent. In fact, Keller testified that he received the file from Respondent within a reasonable time after he fired the Bridgman law firm and that Respondent was responsive.

Therefore, there is no clear and convincing evidence that Respondent willfully violated rule 3-700(D)(1) because Respondent did release the client file to Keller, the three requests took place only within two weeks, and the duration of Bridgman law firm's employment was brief. (See *In the Matter of Hanson* (Review Dept. 1994) 2 Cal. State Bar Ct. Rptr. 703, 710 [insufficient evidence to support the charge that respondent failed to release the clients' file in light of the short duration of respondent's employment, the minimal nature of the work he performed, and the lack of evidence relating to the contents of the file].)

Accordingly, Respondent is not culpable of violating rule 3-700(D)(1); count 7 is hereby dismissed with prejudice.

Count 8 – § 6068, Subd. (m) [Failure to Communicate]

The OCTC alleged that Respondent failed to respond promptly to three telephonic and one written request to sign a substitution of attorney made by Battery, through its successor attorney Hess, between June 23 and June 27, 2017, in willful violation of section 6068, subdivision (m).

As in count 7, because Keller employed the Bridgman law firm for a short period of time and Respondent's failure to respond to the telephone calls and request that were made only within five days, there is no clear and convincing evidence that such a short time of failure to communicate with successor counsel should subject Respondent to discipline or rises to the level of a willful violation of section 6068, subdivision (m).

Accordingly, Respondent is not culpable of violating section 6068, subdivision (m); count 8 is hereby dismissed with prejudice.

Counts 9 and 10 – § 6103 [Failure to Obey a Court Order]

Section 6103 provides, in pertinent part, that a willful disobedience or violation of a court order requiring an attorney to do or forbear an act connected with or in the course of the attorney's profession, which an attorney ought in good faith to do or forbear, constitutes cause for suspension or disbarment.

The OCTC charged that Respondent, by failing to comply with the July 11, 2016 court orders in the Fidelity and Kalo cases, which Respondent received and ordered him to return the Battery file to the subsequent attorney of record, was in willful violation of section 6103 in counts 9 and 10.

Respondent argues that he was neither aware nor properly served with the court orders.

Because attorney Hess mailed the court orders to Respondent at the Huntington Beach address, which was not returned as undeliverable, Respondent received the court orders when he picked up the mail. Thus, he had notice of the court orders and knew or should have known that he was ordered to release client file to the Law Offices of Bridgman. Therefore, there is clear and convincing evidence that Respondent failed to comply with the court orders in the Fidelity and Kalo cases by failing to return the file to the Law Offices of Bridgman, in willful violation of section 6103, in counts 9 and 10.

Count 11 – § 6068, Subd. (i) [Failure to Cooperate in State Bar Investigation]

Respondent admits, and the court so finds, that he did not provide a substantive response to the allegations of misconduct contained in the State Bar investigator's letters on December 9, 19, and 21, 2016, and April 14, 2017, in willful violation of section 6068, subdivision (i), in count 11.

Case No. 17-O-02973 (Hegg)

On March 27, 2014, Kimberly Hegg and Kristin Gulino, through Robert Douglis, their husband and step-father, respectively, employed Respondent to represent them in a personal injury matter. Prior to Respondent's hiring, the insurance company offered Hegg approximately $6,000 and Gulino approximately $1,500 to settle the matter. Throughout the course of the litigation, Respondent communicated directly with Hegg and Gulino only a few times. Most of the communication regarding the case was between Respondent and Douglis on behalf of Hegg and Gulino.

On April 10, 2014, Respondent filed a complaint in *Kimberly Hegg et al. vs. Darren Stroud*, Los Angeles County Superior Court, case number BC542322. Thereafter, Respondent did not conduct any discovery on the opposing party on behalf of his clients.

On November 25, 2014, Respondent represented to opposing counsel Michael Herzog that the verifications for Respondent's clients' discovery responses were sent out with the discovery responses and that Respondent would resend them to him. At the time Respondent made the representations, his clients had not signed any verification to their discovery responses and Respondent had not sent Herzog any verification to the discovery responses at any time before November 25, 2014.

On May 14, 2015, Herzog served upon Respondent discovery requests. Respondent again did not obtain verifications from his clients in the responses for discovery requests and did

not send any documents in response to the discovery requests to Herzog for purposes of settlement. He also did not respond to supplemental discovery requests served upon him on March 29, 2016. Had the matter proceeded to trial, Herzog would have moved to exclude all documents offered by Respondent because they were not verified.

