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ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

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John A. Clarke, Executive Officer/Clerk
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

BC 476726

10 SHAHROKH MIRESKANDARI,
11

12 Plaintiff,

13 v.

14 BARRINGTON MAYNE, MALCOLM
15 LEES, DAVID MIDDLETON, ANTONY
16 TOWNSEND, RICHARD HEGARTY, THE
LAW SOCIETY OF ENGLAND AND
17 WALES, and DOES 1 to 100, inclusive,

18 Defendants.
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Case No.:

COMPLAINT FOR DAMAGES

1. Violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. § 1961 *et seq.*)
2. Defamation
3. Abuse of Process
4. Breach of Fiduciary Duty
5. Failure to Supervise
6. Inducing Breach of Contract
7. Interference with Prospective Economic Advantage
8. Intentional Infliction of Emotional Distress
9. Negligence
10. Violation of the Unfair Competition Law (*Business & Professions Code* § 17200 *et seq.*)
11. Violation of the Unruh Civil Rights Act (*Civil Code* § 51 *et seq.*)

DEMAND FOR JURY TRIAL

1 COMES NOW the plaintiff, SHAHROKH MIRESKANDARI, and hereby alleges upon
2 personal knowledge with respect to his own acts, and upon information and belief as to all other
3 matters, as follows.

4 **INTRODUCTION**

5 1. In the summer of 2007, Shahrokh Mireskandari (hereinafter also referred to as
6 “Mr. Mireskandari” or “Plaintiff”) was a successful solicitor and partner in the London firm of
7 Dean & Dean (“firm”). Plaintiff enjoyed a growing reputation for representing black and
8 minority ethnicity (“BME”) clients. Around that time, Mr. Mireskandari also began to
9 advocate for another type of civil rights reform: BME solicitors were being disproportionately
10 investigated, censured and suspended by the Solicitors Regulation Authority (“SRA”), the
11 regulatory arm of the defendant Law Society of England and Wales (“Law Society”).

12 2. Plaintiff communicated his concerns to a prominent member of Parliament in
13 August of that year, and set off a chain of events that led to the matter being debated in the
14 House of Commons (British Parliament), with subsequent independent and damning scrutiny
15 of the SRA’s policies, personnel and practices. Plaintiff’s intent was to bring about positive
16 change for the growing community of BME solicitors. Instead, his actions prompted the SRA
17 to suspend his license and destroy his reputation.

18 3. In October of 2007, SRA executives were told that investigating Plaintiff was
19 their “top priority.” Over the next year, the SRA sent investigators Barrington Mayne and
20 Malcolm Lees on no fewer than three trips to California and Hawaii, searching for a way to
21 discredit Plaintiff. In their efforts to obtain evidence against him, Defendants Mayne and Lees
22 repeatedly defamed Plaintiff, offered bribes and otherwise tampered with witnesses. On these
23 trips they also negligently and recklessly obtained blatantly inaccurate “expert” testimony upon
24 which the SRA relied to undermine Plaintiff’s credibility.

25 4. Despite employing such extraordinary and inappropriate means, the SRA did
26 not uncover wrongdoing such that they could justify moving past the investigation stage. This
27 perhaps changed when, on September 30, 2008, Defendants learned that an infamous tabloid
28 newspaper had threatened the SRA if it did not “deal with” Mr. Mireskandari. Four days later,

1 the SRA acted: Plaintiff then faced a sudden barrage of demands from the SRA, nearly all
2 based on “evidence” the SRA has subsequently admitted was unreliable. After Mr.
3 Mireskandari left for California to prepare a response to Mayne and Lees’ supposed
4 investigation, the SRA instigated a separate inquiry, this time demanding access to numerous
5 client files, some of which simply did not exist because Dean & Dean had never represented
6 any clients with those names.

7 5. In light of the extreme time constraints emplaced by the SRA and the inherent
8 bias of the inquiry, Plaintiff had no opportunity to allay the SRA’s stated suspicions. On
9 December 15, 2008 the SRA “intervened” in Mr. Mireskandari’s practice. In the course of an
10 “intervention,” the SRA takes possession of a solicitor’s files and accounts and suspends his
11 license, ending his practice. Since then, Plaintiff has fought against considerable odds to
12 defend his name and to demonstrate the discriminatory animus of Defendants. His efforts have
13 been impeded by the SRA’s refusal to disclose critical documents. Consequently, Plaintiff has
14 only gradually been able to appreciate the nature and scope of their wrongful acts.

15 6. Defendants are the SRA’s parent organization (the Law Society), its Chief
16 Executive (Antony Townsend), its Executive Director of Legal and Enforcement (David
17 Middleton), its investigators (Barrington Mayne and Malcolm Lees) and an allegedly
18 independent solicitor (Richard Hegarty) retained to head the Adjudication Panel that decided to
19 intervene into Plaintiff’s practice. Together and individually, Defendants’ actions have
20 deprived Plaintiff of his livelihood and tarnished his reputation, causing him economic,
21 professional and personal harm. Plaintiff brings this action to seek all available compensatory,
22 exemplary, punitive and other damages, attorneys’ fees and costs, injunctive relief as
23 appropriate and all other relief this Court deems just and proper.

