

21-6305

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

NOV 08 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Eric Volk

(Your Name)

— PETITIONER

vs.

CANTIL SAKAUYE et al
CHIEF JUSTICE

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF CALIFORNIA

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Eric Volk

(Your Name)

8700 Glistening Pond St.

(Address)

Las Vegas, NV 89131

(City, State, Zip Code)

(310) 529-2310

(Phone Number)

QUESTION(S) PRESENTED

- ① Can The State Bar of CALIFORNIA close a Complaint on my Attorney Ms. Lynne Brown. Where rules of Professional Conduct, and my due process were recklessly violated. And where ~~legal codes were~~ ethics, and legal codes were violated several times in Four years, by my legal representative. Where a disciplining violation can be proven, by clear and convincing evidence?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

CALIFORNIA SUPREME COURT Justices

Justice Carol Corrigan,
Justice Goodwin Liu,
Justice Joshua Groban,
Justice Leandra Kruger,
Justice Martin J. Jenkins

RELATED CASES

My witness, Mr. Vipula Ranaweera
Filed a Complaint with the
State Bar of California in July/August
of 2019. The Complaint Review Unit
(The Office of Chief Trial Counsel)
opened Mr. Ranaweera's Complaint
for investigation.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-11
REASONS FOR GRANTING THE WRIT	12-13
CONCLUSION.....	14
<i>Evidence</i>	15-40

INDEX TO APPENDICES

APPENDIX A	<i>Petition For Review was denied by The Supreme Court of California.</i>
APPENDIX B	<i>Petition to reopen my Complaint for Reconsideration was denied by The State Bar of CALIFORNIA</i>
APPENDIX C	<i>Complaint against my Attorney Ms. Lynne Brown closed. By The State Bar of California</i>
APPENDIX D	<i>Complaint to The State Bar of California is opened for investigation. Notifying the Investigators are changing</i>
APPENDIX E	<i>Initial Letter from The State Bar of California that the Enforcement Unit will investigate my</i>
APPENDIX F	<i>Complaint against Ms. Lynne Brown</i>

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Gold v. State Bar
of California, Respondent
49 Cal.3d 908 Supreme Court
OF CALIFORNIA IN BANK

~~P. 24~~
P. 5

Supreme Court of California IN BANK Floyd
Franklin, Petitioner V. The State Bar of
California, Respondent 41 Cal. 3d 700

~~P. 24~~
P. 5

Connie Hernandez, Plaintiff and Appellant V.
General Adjustment Bureau et. al, Defendants 2
Respondents 199. Cal. App. 3d 999 Court of
Appeals, Second district, division 4, California

~~P. 3, 8~~
P. 6, 7

STATUTES AND RULES

Rules of Professional Conduct
of the State Bar Act

P. 5, 6

Cal. Insurance Code 790.03 (h)

P. 6

Labor Code 5814

P. 7

Prof. Bus. Code 6067, 6068, 6103

P. 5

Rule 6 - 1011, ~~Rule~~

P. 6

OTHER (Cervantes V. J.C. Penny Co. (1979) 24 Cal 3d, P. 8
579, 543, 156, Cal. Rptr. 198, 595 P. 2d 975)

Martin vs. State Bar, Supra, 20 Cal. 3d 717,
722, 144 Cal. Rptr. 575 P. 2d 757

~~P. 2~~
P. 5

P. 1

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was August 11, 2021
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Prof. Bus, Code 6067 & 6068, 6103

rule 6-101(A)(2)

rule 6-1011

California Penal Code 518

Due Process of Law

Statement of The Case

Attorney Ms. Lynne Brown with Workers Compensation Law Firm (Ozurovich & Schwartz) carried out a threat she made to me for me not agreed to take a settlement offer, from workers compensation Insurance Carrier Sedgwick. Settlement offer resulted from a culminative and specific Industrial-related injury I sustained while working in Public Safety at Providence Hospital in Torrance California. See email dated March 1, 2017.

February 23, 2017: Ms. Brown called me and stated Providence is offering me \$37,500 for my injury without admitting fault and I should take this offer. When I declined the offer, Ms. Brown threatened me stating that if I declined the offer, she Ms. Brown would not depose PQME (State Panel Qualified Medical Examiner Psychologist) Dr. Marie King. I then followed up and restated my conversation with Ms. Brown, on an email I sent to Ms. Brown on March 1, 2017. I stated in the email that her Ms. Brown's February 23, 2017 statements were troubling.