On June 10, 2016, Respondent filed an ex parte application for continuance of trial date. This application was heard and granted, and the trial was continued to September 7, 2016, with the final status conference continued to August 24, 2016. Respondent and opposing counsel were present when the court ruled on the application.

In or around June 2016, Respondent advised Douglis that Respondent found a new job and a substitute attorney for the Hegg/Gulino case. Respondent promised to send Douglis the contact information for substitute counsel. He never did so. Douglis tried to communicate with Respondent, but found it difficult to reach Respondent.

On September 7, 2016, Respondent filed an ex parte application to continue the trial date. Attorney Michael Herzog, opposing counsel, filed an opposition to this application. Respondent made multiple misrepresentations in the ex parte application. Respondent represented that the parties met and conferred and agreed to a continuance; that he advised his clients that he could not try their case because of his new job; and, that new counsel was ready to take over the case from him. None of these representations were true. The final status conference was continued to September 14, 2016, and the trial to September 21, 2016.

On September 13, 2016, Respondent filed a Notice of Unavailability regarding the September 14, 2016 final status conference. The case was called for trial on September 21, 2016, and Respondent failed to appear or to send substitute counsel. The case was dismissed on Herzog's motion to dismiss for failure to prosecute. Herzog prepared the notice of ruling

regarding the dismissal and sent it to Respondent. It was not returned as undeliverable. As of this date, Respondent had not filed a motion to withdraw, nor a motion to substitute counsel.

On October 3, 2016, Douglis requested an update. Respondent replied the next day to advise Douglis that Respondent was "swamped" and that opposing counsel was not responding to Respondent, giving Douglis the false impression that the case was continuing and that his representation was continuing as well. On October 10, 2016, Respondent emailed Douglis stating, "Defense counsel has ignored several emails from me, I will try them again today." This led Douglis to believe that Respondent remained counsel on the case, and that the case was proceeding.

In December 2016, Respondent saw Herzog in the hallway at the court house and Herzog confirmed (even though Respondent had been given proper notice three months earlier, and could have easily obtained the information from the superior court website) that the case had been dismissed. Respondent told Herzog that he would file a "473" motion to set aside dismissal. Respondent never did so.

In March 2017, Douglis spoke with Herzog who suggested that Douglis check the court docket. Douglis was surprised to learn that the case had been dismissed. Respondent never informed Douglis that the case had been dismissed.

Ultimately, Douglis found substitute counsel. Because the case had been dismissed, and Respondent did not timely file a motion to set aside dismissal, substitute counsel determined that the only option for Hegg and Gulino was to file a malpractice action against Respondent. Respondent ignored the requests by substitute counsel for Hegg and Gulino's client files. He did not return Hegg and Gulino's files until the time of trial in this case. Even then, the files were incomplete and important medical information was missing from the files.

State Bar Investigation

On June 8, 2017, State Bar Investigator Dillon sent a letter to Respondent requesting that Respondent respond to the allegations in case number 17-O-02973.

On August 6, 2017, Respondent was subsequently emailed a copy of the June 8, 2017 letter and given a new deadline to respond by August 14, 2017. Respondent received the email.

On August 14, 2017, Respondent emailed Dillon, requesting an additional extension as he had been "short on time and unable to locate [complaining witness's] file."

On October 6, 2017, Dillon reminded Respondent that no response had yet been received.

On October 7, 2017, Respondent replied, stating that he had been in touch with an attorney for Hegg and Gulino and believed that they had "a settlement worked out."

On October 7, 2017, Dillon informed Respondent via email to provide whatever response/information he could in response to the complaints as soon as possible. Respondent did not reply.

Conclusions of Law

Respondent admits to being, and the court concludes that Respondent is, culpable as to counts 1, 2, 3, 4, 8 and 9, except as to certain allegations in counts 1, 2, and 4. The court finds that Respondent is culpable of the remaining counts 5, 6, and 7 by clear and convincing evidence.

Count 1 – Rule 3-110(A) [Failure to Perform Legal Services with Competence]

The OCTC charged that Respondent willfully violated rule 3-110(A) by failing to perform services on eight separate occasions.

Respondent admitted that he is culpable of three of the eight alleged acts of misconduct. Accordingly, based on clear and convincing evidence, the court so finds that

Respondent willfully violated rule 3-110(A) by: (1) Failing to appear at a Final Status Conference on behalf of his clients on or about June 1, 2016; (2) Failing to appear at a Final Status Conference on behalf of his clients on or about August 24, 2016; and (3) Failing to appear at a Final Status Conference and Trial on behalf of his clients on or about September 21, 2016.