24 **PARTIES**

25 7. Plaintiff Shahrokh Mireskandari is, and at all times relevant herein was, an
26 individual over the age of 18 and an American citizen of Iranian origin.

27 8. Defendant Barrington Mayne (hereinafter “Mayne”) is an individual residing in
28 the United Kingdom and at all times relevant herein was an agent or employee of the co-

1 defendants who, in conducting himself as hereinafter alleged, knew or had reason to know that
2 his conduct would have an effect in the State of California and upon an American citizen.
3 Whenever Mayne is named herein, he is being sued in his individual capacity and as an agent
4 or employee of the remaining co-defendants.

5 9. Defendant Malcolm Lees (hereinafter "Lees") is an individual residing in the
6 United Kingdom and at all times relevant herein was an agent or employee of the co-
7 defendants who, in conducting himself as hereinafter alleged, knew or had reason to know that
8 his conduct would have an effect in the State of California and upon an American citizen.
9 Whenever Lees is named herein, he is being sued in his individual capacity and as an agent or
10 employee of the remaining co-defendants.

11 10. Defendant David Middleton (hereinafter "Middleton") is the Executive Director
12 of Legal and Enforcement at the SRA, and an individual residing in the United Kingdom and
13 an agent or employee of the co-defendants who, in conducting himself as hereinafter alleged,
14 knew or had reason to know that his conduct would have an effect in the State of California
15 and upon an American citizen. Whenever Middleton is named herein, he is being sued in his
16 individual capacity and as an agent or employee of the remaining co-defendants.

17 11. Defendant Antony Townsend (hereinafter "Townsend") is the Chief Executive
18 of the SRA, and an individual residing in the United Kingdom and an agent or employee of the
19 co-defendants who, in conducting himself as hereinafter alleged, knew or had reason to know
20 that his conduct would have an effect in the State of California and upon an American citizen.
21 Whenever Townsend is named herein, he is being sued in his individual capacity and as an
22 agent or employee of the remaining co-defendants.

23 12. Defendant Richard Hegarty (hereinafter "Hegarty") is an individual residing in
24 the United Kingdom and an agent or employee of the co-defendants who, in conducting
25 himself as hereinafter alleged, knew or had reason to know that his conduct would have an
26 effect in the State of California and upon an American citizen. Whenever Hegarty is named
27 herein, he is being sued in his individual capacity and as an agent or employee of the remaining
28 co-defendants.

1 13. Defendants Mayne, Lees, Middleton, Townsend and Hegarty, and DOES 1
2 through 50, inclusive, are hereinafter collectively referred to as INDIVIDUAL
3 DEFENDANTS.

4 14. Defendant Law Society of England and Wales (hereinafter "Law Society") is an
5 independent, private body in the United Kingdom empowered by statute to represent and
6 regulate solicitors, and is or was the employer of INDIVIDUAL DEFENDANTS. The Law
7 Society and the SRA are linked constitutionally to each other, "de facto and de jure." The Law
8 Society is named herein as a necessary and indispensable party both as a joint tortfeasor and
9 under vicarious liability concepts.

10 15. Defendants Mayne, Middleton, Townsend, Hegarty, Law Society and DOES 51
11 through 75, inclusive, are hereinafter collectively referred to as SUPERVISORY
12 DEFENDANTS.

13 16. The true names and capacities of Defendants sued herein as DOES 1 through
14 100, inclusive, are unknown to Plaintiff, who sues said Defendants by such fictitious names.
15 When the true names and capacities of said Defendants have been ascertained, Plaintiff will
16 ask leave of the court to amend this Complaint to insert the true names and capacities of said
17 fictitiously named Defendants. Plaintiff is informed and believes and, upon such information
18 and belief, alleges that DOES 1 through 100, and each of them, participated in, and are
19 responsible for, the wrongful conduct alleged herein.

20 17. At all relevant times, each Defendant was acting as an agent, servant, employee,
21 co-conspirator, co-schemer, or joint venturer of, for and with the other Defendants, and each of
22 them, and in doing the acts alleged herein, was acting within the course and scope of said
23 agency, service, employment, conspiracy, scheme, or joint venture. Because of the agency,
24 service, employment, conspiracy, scheme, joint venture and/or corporate relationships between
25 Defendants, each Defendant had actual knowledge, collective knowledge, or constructive
26 notice of and ratified the acts of each of the other Defendants. In doing the acts alleged herein,
27 each Defendant caused and/or aided and abetted the wrongful acts of the other Defendants.

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1 **JURISDICTION AND VENUE**

2 18. This Court has jurisdiction because Defendants' conduct, and Plaintiff's
3 injuries, substantially occurred within the jurisdictional boundaries of this Court when
4 Defendants or their agents entered the County of Los Angeles and the State of California for
5 the purpose of conducting official inquiries herein.

6 19. Venue is proper in this Court under California *Code of Civil Procedure* § 395
7 because none of the defendants reside in this State and under § 395.5 because Defendant Law
8 Society's liability arises from breaches occurring in this County. Venue is further proper in the
9 County of Los Angeles to promote the convenience of the non-party witnesses and in the
10 furtherance of justice to ensure an impartial trial for the parties.

