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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>Los Angeles</b> <b>ACTUAL SUSPENSION</b>		
<p>Counsel For The State Bar</p> <p>Erin McKeown Joyce Deputy Trial Counsel State Bar of California 1149 South Hill Street Los Angeles, CA 90015-2299 Telephone: (213) 765-1356 Facsimile: (213) 765-1319</p> <p>Bar # 149946</p>	<p>Case Number(s): 09-O-15973 10-O-03119 11-O-10746</p>	<p>For Court use only</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">PUBLIC MATTER</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">FILED</p> <p style="text-align: center; font-size: 18pt; font-weight: bold;">MAY 27 2011</p> <p style="text-align: center; font-weight: bold;">STATE BAR COURT CLERK'S OFFICE LOS ANGELES</p>
<p>Counsel For Respondent</p> <p>Daphne M. Pereat Law Office of Daphne M. Pereat 4015 Stansbury Avenue Sherman Oaks, CA 91423-4674 Telephone: (818) 981-4357 Facsimile: (818) 981-5246</p> <p>Bar # 181484</p>	<p>Submitted to: <b>Assigned Judge</b></p> <p>STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING</p> <p><b>ACTUAL SUSPENSION</b></p> <p><input type="checkbox"/> PREVIOUS STIPULATION REJECTED</p>	
<p>In the Matter of:</p> <p>JOHN MARTIN SINASOHN</p> <p>Bar # 82861</p> <p>A Member of the State Bar of California (Respondent)</p>		

**Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.**

**A. Parties' Acknowledgments:**

- (1) Respondent is a member of the State Bar of California, admitted November 29, 1978.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.



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- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 29 pages, not including the order.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
  - Costs are to be paid in equal amounts prior to February 1 for the following membership years: two years following the effective date of the Supreme Court order of discipline. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - Costs are entirely waived.

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1)  **Prior record of discipline** [see standard 1.2(f)]
  - (a)  State Bar Court case # of prior case
  - (b)  Date prior discipline effective
  - (c)  Rules of Professional Conduct/ State Bar Act violations:
  - (d)  Degree of prior discipline
  - (e)  If Respondent has two or more incidents of prior discipline, use space provided below.
- (2)  **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3)  **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.

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- (4)  **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5)  **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6)  **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7)  **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8)  **No aggravating circumstances** are involved. The facts surrounding Respondent's professional misconduct are not aggravated.

**Additional aggravating circumstances:**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1)  **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2)  **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3)  **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. Throughout this proceeding, Respondent cooperated fully with the State Bar, answered the questions that were posed by the State Bar, and entered into this comprehensive stipulation acknowledging her misconduct and settling this case pre-filing.
- (4)  **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5)  **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to the affected clients without the threat or force of disciplinary, civil or criminal proceedings.
- (6)  **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7)  **Good Faith:** Respondent acted in good faith.
- (8)  **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.

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- (9)  **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10)  **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11)  **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12)  **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13)  **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

Respondent was admitted to practice in 1978 and had nearly 30 years of discipline-free practice prior to the onset of the misconduct.

Respondent fully paid \$25,123 in restitution to the 27 clients affected by his misconduct pursuant to his stipulation with the U.S. Trustee to disgorge attorney compensation pursuant to 11 U.S.C. section 329 signed May 13, 2009. See Exhibit 1 attached hereto.

**D. Discipline:**

- (1)  **Stayed Suspension:**
- (a)  Respondent must be suspended from the practice of law for a period of two (2) years.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:
- (b)  The above-referenced suspension is stayed.

- (2)  **Probation:**

Respondent must be placed on probation for a period of two (2) years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (3)  **Actual Suspension:**

- (a)  Respondent must be actually suspended from the practice of law in the State of California for a period of sixty (60) days.
- i.  and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct

- ii.  and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii.  and until Respondent does the following:

**E. Additional Conditions of Probation:**

- (1)  If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.
- (2)  During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3)  Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4)  Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5)  Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6)  Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
  - (7)  Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
  - (8)  Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
- No Ethics School recommended. Reason: .

