

**PUBLIC MATTER**

**FILED**

**MAY 04 2018**

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

1 STATE BAR OF CALIFORNIA  
2 OFFICE OF CHIEF TRIAL COUNSEL  
3 STEVEN J. MOAWAD, No. 190358  
4 CHIEF TRIAL COUNSEL  
5 MELANIE J. LAWRENCE, No. 230102  
6 DEPUTY CHIEF TRIAL COUNSEL  
7 MIA R. ELLIS, No. 228235  
8 ASSISTANT CHIEF TRIAL COUNSEL  
9 HUGH G. RADIGAN, No. 94251  
10 SENIOR TRIAL COUNSEL  
11 845 South Figueroa Street  
12 Los Angeles, California 90017-2515  
13 Telephone: (213) 765-1206

STATE BAR COURT

HEARING DEPARTMENT - LOS ANGELES

12 In the Matter of: ) Case Nos. 16-O-11708, 16-O-12372,  
13 MOATAZ SAYED HAMZA, ) 16-O-18110 and 17-O-00607  
14 No. 272952, ) NOTICE OF DISCIPLINARY CHARGES  
15 A Member of the State Bar )

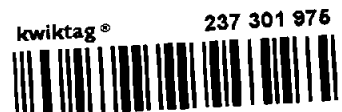
**NOTICE - FAILURE TO RESPOND!**

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**  
19 **THE STATE BAR COURT TRIAL:**

- 20 (1) **YOUR DEFAULT WILL BE ENTERED;**  
21 (2) **YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU**  
22 **WILL NOT BE PERMITTED TO PRACTICE LAW;**  
23 (3) **YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN**  
24 **THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION**  
25 **AND THE DEFAULT IS SET ASIDE, AND;**  
26 (4) **YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.**  
27 **SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE**  
28 **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. Moataz Sayed Hamza ("Respondent") was admitted to the practice of law in the State  
4 of California on December 3, 2010, 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-11708  
8 Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

9 2. On or about September 14, 2015 and on or about October 14, 2015, Respondent  
10 received from Respondent's client, Diana Djavaheerian, the sum of \$8,500 as advanced fees for  
11 legal services to be performed. On February 1, 2016, Ms. Djavaheerian requested an accounting.  
12 Respondent thereafter failed to render an appropriate accounting to the client regarding those  
13 funds following the termination of Respondent's employment on or about February 1, 2016, in  
14 willful violation of the Rules of Professional Conduct, rule 4-100(B)(3).

15 COUNT TWO

16 Case No. 16-O-11708  
17 Rules of Professional Conduct, rule 3-700(D)(1)  
[Failure to Release File]

18 3. Respondent failed to release promptly, after termination of Respondent's employment  
19 on or about February 1, 2016, to Respondent's client, Diana Djavaheerian, all of the client's  
20 papers and property following the client's request for the client's file on December 1, 2016, in  
21 willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

22 COUNT THREE

23 Case No. 16-O-11708  
24 Rules of Professional Conduct, rule 3-110(A)  
[Failure to Perform with Competence]

25 4. On or about October 1, 2015, Diana Djavaheerian employed Respondent to perform  
26 legal services, namely to represent her sister, Refa Mehrazar (hereinafter "Refa"), in a pending  
27 civil matter, which Respondent intentionally, recklessly, or repeatedly failed to perform with

1 competence, in willful violation of Rules of Professional Conduct, rule 3-110(A), by failing to  
2 enter an appearance on behalf of Refa, by failing to do anything to set aside the default taken  
3 against Refa and by failing to pursue the appeal of the judgment entered September 28, 2015, as  
4 to Refa or provide any other legal services for the client.

5 COUNT FOUR

6 Case No.16-O-11708  
7 Business and Professions Code, section 6068(i)  
8 [Failure to Cooperate in State Bar Investigation]

9 5. Respondent failed to cooperate and participate in a disciplinary investigation pending  
10 against Respondent by failing to provide a substantive response to the State Bar's letters of June  
11 3, 2016, June 17, 2016, November 18, 2016, December 13, 2016, April 19, 2017 and May 23,  
12 2017, which Respondent and/or his attorney received, that requested Respondent's response to  
13 the allegations of misconduct being investigated in case no. 16-O-11708, in willful violation of  
14 Business and Professions Code, section 6068(i).