11 **STATEMENT OF FACTS**

12 20. Plaintiff was born in Iran, but left that country in 1981 to avoid conscription into
13 its revolutionary army. He arrived in the United States the same year, and achieved American
14 citizenship in 1990.

15 21. Mr. Mireskandari obtained a degree in Business Administration from National
16 University in 1991. From 1989 to 1995, he worked as a paralegal in the Los Angeles offices of
17 attorneys Howard Schechter and Lawrence Greenbaum. Through his work for Mr. Schechter
18 and Mr. Greenbaum, Plaintiff met William L. O'Bryan, an attorney who often visited their
19 offices and who shared some administrative staff. Mr. O'Bryan frequently visited with
20 Plaintiff while paralegal Melody Norris performed typing tasks for him.

21 22. Plaintiff and Mr. O'Bryan became friends, and in 1995 Mr. Mireskandari went
22 to work for him, also as a paralegal. Mr. Schechter, Mr. Greenbaum and Mr. O'Bryan had all
23 encouraged Plaintiff to study law, and in support of that effort Mr. O'Bryan wrote a reference
24 for Plaintiff's application to Whittier Law School. In 1997, Mr. Mireskandari obtained a Juris
25 Doctor from the American University of Hawaii.

26 23. Plaintiff wished to practice law in England. In July 1997, he applied for
27 exemption from the Common Professional Examination ("CPE"), a one-year course for
28 individuals without a British law degree. Mr. Mireskandari made it clear in his application that

1 the American University of Hawaii was not accredited by the American Bar Association. In
2 fact, because it was an unusual application, it was personally handled by Colin Beatty, Senior
3 Policy Executive for Legal Education at the Law Society. Mr. Beatty investigated Plaintiff's
4 degree, and satisfied himself that it qualified Plaintiff for exemption from the CPE
5 requirement. Plaintiff's disclosure and Mr. Beatty's actions were perfectly apparent to anyone
6 who read the application file. Nonetheless, the SRA alleged that Mr. Mireskandari had
7 deceived Mr. Beatty and the Law Society as to the merit of his degree, accusing him of
8 dishonesty.

9 24. Mr. Mireskandari vindicated Mr. Beatty's decision by enrolling in the Legal
10 Practice Course ("LPC") at London Guildhall University in 1997, promptly passing the course
11 in 1998.

12 25. In light of the considerable experience he had obtained working as a paralegal
13 for six years, Mr. Mireskandari also applied in November of 1998 for a reduction in the period
14 he would be required to work as a trainee solicitor before being admitted to practice.
15 Reductions based on prior experience were common, and the Law Society encouraged such
16 efforts. Again, Mr. O'Bryan provided Plaintiff with a letter of reference, describing the types
17 of work he had performed as a paralegal. The Law Society granted Plaintiff a one-year
18 reduction in his training contract requirement.

19 26. Mr. Mireskandari began working as a trainee solicitor at the firm of Tehrani &
20 Co. in 1999. He was admitted to practice in 2000 and continued at that firm as an assistant
21 solicitor. In 2002, Jami Tehrani changed the firm's name to Dean & Dean. In November of
22 2005, Plaintiff joined Mr. Tehrani as a partner in Dean & Dean. Mr. Tehrani left the practice
23 in 2006, but the firm continued to grow.

24 27. By 2007, Dean & Dean had an annual turnover of several million pounds and
25 Plaintiff was named Asian Lawyer of the Year. The firm employed over 40 solicitors and
26 administrative staff, mostly of BME origin.

27 28. Plaintiff became increasingly aware of the SRA's disproportionate regulation of
28 BME solicitors. His own credentials were twice more investigated. In both 2000 and 2005,

1 the SRA concluded that he was duly qualified to practice law. In 2003-2004, Dean & Dean
2 endured an eighteen-month investigation into its accounting practices that discovered no
3 wrongdoing. When one client refused to pay fees owed to Dean & Dean, a court found that
4 Plaintiff had provided an adequately detailed bill. In response, a non-attorney SRA caseworker
5 named Sarah Bartlett informed Plaintiff that the SRA was not bound by the court's decision,
6 implying that the SRA was above the law. Mr. Mireskandari was appalled.

7 29. Plaintiff reached out to BME groups including the Muslim Solicitors
8 Association, the Society of Black Lawyers and the Asian Lawyers Association to inquire
9 whether others were experiencing similar problems. The answer was a resounding "yes." Not
10 only were BME solicitors facing undue investigation and intervention, complaints they made
11 against other solicitors were ignored. In some instances, non-BME solicitors' infractions were
12 overlooked by the SRA so that those individuals could testify in disciplinary proceedings
13 against BME solicitors.

14 30. In August 2007, Plaintiff sent a letter to the Right Honorable Keith Vaz MP,
15 Chairman of the Home Affairs Select Committee, describing the problems experienced by
16 BME solicitors at the hands of the SRA. In response, Mr. Vaz wrote to Townsend.
17 Discussions ensued, and in December 2007 a committee was formed to examine the
18 disproportionate impact of SRA regulation on BME solicitors. In March 2008, the committee
19 appointed Lord Herman Ouseley to conduct the investigation and issue a report. That report's
20 findings and its censure of the SRA are detailed below, at paragraphs 56 *et seq.*

21 31. To date, the SRA has offered no explanation as to why Plaintiff became its "top
22 priority" just days after Townsend was admonished and forced to confront his organization's
23 discriminatory regulation.