November 29, 2017: Workers Compensation Appeals Board Panel grants my Reconsideration. Panel granted my decision based on Workers Compensation ALJ Hovakimian accepting contradicting reports supplied by PQME (Panel Qualified Medical Examiner) Dr. Marie King. It was also stated in Reconsideration Granted letter quoting Workers Compensation ALJ Hovakimian "Applicant had an opportunity to depose Dr. King but failed to do so" See page four lines 12-14. The answer to why Dr. King was never deposed is explained eight months earlier in my email to Ms. Brown March 1, 2017. And is a direct result of Ms. Brown carrying out her threat to me, because I declined to settle an offer from the defense, as stated in my conversation with Ms. Brown on February 23, 2017. See email March 1, 2017

This act is a violation of Cal Penal Code 518. "Definitions (a) Extortion is the obtaining of property or other consideration from another, with his or her consent, or, induced by a wrongful use of force or fear, or under color of official right." Westlaw Edge

October 16, 2020 The California State Bar of California (Office of General Counsel) decided to close my complaint against Attorney Ms. Lynne Brown with Workers Compensation Law Firm (Ozurovich & Schwartz) after a fifteen- month investigation. Investigator Lisa Stowe stated under reason number 1) for closing my complaint. "Ms. Brown stated that she did not depose Dr. Marie King whose favorable report could have been scrutinized by the defense:" Ms. Browns statement to Investigator Stowe was misleading. Note Dr. Marie King denied me future medical treatment, and to see a State Panel Qualified Medical Examiner (PQME) Internist. As a result of Dr. Marie Kings denying me treatment, and the Workers Compensation Administrative Law Judge accepting contradicting reports supplied by Dr. King, The Workers Compensation Appeals Board Panel of Judges granted my Reconsideration November 29, 2017, and ordered me to see Internist PQME and for Dr. King to explain her contradicting reports denying future medical treatment for my work-related injuries.

June 30, 2018: PQME (Panel Qualified Medical Examiner) Dr. Marie King writes a report to Workers Compensation Appeals Panel that granted my Reconsideration.

Dr. King states on page 30 beginning of second paragraph "The determination was therefore made by the court that the recommendation for no future medical treatment was underdeveloped. In addition to the reasons cited above, I note that in my report there are yet additional reasons to question my

conclusions. Firstly there were factors of disability (P.64), including anxious/nervous, tension worry and fatigue". On page 29 middle-bottom of last paragraph Dr. King states "renewed anxiety symptomsit also seems to be reactive to legal proceedings that were occurring at the time."

Investigator Lisa Stowe from The State Bar of California had this information, but chose not to follow up with it.

In October 14 of 2019 Dr. King writes a letter states she can no longer comment on Mr. Volks case, because she is dismissing herself as a PQME. This goes unchallenged by Ms. Brown neither does Ms. Brown acquire supplemental reports from PQME Internist Dr. Cranford Scott until, the time she requests the court to be dismissed as my Attorney in October 2019.

"It is a violation Prof. Bus. Code 6067 & 6068 to intentionally and recklessly fail to perform legal services competently, in violation of rule 6-101(A)(2); and failed to use reasonable diligence and of best judgment as an attorney to accomplish the purpose for which was employed, in violation of rule 6-101(A)(2). (Gold v. State Bar of California, Respondent 49 Cal. 3d 908 Supreme Court of CAL In Bank).

"And on another case The Supreme Court held that failure to respond to clients to pursue matters filed on behalf of clients, and failure to.... warrants disciplinary action. Opinions of the court..... (1) In light of petitioner's conduct..... this court finds that petitioner willfully violated his oath as an attorney (Bus. Prof. Code 6607, 6103) failed to act competently Rules of conduct, rule 6-1011..... (5) Serious misconduct exists if an Attorney willfully fails to perform legal services for which the attorney is retained and paid (Citations), or willfully fails to communicate with the client (Citations).... (Martin v. State Bar, Supra, 20 Cal. 3d 717, 722, 144 Cal Rptr, 575 P. 2d 757) his acts did not involve minor, technical deviations from the rules of Prof. Conduct. They Constituted basic violations of an oath and duties as an attorney. This act was not diligent in representing client and this conduct.... seriously prejudice clients' rights. See Case Law on Westlaw Edge (Supreme Court of California In Bank Floyd Franklin, Petitioner v. The State Bar of California, Respondent 41 Cal. 3d 700

The State Bar of California OCTC (Office of Chief Trial Counsel) denied my reconsideration petition to reopen my complaint against Ms. Brown that Investigator Ms. Lisa Stowe closed. On page two of March 30, 2021 letter beginning of second paragraph states "In your request for review, you state: (1) that OCTC should not have taken Ms. Brown at her word that not deposing Dr. Marie King was a strategic choice".

