

Copyright 2013 LexisNexis, Division of Reed Elsevier Inc.

Mealey's Daily News Update

December 17, 2013

2013-1616 Mealey's Daily News Update 5

SECTION: 2013, 1616

HEADLINE: Immigration Law Firm, State Settle Competition Law Claims For \$ 418,000

DATELINE: SAN FRANCISCO -

BODY:

A law firm will pay California \$ 418,000 to resolve state unfair competition law (UCL) claims alleging that the firm collected large fees while its attorneys did little or no work on the clients' immigration cases, under a settlement filed Dec. 16 (The People of the State of California, et al. v. Guajardo, Martin, et al., Jamie Hernandez, et al. v. Guajardo, Martin, et al., Nos. 505449, 505450, Calif. Super., San Francisco Co.).

(Settlement available 58-130129-001Z )

In November 2010, the San Francisco city attorney general filed suit on behalf the People of the State of California in the San Francisco County Superior Court against Martin Resendez Guajardo, Christopher Stender and Immigration Practice Group (IPG). The government brought a UCL, Business and Professions Code Section 17200, et seq., claim based on alleged violation of the Rules of Professional Conduct 1-100.

Preliminary Injunction

Guajardo, IPG's former president, treasurer and secretary, and Stender, his replacement, operated IPG as an immigration law practice. IPG is a registered California law corporation. Stender is not a member of the State Bar of California.

The government claims that Guajardo continued practicing law even after resigning from the State Bar in 2008. Guajardo allegedly collected large sums from clients while doing little or no work on their cases. The plaintiff claims that Stender and IPG aided and abetted Guajardo by failing to notify clients of his resignation and by leading them to believe that Guajardo was in charge of their cases. IPG ceased operations a month after the complaint, the government claims.

The government successfully sought a preliminary injunction, which the defendants appealed. The Second District California Court of Appeal affirmed, and in March, the California Supreme Court rejected an appeal.

Agreement

On Nov. 19, the parties reached their agreement. The agreement calls for the defendants to pay \$ 218,000 in restitution prior to Dec. 31, \$ 50,000 in restitution prior to June 30 and another \$ 150,000 in attorney fees and costs over five, \$ 30,000 installments beginning in June 2016.

Named plaintiffs Jaime Hernandez, Jagdeep Singh and Gullermo Ortega will receive \$ 32,000 in restitution, fully compensating them, under the terms of the settlement.

The government claims that Guajardo "absconded from San Francisco and has never been located or served with the complaint."

Joshua Seth White and Kristine Ann Poplawski of the Office of the City Attorney in San Francisco represent the government. Kristen Elizabeth Caverly, Edgar Harrison Hayden Jr. and Bret Anthony Bartolotta of Henderson, Caverly, Pum & Charney in San Diego represent Stender and the defendants.