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- (9)  Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10)  The following conditions are attached hereto and incorporated:
- |   |   |
|---|---|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions         | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1)  **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- No MPRE recommended. Reason:
- (2)  **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3)  **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4)  **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension:
- (5)  **Other Conditions:**

The Attachment to the Stipulation re Facts, Conclusions of Law and Disposition comprises pages 7 to 28.

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

**In the Matter of John Martin Sinasohn**

**Case Nos. 09-O-15973, 10-O-03119 and 11-O-10746**

**PENDING PROCEEDINGS:**

The disclosure date referred to on page two, paragraph A.(7), was May 12, 2011.

**FACTS AND CONCLUSIONS OF LAW**

Respondent admits that the following facts are true and that he is culpable of violations of the specified Rules of Professional Conduct and Business and Professions Code sections.

**Case No 09-O-15973**

**FACTS**

1. In February 2008, Brenda Turcios hired Respondent for a bankruptcy matter to stop a foreclosure on her residence. Turcios paid Respondent \$1,500 on February 25, 2008.
2. On April 7, 2008, Respondent's office filed a bankruptcy petition on behalf of Turcios.
3. The petition filed by Respondent's office and signed by Respondent on April 3, 2008 was deficient, in that the following required documents were not filed with the petition: Schedule B, Schedule C, Schedule D, Schedule E, Schedule F, Schedule A, Schedule G, Statement – Form 22C, Schedule H, Schedule I, Schedule J, Statement of Financial Affairs, the Chapter 13 Plan, Statement of Assistance of Non-Attorney or Bankruptcy Petition Preparer, Summary of Schedules, Signed Declaration Concerning Debtor's Schedules, Disclosure of Compensation of Attorney for Debtor, Certified by Attorney, Certificate of Credit Counseling, Statistical Summary of Certain Liabilities and the Employee Income Record.
4. On April 7, 2008, the clerk of the Bankruptcy Court properly served an order to comply with Bankruptcy Rule 1007 and 3015(b) and notice of intent to dismiss case on Respondent, who received the order.
5. That same day, April 7, 2008, the clerk of the Bankruptcy Court properly served a case commencement deficiency notice on Respondent, for other defects in the petition. Respondent received the deficiency order.
6. Despite his receipt of the order to comply with Bankruptcy Rule 1007 and 3015(b) and the case commencement deficiency notice, Respondent failed to cure the deficiencies in the petition.

7. On May 8, 2008, the Bankruptcy Court dismissed Turcios' petition, since the deficiencies were not corrected.

8. Respondent received proper notice of the dismissal of Turcios' petition, but took no steps to reinstate the petition.

## **CONCLUSIONS OF LAW**

By failing to file the required Schedules and documents in connection with Turcios' bankruptcy petition, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rule of Professional Conduct 3-110(A).

### **Case No. 10-O-03119**

## **FACTS**

1. In the time period from February 20, 2008 to December 2, 2008, Respondent filed petitions in United States Bankruptcy Court for the Central District of California for 27 clients which were procedurally deficient.

2. On May 13, 2009, Respondent entered into a stipulation with the U.S. Trustee in the 27 matters, acknowledging that he "failed to provide adequate legal representation, including but not limited to filing cases without the credit counseling required for his clients to qualify as debtors, failure to file required Schedules; filing erroneous Schedules and Means Tests; failing to advise debtors to complete financial management education required for a discharge, failing to accurately disclose his compensation, failing to enter into required written contracts with clients, and failure to advise debtors of other duties required for successful completion of their bankruptcy cases."

3. Pursuant to the stipulation, Respondent agreed to disgorge all attorney fees to the affected clients in the amount of \$25,123.

4. Respondent has made all required payments pursuant to the stipulation to disgorge attorney fees.

5. A true and correct copy of the stipulation for disgorgement of attorney fees pursuant to 11 U.S.C. section 329 is attached as Exhibit 1.

## **CONCLUSIONS OF LAW**

By providing inadequate legal representation to 27 clients in bankruptcy matters between February 20, 2008 and December 2, 2008, Respondent intentionally, recklessly, or repeatedly failed to perform legal services with competence, in wilful violation of Rule of Professional Conduct 3-110(A).