The OCTC drastically changed the meaning of my complaint by stating "..... not deposing Dr. Marie King was a strategic choice." Note I was explicitly clear to the OCTC about Ms. Brown not deposing Dr. Marie King was the result of carrying out her threat to me, and I provided the OCTC with the documentation, including email correspondence with Ms. Brown

"In order to prove a disciplinary violation by an attorney, the State Bar must establish by clear and convincing evidence that a violation of the Rules of Professional Conduct or State Bar Act occurred.

In order to meet the “clear and convincing” standard. The State Bar must prove that the facts underlying a possible a disciplinary violation are substantially more likely true than not to be true.”

Letter Dated March 30, 2021 from the State Bar of California closing my complaint against Ms. Brown.
Page 2 third paragraph

August 31, 2016: I was evaluated by State Panel Qualified Medical Examiner Dr. Marie King to determine if my injuries resulted from overwhelming stress and were industrial related. Dr. King ruled my Psyche injury was 100% industrial related. Dr. King also noted I sustained Internal injuries as a result.

However, Dr. King contradicted herself and Dr. King refused to refer me to a State Panel Qualified Medical Examiner Internist, or recommend me any future medical treatment.

September 16, 2016: Email from Ms. Brown stating Dr. Marie King found my disability 100% related to work, but she didn't compensate for my internal injuries. Ms. Brown stated she will also address future medical to increase a settlement amount. She believes I should still settle for 30K. See email dated September 16, 2016. I responded with an email dated September 23, 2016 letting Ms. Brown know I'm still being treated by Psychiatrist Dr. Perez for my culminative trauma and I've been off work for 15 months, and I still suffering from Chronic Fatigue Syndrome and don't know when I'll be able to return to work. Therefore, I declined the offer and asked to move forward with my case

October 13, 2016: Ms. Brown responds to my email October 12, 2016. I was inquiring when I would be receiving compensation benefits including my medical treatment and medications from Workers Compensation. Ms. Replies Sedgwick (Providence Workers Compensation Insurance carrier) is still not admitting my injury and they would like to settle and she Ms. Brown suggests 40K. Ms. Brown states if I don't agree we can proceed to trial in a few weeks and she proceed on trying to address my Chronic Fatigue Syndrome.

June 29, 2017: Emailed Ms. Brown let her know I've not been paid in over a year, nor been reimbursed for any out-of-pocket medical expenses or mileage. I also let Ms. Brown know I received a letter and pharmacy card from workers compensation insurance provider Sedgwick to fill my prescriptions for my industrial injury. Ms. Browns assistant responded with email Sedgwick is still denying my psyche injury. However, PQME Dr. Marie King had ruled my psyche injury disability was 100% work related and I've bee signed out form work from Psychiatrist Dr. Alejandra Perez that noted I'm still not ready to return to work from injuries I sustained on the job. Also, on August 1, 2017 at my work comp trial Sedgwick (Insurance carrier) paid back my state disability, which is admitting to fault and as a result of this action they are no longer able to deny my claim.

“Opinion-Woods, Presiding Justice Cal. Insurance Code 790.03 (h) (2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims under insurance policies..... (5) Not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims which liability has become reasonably clear. (Connie Lee Hernandez, Plaintiff and Appellant, V. General Adjustment Bureau, et al, Defendants and Respondents 199 Cal. App .3d 999 Court of Appeal, Second District Division 4, California.)” Westlaw Edge

7

September 16, 2016; June 12, 2017: Ms. Brown stated letters I received from Sedgwick (Providence Workers Compensation Insurance Carrier) with listed treating Doctors, and a pharmacy card I received are a mistake.

Because Providence is still denying my injuries are a mistake and sorry for my inconvenience.

September 16, 2016; June 12, 2017: Ms. Received Letters from Sedgwick (Providence Workers Compensation Insurance Carrier) with a list of Doctors to choose from, for my work-related injury and a prescription card for my medications. Ms. Brown stated she doesn't know why they sent me these letters because they're still denying my claim. Ms. Brown stated these letters are a mistake and sorry for my inconvenience.

