

PUBLIC MATTER

FILED

SEP 11 2012

STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES

STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES



In the Matter of)	Case No.: 11-O-16101-DFM
)	11-C-16440-DFM
ANTHONY J. KASSAS)	12-C-10281-DFM
)	
Member No. 227647)	ORDER ENTERING DEFAULT; ORDER
)	ENROLLING RESPONDENT INACTIVE;
A Member of the State Bar.)	AND ORDER DENYING MOTION TO
)	WITHDRAW
)	

Order Entering Default

On September 5, 2012, respondent Anthony J. Kassas (Respondent) did not appear at trial although he had been served with a notice to appear pursuant to rule 5.100 of the Rules of Procedure of the State Bar of California. However, his counsel, Edward O. Lear, was present at trial. When Respondent was called by the State Bar to testify as a witness, he was not present.

On that same day, this court orally ordered Respondent to appear for trial on September 6, 2012, at 9:30 a.m., in order to testify. That order was subsequently memorialized with a written order, which was served on Respondent's counsel on September 5 and transmitted electronically to Respondent on the same day at an email address provided by Respondent's counsel.

Notwithstanding the notice to appear and this court's order of September 5, 2012, Respondent failed to appear as a witness at trial on September 6, 2012.

On September 6, 2012, this court issued both an oral and written order that Respondent personally appear in this proceeding on Monday, September 10, 2012, at 1:45 p.m., and show cause in writing at or before that time, as to why his responses in this proceeding should not be stricken, and his default entered, as a sanction for his failure to appear at trial, in violation of the notice to appear and this court's prior order. That order was personally served on Respondent's counsel and emailed to Respondent personally.

On September 10, 2012, Respondent failed to appear for the hearing on the OSC. His attorney, Ed Lear, who was present, confirmed that Respondent was aware of this court's OSC and of the threatened sanction and stated that Respondent was consenting to having the threatened default sanction imposed. At that time, this court orally stated that it was striking Respondent's responses in the pending disciplinary matters and entering Respondent's default in the proceedings. This written order is to formalize those steps.

Wherefore the court finds and orders as follows:

Respondent having failed to comply with the State Bar's Notice to Appear in Lieu of Subpoena (Rule 5.100) and this court's prior orders that (1) he appear for trial and (2) he personally appear for the hearing of the OSC and show cause why sanctions should not be imposed (as set out in the OSC), and GOOD CAUSE APPEARING, this court hereby orders that Respondent's responses in Case Nos. 11-O-16101, 11-C-16440 and 12-C-10281 are hereby stricken and that Respondent's default is entered in such matters pursuant to rules 5.80, 5.81, and 5.100 of the Rules of Procedure of the State Bar of California.

The following warning is provided pursuant to rule 5.80 of the Rules of Procedure of the State Bar of California:

"Because you did not timely file a response to the notice of disciplinary charges filed in this proceeding, the Court has entered your default and deemed the facts alleged in the notice of disciplinary charges admitted. You may participate in these proceedings only if the Court sets aside your default. If you fail to timely move to set aside your default, this Court will enter an order recommending your disbarment without further hearing or proceeding. (See rule 5.80 et seq., Rules of Procedure of the State Bar of California.)"

The following warning is provided pursuant to rule 5.81 of the Rules of Procedure of the State Bar of California:

"Because you failed to appear at trial, the Court has entered your default and deemed the facts alleged in the notice of disciplinary charges admitted. You may participate in these proceedings only if the Court sets aside your default. If you fail to timely move to set aside your default, this Court will enter an order recommending your disbarment without further hearing or proceeding. (See rule 5.80 et seq., Rules of Procedure of the State Bar of California.)"

Order Enrolling Respondent Inactive

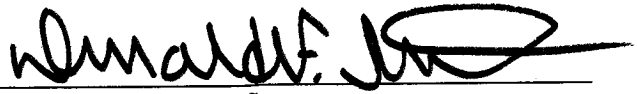
As the conditions of Business and Professions Code section 6007, subdivision (e)(1), are met, Respondent is enrolled as an inactive member of the State Bar of California under Business and Professions Code section 6007, subdivisions (e). The inactive enrollment is effective three (3) days after the service of this order. (Rules Proc. of State Bar, rule 2.50.)

Respondent's Counsel's Motion to Withdraw

In a related matter, Respondent's counsel has filed a motion to withdraw as counsel. That motion is DENIED without prejudice to the motion being re-filed in the event that Respondent seeks and obtains relief from the entry of his default.

IT IS SO ORDERED.

Dated: September 11, 2012



DONALD F. MILES
Judge of the State Bar Court

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 September 11, 2012, I deposited a true copy of the following document(s):

ORDER ENTERING DEFAULT; ORDER ENROLLING RESPONDENT INACTIVE AND ORDER DENYING MOTION TO WITHDRAW

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

- by certified mail, No. SEE BELOW, with return receipt requested, through the United States Postal Service at Los Angeles, California, addressed as follows:

EDWARD O. LEAR
CENTURY LAW GROUP LLP
5200 W CENTURY BLVD #345
LOS ANGELES, CA 90045

ANTHONY JOSEPH KASSAS
1142 S DIAMOND BAR BLVD # 118
DIAMOND BAR, CA 91765

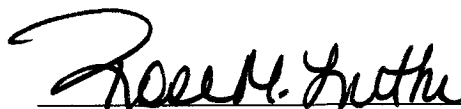
No. 7160 3901 9849 2214 0581

No. 7160 3901 9849 2214 0598

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

SUZAN ANDERSON, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 11, 2012.



Rose Luthi
Case Administrator
State Bar Court