In addition, by clear and convincing evidence, the court also finds that Respondent willfully violated rule 3-110(A) by committing the other five acts of misconduct as alleged in the NDC: (1) Respondent failed to conduct any discovery on the opposing party on behalf of his clients; (2) Respondent failed to obtain verifications from his clients in the responses for discovery requests made by opposing counsel Michael Herzog on May 14, 2015; (3) Respondent failed to send any documents in response to the May 14, 2015 discovery requests to Herzog for purposes of settlement; (4) Respondent failed to respond to supplemental discovery requests served upon him on March 29, 2016; and (5) Respondent failed to file a motion to set aside the dismissal on behalf of his clients when the case was dismissed after Respondent's failure to appear at trial on September 21, 2016.

Count 2 – § 6068, Subd. (m) [Failure to Communicate]

The OCTC charged that Respondent failed to keep his clients, Kimberly Hegg and Kristin Gulino, reasonably informed of significant developments in a matter in which Respondent had agreed to provide legal services, in willful violation of section 6068, subdivision (m), on eight separate occasions.

Respondent admitted that he is culpable of four of the eight alleged acts of misconduct. Accordingly, based on clear and convincing evidence, the court finds that Respondent willfully violated section 6068, subdivision (m), by failing to inform the clients of the following: (1) that Respondent would not be able to appear and that he did not appear for the Final Status

Conference on behalf of the clients on June 1, 2016; (2) that Respondent would not be able to appear and that he did not appear for the Final Status Conference on behalf of the clients on August 24, 2016; (3) that Respondent would not be able to appear and that he did not appear for the Final Status Conference on behalf of the clients on September 14, 2016; and (4) that Respondent would not be able to appear and that he did not appear for the Final Status Conference and Trial on behalf of the clients on September 21, 2016.

In addition, the court also finds, by clear and convincing evidence, that Respondent willfully violated section 6068, subdivision (m), by failing to inform his clients: (1) that Respondent was going to file an ex parte application on behalf of the clients to continue trial set for September 7, 2016, and that trial had been continued to September 21, 2016; (2) that the clients' case had been dismissed on September 21, 2016; and (3) that his new employer precluded Respondent from continuing to represent the clients.

Count 3 – § 6068, Subd. (m) [Failure to Communicate]

Respondent admits, and the court so finds, that he failed to respond promptly to about 10 written status inquiries made by Robert Douglis, on behalf of Hegg and Gulino, between May 10 and June 2, 2016, in willful violation of section 6068, subdivision (m), in count 3.

Count 4 – Rule 3-700(A)(2) [Improper Withdrawal from Employment]

The OCTC charged that Respondent failed, upon termination of employment, to take reasonable steps to avoid reasonably foreseeable prejudice to his clients, Kimberly Hegg and Kristin Gulino, by constructively terminating Respondent's employment on or about September 13, 2016, by failing to take any action on the clients' behalf after September 13, 2016, and thereafter, by failing to inform his clients that Respondent was withdrawing from employment, in willful violation of rule 3-700(A)(2).

Respondent admits, and the court so finds, that he failed to inform his clients that he was withdrawing from employment, in willful violation of rule 3-700(A)(2). Moreover, the court also finds that he failed to take any action on the clients' behalf after September 13, 2016, in willful violation of rule 3-700(A)(2). Respondent filed a Notice of Unavailability regarding the September 14, 2016 final status conference on September 13, 2016, but he did not perform any other services or take any action after that date. Thus, Respondent failed to take reasonable steps to avoid foreseeable prejudice to his clients in willful violation of rule 3-700(A)(2), as charged by the OCTC.

Count 5 – § 6106 [Moral Turpitude]

The OCTC charged that Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106, between October 4 and October 10, 2016, by representing to Douglis that he was continuing to represent the clients and that opposing counsel was ignoring Respondent's emails when Respondent knew or was grossly negligent in not knowing that his representations were false.

Respondent argues that he did not have any dishonest intent and that he never knowingly made false or untrue statements.

Moral turpitude includes creating a false impression by concealment as well as affirmative misrepresentations and half-truths. (*In the Matter of Wells* (Review Dept. 2006) 4 Cal. State Bar Ct. Rptr. 896, 909-910.)