"Opinions- Woods, Presiding Justice Ins. Code 790.03(h).... (2) failing to acknowledge and act reasonably promptly upon communications with respect to claims under insurance policies (3) failure to adopt and implement reasonable standards for the prompt investigation and processing of claims arising under insurance policies..... (5) Not attempting in good faith to effectuate prompt, fair, and equitable settlements of claims in which liability has become reasonably clear." (199 Cal App. 3d 999 Court of Appeal, Second District Division 4, California Connie Lee Hernandez, Plaintiff and Appellant, V. General Adjustment Bureau, et. Al, Defendants and Respondents).

The inferred conclusions, when looking at the entire record of my representation by Ms. Brown, was that Ms. Brown was intentionally blocking the benefits I needed, in an attempt to force me to settle my case on her terms.?

Also California Labor code 5814 states **CA Labor Code § 5814 (2017) (a) When payment of compensation has been unreasonably delayed or refused, either prior to or subsequent to the issuance of an award, the amount of the payment unreasonably delayed or refused shall be increased up to 25 percent or up to ten thousand dollars (\$10,000), whichever is less.**

April 20, 2017: Before my Workers Compensation trial At Workers Compensation Hearing in Long Beach California, Ms. Brown stated to me she was going to take off the table my internal injuries resulting from stress, because the law would not recognize injuries resulting from stress. Ms. Brown further stated the law would only recognize a stress related injury resulting from a physical or Orthopedic injury. I then asked Ms. Brown why she filed my case with internal injuries resulting from stress and Ms. Brown stated "in case the law changed".

April 21, 2017: I sent Ms. Brown an email (see second paragraph) stating I don't understand why she Ms. Brown is bringing me reduced settlement offers. Offers for \$35, 000 when I said no (9 months ago) to \$37,500 and 40, 000 and why offers presented to me over last nine months are declining. I also mentioned why she Ms. Brown did not depose Dr. Marie King after she said she would on March 10, 2017 to address my Chronic Fatigue Syndrome and when I declined Ms. Browns offer for me to settle for 37,500, she Ms. Brown refused to depose Dr. King. I also stated why she Ms. Brown stated to me she was going to take my internal injuries off the table because the law would not recognize internal injuries resulting from stress.

And Ms. Brown replied "in case the law changed". I let Ms. Brown know how confusing this was to me.

"Opinion Woods, Presiding Justice (2) *1007 111..... the elements of a cause or action for intentional infliction of emotional distress are (1) reckless disregard of the probability of causing, emotional distress. (3) causation (Cervantes v. J.C. Penny Co. (1979) 24 Cal 3d 579, 593, 156, Cal. Rptr. 198, 595 P. 2d 975.) Behavior may be considered outrages if a defendant (1) abuses a relation or position which

gives him power to damage plaintiffs' interests. Case Law, Connie Lee Hernandez, Plaintiff and Appellant, V. General Adjustment Bureau, et al, Defendants and Respondents 199 Cal. App .3d 999 Court of Appeal, Second District Division 4, California." Westlaw Edge

August 1, 2017: At my trial Ms. Brown had not deposed PQME Dr. Marie King, nor did Ms. Brown address Dr. Kings contradict reports at my trial. Ms. Brown also refused my witness Mr. Vipula Ranaweera to testify at my trial. Mr. Ranaweera was also permanently disabled from the same unsafe hostile work environment created by Management. Mr. Ranaweera was also a retained client of Ms. Brown. Ms. Brown scheduled Mr. Ranaweera's PQME Doctors appointment the same day as my trial. When I notified July 19, 2017 Ms. Brown by email, she replied in email by stating Mr. Ranaweera would be finished from his PQME appointment in time to testify at my trial. Mr. Ranaweera rescheduled his PQME appointment and attended my trial. However, Ms. Brown refused Mr. Ranaweera to testify at my trial.

September 7 2017: Workers Compensation ALJ Hovakimian awarded me a Psyche injury damages for damages I sustained at Providence Hospital as a result of PQME Dr. Kings report. But ALJ Hovakimian minimized my award and did not award me any future medical treatment. ALJ Hovakimian based his decision from contracting reports supplied by Dr. King. October 2, 2017: I appealed ALJ Hovakimians decision supporting of contradicting reports supplied by Dr. King.

