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FILED

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JUN 12 2019

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

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10 **STATE BAR COURT OF CALIFORNIA**
11 **HEARING DEPARTMENT – LOS ANGELES**
12

13 In the Matter of:

14 DAVID T. EGLI

15 DEFENDANTS.

) **CASE NO.: SBC-19-O-30185**
)
) **Assigned to Hon. Yvette D Roland**
)
) **RESPONSE TO NOTICE OF DISCIPLINARY**
) **CHARGES**
)
) **[OCTC Case no. 18-O-16055; 18-O-16796,**
) **19-O-10190]**

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18 I, DAVID T. EGLI, allege:

19 1. In two separate hearings at or about the time of appointment of Linda Mitchel as
20 administrator of the Estate of McDonald, the court stated that it would probably require that the estate
21 real property be sold. Despite my advice to the administrator to sell the property, the administrator
22 insisted that she could rent property for sufficient amount to pay expenses and provide income for its
23 charitable purpose.

24
25 2. I deny that I did not speak with the lender. I spoke with several representatives of the
26 lender, the lender's attorney and the trustee on the deed of trust before the trustee sale. It was my
27 understanding that the personal administrator had been speaking with the lender regarding the estate.
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1 It was not until I spoke with the lender that I learned that she had not informed them that the
2 borrower had died and that she was administrator of the decedent's estate.

3 3. I missed hearings in 2017 as I did not receive the notices of the hearings. Once I
4 receive the notices, I attend all subsequent hearings until a new attorney was substituted for Mrs.
5 Mitchel. I advised Mrs. Mitchel what was needed to respond to the court, to complete a current
6 accounting, but she never provided me with the information to do this. She also did not inform me
7 that she had been paid funds from the foreclosure sale of the estate property until after I learned that
8 fact from a third party.
9

10 4. I met several times with Robert Ritchie. I exchanged emails and phone calls with him. I
11 spoke with him over the phone. I went to the Pomona Courthouse to review the court file. I prepared
12 Order to Show Cause to modify the present support order, supporting affidavit and an income and
13 expense statement. I reviewed these documents with Robert Richie. Just before I was going to file
14 the OSC, Mr. Ritchie informed me that he did not want me to proceed to represent him. I refunded to
15 him \$980 of the \$1500 he had paid me. I had spent more than 4 hours on this matter, but failed to
16 provide a complete accounting and do not contest reimbursing the balance to him.
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19 5. I met with Marie Lopez to discuss her matter with regard to a civil judgment against
20 her and subsequent bankruptcy cases she had filed, and the attempt to enforce the judgment against a
21 rental property she owned. I reviewed her initial chapter 7, in which she represented herself, she had
22 listed the judgment debtor as her creditor. The judgment debtor had recorded an abstract of
23 judgment that result in the judgment being secured by the residence of Mrs. Lopez and the rental
24 property. Mrs. Lopez had attempted to claim exemptions for her property. However, she was not
25 aware that claiming exemptions and obtaining a discharge in the Chapter 7, did not remove the
26 judgment liens against her property. Furthermore, she had claimed the wrong exemptions in the
27 Chapter 7. Mrs. Lopez had also filed a Chapter 13 bankruptcy that was subsequently dismissed. The
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1 Chapter 13 would not have been successful because she would have to have paid the judgment
2 creditor an amount equal to its secured interest in the rental property by the end of the chapter 13
3 plan. I met with Mrs. Lopez and advised her that I would move to reopen the bankruptcy chapter 7
4 case to request authority to amend the exemptions claimed and to make a motion that the judgment
5 lien be stripped from the property. I also advised her, though, a chapter 11 may be the only way to
6 save the property from foreclosure. When the court granted the motion to reopen the chapter 7
7 bankruptcy case, the court did not permit any change to be made to the exemptions claimed. As the
8 judgment lien would still be partially secured, no motion to strip the judgment lien from the
9 properties would be successful. I made several appearances in the civil action to oppose motion to
10 sell the rental property, but bankruptcy law provided that the judgment creditor had the right to
11 execute on the property to enforce the judgment because the judgment liens had not been stripped
12 from the property.

15 6. I had cataract surgery on my right eye in August, 2018 and my left eye in September,
16 2018. Just before my September, 2018, I was to meet with Mrs. Lopez regard the possibility of filing
17 a chapter 11 or 13 to stop the foreclosure sale of the rental property. It appeared after reviewing the
18 matter that a chapter 13 could only delay the foreclosure and may not been appropriate to file
19 (particularly because Mrs. Lopez had a prior chapter 13 filing that she let be dismissed). Mrs. Lopez
20 had called me and requested me to text her my new office address. On the day of the meeting, I did
21 text her my new office address, but she did not show up at my office for the appointment. It was not
22 until later that I learned I had texted the new address to a different phone number then the one she
23 had requested me to text to her. Also, I did not remember that she had paid me \$1500 for filing a
24 new bankruptcy due to age I am have problems with my memory. As Mrs. Lopez had not taken the
25 pre-filing bankruptcy course and had not met with me to sign any bankruptcy forms, I could not file
26 any bankruptcy proceedings on her behalf.