When Douglis requested an update in October 2016, Respondent did not inform him that the case had already been dismissed. Instead, he told Douglis that he was "swamped" and that opposing counsel was not responding to him, giving Douglis the false impression that the case was proceeding and that his representation was continuing as well. On October 10, 2016, Respondent again advised Douglis that, "Defense counsel has ignored several emails from me, I

will try them again today." At the time Respondent made the representations, the case was already dismissed in September 2016 and Respondent did not send any emails to opposing counsel after the dismissal of the case. Therefore, there is clear and convincing evidence that Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106.

Count 6 – § 6106 [Moral Turpitude]

The OCTC charged that Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106, on November 25, 2014, when Respondent represented to opposing counsel Herzog that the verifications for Respondent's clients' discovery responses were sent out with the discovery responses and that Respondent would resend them to the opposing counsel when Respondent knew or was grossly negligent in not knowing that his representations were false.

Respondent argues that he believed that the verifications were signed but that he may have been mistaken.

At the time Respondent made the representations, his clients had not signed any verification to their discovery responses and Respondent had not sent opposing counsel any verification to the discovery responses at any time before November 25, 2014. Thus, there is clear and convincing evidence that Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106.

Count 7 – § 6106 [Moral Turpitude]

The OCTC charged that Respondent committed an act involving moral turpitude, dishonesty, or corruption in willful violation of section 6106, by making false statements on his September 7, 2016 ex parte application to continue trial in the Hegg matter, as follows: (1) the parties stipulated after meeting and conferring to continue the trial date; (2) his clients were

aware of his inability to continue as counsel; and (3) his clients have new counsel ready to substitute into the case.

As in counts 5 and 6, Respondent argues that his misrepresentations were not intentional or willful but that they were honestly held, albeit erroneous.

On the contrary, Respondent knew that the statements were false because the parties did not meet and confer to stipulate to a trial continuance, his clients were not aware of his inability to represent them at trial, and his clients did not have new counsel ready to substitute into the case. Therefore, Respondent was grossly negligent and culpable of dishonesty on his September 7, 2016 ex parte application, in willful violation of section 6106.

Count 8 – Rule 3-700(D)(1) [Failure to Return Client Papers/Property]

Respondent admits, and the court so finds, that after termination of his employment on September 13, 2016, he failed to release promptly to Hegg and Gulino all of the clients' papers and property following their request on June 9, 2017, in willful violation of rule 3-700(D)(1), in count 8.

Count 9 – § 6068, Subd. (i) [Failure to Cooperate in State Bar Investigation]

Respondent admits, and the court so finds, that he did not provide a substantive response to the allegations of misconduct contained in the State Bar investigator's letters on June 8, August 6, and October 6, 2017, in willful violation of section 6068, subdivision (i), in count 9.

Aggravation[3]

The OCTC must establish aggravating circumstances by clear and convincing evidence. (Std. 1.5.) The court finds the following aggravating circumstances.

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[3] All references to standards (Std.) are to the Rules of Procedure of the State Bar, title IV, Standards for Attorney Sanctions for Professional Misconduct.

Multiple Acts of Wrongdoing (Std. 1.5(b).)

Respondent's 19 acts of misconduct in four client matters, involving failing to perform with competence; improperly withdrawing from employment; failing to cooperate in disciplinary investigations; committing acts of moral turpitude by making misrepresentations; failing to obey court orders; and failing to communicate with clients, are a significant aggravating factor.

Significant Harm to Client/Public/Administration of Justice (Std. 1.5(j).)

Respondent's misconduct significantly harmed his clients and the administration of justice. The defamation case, the AMCO case, and the Hegg personal injury case were all dismissed as a result of Respondent's misconduct. Hartman had to pay $34,688 in court sanctions and fees. In the Hegg matter, opposing counsel indicated that liability had not been disputed and he had originally been authorized to pay settlement funds to Hegg and Gulino. Because of Respondent's failure to properly handle the matter, the clients received nothing. And his failure to comply with court orders in the Hartman and Battery matters harmed the administration of justice.

Indifference Toward Rectification/Atonement (Std. 1.5(k).)

Respondent demonstrated indifference toward rectification of or atonement for the consequences of his misconduct. "The law does not require false penitence. [Citation.] But it does require that the Respondent accept responsibility for his acts and come to grips with his culpability. [Citation.]" (*In the Matter of Katz* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 502, 511.)

Respondent expressed no remorse or recognition of the serious consequences of his misbehavior. Respondent continues to blame his clients and opposing counsel for his own inaction. He maintains that his misconduct was a mere result of negligence and mistakes.