September 20, 2017, I let Ms. Brown know that her decision to not depose Doctor King on March 10, 2017 affected the outcome of my trial and receiving needed medical treatment (from workers compensation). I also let Ms. Brown how my gastrointestinal and immune system (CFS) damages are affecting me still.

October 12, 2017. Ms. Brown responds to me October 11, 2017 email. I informed Ms. Brown Providence wanting to terminate me while I was out on an authorized medical leave. Ms. Brown stated she cannot handle any issue regarding termination.

November 29, 2017: Workers Compensation Appeals Board Panel grants my Reconsideration. Panel granted my decision based on Workers Compensation ALJ Hovakimian accepting contradicting reports supplied be PQME (Panel Qualified Medical Examiner) Dr. Marie King. It was also stated in Reconsideration Granted letter quoting ALJ Hovakimian "Applicant had an opportunity to depose Dr. King but failed to do so". The answer to why Dr. King was never deposed is explained eight months earlier in my email to Ms. Brown March 1, 2017.

And is a direct result of Ms. Brown carrying out her threat to me, because I declined to settle an offer from the defense, as stated in my conversation with Ms. Brown on February 23, 2017. See email March 1, 2017 This act is a violation of Cal Penal Code 518. "Definitions (a) Extortion is the obtaining of property or other consideration from another, with his or her consent, or, induced by a wrongful use of force or fear, or under color of official right." Westlaw Edge Investigator Lisa Stowe with The State Bar of

California stated in Letppter dated October 16, 2020 on page two under reason number 5) to close my complaint. "On November 29, 2017 the decision to deny future medical considerations was rescinded and returned to the trial level ".... for further proceedings".

As a result of my Reconsideration granted, Workers Compensation Appeals Panel ordered me to see a State Panel Qualified Medical Examiner (PQME) Internist, and Panel also ordered Dr. Marie King to explain her contradiction. See Reconsideration granted letter November 29, 2017.

February 23, 2018: Emailed Ms. Brown let her know since I lost my employee sponsored benefits, I've not been able to see my Infectious Disease (Chronic Fatigue Doctor) Dr. Chia. And that I've not been able to check my blood levels on the medication I've been taking and how it's affecting me. I reminded Ms. Brown that she stated to me defense is still denying my claim so they will not provide me with a Chronic Fatigue Doctor. Ms. Brown replies February 23, 2018 by email with a list of low or no cost doctors to treat my Chronic Fatigue Syndrome, but states there are none in where I now live in Las Vegas.

Note in February 2018 I moved to Las Vegas to live with my sister due to hardship.

March 13, 2018: Ms. Brown replies to my March 12, 2018 email stating she is still working on getting PQME (Panel Qualified Medical Examiners) to address my gastrointestinal injury and my Chronic Fatigue Syndrome.

June 18, 2018: Sent email to Ms. Brown. Ms. Brown was also representing me for Social Security Disability. At my hearing Ms. Brown sent in medical reports at last minute, and a confusing report from Workers Compensation Dr. Glaser that was thrown out in workers compensation court. Ms. Brown failed to clarify confusion to Social Security Disability Administrative Law Judge. As a result, he wanted me to see more doctors and return to another hearing (next year). This stress overwhelmed me as a result I went to the Emergency Room at Centennial Hills Hospital to be treated for an anxiety attack the June 13, 2018 the day after my June 12, 2018 hearing.

Investigator Stowe with The State Bar of California stated under reason number 8) for closing my claim "Ms. Brown informed this office that nowhere in the Judge's SSA decision was there mention of the hearing re-setting and/or problems with the medical reports." Note Ms. Stowe received detailed reports I sent regarding Social Security Disability Hearing June 12, 2018.

June 30, 2018: State PQME Dr. King responds to Workers Compensation Reconsideration Appeals Panel stating in a letter "The Panel was correct to question her Dr. Kings conclusions.

Dr. Kings further states her conclusions don't make sense to her Dr. King either. And she doesn't know why she Dr. King refused to recommend me to an PQME Internist, and to recommend me further medical treatment for my industrial-related injuries.

However, as stated by Investigator Ms. Lisa Stowe (with The State Bar of California) in letter dated October 16, 2020 top of second page "Ms. Brown stated that she did not depose Dr. Marie King, whose favorable report, could have been scrutinized by the defense."