24 **MAYNE AND LEES' CALIFORNIA INVESTIGATION**

25 32. Mayne has testified that his and Lees' investigation of Mr. Mireskandari's
26 background began in January or February of 2008 after he allegedly received an anonymous
27 tip. Mayne and Lees travelled to California in April, July and September of that year. On one
28 trip, they also spent two days in Hawaii. Over the course of these official visits and

1 subsequently thereafter, Mayne and Lees repeatedly defamed Plaintiff, misrepresented their
2 authority and mandate, intimidated witnesses, offered bribes for witness cooperation and
3 otherwise sought false evidence against Mr. Mireskandari.

4 33. Mayne and Lees elicited four inconsistent and confused witness statements from
5 Mr. O'Bryan. Mr. O'Bryan agreed to cooperate after the SRA investigators misinformed him
6 that (1) they were closely tied to criminal prosecution authorities in England; (2) Plaintiff was
7 under investigation for serious criminal offenses, including bribing a judge in a criminal trial;
8 (3) Plaintiff had a felonious criminal record in California; (4) the government of the United
9 Kingdom would appreciate his cooperation; and (5) it would be best for Mr. O'Bryan to
10 distance himself from this nefarious character, for whom he had written references and who
11 would likely soon be imprisoned. As a result of these misrepresentations, Mr. O'Bryan was
12 actually afraid of Plaintiff when Plaintiff phoned him in September 2008. Mayne and Lees had
13 painted Mr. Mireskandari in such a degenerate light that this former friend and employer
14 flinched away from Plaintiff, and provided the SRA with a fourth witness statement on the
15 implied understanding that this last one would suffice to put Plaintiff safely behind bars.

16 34. Mr. O'Bryan has since withdrawn, contradicted, clarified or otherwise nullified
17 the statements he made under pressure by Mayne and Lees.

18 35. However, the SRA relied on that final statement, dated September 30, 2008, in a
19 hearing before Justice Pitchford on November 6, 2008. Accepting it as true, Justice Pitchford
20 found that the SRA had grounds for suspecting Plaintiff of dishonesty and allowed the SRA's
21 inspection to proceed. The SRA further relied on Mr. O'Bryan's statement in its decision to
22 intervene in Plaintiff's practice in December 2008.

23 36. However, the SRA did not disclose Mr. O'Bryan's three statements from April
24 and July of 2008 to Plaintiff until March 2011. Upon order of the SDT, the SRA then provided
25 these and other documents to Mr. Mireskandari. Until that time, Plaintiff had not been aware
26 of the first three statements or the degree to which they were inconsistent. Those discrepancies
27 put the SRA on notice that Mr. O'Bryan was not a dependable witness but – instead of
28 rejecting his testimony – the SRA relied on the statement most favorable to their position and

1 concealed the others.

2 37. Also in April 2008, Mayne and Lees contacted Lawrence Greenbaum. Along
3 with Howard Schechter, Mr. Greenbaum had represented Mr. Mireskandari in a Ventura
4 Superior Court proceeding in which Plaintiff pled *nolo contendere* to misdemeanor strict
5 liability licensing offenses not involving dishonesty or moral turpitude, on the understanding
6 that he would subsequently be granted an expungement under California *Penal Code* § 1203.4.
7 Mr. Schechter and Mr. Greenbaum were impressed by Plaintiff's legal acumen – and clearly
8 did not consider him morally corrupt – because they then employed him as a paralegal for
9 several years.

10 38. Lees and/or Mayne called Mr. Greenbaum and improperly asked about the
11 Ventura proceedings. Mr. Greenbaum protested that such information was privileged, as the
12 agents of a professional ethics authority should well know. Despite Mr. Greenbaum's refusal
13 to speak with them, Mayne and Lees later called him from the lobby of his office building and
14 stated that they would not leave until Mr. Greenbaum spoke to them. Mr. Greenbaum sent his
15 assistant, Anthony Baron, down to the lobby to investigate and to ask the SRA investigators to
16 leave. Mayne and Lees told Mr. Baron they were from a prosecutor's office in England and
17 that they were making inquiries in a criminal investigation concerning Mr. Mireskandari. They
18 tried to intimidate Mr. Baron. When Mr. Baron stood his ground, Mayne then stated that they
19 would be "willing to pay" Mr. Greenbaum for his time. Mr. Baron told Mayne and Lees to
20 leave immediately, and reported this conduct to Mr. Greenbaum.

21 39. Plaintiff obtained a witness statement from Melody Norris on November 9,
22 2008. Ms. Norris had worked with Plaintiff and had worked for Mr. O'Bryan, and declared in
23 her November 9th statement that Mr. O'Bryan's statements were grossly inaccurate. Her
24 statement was served on the SRA on June 29, 2009. In early July 2009, Mayne called Ms.
25 Norris. Again, Mayne represented that he worked for a prosecution authority in the United
26 Kingdom. Mayne stated that Mr. Mireskandari was under investigation for offenses including
27 taking money from clients and/or bribing judges. Mayne further informed Ms. Norris that
28 Plaintiff's arrest was imminent, and that she should disassociate herself from Plaintiff so as not

1 to be drawn into the case against him. Mayne threatened her with serious personal
2 repercussions if she chose to testify for Plaintiff. When Ms. Norris objected, Mayne changed
3 tack and said the British government would appreciate her cooperation, and that he could
4 arrange for her to receive \$5,000 for her time if she were to withdraw her witness statement.
5 Ms. Norris hung up.