15 COUNT FIVE

16 Case No. 16-O-12372  
17 Rules of Professional Conduct, rule 3-700(D)(1)  
18 [Failure to Release File]

19 6. Respondent failed to release promptly, after termination of Respondent's employment  
20 on or about May 21, 2016, to Respondent's client Robert Manning all of the client's papers and  
21 property following his filing of a formal substitution removing himself from the underlying  
22 litigation, in willful violation of Rules of Professional Conduct, rule 3-700(D)(1).

23 COUNT SIX

24 Case No. 16-O-12372  
25 Rules of Professional Conduct, rule 3-110(A)  
26 [Failure to Perform with Competence]

27 7. On or about August 4, 2014, Robert Manning employed Respondent to perform legal  
28 services, namely to represent him in the civil matter captioned *Cole Group, Inc. v. Manning, et*  
*al.* filed in the Los Angeles Superior Court, Case No. BC505715, which Respondent  
intentionally, recklessly, or repeatedly failed to perform with competence, in willful violation of

1 Rules of Professional Conduct, rule 3-110(A), by failing to oppose a motion to compel  
2 production of documents and failing to appear at the hearing on the motion, by failing to oppose  
3 a motion for terminating sanctions, by failing to timely respond to court ordered discovery  
4 obligations and timely pay sanctions, and by failing to appear at the final status conference and  
5 trial of the matter, as a result of Respondent's failure to perform or provide any other legal  
6 services for the client.

7 COUNT SEVEN

8 Case No. 16-O-12372  
9 Business and Professions Code, section 6068(m)  
[Failure to Inform Client of Significant Development]

10 8. Respondent failed to keep Respondent's client, Robert Manning, reasonably informed  
11 of significant developments in a matter in which Respondent had agreed to provide legal  
12 services, in willful violation of Business and Professions Code, section 6068(m), by failing to  
13 inform the client that Respondent had not complied with court ordered discovery and payment of  
14 sanctions, that Respondent had not propounded any discovery on behalf of the client, that  
15 Respondent had not opposed a terminating sanction motion, that Respondent would not be  
16 appearing at either the final status conference or trial of the underlying matter, or explaining to  
17 the client the ramifications of the same conduct.

18 COUNT EIGHT

19 Case No. 16-O-12372  
20 Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

21 9. Respondent failed to cooperate and participate in a disciplinary investigation pending  
22 against Respondent by failing to provide a substantive response to the State Bar's letters of May  
23 20, 2016, June 3, 2016, November 18, 2016 and April 25, 2017, which Respondent and/or his  
24 attorney received, that requested Respondent's response to the allegations of misconduct being  
25 investigated in case no. 16-O-12372, in willful violation of Business and Professions Code,  
26 section 6068(i).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT NINE

Case No.16-O-12372  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

10. On or about November 13, 2014, Respondent stated to his client, Robert Manning, that he had been sanctioned as a result of their court ordered discovery responses being served late, when Respondent knew that the statement was false and misleading and Respondent knew the subject discovery responses had not been served at all. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT TEN

Case No.16-O-12372  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

11. On or about November 13, 2014, Respondent stated to his client, Robert Manning, that he earlier produced responsive documents pursuant to court order to opposing counsel, when Respondent knew that the statement was false and misleading and Respondent knew the subject discovery responses had not been served upon opposing counsel until December 1, 2014. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT ELEVEN

Case No.16-O-12372  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

12. On or about November 13, 2014, Respondent stated to his client, Robert Manning, that he earlier generated discovery on behalf of the client, when Respondent knew that the statement was false and misleading and Respondent knew the subject discovery had not been served upon opposing counsel until November 17, 2014, at which time they were time barred and totally ineffectual. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT TWELVE