Therefore, Respondent's failure to accept responsibility for actions which are wrong or to understand that wrongfulness is considered a significant aggravating factor. (*Carter v. State Bar* (1988) 44 Cal.3d 1091, 1100-1101.)

Mitigation

Respondent bears the burden of proving mitigating circumstances by clear and convincing evidence. (Std. 1.6.)

No Prior Record (Std. 1. 6(a).)

A mitigating circumstance may include "absence of any prior record of discipline over many years of practice coupled with present misconduct, which is not deemed serious." (Std. 1.6(a).) Here, Respondent practiced law for 10 years before he engaged in acts of misconduct, but they are serious.

Where the misconduct is serious, the lack of a prior discipline record is most relevant if the misconduct is aberrational and unlikely to recur. (*Cooper v. State Bar* (1987) 43 Cal.3d 1016, 1029; *In the Matter of Reiss* (Review Dept. 2012) 5 Cal. State Bar Ct. Rptr. 206, 218.) Respondent has shown a lack of insight into his wrongdoing. "Consequently, [the court is] not persuaded by [his lengthy] record of discipline-free practice that he will avoid future misconduct." (*In the Matter of Song* (Review Dept. 2013) 5 Cal. State Bar Ct. Rptr. 273, 279.) Thus, the court assigns only minimal mitigating credit for his discipline-free record.

Extreme Emotional/Physical/Mental Disabilities (Std. 1.6(d).)

Respondent and his wife testified regarding marital strife, the death of Respondent's father, and the dissolution of Respondent's law firm during the relevant time period.

Mitigation is available for "extreme emotional difficulties or physical or mental disabilities" if: (1) the attorney suffered from them at the time of the misconduct; (2) they are

established by expert testimony as being directly responsible for the misconduct; and (3) they no longer pose a risk that the attorney will commit future misconduct.

Respondent did not prove that his personal problems were directly responsible for his acts of moral turpitude, misrepresentations to the court, or other acts of misconduct. While he need not necessarily prove this nexus through expert testimony (see *In re Brown* (1995) 12 Cal.4th 205, 222 [some mitigation afforded to evidence of attorney's illness despite lack of expert testimony]), he failed to provide clear and convincing evidence establishing that his problems caused his misconduct.

However, because all three life events happened at the same time, the court gives minimal credit.

Candor/Cooperation to Victims/State Bar (Std. 1. 6(e).)

Respondent's stipulation as to a number of facts and to culpability on eight counts is given some weight in mitigation. (See *In the Matter of Johnson* (Review Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179, 190 [more extensive weight in mitigation accorded those who admit culpability as well as facts].)

Good Character (Std. 1.6(f).)

Respondent presented testimony of four character witnesses from his spouse and current and former clients. They declared that Respondent was honest. The witnesses understood only generally, but not the full extent, of the charges against Respondent. Because Respondent's character evidence was not from a sufficiently wide range of references, did not establish that his witnesses knew the full extent of his misconduct, and did not address the State Bar's disciplinary concerns, their testimony is entitled to only limited weight in mitigation. (See *In the Matter of Kreitenberg* (Review Dept. 2002) 4 Cal. State Bar Ct. Rptr. 469; *In the Matter of Song, supra,* 5 Cal. State Bar Ct. Rptr. 273.)

Discussion

The purpose of State Bar disciplinary proceedings is not to punish the attorney but to protect the public, the courts, and the legal profession; to maintain the highest possible professional standards for attorneys; and to preserve public confidence in the legal profession. (Std. 1.1; *Chadwick v. State Bar* (1989) 49 Cal.3d 103, 111.)

In determining the appropriate level of discipline, the court looks first to the standards for guidance. (*Drociak v. State Bar* (1991) 52 Cal.3d 1085, 1090; *In the Matter of Koehler* (Review Dept. 1991) 1 Cal. State Bar Ct. Rptr. 615, 628.) The Supreme Court gives the standards "great weight" and will reject a recommendation consistent with the standards only where the court entertains "grave doubts" as to its propriety. (*In re Silverton* (2005) 36 Cal.4th 81, 91-92; *In re Naney* (1990) 51 Cal.3d 186, 190.) Although the standards are not mandatory, they may be deviated from when there is a compelling, well-defined reason to do so. (*Bates v. State Bar* (1990) 51 Cal.3d 1056, 1061, fn. 2; *Aronin v. State Bar* (1990) 52 Cal.3d 276, 291.)