**FACTS**

1. On March 5, 2008, Respondent became attorney of record for an applicant in a workers' compensation matter filed before the Workers' Compensation Appeal Board ("WCAB"), Case No. MON 0356315, entitled *Rosana Martin v. Jackie's Hideaway et al.*
2. On May 15, 2008, Respondent filed a declaration of readiness to proceed, requesting an expedited hearing.
3. The WCAB set the matter for hearing on June 12, 2008 for a status conference, and provided Respondent with proper notice of the hearing.
4. Respondent failed to appear at the June 12, 2008 status conference. The WCAB issued a Notice of Intention to Impose Costs of \$200, payable to State Fund for each of the two co-defendants appearing, and \$200 in sanctions payable to the General Fund for Respondent's unreasonable failure to appear.
5. Respondent received proper notice of the Notice of Intent hearing set for July 22, 2008.
6. Respondent appeared at the July 22, 2008 Notice of Intent hearing. The WCAB set the matter for a trial regarding the OSC re contempt of Respondent and imposition of costs and sanctions on August 20, 2008. Respondent received proper notice of the hearing date.
7. At the August 20, 2008 hearing on the OSC re contempt, the WCAB issued an order imposing costs of \$200 to be paid to each of the co-defendants, and sanctions in the amount of \$200 to be paid to the General Fund .
8. Respondent delayed payment of the \$200 sanctions until December 22, 2010.
9. Respondent delayed payment of the costs to the co-defendants until March 2011, after he was contacted by the State Bar.

**CONCLUSIONS OF LAW**

By failing to timely comply with the WCAB's order re payment of sanctions and costs, Respondent wilfully disobeyed or violated an order of the court requiring him to do or forbear an act connected with or in the course of Respondent's profession which he ought in good faith to do or forbear in wilful violation of Business and Professions Code section 6103.

**AUTHORITIES SUPPORTING DISCIPLINE**

**STANDARDS FOR ATTORNEY SANCTIONS**

To determine the appropriate level of discipline, the standards provide guidance. *Drociak v. State Bar* (1991) 52 Cal.3d 1085; *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119. A disciplinary recommendation must be consistent with the discipline in similar proceedings. See

*Snyder v. State Bar* (1990) 49 Cal.3d 1302. Moreover, the recommended discipline must rest upon a balanced consideration of relevant factors. *In the Matter of Sampson*, 3 Cal. State Bar Ct. Rptr. 119.

Pursuant to Standard 1.3 of the Standards for Attorney Sanctions for Professional Misconduct:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.

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Pursuant to Standard 1.5 of the Standards for Attorney Sanctions for Professional Misconduct:

Reasonable duties or conditions fairly related to the acts of professional misconduct and surrounding circumstances found or acknowledged by the member may be added to a recommendation or suspension or, pursuant to rule 9.19, California Rules of Court, to a reproof. Said duties may include, but are not limited to, any of the following:

1.5(b): a requirement that the member take and pass an examination in professional responsibility;

1.5(d): a requirement that the member undertake educational or rehabilitative work at his or her own expense regarding one or more fields of substantive law or law office management;

1.5(f): any other duty or condition consistent with the purposes of imposing a sanction for professional misconduct as set forth in standard 1.3.

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Pursuant to Standard 1.6(a) of the Standards for Attorney Sanctions for Professional Misconduct:

The appropriate sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found or acknowledged. If two or more acts of professional misconduct are found or acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the more or most severe of the different applicable sanctions.

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Pursuant to Standard 2.4(b) of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of willfully failing to perform services in an individual matter or matters not demonstrating a pattern of misconduct or culpability of

a member of willfully failing to communicate with a client shall result in reproof or suspension depending upon the extent of the misconduct and the degree of harm to the client.

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Pursuant to Standard 2.6 of the Standards for Attorney Sanctions for Professional Misconduct:

Culpability of a member of a violation of any of the following provisions of the Business and Professions code shall result in disbarment or suspension depending on the gravity of the offense or harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3.

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(a) Sections 6067 and 6068;

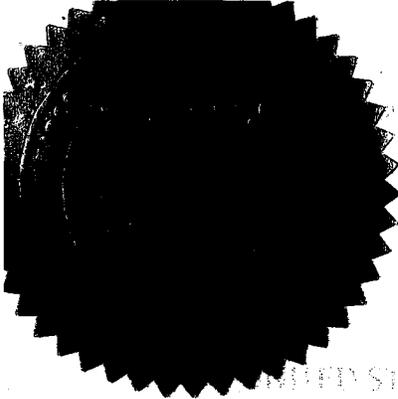
(b) Sections 6103 through 6105; ...