Case No.16-O-12372  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

13. On or about February 17, 2015, Respondent stated to his client, Robert Manning, that he earlier appeared at both the final status conference conducted January 7, 2015 and also appeared at trial on January 12, 2015, when Respondent knew that the statement was false and misleading. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT THIRTEEN

Case No. 16-O-12372  
Business and Professions Code, section 6106  
[Moral Turpitude - Misappropriation]

14. On or about November 13, 2014, Respondent received on behalf of Respondent's client, Robert Manning, a wire transfer of \$5,000, pursuant to Respondent's request, to be utilized to pay sanctions against the client in the same amount ordered by the court in the underlying matter within a discovery dispute. On or about November 21, 2014, Respondent paid the \$5,000 sanction to opposing counsel which, upon presentation to opposing counsel's account, was returned NSF. The sanctions were never paid to opposing counsel by Respondent. On or about November 21, 2014, Respondent wilfully and intentionally misappropriated \$5,000 that Respondent's client was entitled to receive once the NSF check was returned. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in violation of Business and Professions Code, section 6106.

COUNT FOURTEEN

Case No. 16-O-12372  
Business and Professions Code, section 6106  
[Moral Turpitude - Issuance of NSF Checks]

15. On or about November 21, 2014, Respondent issued the following check drawn upon Respondent's general business account at Wells Fargo, account no. XXXXXX0849, when Respondent knew or was grossly negligent in not knowing that there was insufficient funds in

1 the CTA to pay them, and thereby committed an act involving moral turpitude, dishonesty or  
2 corruption in willful violation of Business and Professions Code, section 6106:

3 CHECK NO.	CHECK DATE	CHECK AMT.	RETURNED/PAID
4 3039	November 21, 2014	\$5,000	Returned NSF

5 COUNT FIFTEEN

6 Case No. 16-O-12372  
7 Rules of Professional Conduct, rule 4-100(B)(3)  
[Failure to Render Accounts of Client Funds]

8 16. Between on or about October 6, 2014 and on or about August 4, 2015, Respondent  
9 received from Respondent's client, Robert Manning, the approximate sum of \$37,500 as  
10 advanced fees for legal services to be performed. On or about March 21, 2016, Respondent  
11 substituted out of *Cole Group, Inc. v. Manning, et al.* filed in the Los Angeles Superior Court,  
12 Case No. BC505715, at which time Mr. Manning requested an accounting. Respondent thereafter  
13 failed to render an appropriate accounting to the client regarding those funds following the  
14 termination of Respondent's employment on or about March 21, 2016, in willful violation of the  
15 Rules of Professional Conduct, rule 4-100(B)(3).

16 COUNT SIXTEEN

17 Case No. 16-O-12372  
18 Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

19 17. Respondent disobeyed or violated an order of the court in a civil matter filed in the  
20 matter *Cole Group, Inc. v. Manning, et al.* filed in the Los Angeles Superior Court, Case No.  
21 BC505715, requiring Respondent to do or forbear an act connected with or in the course of  
22 Respondent's profession which Respondent ought in good faith to do or forbear by failing to  
23 comply with the September 11, 2014, order of the court by providing discovery responses to the  
24 opposing party by September 29, 2014, and by paying the sanction, in willful violation of  
25 Business and Professions Code, section 6103.

26 ///

27 ///

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT SEVENTEEN

Case No. 16-O-18110  
Business and Professions Code, section 6103  
[Failure to Obey a Court Order]

18. Respondent disobeyed or violated an order of the court in a civil matter filed in the San Diego Superior Court, styled *Ellison v. Karimi*, Case No. 37-2015-00011198-CU-BT-CTL, requiring Respondent to do or forbear an act connected with or in the course of Respondent's profession which Respondent ought in good faith to do or forbear by failing to comply with the October 7, 2016, order of the court by providing discovery responses to the opposing party by October 17, 2016, and by paying the sanction, in willful violation of Business and Professions Code, section 6103.