Standard 1.7(a) provides that, when a lawyer commits two or more acts of misconduct and the standards specify different sanctions for each act, the most severe sanction must be imposed. However, standard 1.7(b) provides that if aggravating circumstances are found, they should be considered alone and in balance with any mitigating circumstances, and if the net effect demonstrates that a greater sanction is needed to fulfill the primary purposes of discipline, it is appropriate to impose or recommend a greater sanction than what is otherwise specified in a given standard. On balance, a greater sanction is appropriate in cases where there is serious harm to the client, the public, the legal system, or the profession and where the record demonstrates that the lawyer is unwilling or unable to conform to ethical responsibilities in the future.

Standards 2.7, 2.11, and 2.19 are applicable in this matter.

Standard 2.7(b) states, "Actual suspension is the presumed sanction for performance, communication, or withdrawal violations in multiple client matters, not demonstrating habitual disregard of client interests."

Standard 2.11 provides that "[d]isbarment or actual suspension is the presumed sanction for an act of moral turpitude, dishonesty, fraud, corruption, intentional or grossly negligent misrepresentation, or concealment of a material fact. The degree of sanction depends on the magnitude of the misconduct; the extent to which the misconduct harmed or misled the victim, which may include the adjudicator; the impact on the administration of justice, if any; and the extent to which the misconduct related to the practice of law."

Standard 2.19 states, "Suspension not to exceed three years or reproval is the presumed sanction for a violation of a provision of the Rules of Professional Conduct not specified in these Standards."

The OCTC urges that Respondent be suspended from the practice of law for two years, stayed, be placed on probation for two years, and be actually suspended for one year and until he releases client files, contending that Respondent repeatedly failed in his duty to four clients. His misconduct resulted in the dismissal of three cases, sanctions against his client, the need for an ex parte appearance to be substituted, and wasted valuable judicial resources.

Respondent admits that he made many mistakes in the Hartman and Hegg matters. But he argues that he had no intent to deceive and that he is not a public protection threat. As a result of his mistakes, Respondent claims that he is now not only a reformed lawyer but a better man. Yet, he maintains that the statements made by him were never shown to be false. He contends that at most a stayed suspension would be the appropriate level of discipline.

The court finds Respondent's arguments without merit. Based on clear and convincing evidence, Respondent misrepresented to the Magistrate Judge, to his clients, and to opposing

counsel on multiple occasions, for the sole purpose of concealing his failure to perform. And, at the same time, faulting others for his ineptness and pressuring them to accede to his demands. Consequently, Respondent is culpable of 19 counts of misconduct in four client matters, involving serious misconduct and resulting in significant harm to his clients, such as three dismissals and sanctions and fees in the amount of $34,688.

In *In the Matter of Layton* (Review Dept. 1993) 2 Cal. State Bar Ct. Rptr, an attorney was actually suspended for six months, with a two-year stayed suspension and three-year probation, for his one count of failure to perform services competently in a single probate matter. There, the court found that in both his prior and current matters, the attorney failed to apply the diligence necessary to bring the two estates to closure for over five years without justification. In aggravation, the attorney harmed the beneficiaries in that they incurred attorney fees and expenses in seeking to remove the attorney as executor and they were deprived for an unwarranted period of time of the use of the money that was eventually distributed to them.

Similarly, in this disciplinary matter, Respondent failed to diligently perform services. But his misconduct was more serious than that of the attorney in *Layton* in that his misconduct involved four client matters and that he was also found culpable of committing acts of moral turpitude, failure to cooperate with the State Bar, failure to communicate, failure to obey court orders, and improper withdrawal from employment.

In *In the Matter of Dahlz* (Review Dept. 2001) 4 Cal. State Bar Ct. Rptr. 269, the attorney was suspended for four years, stayed, placed on probation for four years, and actually suspended for one year for his misconduct in one client matter. He was culpable of failing to perform and communicate, improperly withdrawing from representation and committing an act of moral turpitude. The attorney failed to perform any substantial service for more than five years. The aggravating factors included multiple acts of misconduct, one prior instance of discipline, client

harm and lack of candor toward the court and the State Bar investigator. The review department concluded that his act of moral turpitude in lying to the opposing party and the lack of candor in aggravation were particularly serious.

Like *Dahlz*, Respondent committed acts of moral turpitude and abandoned his clients. He, too, misrepresented to the opposing counsel and clients about his activity on the cases and failed to inform his clients of significant developments, such as discovery requests, motion for summary judgment, and case dismissals. But unlike *Dahlz* and *Layton*, Respondent does not have a prior record of discipline.