The stipulated discipline in this matter of an actual suspension of 60 days is appropriate. When more than one act of professional misconduct is acknowledged in a single disciplinary proceeding, and different sanctions are prescribed by these standards for said acts, the sanction imposed shall be the most severe of the different applicable standards. Standard 1.6(a). Therefore, Standards 2.4(b) and 2.6 are applicable to Respondent's admitted Rule of Professional Conduct 3-110(A) and Business and Professions Code section 6103 violations.

Standards 2.4(b) and 2.6 call for reproof or suspension depending on the extent of the misconduct and the degree of harm to the client. The stipulated discipline of a sixty day actual suspension will demonstrate to the public that Respondent's misconduct is unacceptable and is an appropriate deterrent to Respondent from repeating his misconduct.

## **COSTS**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed him that as of May 12, 2011, the estimated costs in this matter are \$3,797. Respondent further acknowledges that, should this Stipulation be rejected or should relief from the Stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.



UNITED STATES BANKRUPTCY COURT - CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT - CENTRAL DISTRICT OF CALIFORNIA

**UNITED STATES BANKRUPTCY COURT**

UNITED STATES BANKRUPTCY COURT - CENTRAL DISTRICT OF CALIFORNIA

**Central District of California**

I hereby attest and certify that on DEC 03 2010 the attached reproduction(s), containing 16 pages, is a full, true and correct copy of the complete document entitled: Stipulation Between the United States Trustee and John Sinzsohn for Disgorgement of Attorneys Compensation Pursuant to 11 U.S.C. § 329

Case #: 1:08-bk-11033-GM Doc #: 16

which includes:  Exhibits  Attachments

on file in my office and in my legal custody at the marked location:

- 255 E. Temple Street, Suite 940  
Los Angeles, CA 90012
- 3420 Twelfth Street, Suite 125  
Riverside, CA 92501-3819
- 411 West 4th Street, Suite 2074  
Santa Ana, CA 92701-4593
- 1415 State Street  
Santa Barbara, CA 93101-2511
- 21041 Burbank Boulevard  
Woodland Hills, CA 91367

**KATHLEEN J. CAMPBELL**  
Clerk of Court

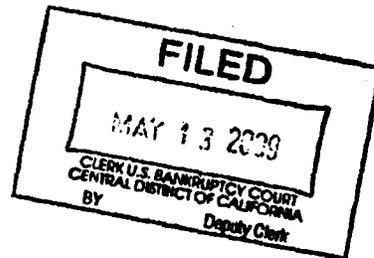
By: Mary Jo Seary  
Deputy Clerk

**THIS CERTIFICATION IS VALID ONLY WITH THE UNITED STATES BANKRUPTCY COURT SEAL.**

UNITED STATES BANKRUPTCY COURT - CENTRAL DISTRICT OF CALIFORNIA

ORIGINAL

1 PETER C. ANDERSON  
UNITED STATES TRUSTEE  
2 Jennifer L. Braun, Bar No. 130932  
Assistant United States Trustee  
3 S. Margaux Ross, No. 137152  
Attorney for the United States Trustee  
4 **OFFICE OF THE UNITED STATES TRUSTEE**  
21051 Warner Center Lane, Suite 115  
5 Woodland Hills, California 91367  
Telephone: (818) 716-8800  
6 Facsimile: (818) 716-1576  
Email: jennifer.l.braun@usdoj.gov  
7 margaux.ross@usdoj.gov



8 **UNITED STATES BANKRUPTCY COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **SAN FERNANDO VALLEY DIVISION**

12 In re: ) Case No. SV 08-11033 GM  
13 Juan J. Villa, ) Chapter 7  
14 Alleged Debtor. )

15 \_\_\_\_\_ )  
16 In re: ) Case No. SV 08-11626 MT  
17 Filimon Godina, ) Chapter 13  
18 Alleged Debtor. )