6 40. In July 2008, Mayne and Lees also obtained a statement from Patrick Rohrbach,
7 a supervisor at the Moral Character Unit of the California State Bar. Though not an attorney,
8 Mr. Rohrbach purported to give legal advice on whether Plaintiff could have completed the
9 tasks described in Mr. O'Bryan's 1998 reference without engaging in the unauthorized practice
10 of law. Mr. Rohrbach's misstatements of the profession's rules included asserting that non-
11 attorneys in California may not draft legal documents such as motions and contracts (regardless
12 of attorney supervision), and that for Mr. Mireskandari to have done so would have constituted
13 a misdemeanor offense.

14 41. The SRA relied on Mr. Rohrbach's testimony in the November 6, 2008 hearing
15 before Justice Pitchford, which was Plaintiff's last realistic chance to prevent the SRA from
16 intervening in his practice. However, like Mr. O'Bryan's statements, Mr. Rohrbach's
17 testimony has since been demonstrated to be inaccurate and unreliable, such that the SRA no
18 longer relies on it.

19 42. A disturbing pattern emerges, echoing the experience of other BME solicitors.
20 SRA investigators collect defective evidence, often through deceptive, defamatory and
21 intimidating practices. The SRA then embraces and relies on that evidence only long enough
22 to intervene in a practice. Once the solicitor's files are in their possession, they can then
23 discover or manufacture some minor accounting infraction that retrospectively "justifies" their
24 actions.

25 43. Hodge Malek, Queen's Counsel for the SRA, has argued that the SRA's
26 motives are irrelevant. In his view, even if Plaintiff has been victimized, discriminated and
27 conspired against, the only issue is whether the actual investigation – which truly only
28 commenced *after* Plaintiff's practice had been intervened – uncovered any evidence of

1 accounting or conduct breaches warranting referral to the SDT. If the ends truly do justify the
2 means, then solicitors' practices should be inspected at random, rather than based on their
3 ethnicity, the size of their practice, and whether they pose a threat to the SRA.

4 **OTHER UNLAWFUL ACTS OF THE SRA**

5 44. Plaintiff continues to discover the manifold ways in which the SRA overstepped
6 its legitimate mandate as a regulatory body, acting "ultra vires" its powers and becoming the
7 instrumentality through which Defendants promoted their individual and discriminatory
8 agendas. However, several examples may serve to illustrate the scope of the SRA's campaign
9 against Plaintiff.

10 45. In August 2008, a former client named Mansur Rahnema asserted that he was
11 cooperating with the SRA. Professedly on their advice, he refused to pay any portion of the
12 £850,000 he owed Dean & Dean, despite a court order mandating that he make an interim
13 payment of £200,000.

14 46. When the SRA intervened in Plaintiff's practice and seized all his papers, it also
15 carried away files related to the discrimination claim he had brought against the SRA in May
16 of 2008. Thereafter, the firm of Russell-Cooke – which represented the SRA in the
17 discrimination proceedings, as well as being their agents for the intervention – was in
18 possession of an adverse party's files. Mr. Mireskandari protested this clear conflict of
19 interest. Russell-Cooke responded by retaining an independent barrister, Nigel Ingram, whom
20 they purportedly instructed to separate out and take possession of the files related to the
21 discrimination claim. In a sworn statement dated January 16, 2009, John Gould, senior partner
22 at Russell-Cooke, expressly represented that no one at Russell-Cooke could have accessed any
23 potentially privileged material. Further, Mr. Gould stated that all communications by Russell-
24 Cooke with Mr. Ingram had been disclosed to Plaintiff. However, in March 2011 – as part of
25 the production ordered by the SDT – Plaintiff discovered an e-mail dated December 23, 2008
26 from Nigel Ingram to Russell-Cooke's lead counsel on the discrimination claim. This e-mail
27 stated that all Dean & Dean papers were available for photocopying and inspection at Russell-
28 Cooke's convenience.

1 47. Dean & Dean faced additional disruption to its orderly conduct of business
2 when the SRA leaked information about their investigation to the Daily Mail – a national
3 tabloid newspaper – in September of 2008. This newspaper has since been forced to give
4 evidence in the judicial inquiry into phone hacking, known as the “Leveson Inquiry,” because
5 it made the largest financial payments of any British newspaper to a firm of investigators that
6 employed the corrupt and imprisoned investigator who triggered the phone hacking scandal on
7 both sides of the Atlantic.

8 48. Starting on September 11, 2008, the Daily Mail began publishing a series of
9 malicious and defamatory articles concerning Plaintiff. The articles contained information
10 known only to the SRA, quoted an SRA spokesperson and reprinted a privileged letter sent to
11 Townsend by Mr. Vaz, which only his office could have disclosed. The SRA was also the only
12 means by which the Daily Mail could have been alerted to the decision to intervene into Mr.
13 Mireskandari’s practice, yet on the morning of that intervention the Daily Mail was waiting
14 outside his offices, ready to photograph files being removed from the premises.