Yet, Respondent's blatant disregard of his professional responsibilities weighs heavily in assessing an appropriate level of discipline. His inactions caused unnecessary continuances, sanctions, and dismissals, resulting in substantial harm to the clients. Particularly egregious were his misrepresentations. For example, in the Hartman matter, he misled his clients into believing that the "Judge was happy that we resolved many of the discovery issues" when, in fact, the judge had sternly admonished him with sanctions warnings at the motion to compel hearing. He also misled the judge into believing that he was not getting cooperation from Hartman, when, in fact, the client was completely unaware of the discovery demands. Regarding the defamation case, Respondent told Hartman that the case was moving along well, when, in fact, it had just been dismissed. In the Battery matter, he falsely claimed that the court orders were sent to the wrong address and thus, he was not properly served.

In the Hegg matter, he lied in the ex parte application to continue the trial (i.e., that the parties met and confer and agreed to a continuance when they did not) and concealed that the case was dismissed on September 21, 2016, from his client by claiming on October 10, 2016, that opposing counsel "has ignored several emails from me, I will try them again today," as if the case was still proceeding.

Accordingly, after balancing all relevant factors, including the underlying misconduct, the case law, the standards, and particularly, the significant aggravating factors, the court concludes that a period of one year's actual suspension would be appropriate to protect the public and to preserve public confidence in the profession.

Recommendations

It is recommended that Douglas Gordon Iler, State Bar Number 235350, be suspended from the practice of law for two years, that execution of that suspension be stayed, and that Respondent be placed on probation for two years with the following conditions:

Conditions of Probation

1. **Actual Suspension**

Respondent must be suspended from the practice of law for the first one year of the period of Respondent's probation.

2. **Review Rules of Professional Conduct**

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must (1) read the California Rules of Professional Conduct (Rules of Professional Conduct) and Business and Professions Code sections 6067, 6068, and 6103 through 6126, and (2) provide a declaration, under penalty of perjury, attesting to Respondent's compliance with this requirement, to the State Bar's Office of Probation in Los Angeles (Office of Probation) with Respondent's first quarterly report.

3. **Comply with State Bar Act, Rules of Professional Conduct, and Probation Conditions**

Respondent must comply with the provisions of the State Bar Act, the Rules of Professional Conduct, and all conditions of Respondent's probation.

4. **Maintain Valid Official Membership Address and Other Required Contact Information**

Within 30 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must make certain that the State Bar Attorney Regulation and Consumer Resources Office (ARCR) has Respondent's current office address, email address, and telephone number. If Respondent does not maintain an office, Respondent must provide the mailing address, email address, and telephone number to be used for State Bar purposes. Respondent must report, in writing, any change in the above information to ARCR, within ten (10) days after such change, in the manner required by that office.

5. **Meet and Cooperate with Office of Probation**

Within 15 days after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must schedule a meeting with Respondent's assigned probation case specialist to discuss the terms and conditions of Respondent's discipline and, within 30 days after the effective date of the court's order, must participate in such meeting. Unless otherwise instructed by the Office of Probation, Respondent may meet with the probation case specialist in person or by telephone. During the probation period, Respondent must promptly meet with representatives of the Office of Probation as requested by it and, subject to the assertion of applicable privileges, must fully, promptly, and truthfully answer any inquiries by it and provide to it any other information requested by it.

6. **State Bar Court Retains Jurisdiction/Appear Before and Cooperate with State Bar Court**

During Respondent's probation period, the State Bar Court retains jurisdiction over Respondent to address issues concerning compliance with probation conditions. During this period, Respondent must appear before the State Bar Court as required by the court or by the Office of Probation after written notice mailed to Respondent's official membership address, as

provided above. Subject to the assertion of applicable privileges, Respondent must fully, promptly, and truthfully answer any inquiries by the court and must provide any other information the court requests.

7. **Quarterly and Final Reports**

a. Deadlines for Reports. Respondent must submit written quarterly reports to the Office of Probation no later than each January 10 (covering October 1 through December 31 of the prior year), April 10 (covering January 1 through March 31), July 10 (covering April 1 through June 30), and October 10 (covering July 1 through September 30) within the period of probation. If the first report would cover less than 30 days, that report must be submitted on the next quarter date and cover the extended deadline. In addition to all quarterly reports, Respondent must submit a final report no earlier than ten (10) days before the last day of the probation period and no later than the last day of the probation period.