19 In re: ) Case No. SV 08-11918 GM  
20 Donald Alfaro, ) Chapter 13  
21 Alleged Debtor. )

22 \_\_\_\_\_ )  
23 In re: ) Case No. SV 08-12007 MT  
24 Maria Leticia Saravia, ) Chapter 13  
25 Alleged Debtor. )

26 In re: ) Case No. SV 08-12109 GM  
27 Brenda Turcios, ) Chapter 13  
28 Alleged Debtor. )

1	In re:	)	Case No. SV 08-12375 MT
2	Luis Gabriel Argote,	)	Chapter 13
3	Alleged Debtor.	)	
4	_____	)	
5	In re:	)	Case No. SV 08-14168 GM
6	Guillermina Shatley,	)	Chapter 13
7	Alleged Debtor.	)	
8	_____	)	
9	In re:	)	Case No. SV 08-14574 KT
10	Daniel Colin Gonzalez,	)	Chapter 13
11	Alleged Debtor.	)	
12	_____	)	
13	In re:	)	Case No. SV 08-14975 MT
14	Walter Hernandez & Edith D. Hernandez,	)	Chapter 7
15	Alleged Debtors.	)	
16	_____	)	
17	In re:	)	Case No. SV 08-16461 KT
18	Jubilio Escalera,	)	Chapter 13
19	Alleged Debtor.	)	
20	_____	)	
21	In re:	)	Case No. SV 08-17081 GM
22	Maritza Gonzalez,	)	Chapter 13
23	Alleged Debtor.	)	
24	_____	)	
25	In re:	)	Case No. SV 08-17790 GM
26	Luis Alberto Lopez,	)	Chapter 13
27	Alleged Debtor.	)	
28	_____	)	
	In re:	)	Case No. SV 08-18390 KT
	Francisco Zarate,	)	Chapter 13
	Alleged Debtor.	)	
	_____	)	

1	In re:	Case No. SV 08-18445 GM
2	Juan M. Rojas & Aurora A. De Rojas,	Chapter 7
3	Alleged Debtors.	
4	<hr/>	
5	In re:	Case No. SV 08-18547 KT
6	Marylin E. Valer,	Chapter 13
7	Alleged Debtor.	
8	<hr/>	
9	In re:	Case No. SV 08-18714 KT
10	Marcial C. Sanchez,	Chapter 13
11	Alleged Debtor.	
12	<hr/>	
13	In re:	Case No. SV 08-18771 GM
14	Candelaria Ornelas,	Chapter 13
15	Alleged Debtor.	
16	<hr/>	
17	In re:	Case No. SV 08-18806 MT
18	Salvador Alfredo Valencia,	Chapter 7
19	Alleged Debtor.	
20	<hr/>	
21	In re:	Case No. SV 08-18841 MT
22	Humberto Torres & Marina Torres,	Chapter 13
23	Alleged Debtors.	
24	<hr/>	
25	In re:	Case No. ND 08-12900 RR
26	Ermilo Vasquez & Irma Vasquez,	Chapter 13
27	Alleged Debtors.	
28	<hr/>	
	In re:	Case No. SV 08-19083 GM
	Fermin Plascencia,	Chapter 13
	Alleged Debtor.	



1 The United States Trustee's application for an order approving a stipulation for  
2 the disgorgement of attorney compensation by John Sinasohn, pursuant to 11 U.S.C. §  
3 329, was heard before the Honorable Geraldine Mund at the above-referenced time and  
4 place, with appearances as noted on the record. In order to correct the amounts to be  
5 disgorged, for the reasons stated on the record, the United States Trustee and John  
6 Sinasohn hereby enter into the following Stipulation, which replaces and supercedes any  
7 prior stipulation or agreement between those parties.

8 **STIPULATION**

9 This Stipulation is made by and between the United States Trustee for the Central  
10 District of California (hereinafter "U.S. Trustee"), and John Sinasohn (herinafter  
11 "Sinasohn"). Together the U.S. Trustee and Sinasohn shall be collectively referred to  
12 herein as the "Parties."

13 **Recitals**

14 Pursuant to 28 U.S.C. § 586(a)(3), the U.S. Trustee is charged with supervisory  
15 duties over the administration of bankruptcy cases.