15 49. The financial, emotional and professional stress generated by these
16 circumstances made it additionally difficult for Plaintiff to demonstrate that the SRA’s
17 allegations were baseless in time to prevent their intervention into his practice.

18 **THE SOLICITORS REGULATION AUTHORITY AND**
19 **THE SOLICITORS DISCIPLINARY TRIBUNAL**

20 50. The SRA is the regulatory body for the Law Society of England and Wales.
21 Previously known as the Law Society Regulation Board, the SRA was reborn in 2007 to be
22 more independent than its predecessor. Defendant Townsend is its Chief Executive, and
23 Defendant Middleton is the Executive Director of Legal and Enforcement. The SRA’s duties
24 include setting qualification standards, assessing the character and suitability of solicitors and
25 applicants, and ensuring that overseas lawyers meet its criteria for practice.

26 51. It also sets out the Principles, Code of Conduct and Solicitors’ Accounts Rules
27 (“SAR”) governing the profession, and investigates suspected breaches of these. Its mandate is
28 to protect the public, and its enforcement powers are sweeping. The SRA may place

1 conditions on a solicitor's practicing certificate, fine the solicitor or "intervene," suspending
2 his or her practice.

3 52. In general, complaints give rise to an investigation. After looking into the
4 matter, the SRA may demand that the solicitor provide a detailed response to the allegations
5 within 21 days. Failure to comply invites enforcement action. To investigate suspected
6 breaches of the SAR, the SRA could also invoke § 34 of the Solicitors Act 1974 (repealed and
7 replaced since these events), which allowed them right of entry onto the firm's premises to
8 inspect any and all files they consider relevant. After the initial visit, further inspections could
9 be without notice or reason. The SRA could also disrupt the solicitor's practice by directly
10 contacting clients and financial institutions at its discretion.

11 53. When the SRA is not satisfied by these measures, it may move to intervene. An
12 intervention ends a solicitor's practice. The SRA is empowered by statute to intervene when it
13 deems there are grounds to intervene and that intervention is necessary to protect the public. A
14 solicitor's practicing certificate is automatically suspended when an intervention arises from
15 suspected dishonesty or alleged breaches of the SAR. The solicitor can no longer practice, his
16 client and office account monies vest in the SRA and the SRA takes possession of the firm's
17 documents.

18 54. The solicitor is also personally liable to the SRA for the costs of the
19 intervention. These costs can run to hundreds of thousands of pounds, forcing solicitors
20 (whose assets may also have been frozen by the SRA) into bankruptcy.

21 55. After an intervention, the SRA refers the case to the Solicitors Disciplinary
22 Tribunal ("SDT") for adjudication. Normal rules of discovery and due process do not apply.
23 Solicitors often find it impossible to establish their innocence in such circumstances. Ideally,
24 the SDT hears the matter within one year, though it can take considerably longer. But even
25 one year's inability to practice – coupled with the expense of mounting a defense and
26 irreparable reputational harm – suffices to end the career of a solo practitioner or small firm
27 solicitor, whatever the verdict of the SDT.

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2 **LORD OUSELEY'S REPORT ON**

3 **DISCRIMINATORY REGULATION BY THE SRA**

4 56. Lord Ouseley's Report ("Report") was published in August 2008. It asked why
5 SRA statistics consistently indicated that BME solicitors were subject to more active and
6 stringent regulation than white solicitors. In 2007, Asian solicitors comprised 5.5% of the
7 professional population, yet were the targets of 18% of interventions. Black solicitors faced
8 even starker disproportionality: at only 1.6% of the population, their lives were disrupted by
9 15% of the interventions. The Report also revealed similarly biased statistics in other areas of
10 SRA activity.

11 57. The Report identified three primary factors contributing to these discriminatory
12 effects. First, it noted that negative ethnic stereotyping played a perceptible role in
13 discretionary decisions made by SRA personnel. BME solicitors were often assumed to be
14 guilty, and consequently suffered the enormous burden of exonerating themselves.

15 58. Second, the Report decried a multifaceted deficit of leadership. Townsend,
16 Middleton and other SRA executives had failed to take meaningful steps to address
17 discrimination after a previous report documented the problem in 2006. Equality and diversity
18 were addressed superficially if at all. SRA staff and officials seemed irritated and defensive, as
19 if addressing discrimination were a nuisance. In the absence of positive and active leadership,
20 the SRA had become an environment in which racial discrimination – whether the product of
21 an individual employee's bias or in the form of institutional predisposition – could flourish
22 unchecked, carelessly destroying lives in the process. Ultimately, the Report found that both
23 the SRA's outcomes and its operation left it "open to the potential charge of institutional
24 racism." (Lord Herman Ouseley, Independent Review into Disproportionate Regulatory
25 Outcomes for Black and Minority Ethnic Solicitors (2008) p. 60.)

