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MAY 26 2015

STATE BAR COURT
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STATE BAR COURT

HEARING DEPARTMENT-LOS ANGELES

10	In the Matter of:)	
11	George A Saba)	CASE NO.: 15-O-10706 & 15-O-
12	Member No. 134316)	10743
13)	RESPONDENT'S ANSWER TO NOTICE
14	A Member of the State Bar.)	OF DISCIPLINARY CHARGES
15)	JUDGE: The Honorable Donald F.
16)	Miles

17 George A Saba, Respondent herein, answers the allegations of the
18 Notice of Disciplinary Charges, dated April 29, 201, which was served
19 upon Respondent by certified mail on May 2, 2015, as follows:

JURISDICTION

21 1. Respondent admits the allegations of paragraph 1 of the Notice of
22 Disciplinary Charges.

COUNT ONE

Case No. 15-O-10743
Business and Professions Code, section 6068(c)
[Maintaining an Unjust Action]

26 2. Respondent denies each and all, generally and specifically, each
27 of the allegations of paragraph 2 of the Notice of Disciplinary

1 Charges. Respondent contends that there is a lack of clear and
2 convincing evidence to support this culpability finding.

3 **COUNT TWO**

4 Case No. 15-O-10743
5 Business and Professions Code, section 6068(c)
6 [Failure to Obey a Court Order]

7 3. Respondent denies each and all, generally and specifically, each
8 of the allegations of paragraph 3 of the Notice of Disciplinary
9 Charges. Respondent contends that there is a lack of clear and
10 convincing evidence to support this culpability finding.

11 **COUNT THREE**

12 Case No. 15-O-10706
13 Business and Professions Code, section 6103
14 [Failure to Report Judicial Sanctions]

15 4. Respondent denies each and all, generally and specifically, each
16 of the allegations of paragraph 4 of the Notice of Disciplinary
17 Charges. Respondent contends that there is a lack of clear and
18 convincing evidence to support this culpability finding.

19 **COUNT FOUR**

20 Case No. 15-O-10706
21 Business and Professions Code, section 6103
22 [Failure to Obey a Court Order.]

23 5. Respondent denies each and all, generally and specifically, each
24 of the allegations of paragraph 5 of the Notice of Disciplinary
25 Charges. Respondent contends that there is a lack of clear and
26 convincing evidence to support this culpability finding.

27 **COUNT FIVE**

28 Case No. 15-O-10743
Business and Professions Code, section 6103
[Failure to Obey a Court Order]

6. Respondent denies each and all, generally and specifically, each
of the allegations of paragraph 6 of the Notice of Disciplinary

1 Charges. Respondent contends that there is a lack of clear and
2 convincing evidence to support this culpability finding.

3 **COUNT SIX**

4 Case No. 15-O-10743
5 Business and Professions Code, section 6106
6 [Moral Turpitude]

7 6. Respondent denies each and all, generally and specifically, each
8 of the allegations of paragraph 6 of the Notice of Disciplinary
9 Charges. Respondent contends that there is a lack of clear and
10 convincing evidence to support this culpability finding.

11 **FIRST AFFIRMATIVE DEFENSE**

12 Respondent alleges that the Subject Orders to pay sanctions were
13 procured by fraud on the Court and is voidable if not Void.

14 **SECOND AFFIRMATIVE DEFENSE**

15 Respondent alleges that the State Bar is barred from any relief
16 or recovery against Respondent, because of the Complaining Party's
17 unclean hands, which relate directly to the Orders that are the
18 subject of the State Bar's claims.

19 **THIRD AFFIRMATIVE DEFENSE**

20 Respondent alleges that the State Bar is barred from relief under
21 the doctrine of Equitable Estoppel.

22 **FOURTH AFFIRMATIVE DEFENSE**

23 Respondent alleges that the State Bar is barred from relief under
24 the doctrine of Laches.

25 **FIFTH AFFIRMATIVE DEFENSE**

26 Respondent alleges that the State Bar is barred from relief under
27 the doctrine of Collateral Estoppel.

1 **SIXTH AFFIRMATIVE DEFENSE**

2 The Notice of Disciplinary Charges, and each count thereof, fails
3 to state any claim upon which relief can be granted.

4 **SEVENTH AFFIRMATIVE DEFENSE**

5 The present charges against Respondent are unlawful and
6 unconstitutional in that they are the result of the State Bar's
7 unlawful selective prosecution of Respondent.

8 **EIGHTH AFFIRMATIVE DEFENSE**

9 If there was any unlawfulness with respect to the matters against
10 Respondent charged in Counts One to six, such unlawfulness was not
11 apparent to Respondent at the time the events occurred, and thus no
12 violation took place. *Anderson v. Creighton* (1987) 483 U.S. 635, 640.

13 **NINTH AFFIRMATIVE DEFENSE**

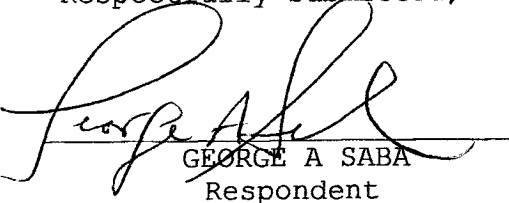
14 Respondent reserves the right to assert additional affirmative
15 defenses if and when further preparation and discovery procedures may
16 reveal the same.

17
18 **WHEREFORE,** Respondent requests that the Court grant judgment:

- 19 1. Dismissing the Charges and denying all relief to the State Bar;
20 and granting judgment in Respondent's favor;
21 2. Granting such other and further relief as may be permitted by law
22 and as the Court may deem just and proper.

23
24 Respectfully Submitted,

25
26 Dated: May 22, 2015

27 
28 GEORGE A SABA
Respondent

DECLARATION OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE

I am employed in the County of Riverside, State of California. I am, and was at the time mentioned in this declaration, over the age of 18 years. I am not a party to the within action. My address is:

2514 GLENBUSH CIRCLE
CORONA, CA 92882-8600

On MAY 22, 2015 following ordinary business practices, I served the foregoing described as:

RESPONDENT'S ANSWER TO NOTICE OF DISCIPLINARY CHARGES

On the parties in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

**(xx) by mail: STATE BAR OF CALIFORNIA
OFFICE OF THE CHIEF TRIAL COUNSEL
845 SOUTH FIGUEROA STREET
LOS ANGELES, CA 90017-2515**

ATTENTION: FILING CLERK

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on MAY 22, 2015 at Corona, California.



FREDA I. SABA