16 Consistent with these duties the U.S. Trustee contends, and Sinasohn agrees, that  
17 Sinasohn failed to provide adequate legal representation to debtors in 27 cases that he  
18 commenced during the period from and including February 20, 2008 through December  
19 2, 2008. These cases demonstrated deficient legal representation, including but not  
20 limited to filing cases without the credit counseling required for his clients to qualify as  
21 debtors; failure to file required Schedules; filing erroneous Schedules and Means Tests,  
22 failing to advise debtors to complete financial management education required for a  
23 discharge, failing to accurately disclose his compensation, failing to enter into required  
24 written contracts with clients, and failure to advise debtors of other duties required for  
25 successful completion of their bankruptcy cases.

26 Rather than litigating motions under 11 U.S.C. § 329, Sinashon has agreed to  
27 disgorge compensation in a monthly repayment plan, the terms of which are reflected on  
28 Exhibit 1 to this Stipulation ("Exhibit 1"), under the terms and conditions set forth below.

1           **Accordingly, it is hereby stipulated that:**

2           1. Sinasohn has agreed to and shall disgorge the amounts set forth on Exhibit 1, in  
3 the total amount of \$25,123.00.

4           2. Sinasohn shall deliver payments to the Office of the U.S. Trustee on a monthly  
5 basis consistent with the monthly payment plan reflected on Exhibit 1. Sinasohn shall  
6 make each payment by cashier's check or money order payable to the names of the  
7 individual debtor(s) set forth on Exhibit 1 and deliver such payments on a monthly basis  
8 to the Office of the U.S. Trustee, 21051 Warner Center Lane, Suite 115, Woodland Hills,  
9 CA 91367, attn: Maria D. Marquez. Sinasohn agrees to immediately and on an ongoing  
10 basis provide the Office of the U.S. Trustee with the last known address of each debtor if  
11 he has knowledge of any change in address from that reflected on the CM/ECF docket for  
12 that debtor's case. Sinasohn acknowledges and agrees that the Office of the U.S. Trustee  
13 may directly contact the debtors in these cases, and also understands that the Office of the  
14 U.S. Trustee may, in addition to serving a copy of this Stipulation on each debtor,  
15 correspond with each debtor to request notification of any address changes to send  
16 payments.

17           3. By entering into this Stipulation the U.S. Trustee does not waive any rights to  
18 other forms of relief not included herein, including but not limited to actions to refer  
19 Sinasohn to the State Bar or any disciplinary panel, for sanctions or fines, for  
20 disgorgement of compensation in other amounts in the event that any debtor comes  
21 forward with proof that the amounts disgorged pursuant to this Stipulation are incorrect,  
22 or for any actions against any other persons associated with Sinasohn, his office, or these  
23 cases.

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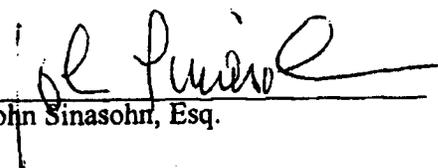
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4. The parties further agree to appear at a hearing on an Order to Show Cause to be set by the court, for Sinasohn to appear and show whether he has complied with the terms of this Stipulation and whether he has been providing an acceptable quality of legal services.

Dated: May 13, 2009

LAW OFFICES OF JOHN SINASOHN

By: \_\_\_\_\_

  
John Sinasohn, Esq.

Dated: May 13, 2009

OFFICE OF THE UNITED STATES TRUSTEE

By: \_\_\_\_\_

  
Jennifer L. Braun  
Assistant United States Trustee

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**EXHIBIT 1**

**Law Offices of John Sinasohn  
Twelve Month Payment Schedule**

**June 2009**

<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Disgorgement Amount</b>
June 15, 2009	Juan J. Villa	SV08-11033 GM	\$925.00
June 15, 2009	Filimon Godina	SV08-11626 MT	\$725.00

Total: \$1,650.00

**July 2009**

<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
July 15, 2009	Donald Alfaro	SV08-11918 GM	\$750.00
July 15, 2009	Brenda Turcios	SV08-12109GM	\$1,500.00
July 15, 2009	Luis Gabriel Argote	SV08-12375 MT	\$450.00

Total: \$2,700.00

**August 2009**

<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
August 15, 2009	Maria Leticia Saravia	SV08-12007 MT	\$1,525.00