26 59. Third, the SRA targets solo practitioners and small firms. In the preceding year,
27 all of the SRA's interventions were into firms with four or fewer partners. Since BME
28 solicitors more often practice in small firms, they are more likely to face investigation and

1 intervention. In contrast, the large and predominantly white “Magic Circle” firms enjoy virtual
2 immunity from regulation because the SRA has neither the expertise nor the clout to surmount
3 their considerable defensive resources. One SRA forensic accountant testified to having
4 investigated approximately 200 firms in his nineteen-year career with the SRA. Only one of
5 those firms employed more than 25 solicitors. BME solicitors thus endure more stringent
6 regulation in part because their practices are temptingly vulnerable targets.

7 60. Lord Ouseley also polled solicitors who had been investigated by the SRA.
8 These practitioners painted a uniformly Kafka-esque picture of opacity and intransigency.
9 They described investigations stretching from months into years, disrupting livelihoods and
10 ruining reputations over minor and usually unjustified concerns. Several recounted having
11 their practices repeatedly invaded due to vague and unsubstantiated allegations, by
12 investigators who simply kept returning until they could find some trivial infraction. Solicitors
13 thereby victimized had little power to exculpate themselves: the charges against them were too
14 nebulous to allow adequate explanation, and the evidence they presented in their defense was
15 given little or no weight.

16 61. In a further report in 2010, the SRA has admitted that BME solicitors are still
17 far more likely to face disciplinary action than their white counterparts. To date, it has failed to
18 remedy this disparity.

19 62. Within this framework, lives can be torn apart by a suspicion, and BME
20 solicitors are disproportionately likely to be suspected.

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2 **FIRST CAUSE OF ACTION**

3 **VIOLATION OF THE RACKETEER INFLUENCED &**
4 **CORRUPT ORGANIZATIONS ACT – 18 U.S.C. § 1961 *et seq.***

5 (Brought Against INDIVIDUAL DEFENDANTS)

6 63. Mr. Mireskandari hereby re-alleges and incorporates by reference every
7 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
8 herein.

9 64. At all times relevant to this action, Shahrokh Mireskandari was an American
10 citizen whom INDIVIDUAL DEFENDANTS' wrongful acts caused acute and irreparable
11 harm.

12 65. INDIVIDUAL DEFENDANTS' activities constitute repeated and flagrant
13 violation of 18 U.S.C. § 1962(c) insofar as they were persons employed by or directing an
14 enterprise engaged in activities affecting interstate and foreign commerce and they conducted
15 and participated in, both directly and indirectly, the conduct of the its affairs through a pattern
16 of racketeering activity.

17 66. The SRA is an "enterprise" within the meaning of 18 U.S.C. § 1961(4) because
18 at all relevant times it was an association and legally recognized entity. This enterprise was
19 and remains distinct from INDIVIDUAL DEFENDANTS who perverted its legitimate
20 authority to pursue personal agendas and to safeguard their authority. Even in light of the
21 degree of influence exerted by Defendants Townsend and Middleton, Plaintiff does not claim
22 that every policy, act and practice of the SRA by and through its many employees violate the
23 law. Rather, INDIVIDUAL DEFENDANTS comprise an element operating through a
24 sometimes innocent entity, such that their actions as herein alleged may not be confused with
25 the normal and intended conduct of the enterprise's affairs.

26 67. INDIVIDUAL DEFENDANTS engaged in racketeering activity by committing
27 acts (1) involving bribery within the meaning of § 1961(1)(A); and (2) indictable under one of
28 the provisions named by § 1961(1)(B): namely, the prohibition against witness tampering in

1 18 U.S.C. § 1512.

2 68. INDIVIDUAL DEFENDANTS' actions constituted bribery within the meaning
3 of § 1961(1)(A) by offering Melody Norris \$5,000 to withdraw her witness statement in
4 support of Plaintiff. This was an offense chargeable under State law and punishable by
5 imprisonment for more than one year.

6 69. California *Penal Code* § 136.1(a)(2) prescribes imprisonment of not more than
7 one year for knowingly and maliciously attempting to dissuade any witness from attending or
8 giving testimony at any proceeding or inquiry authorized by law. INDIVIDUAL
9 DEFENDANTS attempted to dissuade Ms. Norris from giving written and oral testimony
10 through misinformation and bribery. They also attempted to forestall her attendance at a July
11 2009 High Court hearing, describing how the Court would abuse her if she chose to testify in
12 person. Further, *Penal Code* § 136.1(c) provides that it is a felony punishable by imprisonment
13 for two, three or four years when an offense under § 136.1(a) is (1) accompanied by force or by
14 an express or implied threat of force or violence or (2) where the act is in furtherance of a
15 conspiracy. This attempted bribery involved intimidation and implied threats. It also sought to
16 further INDIVIDUAL DEFENDANTS' conspiracy to discover or fabricate evidence against
17 Plaintiff that would give the appearance of legitimacy to their prosecution (or persecution) of
18 him. Consequently, the July 2009 attempted bribery of Ms. Norris was an act punishable under
19 California law by imprisonment for more than one year, and a qualifying predicate act of
20 racketeering.

21 70. 18 U.S.C. § 1961(1)(B) further defines "racketeering activity" as any act
22 indictable under various other federal statutes, including 18 U.S.C. § 1512. That measure
23 addresses tampering with witnesses, victims or informants. § 1512(b) sets out penalties for
24 "[w]hoever knowingly uses intimidation, threatens or corruptly persuades another person, or
25 attempts to do so, or engages in misleading conduct towards another person, with intent to –

- 26 (1) Influence, delay or prevent the testimony of any person in an official
27 proceeding;
28 (2) Cause or induce any person to –
(A) Withhold testimony, or withhold a record, document or other object,
from an official proceeding."