1 7. From and after December 31, 2015 when my mother fell and broke her right hip, I
2 have been the primary and, at time, sole care giver for my now 91 year old mother. My mother fell
3 again in June 2016 and broke her right sternum. Since that time I have been her primary care giver.
4 She has developed arthritis in her left knee and hip, which severely limits her ambulatory abilities.
5 She is also suffering from dementia, which condition has worsened the last several months. Since
6 April of this year, she in the beginning processes of being tested and treated for cancer. Over this
7 time, as her primary care giver, I've been required to spend significant time caring for her, probably
8 an average of 3 to 4 hours each day, as well as managing her estate matters. I have not had any time
9 off from caring for my mother since July, 2016.
10

11 8. During the past time four years, I have dealt with a number of personal health issues,
12 including, but not limited to, (1) high blood pressure, (2) diabetes, (3) effects of aging, (4)
13 depression/burnout and (5) cataracts. In December, 2015, I was advised that I had cataracts that need
14 to be removed and was advised I had a hernia that needed surgery. Because of caring for my mother,
15 I could not have the hernia operation until September 2016. Because of some issues with my
16 insurance, I was not able to get my cataract surgery until August and September of 2019. For most of
17 2017 and 2018 my vision had gotten worse. Because of issues with my medical insurance, I was not
18 able to get my eyes examined, and by June, 2019 I could not pass the vision test for driving. Later I
19 discovered that due to vision problems, I missed or misread various notices, dates and times. I also
20 have discovered that I have been suffering from depression and burn out. The depression arose in
21 part because of the deaths in my life: (1) My wife in 2000; (2) My new girlfriend in 2010; (3) My dad
22 in 2011; and (4) My 3 dogs. Also contributing to the depression, have been the effects of aging,
23 including (1) short term memory losses; (2) dementia and confusion; and (3) time perception. My
24 doctor stated I was suffering from caregiver burnout. I have been taking anti-depressant medicine
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1 and am seeking additional medical treatment for the depression and burnout. I believe that the
2 diabetes and depression may have aggravated some of the other health issues cause by aging.

3 DATED: June 11, 2019

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5 _____
6 David T. Egli

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1 **PROOF OF SERVICE**

2 I am over the age of 18 and not a party to this action. I am a resident of or employed in the county where
3 the mailing occurred; my business address is: 7130 Magnolia Ave, Ste R, Riverside, CA 92504.

4 On June 11, 2019, I served the foregoing document(s) described as: **RESPONSE TO NOTICE OF**

5 **DISCIPLINARY CHARGES** on the following interested parties:

6 **State Bar of California**
7 **Office of the Chief Trial Counsel**
8 **Shataka Shores-Brooks**
9 **Senior Trial Counsel**
10 **845 South Figuerora Street**
11 **Los Angeles, CA 90017-2515**

12 [X] (By U.S. Mail) as follows: I am "readily familiar" with the Law Office of David T Egli and its practice on
13 the collection and processing correspondence for mailing. Under that practice, mail would be deposited with the U.S.
14 Postal Service on that same day. I deposited such envelope in the mail at Riverside, California with postage thereon fully
15 prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage
16 meter date is more than one day after date of deposit for mailing in affidavit.

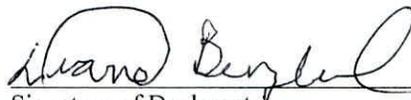
17 [X] (By Overnight U.S. Mail Delivery) as follows: I am "readily familiar" with the Law Office of David T Egli
18 and its practice on the collection and processing correspondence for mailing. Under that practice, I delivered the
19 documents to the U.S. Post Office, in an envelope or package with overnight mail postage fees thereon fully prepaid,
20 addressed to the party served, at the address listed above for delivery.

21 [] (By Personal Service) I caused such envelope to be delivered by hand via messenger service to the address
22 above;

23 [] (By Facsimile) I served a true and correct copy by facsimile during regular business hours to the number(s)
24 listed above. Said transmission was reported complete and without error.

25 I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
26 Executed on June 10, 2019 at Riverside, California.

27 DIANE BENEFIEL
28 Name of Declarant


Signature of Declarant