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July 18, 2018

Ms. Melanie Lawrence, Interim Chief Trial Counsel
State Bar of California
845 South Figueroa Street
Los Angeles, California 90017-2515

Re: Attorney Misconduct Complaints

Ms. Lawrence:

Please accept this letter as a complaint against Suzanne C. Grandt (Member #304794) for her professional misconduct in *Ty Clevenger v. Gregory P. Dresser, et al.*, Case No. 3:17-cv-02798-WHA (N.D. Cal.). On the enclosed computer disc, you will find a transcript (Exhibit 1) of a July 20, 2017 hearing wherein U.S. District Judge William H. Alsup granted my request for sanctions as a result of Ms. Grandt's false and misleading statements to the federal court.

Ms. Grandt is an assistant general counsel for the California State Bar, and on June 6, 2017 I sent a letter (Exhibit 2) to her supervisor, General Counsel Vanessa L. Holton, concerning Ms. Grandt's misrepresentations. Two days later, Deputy General Counsel Robert Retana responded by letter (Exhibit 3), claiming Ms. Grandt's statements to the federal court were "accurate." Clearly they were not accurate, as determined by the federal court itself.

Later that day, I informed Mr. Retana by email (Exhibit 4) that his statements to me were far different from the representations that Ms. Grandt made to Judge Alsup. On June 9, 2017, Ms. Grandt filed a motion to "clarify the record" (Exhibit 5) wherein she failed to clarify much of anything regarding her misrepresentations to Judge Alsup, so I filed my own motion (Exhibit 6) on June 12, 2017 and requested sanctions. Ms. Grandt filed a misleading response (Exhibit 7) on June 23, 2017, and I pointed that out to the court in my June 30, 2017 reply (Exhibit 8).

In a June 19, 2018 order (Exhibit 9), Judge Alsup clearly detailed Ms. Grandt's misrepresentations and rebutted Mr. Retana's claim that her statements were "accurate." Notwithstanding this, Ms. Grandt tried to deceive the federal court *again* in her June 23, 2018 response (Exhibit 7) to my motion. She wrote, for example, "As soon as Ms. Grandt reviewed the hearing transcript, she realized her error and took immediate corrective action by filing a Motion to Clarify." That statement was false. As set forth above, Ms. Grandt did not file a motion to "clarify" until after I had repeatedly insisted that she make corrections, and even then her motion did not correct the misrepresentations.

I should note that Mr. Retana and Ms. Holton appeared as counsel in all of the pleadings identified above, and I would direct your attention to the following excerpt concerning them:

The California Supreme Court has held that supervisory attorneys have duties to properly supervise junior attorneys and office staff, and to develop appropriate office procedures. *See Trousil v. State Bar* (1985) 38 Cal. 3d 337, 342 (“lapses in office procedure...[may be] deemed ‘wilful’ for disciplinary purposes”); *Gabba v. State Bar* (1990) 50 Cal. 3d 344, 353 (duty to supervise other lawyers); *Waysman v. State Bar* (1986) 41 Cal. 3d 452, 455 (duty to supervise law office staff); *see also Calif. Ethics Opn.* 1997-50 at 3 (“Each attorney has the obligation to supervise his or her subordinates and employees.”). Yet when presented with Ms. Grandt's misrepresentations to this Court, Mr. Retana defended them as “accurate.” *See* June 8, 2017 Letter from Robert Retana to Ty Clevenger (Doc. No. 25-4). Furthermore, neither Ms. Holton nor Mr. Retana prevented Ms. Grandt from making new misrepresentations in the Defendants' Opposition, which leads one to wonder whether Ms. Grandt is being supervised at all. Given an order like the one that the Court issued on June 19, 2017, most supervisors would be double-checking everything that was filed in this case.

PLAINTIFF'S REPLY TO MOTION TO PERMIT DISCOVERY; SUR-REPLY TO MOTION TO CLARIFY THE RECORD 11-12 (Exhibit 8). Insofar as they refused to supervise Ms. Grandt despite clear evidence of her misconduct, please accept this letter as a professional misconduct complaint against Mr. Retana (Member #148677) and Ms. Holton (Member #111613).

I also wish to renew my misconduct complaints (Exhibit 10) against Cydney Batchelor (Member #114637) and Robert A. Henderson (Member #173205). In previous correspondence, I repeatedly requested the appointment of special counsel to investigate / prosecute Ms. Batchelor and Mr. Henderson, but those requests were ignored. Instead, Acting Chief Trial Counsel Gregory P. Dresser allowed his first assistant, Donald R. Steedman, to “investigate” Ms. Batchelor and Mr. Henderson notwithstanding the clear conflict of interest. Predictably, Mr. Steedman dismissed the grievances.

After the grievances were dismissed, I learned that State Bar Rule of Procedure 2201(a) *obligated* Mr. Dresser and/or Mr. Steedman to appoint special counsel. In other words, Mr. Dresser and Mr. Steedman violated the rule even though I specifically requested the appointment of special counsel. Worse, it appears that Mr. Dresser and Mr. Steedman violated the rule for the express purpose of covering up the misconduct of attorneys under their supervision. For the same reasons that I filed complaints against Ms. Holton and Mr. Retana (*i.e.*, failure to supervise), please consider this letter a misconduct complaint against Mr. Dresser (Member #136532) and Mr. Steedman (Member #104927).

At this point, both you and the Board of Trustees have serious conflicts of interest. I wrote to the trustees repeatedly (*see, e.g.*, Exhibit 11) regarding much of the misconduct outlined above, but they never took corrective action. Meanwhile, you have succeeded Mr. Dresser and Steven Moawad as the lead defendant in *Ty Clevenger v. Steven Moawad, et al.*, Case No. Case No. 17-17136 (9th Cir.), where you are represented

by Ms. Holton, Mr. Retana, and Ms. Grandt, thus you would have a conflict of interest in selecting special counsel to investigate / prosecute them. Rule 2201(a) mandates the appointment of special counsel, and I request that you refer these matters to the California Supreme Court so it can appoint special counsel to investigate Ms. Grandt, Mr. Retana, Ms. Holton, Ms. Batchelor, Mr. Henderson, Mr. Dresser, and Mr. Steedman.

Finally, I have attached a June 25, 2018 order (Exhibit 12) denying my request for pro hac vice admission in *Scottie Nell Hughes v. Twenty-First Century Fox, Inc., et al.*, Case No. 1:17-cv-07093-WHP (S.D.N.Y.). I am not certain whether that is something I must report, but I have included it in the interest of full disclosure.

Thank you in advance for your attention to these matters.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ty Clevenger', with a long horizontal flourish extending to the right.

Ty Clevenger

cc: Trustees, State Bar of California