Total: \$1,525.00

**September 2009**

Payment Date	Debtor	BK Case Number	Amount Due
September 15, 2009	Guillermina Shatley	SV08-14168 GM	\$1,225.00
September 15, 2009	Daniel Colin Gonzalez	SV08-14574 KT	\$725.00

Total: \$1,950.00

**October 2009**

Payment Date	Debtor	BK Case Number	Amount Due
October 15, 2009	Walter Hernandez Edith D. Hernandez	SV08-14975 MT	\$900.00
October 15, 2009	Jubilio Escalera	SV08-16461 KT	\$1,225.00

Total: \$2,125.00

**November 2009**

Payment Date	Debtor	BK Case Number	Amount Due
November 15, 2009	Maritza Gonzalez	SV08-17081 GM	\$500.00
November 15, 2009	Luis Alberto Lopez	SV08-17790 GM	\$1,000.00

Total: \$1,500.00

**December 2009**

<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
December 15, 2009	Francisco Zarate	SV08-18390 KT	\$1,325.00
December 15, 2009	Juan M Rojas Aurora A De Rojas	SV08-18445 GM	\$1,025.00

Total: \$2,350.00

**January 2010**

<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
January 15, 2010	Marylin E Valer	SV08-18547 KT	\$1,025.00
January 15, 2010	Candelaria Ornelas	SV08-18771 GM	\$1,500.00

Total: \$2,525.00

**February 2010**

<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
February 15, 2010	Marcial C. Sanchez	SV08-18714 KT	\$1,525.00
February 15, 2010	Salvador A. Valencia	SV08-18806 MT	\$750.00

Total: \$2,275.00

<b>March 2010</b>			
<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
March 15, 2010	Humberto Torres Marina Torres	SV08-18841 MT	\$1,025.00
March 15, 2010	Ermilio Vasquez Irma Vasquez	ND08-12900 RR	\$1,000.00

Total: \$2,025.00

<b>April 2010</b>			
<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
April 15, 2010	Fermin Plascencia	SV08-19083 GM	\$475.00
April 15, 2010	Maricruz Hernandez	SV08-19245 KT	\$625.00
April 15, 2010	Arturo Campos	SV08-19248 GM	\$700.00
April 15, 2010	Carmen C. Boza	SV08-19297 MT	\$299.00
April 15, 2010	Humberto Torres Marina Torres	SV08-19725 MT	\$299.00

Total: \$2,398.00

<b>May 2010</b>			
<b>Payment Date</b>	<b>Debtor</b>	<b>BK Case Number</b>	<b>Amount Due</b>
May 15, 2010	Brenda H. Rodriguez	SV08-19399 KT	\$1,325.00
May 15, 2010	Judith M. Escobar	SV08-19693 MT	\$775.00

Total: \$2,100.00

**Grand Total: \$25,123.00**



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**SERVICE LIST FOR PROOF OF SERVICE**

**SERVED BY U.S. MAIL**

**SERVED BY U.S. MAIL**

**DEBTOR'S ATTORNEY:**

**TRUSTEE(S):**

John Sinasohn  
Law Offices of John Sinasohn  
14522 Vanowen St Ste 3  
Van Nuys, CA 91405  
  
Steven Earl Smith  
20969 Ventura Blvd Ste 230  
Woodland Hills, CA 91364

Brad D Krasnoff  
221 N. Figueroa Street, Suite 1200  
Los Angeles, CA 90012  
  
David R Hagen  
6320 Canoga Avenue, Suite 1400  
Woodland Hills, CA 91367  
  
Diane Weil  
1888 Century Park East, Suite 1500  
Los Angeles, CA 90067  
  
Elizabeth Rojas  
Noble Professional Center  
15060 Ventura Blvd., Suite 240  
Sherman Oaks, CA 91403