September 19, 2019: PQME Internist Dr. Cranford ruled my gastrointestinal damage was work related due to overwhelming stress from a hostile work environment created my management at Providence Hospital. However, Dr. Scott does not address my CFS (Chronic Fatigue Syndrome). Dr. Scott states under work restrictions no undue or heavy stress, and future medical treatment required. See Dr. Scott

Report bottom of page 4 under apportionment and top of page 5 under work restrictions and future medical treatment. Ms. Brown sends me two emails dated September 18, 2018 and September 20, 2019 stating she has requested supplemental reports from Dr. Scott to address my CFS

July 2019: Witness Mr. Vipula Ranaweera and I submitted complaint to The State Bar Of California regarding Ms. Brown negligent and unethical behavior handling our cases. The State Bar of California OCTC (Office of Chief Trial Counsel) opened our complaints for review. See Letter Dated December 23, 2019 from the State Bar of California.

October 11 2019: Ms. Brown requested to my Workers Compensation ALJ Hovakimian to be relieved as my Attorney stating she has left me in good hands with supplemental requests in motion from State PQME. After three years of attempts I still do not have supplemental reports from State PQME's. ALJ Hovakimian granted Ms. Brown to be relieved as my Attorney, and allowed her to place a lien on my case. See order by Workers Compensation ALJ granting Ms. Brown to be dismissed as my attorney October 11, 2019.

As a result, I have contacted over 70 Workers Compensation Attorneys and none have agreed to take my case. The Attorneys that gave me an explanation stated they would not take my case because it was too complex and far along. They also stated they did not want to split commissions with my Attorney. As a result, I'm being denied due process and forced to self-represent.

August 23, 2019: Ms. Brown responds to my email I sent her on August 22, 2019 asking her how I should respond to Providence termination on October 8, 2018 that I was unaware of. Ms. Brown replied in email stating "Eric before I answer in detail, would you please tell me when you believe you were ready, willing, and able to return to work at Little Company Mary Hospital (Providence)".

August 27, 2019: I respond to Ms. Brown's August 23, 2019 email stating that I'm not ready to return to work because I'm still under Doctor's care. Ms. Brown responds by email September 5, 2019 stating she doesn't handle Wrongful Termination matters. October 1, 2019: I let Ms. Brown know in email I only had a few days to file my 132a wrongful termination while being out on an authorized medical leave, and I had been notifying her Ms. Brown since April, 2019. Ms. Brown responded with an email stating she would file my 132a on October 2, 2019. Ms. Brown also stated in previous emails that she did not handle wrongful terminations for they are to be addressed in Superior Court.

See email September 30, 2019 Ms. Brown also stated in email I had 2 years to file a wrongful termination. However, Labor Code 132a states Wrongful terminations are to be heard at the Workers Compensation Appeals Board. Labor Code 132a also states a person has one year to file a wrongful termination 132a not two years as stated by Ms. Brown Investigator Stower wrote for reason number 9) for closing my claim "With respect to the decision not to represent your interests in connection with a 132a claim, Ms. Brown stated that based on the available facts, you were unable to support a claim for wrongful termination." Ms. Browns September 5, 2019 email was confusing. Ms. Brown addresses the statute of limitations (2 years) for her initial definition of "wrongful termination", but fails to mention the time frame to file my 132a wrongful termination for workers compensation would expire in four weeks.

September 30, 2019: Ms. Brown clarifies wrongful termination civil vs. workers compensation. I didn't know the laws. In this email Ms. Brown states, I have little over a month to file my 132a, and how for me

//

to file. Note I've been bringing this matter to Ms. Brown since April 24, 2019, when I notified her assistant and also by email August 22, 2019. Ms. Brown placed unnecessary pressure on me to file me

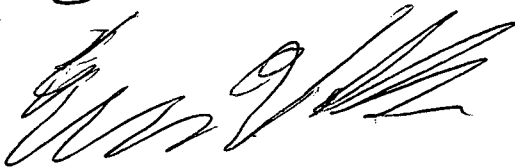
132a. I filed this on my own, because of approaching deadline with delayed response from Ms. Brown. Ms. Brown decides to file my 132a on October 2, 2019 six days before deadline of October 8, 2019. See emails October 1 and 2, 2019.

