

# PUBLIC MATTER

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**FILED**

**JAN 12 2017**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

In the Matter of:	)	Case No. 16-O-10875
	)	
GEORGE AWAD SABA,	)	NOTICE OF DISCIPLINARY CHARGES
No. 134316,	)	
	)	
	)	
<u>A Member of the State Bar.</u>	)	

## **NOTICE - FAILURE TO RESPOND!**

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

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU  
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (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;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.  
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE  
OR VACATE 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.**

//

1 The State Bar of California alleges:

2 JURISDICTION

3 1. George Awad Saba ("respondent") was admitted to the practice of law in the State of  
4 California on June 14, 1988, was a member at all times pertinent to these charges, and is  
5 currently a member of the State Bar of California.

6 COUNT ONE

7 Case No. 16-O-10875  
8 Business and Professions Code, section 6068(c)  
[Maintaining an Unjust Action]

9 2. Respondent failed to counsel or maintain such action, proceedings, or defenses only  
10 as appear to respondent legal or just, when on or about December 11, 2014, he filed the notice of  
11 appeal on behalf of the plaintiffs in *Viorel Bucur et al., v. Mirza Shamin Ahmad*, Court of  
12 Appeal, Fourth Appellate District, Division One case no. D068689, and thereafter continued to  
13 prosecute the appeal, when respondent knew that the appeal was frivolous or had no merit, as the  
14 plaintiffs' claims were barred by the doctrines of res judicata, judicial admissions and judicial  
15 estoppel, in willful violation of Business and Professions Code, section 6068(c).

16 COUNT TWO

17 Case No. 16-O-10875  
18 Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

19 3. Respondent disobeyed or violated an order of the court requiring respondent to do or  
20 forbear an act connected with or in the course of respondent's profession, which respondent  
21 ought in good faith to do or forbear, by failing to comply with an order dated January 16, 2016,  
22 requiring respondent and/or his clients, jointly and severally to pay sanctions in the amount of  
23 \$31,311 to defendant and respondent Mirza Shamim Ahmad and \$25,000 to the clerk of court of  
24 the Court of Appeal, Fourth Appellate District, no later than 30 days of the remitter being issued,  
25 in *Viorel Bucur, et al. v. Mirza Shamim Ahmad*, Court of Appeal of the State of California, case  
26 no. D068689, as the sanctions were not paid within 30 days by respondent, in willful violation of  
27 Business and Professions Code, section 6103.

28 //

1 COUNT THREE

2 Case No. 16-O-10875  
3 Business and Professions Code, section 6068(o)(3)  
4 [Failure to Report Judicial Sanctions]

5 4. Respondent failed to report to the agency charged with attorney discipline, in writing,  
6 within 30 days of the time respondent had knowledge of the imposition of judicial sanctions  
7 against respondent by failing to report to the State Bar the \$56,311 in non-discovery sanctions  
8 the court imposed on respondent on or about January 26, 2016, in connection with *Viorel Bucur,*  
9 *et al. v. Mirza Shamim Ahmad*, Court of Appeal of the State of California, case no. D068689, in  
10 willful violation of Business and Professions Code section, 6068(o)(3).

11 NOTICE - INACTIVE ENROLLMENT!

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

20 NOTICE - COST ASSESSMENT!

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

26 Respectfully submitted,

27 THE STATE BAR OF CALIFORNIA  
28 OFFICE OF CHIEF TRIAL COUNSEL

29 DATED: January 12, 2017

By: 

Alex Hackert  
Deputy Trial Counsel

30 DATED: January 12, 2017

By: 

Michaela F. Carpio  
Deputy Trial Counsel

# DECLARATION OF SERVICE

by

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

CASE NUMBER(s): **16-O-10875**

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 90017-2515, 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))**

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of Los Angeles.

☒

**By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))**

☐

**By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))**

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

☐

**By Fax Transmission: (CCP §§ 1013(e) and 1013(f))**

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.

☐

**By Electronic Service: (CCP § 1010.6)**

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐

*(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.: 9414 7266 9904 2010 0783 95 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)*

Person Served	Business-Residential Address	Fax Number	COURTESY COPY VIA REGULAR 1 <sup>ST</sup> CLASS MAIL
George Awad Saba	2514 Glenbush Circle Corona, CA 92882	Electronic Address	

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'). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

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 12, 2017

SIGNED:

  
Sandra Reynolds  
Declarant