**SERVED BY U.S. MAIL**

**DEBTOR(S):**

Juan J Villa  
6032 Cecilia St  
Palmdale, CA 93550

Filimon Godina  
29755 Shenandoah Lane  
Canyon Country, CA 91387

Donald Alfaro  
7503 Camelia St  
North Hollywood, CA 91605

Maria Leticia Saravia  
214 E Ave Q3  
Palmdale, CA 93550

Brenda Turcios  
15106 Roxford St  
Sylmar, CA 91342

Luis Gabriel Argote  
14659 Polk St  
Sylmar, CA 91342

Guillermina Shatley  
7061 Kester Ave #J  
Van Nuys, Ca 91405

Daniel Colin Gonzalez  
8820-8822 Canby Ave  
Northridge, CA 91325

Walter Hernandez  
Edith D Hernandez  
6126 Bonner Ave  
North Hollywood, CA 91606

**SERVED BY U.S. MAIL**

**DEBTOR(S):**

Jubilio Escalera  
4050 Camino De La Cumbre  
Sherman Oaks, CA 91423

Maritza Gonzalez  
13409 Cranston Ave  
Sylmar, CA 91342

Luis Alberto Lopez  
8847 Willis Ave A4  
Panorama City, CA 91402

Francisco Zarate  
14328 Victory Blvd  
Van Nuys, CA 91401

Juan M Rojas  
Aurora A De Rojas  
7246 Vanalden Ave  
Reseda, CA 91335

Marylin E Valer  
11150 Glenoaks Blvd #56  
Pacoima, CA 91331

Marcial C Sanchez  
12839 Glenoaks Blvd  
Sylmar, CA 91342

Candelaria Ornelas  
13920 Kopany Ave  
Sylmar, CA 91342

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**DEBTOR(S):**

Salvador Alfredo Valencia  
8834 Camby Ave  
Northridge, CA 91325

Humberto Torres  
Marina Torres  
14328 Victory Blvd  
Van Nuys, CA 91401

Ermilo Vasquez  
Irma Vasquez  
934 Denver Pl  
Oxnard, CA 93033

Fermin Plascencia  
6256 Halbrent Ave  
Van Nuys, CA 91411

Maricruz Hernandez  
6256 Halbrentt Ave  
Van Nuys, CA 91411

**DEBTOR(S):**

Arturo Campos  
9354 E Ave Q14  
Little Rock, CA 93543

Carmen C Boza  
27010 Beauty Berry Pl  
Canyon Country, CA 91387

Brenda Helena Rodriguez  
12529 Filmore St  
Pacoima, CA 91331

Judith Marlene Escobar  
9075 Costello Ave  
Panorama City, CA 91402

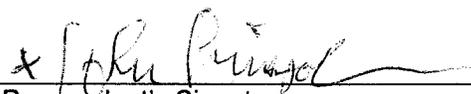
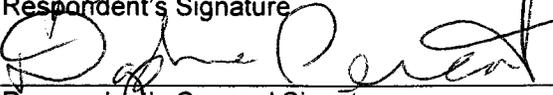
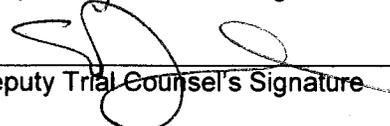
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In the Matter of:  
John Martin Sinasohn

Case number(s):  
09-O-15973, 10-O-03119, 11-O-10746

### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>5-19-11</u>		
Date	Respondent's Signature	Print Name
<u>5-19-11</u>		Daphne Maria Preat
Date	Respondent's Counsel Signature	Print Name
<u>5-20-11</u>		Erin McKeown Joyce
Date	Deputy Trial Counsel's Signature	Print Name

(Do not write above this line.)

In the Matter of: John Martin Sinasohn	Case Number(s): 09-O-15973, 10-O-03119, 11-O-10746
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### ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- All Hearing dates are vacated.

On page three of the stipulation, paragraph C.(3), line four, "acknowledging her" is deleted and in its place is inserted "acknowledging his".

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

5/27/11  
Date

  
Judge of the State Bar Court

**DONALD F. MILES**

## CERTIFICATE OF SERVICE

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

I am a Case Administrator 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 27, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND  
ORDER APPROVING

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:

DAPHNE M. PEREAT, ESQ.  
LAW OFC DAPHNE M PEREAT  
4015 STANSBURY AVE  
SHERMAN OAKS, CA 91423 - 4674

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

ERIN JOYCE, ESQ., Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on May 27, 2011.



Rose Luthi  
Case Administrator  
State Bar Court