My witness Mr. Vipula Ranaweera (also disabled from the same work environment) experienced the same egregious treatment over four years from Ms. Brown. Mr. Ranaweera also filed a complaint with the The State Bar of California that they opened for investigation. Ms. Brown's repeated actions denied Mr. Ranaweera benefits and treatment.

Additional documentation can be provided upon request.

Respectfully Sent,

Eric Volk

A handwritten signature in black ink, appearing to read 'Eric Volk', with a stylized, overlapping flourish at the end.

Reasons For Granting The Petition

The Supreme Court of California denied my petition to review a decision, of The State Bar of California, that closed my complaint on my former Attorney (Workers Compensation Law Firm Ozurwhich and Schwartz) Ms. Lynne Brown. While Representing me, Ms. Brown egregiously violated rules of Professional Conduct or the State Bar Act, several times over a period of four years. Ms. Brown intentionally blocked me from receiving medical treatment, medicine, and compensation benefits from workers compensation, in order to force me to settle my case, for her own interest. I have extensive documentation to substantiate this claim, and a witness that experienced the same treatment and violations from Ms. Brown. I'm still disabled from my work-related injuries and the aggravation/frustration of my Attorney Ms. Brown's actions has only exacerbated my stress and my work-related disabilities.

I'm still in counseling as a result of my severe anxiety, depression and chronic fatigue syndrome. However, I've been unable to obtain a specialist Infectious disease Doctor to treat my Chronic fatigue syndrome. I've not received any reimbursements for out-of-pocket medical expenses or mileage. Due to my GI stomach damage, Severe Chronic Fatigue, Anxiety and depression. As a result, I'm not able to work on a sustained basis. Consequently, I don't have an income and had to move to Las Vegas to live with my sister due to hardship.

The reason for my extended hardships is a result of ethics and conduct violations by Ms. Brown who retaining me for my workers compensation claim (over four years) Ms. Brown has on several occasions over four years acted deceitful, manipulative, and injurious towards me using her position of power to prevent me from receiving workers compensation benefits. Including making statements that were misleading to The State Bar Investigator. Ms. Brown has not been held accountable by the State Bar of California for her gross misconduct. The State Bar of California's closed my complaint against Ms. Brown and my request for review of that decision was denied by The Supreme Court of California on August 11, 2021.

Since October of 2019 I've been unable to retain a workers compensation attorney after contacting over 70 attorneys. The attorneys that gave a reason why they would not take my case stated the reason they would not is because my case has been going on too long, is too complex, and they don't want to split commissions with my attorney (who has a lien on my case). As a result, my due process has been denied.

In October 2019 My Attorney Ms. Lynne Brown left a lien on my case, when she was dismissed as my attorney. As of today, I still have not been treated, provided medicine from workers compensation Insurance Carrier (Sedgwick) or their Doctors. I still do not have supplemental reports from State PQME Psychologist or Internist that my attorney had been working on from 2016 to 2019 when she dropped me as a client. I've been unsuccessful to obtain these reports or move my case forward in any significant way while Pro Se. Even though I've made several documented attempts to do so. It's been four years since my Reconsideration was granted and My Attorney was intentionally unsuccessful in getting supplemental reports ordered by The Workers Compensation Appeals Reconsideration Panel November 29, 2017.

"In four cases, the board found, petitioner promised to perform legal services for clients..... In one situation an action was dismissed due to petitioner's failure to pursue the matter, and in

another he failed to file a complaint before the statute of limitations had elapsed. It was also found that he had withheld payment of a client's funds..... In addition, the board found that on many occasions petitioner had made false statements to his clients as well as to committees of the State Bar investigating the complaints of clients against him.

Habitual disregard by an attorney of the interests of clients is ground for disbarment under Business and Professions Code sections 6103 and 6106. Even when such neglect is grossly negligent or careless, rather than willful and dishonest, it is an act of moral turpitude and professional misconduct, justifying disbarment.' (66 Cal.2d at pp. 683—684, 58 Cal.Rptr. at p. 566, 427 P.2d at p. 166.)" (C.F. Ridley v. State Bar (1972) 6 Cal .3d 551, 560-561, 99 Cal.Rptr 873, 493 P. 2d 105) Find Law for legal professionals

An Attorney that egregiously violates the Code of Professional conduct and is not held accountable will erode public confidence in the legal profession (Chefsky Vs. State Bar (1984) 36 Cal. .3d 116, 132, 202 Cal. Rptr. 349, 680 P. 2d 82).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Eric Volk

Date: November 9, 2021