

PUBLIC MATTER

1 STATE BAR OF CALIFORNIA
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FILED
JAN 07 2014
STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

9 STATE BAR COURT
10 HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of:) Case No. 10-O-09221; 12-O-10457
13 CYRUS M. SANAI,)
No. 150387,) NOTICE OF DISCIPLINARY CHARGES
14)
15 A Member of the State Bar)

16 **NOTICE - FAILURE TO RESPOND!**

17 **IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE**
18 **WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT**
THE STATE BAR COURT TRIAL:

- 19 (1) **YOUR DEFAULT WILL BE ENTERED;**
- 20 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**
WILL NOT BE PERMITTED TO PRACTICE LAW;
- 21 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;
- 22 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**
23 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**
24 **OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN**
25 **ORDER RECOMMENDING YOUR DISBARMENT WITHOUT**
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.

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1 The State Bar of California alleges:

2 JURISDICTION

3 1. CYRUS M. SANAI ("Respondent") was admitted to the practice of law in the
4 State of California on December 4, 1990, was a member at all times pertinent to these charges,
5 and is currently a member of the State Bar of California.

6 COUNT ONE

7 Case Nos. 10-O-09221; 12-O-10457
8 Business and Professions Code, section 6106
9 [Moral Turpitude – Interfering with sale of property out of corrupt motive]

10 2. In or about April and May 2005, Respondent purposely and with corrupt motive
11 interfered with the sale of real property located in Edmonds, Washington, by, among other
12 things, advising prospective buyers of said property of certain litigation, "the outcome of which
13 will directly affect the validity of any title you purport to acquire to the property[.]" and by filing
14 a lis pendens on said property when Respondent knew or was grossly negligent in not knowing
15 of an order dated October 1, 2003, in a matter in which he was a party entitled *Viveca Sanai et*
16 *al. v. Sassan Sanai et al.*, cause no. 2:02-cv-02165, in the U.S. District Court for the Western
17 District of Washington, forbidding him from filing of any further lis pendens on the subject
18 property without order of court, and thereby Respondent committed an act or acts involving
19 moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code,
20 section 6106.

21 COUNT TWO

22 Case Nos. 10-O-09221; 12-O-10457
23 Business and Professions Code, section 6068(o)(3)
24 [Failure to Report Judicial Sanctions]

25 3. Respondent failed to report to the agency charged with attorney discipline, in
26 writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial
27 sanctions against Respondent by failing to report to the State Bar the \$4,968 in sanctions the
28 court imposed on Respondent on or about July 1, 2005, in connection with *Viveca Sanai et al. v.*
Sassan Sanai et al., U.S. District Court for the Western District of Washington, cause no. 2:02-
cv-02165, in willful violation of Business and Professions Code section, 6068(o)(3).

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COUNT THREE

Case Nos. 10-O-09221; 12-O-10457
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

4. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the \$4,523 in sanctions the court imposed on Respondent on or about March 10, 2005, in connection with *Viveca Sanai et al. v. Sassan Sanai et al.*, U.S. District Court for the Western District of Washington, cause no. 2:02-cv-02165, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT FOUR

Case Nos. 10-O-09221; 12-O-10457
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

5. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the \$5,000 in sanctions the court imposed on Respondent on or about October 8, 2004, in connection with *Viveca Sanai et al. v. Sassan Sanai et al.*, U.S. District Court for the Western District of Washington, cause no. C04-1594Z, in willful violation of Business and Professions Code section, 6068(o)(3).

COUNT FIVE

Case Nos. 10-O-09221; 12-O-10457
Business and Professions Code, section 6068(o)(3)
[Failure to Report Judicial Sanctions]

6. Respondent failed to report to the agency charged with attorney discipline, in writing, within 30 days of the time Respondent had knowledge of the imposition of any judicial sanctions against Respondent by failing to report to the State Bar the approximately \$273,437 in sanctions the court imposed on Respondent on or about November 4, 2005, in connection with *Viveca Sanai et al. v. Sassan Sanai et al.*, U.S. District Court for the Western District of Washington, cause no. 2:02-cv-02165, in willful violation of Business and Professions Code section, 6068(o)(3).

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COUNT NINE

Case Nos. 10-O-09221; 12-O-10457
Business and Professions Code, section 6106
[Moral Turpitude – Altering Service List on Filed Pleading]

10. On or about April 17, 2006, Respondent filed a Memorandum of Costs in *Sanai v. Salz, et al.*, Los Angeles County Superior Court case no. BC235671, listing names of individuals upon an accompanying service list whom Respondent claimed were agents of process for corporate defendants who had been served when he knew, or was grossly negligent in not knowing, that such individuals in fact had not been served on behalf of the corporate defendants, and thereby Respondent committed an act or acts involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106

NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.

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NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

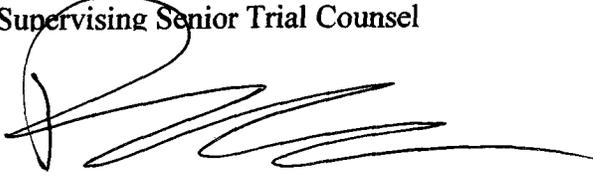
Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL

DATED: January 7, 2014

By: 
BROOKE A. SCHAFER
Supervising Senior Trial Counsel

DATED: January 7, 2014

By: 
R. KEVIN BUCHER
Deputy Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 10-O-09221; 12-O-10457

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 845 South Figueroa Street, Los Angeles, California 90017, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES

- By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))
By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))
By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))
By Fax Transmission: (CCP §§ 1013(e) and 1013(f))
By Electronic Service: (CCP § 1010.6)

- (for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at Los Angeles, addressed to: (see below)
(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: 7196 9006 9111 6411 0477 at Los Angeles, addressed to: (see below)
(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: (see below)

Table with 4 columns: Person Served, Business-Residential Address, Fax Number, Courtesy Copy to. Row 1: CYRUS MARK SANAI, 433 N. Camden Drive Suite 600 Beverly Hills, CA 90210, Electronic Address.

via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ('UPS').

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at Los Angeles, California, on the date shown below.

DATED: January 7, 2014

SIGNED: Genelle De Luca-Suarez
Genelle De Luca-Suarez
Declarant