COUNT EIGHTEEN

Case No. 16-O-18110  
Business and Professions Code, section 6068(i)  
[Failure to Cooperate in State Bar Investigation]

19. Respondent failed to cooperate and participate in a disciplinary investigation pending against Respondent by failing to provide a substantive response to the State Bar's letters of February 15, 2017, and July 17, 2017, which Respondent and/or his attorney received, that requested Respondent's response to the allegations of misconduct being investigated in case no. 16-O-18110, in willful violation of Business and Professions Code, section 6068(i).

COUNT NINETEEN

Case No. 17-O-00607  
Rules of Professional Conduct, rule 5-300(A)  
[Contact with Officials]

20. On or about January 3, 2017, Respondent communicated with the courtroom and staff of Department 61 of the San Diego Superior Court, where Respondent had a pending civil matter, and delivered by mail to them a gift certificate in the amount of \$333 payable to a local steak house, in willful violation of the Rules of Professional Conduct, rule 5-300(A).

///  
///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COUNT TWENTY

Case No.17-O-00607  
Business and Professions Code, section 6068(d)  
[Seeking to Mislead a Judge]

21. On or about January 13, 2017, Respondent during the course of an OSC hearing conducted in Department 61 of the San Diego Superior Court in the civil matter *Ellison v. Karimi*, Case No. 37-2015-00011198-CU-BT-CTL, falsely asserted he had no knowledge of a gift card purchase delivered to the courtroom staff when he fully knew that he had authorized and directed his paralegal to make the gift card purchase and transmit it to the courtroom staff of Department 61, and Respondent knew the statement was false, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, section 6068(d).

COUNT TWENTY-ONE

Case No.17-O-00607  
Business and Professions Code, section 6106  
[Moral Turpitude - Misrepresentation]

22. On or about January 13, 2017, Respondent during the course of an OSC hearing conducted in Department 61 of the San Diego Superior Court in the civil matter *Ellison v. Karimi*, Case No. 37-2015-00011198-CU-BT-CTL, falsely asserted he had no knowledge of a gift card purchase delivered to the courtroom staff when he fully knew that he had authorized and directed his paralegal to make the gift card purchase and transmit it to the courtroom staff of Department 61, when Respondent knew that the statement was false and misleading. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106.

COUNT TWENTY-TWO

Case No.17-O-00607  
Business and Professions Code, section 6106  
[Moral Turpitude – Witness Tampering]

23. On or about January 13, 2017, Respondent, after having made false and misleading statements to the court during the course of an OSC hearing conducted in Department 61 of the

1 San Diego Superior Court in the civil matter *Ellison v. Karimi*, Case No. 37-2015-00011198-CU-  
2 BT-CTL, returned to his office and directed his paralegal, Krista Garcia, that she was to take full  
3 responsibility for the gift card purchase delivered to the courtroom staff and that if questioned by  
4 either the court or the State Bar, she was to make false and misleading statements that would  
5 exculpate Respondent from any responsibility for the transaction, when he fully knew that he had  
6 authorized and directed his paralegal to make the gift card purchase and transmit it to the  
7 courtroom staff of Department 61. Respondent thereby committed an act involving moral  
8 turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section  
9 6106.

10 **NOTICE - INACTIVE ENROLLMENT!**

11 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR  
12 COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE  
13 SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL  
THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**

14 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN  
15 INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE  
ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE  
16 RECOMMENDED BY THE COURT.**

17 **NOTICE - COST ASSESSMENT!**

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

21 Respectfully submitted,

22 THE STATE BAR OF CALIFORNIA  
23 OFFICE OF CHIEF TRIAL COUNSEL

24  
25 DATED: May 4, 2018

26 By: Hugh G. Radigan  
27 Hugh G. Radigan  
28 Senior 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-11708, 16-O-12372, 16-O-18110, 17-O-00607**

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))**  
- 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 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 2111 0220 99 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
Moataz Sayed Hamza	Hamza Law, P.C. 750 B St., Ste. 2350 San Diego, CA 92101-8291	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: May 4, 2018

SIGNED: \_\_\_\_\_

*Sandra Reynolds*  
Sandra Reynolds  
Declarant