

Case No. 5182629

SUPREME COURT COPY

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

JOSE CASTRO,

Plaintiff and Respondent

vs.

JOSEPH L. SHALANT

Defendant and Appellant

SUPREME COURT
FILED

MAY 27 2010

Frederick K. Ohrich Clerk

Deputy

AFTER A PARTIALLY PUBLISHED DECISION BY THE COURT OF APPEAL,
SECOND APPELLATE DISTRICT, DIVISION ONE
COURT OF APPEAL NO. B214302 (c/w B211932)
LOS ANGELES SUPERIOR COURT NO. BC 366214 (c/w BC363843)
HON. TERESA SANCHEZ-GORDON

**RESPONSE TO
PETITION FOR REVIEW**

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Defendant and Appellant in pro per

REVIEW SHOULD BE DENIED

Among the many reasons to deny review is that the jury flatly rejected Castro's spurious allegations involving purported "false representation of an important fact" ("intentional misrepresentation"); "intentionally failing to disclose an important fact" – bar status, etc. ("concealment"); "deception" and "negligent misrepresentation." The jury also rejected Castro's claim for economic damages, i.e., ZERO for such damages. It should thus be categorically clear that despite this statement by the appellate court on P.14, to wit, "The record does contain evidence that after being enrolled inactive by the state bar in May,2005 but before being disbarred in December 2005 (effective in January 2006) Shalant did not disclose his inactive status to Castro," there was a clear consensus that Shalant did not fail to disclose to Castro anything of a factual nature that mattered, and that Castro had suffered no economic damages.

It is disingenuous and bereft of any factual or logical basis for Castro's attorneys to now argue in their Petition for Review, Pages 2,3, that anything related to a fee division (and resulting monetary damages)

was not properly and conclusively decided by the jury in answering Questions 1-28 and also finding no economic damages. Castro's present argument totally ignores those findings in suggesting that an issue involving economic damages with a connection to Rule 3-500 could possibly constitute grounds for a different appellate decision. One can only assume that the duty "to keep clients reasonably informed of significant developments in matters with regard to which the attorney has agreed to provide services" and "disclosing all facts and circumstances which, in the judgment of a lawyer of ordinary skill and capacity, are necessary to enable his client to make free and intelligent decisions regarding the subject matter of the representation" (Page 7) had, according to the jury findings, no relevance to economic damages, which, again, were zero.

Also ignored by Castro's Petition for Review was, as the appellate court noted on P. 14, "...the record reflects that Shalant did promptly arrange for Girardi to substitute in as Castro's attorney" upon his being enrolled inactive and becoming unable to practice law.* The jury found

* In fact, Girardi had until that time continuously been Shalant's co-counsel from when Castro's lawsuit was filed. Castro, through Girardi as his attorney, is thus, in essence, also claiming that Girardi failed to advise him of his rights and treat him


no evidence that Shalant failed to keep the client reasonably informed about significant developments concerning anything that mattered.

CONCLUSION

For the aforementioned reasons, not to mention the manifold other issues raised by appellant in briefs to the Court of Appeal that also constituted grounds for reversal, this Petition for Review should be denied.

Respectfully submitted

Dated: May 24, 2010



Joseph L. Shalant

fairly when Girardi assumed full representation of the Castros and replaced Shalant and Girardi as counsel --- and that he (Castro) thereby sustained damages by being represented by Girardi. Ridiculous!

CERTIFICATE OF WORD COUNT

Pursuant to rule 8.204(c) of the California Rules of Court, I certify that the foregoing Response to Petition for Review was produced on a computer in 12-point type. The word count, as calculated by the word processing program used to generate the brief is 418 words, exclusive of the matters that may be omitted under subdivision (c)(3).

Dated: May 24, 2010

A handwritten signature in black ink, appearing to read "J. Shalant", is written over a horizontal line.

Joseph L. Shalant

1 PROOF OF SERVICE

2 I am over the age of 18 years and am employed in the county
3 of Los Angeles, State of California. I am not a party to this
4 action. My business address is 14924 Camarosa Dr., Pacific
Palisades, CA. 90272.

5 On May 24, 2010, I served the foregoing document(s)
6 described as:

7 RESPONSE TO PETITION FOR REVIEW

8 on the following person(s)/entitites whose address(es) are:

9 Shawn J. McCann
10 Girardi/Keese
11 1126 Wilshire Blvd.
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12 Martin N. Buchanan
13 Niddrie, Fish & Buchanan LLP
14 750 B Street, Suite 3300
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15
16 By placing a true copy thereof enclosed in a sealed envelope, as
17 follows.

18 XX (By Mail) I caused such envelope, with postage thereon
19 fully prepaid, to be placed in the United States mail at Los
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21 I declare under penalty of perjury that the foregoing is
22 true and correct.

23
24 
25 Wendy Kronick
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27
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