b. Contents of Reports. Respondent must answer, under penalty of perjury, all inquiries contained in the quarterly report form provided by the Office of Probation, including stating whether Respondent has complied with the State Bar Act and the Rules of Professional Conduct during the applicable quarter or period. All reports must be: (1) submitted on the form provided by the Office of Probation; (2) signed and dated after the completion of the period for which the report is being submitted (except for the final report); (3) filled out completely and signed under penalty of perjury; and (4) submitted to the Office of Probation on or before each report's due date.

c. Submission of Reports. All reports must be submitted by: (1) fax or email to the Office of Probation; (2) personal delivery to the Office of Probation; (3) certified mail, return receipt requested, to the Office of Probation (postmarked on or before the due date); or (4) other

tracked-service provider, such as Federal Express or United Parcel Service, etc. (physically delivered to such provider on or before the due date).

d. Proof of Compliance. Respondent is directed to maintain proof of Respondent's compliance with the above requirements for each such report for a minimum of one year after either the period of probation or the period of Respondent's actual suspension has ended, whichever is longer. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

8. State Bar Ethics School

Within one year after the effective date of the Supreme Court order imposing discipline in this matter, Respondent must submit to the Office of Probation satisfactory evidence of completion of the State Bar Ethics School and passage of the test given at the end of that session. This requirement is separate from any Minimum Continuing Legal Education (MCLE) requirement, and Respondent will not receive MCLE credit for attending this session. If Respondent provides satisfactory evidence of completion of the Ethics School after the date of this decision but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward his duty to comply with this condition.

9. Proof of Compliance with Rule 9.20 Obligations

Respondent is directed to maintain, for a minimum of one year after the commencement of probation, proof of compliance with the Supreme Court's order that Respondent comply with the requirements of California Rules of Court, rule 9.20(a) and (c). Such proof must include: the names and addresses of all individuals and entities to whom Respondent sent notification pursuant to rule 9.20; a copy of each notification letter sent to each recipient; the original receipt or postal authority tracking document for each notification sent; the originals of all returned

receipts and notifications of non-delivery; and a copy of the completed compliance affidavit filed by Respondent with the State Bar Court. Respondent is required to present such proof upon request by the State Bar, the Office of Probation, or the State Bar Court.

Commencement of Probation/Compliance with Probation Conditions

The period of probation will commence on the effective date of the Supreme Court order imposing discipline in this matter. At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and that suspension will be terminated.

Multistate Professional Responsibility Examination Within One Year

It is recommended that Respondent be ordered to take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners within one year after the effective date of the Supreme Court order imposing discipline in this matter and to provide satisfactory proof of such passage to the State Bar's Office of Probation within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) If Respondent provides satisfactory evidence of the taking and passage of the above examination after the date of this decision, but before the effective date of the Supreme Court's order in this matter, Respondent will nonetheless receive credit for such evidence toward his duty to comply with this requirement.

California Rules of Court, Rule 9.20

It is further recommended that Respondent be ordered to comply with the requirements of California Rules of Court, rule 9.20, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of the Supreme Court

order imposing discipline in this matter.[4] Failure to do so may result in disbarment or suspension.

Costs

It is further recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. Unless the time for payment of discipline costs is extended pursuant to section 6086.10, subdivision (c), costs assessed against a lawyer who is actually suspended or disbarred must be paid as a condition of reinstatement or return to active status.

Dated: May 10, 2019

Cynthia Valenzuela
CYNTHIA VALENZUELA
Judge of the State Bar Court

[4] For purposes of compliance with rule 9.20(a), the operative date for identification of "clients being represented in pending matters" and others to be notified is the filing date of the Supreme Court order, not any later "effective" date of the order. (*Athearn v. State Bar* (1982) 32 Cal.3d 38, 45.) Further, Respondent is required to file a rule 9.20(c), affidavit even if Respondent has no clients to notify on the date the Supreme Court filed its order in this proceeding. (*Powers v. State Bar* (1988) 44 Cal.3d 337, 341.) In addition to being punished as a crime or contempt, an attorney's failure to comply with rule 9.20 is, inter alia, cause for disbarment, suspension, revocation of any pending disciplinary probation, and denial of an application for reinstatement after disbarment. (Cal. Rules of Court, rule 9.20(d).)

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Court Specialist of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on May 10, 2019, I deposited a true copy of the following document(s):

DECISION

in a sealed envelope for collection and mailing on that date as follows:

☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

Ashod Mooradian
Law Office of Ashod Mooradian
1304 W Beverly Blvd., Ste 200C
Montebello, CA 90640-4187

☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

Jaymin Vaghashia, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 10, 2019.

Paul Songco
Court Specialist
State Bar Court