1 Multiple acts of INDIVIDUAL DEFENDANTS taking place in California and within the
2 jurisdiction of this court satisfy both the “act” and “intent” requirements of this provision.

3 71. INDIVIDUAL DEFENDANTS explicitly threatened and attempted to
4 intimidate witnesses on at least two occasions, with respect to Ms. Norris in July 2009 and Mr.
5 Baron in April 2008. In addition, INDIVIDUAL DEFENDANTS impliedly threatened Mr.
6 O’Bryan by stating that Mr. O’Bryan had written references for a person of criminal history
7 and character, from whom he should wish to distance himself. By representing themselves as
8 United Kingdom prosecutors investigating Mr. Mireskandari for serious and despicable
9 criminal offenses including the bribing of a judge, INDIVIDUAL DEFENDANTS corruptly
10 persuaded Mr. O’Bryan to provide them with testimony through misleading conduct.

11 72. These representations were all intended either to elicit testimony favorable to
12 INDIVIDUAL DEFENDANTS’ desired outcome or to discourage testimony supporting
13 Plaintiff. INDIVIDUAL DEFENDANTS’ mendacity clearly influenced the contents of Mr.
14 O’Bryan’s statements, which were used in judicial proceedings in November 2008 and were
15 one of the reasons given by the SRA for its intervention into Plaintiff’s practice.
16 INDIVIDUAL DEFENDANTS also intended to induce Ms. Norris to withhold or alter her
17 evidence largely exonerating Plaintiff.

18 73. INDIVIDUAL DEFENDANTS thereby engaged in at least four predicate acts
19 establishing a pattern of racketeering activity, each occurring in California. These acts form an
20 indispensable part of a wider scheme stretching from at least October of 2007 to the present.
21 Other events took place in Hawaii, Virginia and England. Moreover, Mr. Mireskandari is only
22 one of many BME solicitors to have been harmed by INDIVIDUAL DEFENDANTS’
23 misappropriation of the SRA’s investigative and enforcement authority. Not every case is as
24 extreme. However, Plaintiff is informed and believes, and on that basis alleges, that his
25 experiences closely mirror those of at least one other BME solicitor. More commonly, BME
26 solicitors face a similar pattern of wrongs, but on a smaller scale. Unlike Mr. Mireskandari,
27 most BME solicitors do not possess the legal, political and financial prominence that required
28 such extreme measures for INDIVIDUAL DEFENDANTS to unravel.

1 74. The concerted and coordinated efforts of INDIVIDUAL DEFENDANTS to
2 discredit and suspend Mr. Mireskandari also constitute conspiracy so as to offend 18 U.S.C. §
3 1962(d). This conspiracy can be identified by the (1) awareness and (2) agreement that existed
4 among INDIVIDUAL DEFENDANTS.

5 75. Each INDIVIDUAL DEFENDANT was aware of and actively participated in
6 the unlawful and discriminatory effort to discover, manufacture and misrepresent evidence
7 such that the Intervention Panel headed by Hegarty could approve intervention into Plaintiff's
8 practice after barely glancing at the hundreds of pages they were meant to evaluate before
9 taking their decision.

10 76. Each INDIVIDUAL DEFENDANT'S acts manifest his agreement with the
11 actions of each other INDIVIDUAL DEFENDANT insofar as each and every INDIVIDUAL
12 DEFENDANT would not have participated in the sham investigation or taken such draconian
13 measures in reliance on self-evidently defective evidence if he had not intended for this
14 unlawful and discriminatory intervention to take place. INDIVIDUAL DEFENDANTS'
15 actions were cooperative, cumulative and concerted.

16 77. By INDIVIDUAL DEFENDANTS' acts and omissions described herein,
17 INDIVIDUAL DEFENDANTS are the direct, legal and proximate cause of Mr. Mireskandari's
18 damages including suspension of his right to practice law, loss of reputation, loss of profits,
19 loss of future profits and other damages, all in amounts to be proven at trial as allowed by 18
20 U.S.C. § 1964(c).

21 78. As a direct and proximate result of INDIVIDUAL DEFENDANTS' violations
22 of 18 U.S.C. § 1961 *et seq.*, Mr. Mireskandari has been forced to retain an attorney to
23 prosecute this action. The necessity and financial burden of private enforcement is such as to
24 make an award of attorneys' fees and costs appropriate. INDIVIDUAL DEFENDANTS,
25 therefore, should be ordered to pay the reasonable value of Mr. Mireskandari's attorneys' fees
26 and costs in this action.

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2 **SECOND CAUSE OF ACTION**

3 **DEFAMATION**

4 (Brought Against All Defendants)

5 79. Mr. Mireskandari hereby re-alleges and incorporates by reference every
6 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
7 herein.

8 80. In March 2011, the SDT ordered the SRA to disclose certain documents to
9 Plaintiff and to allow him to inspect other files. Through this discovery order, and in the
10 course of the SDT hearing in April 2011, Plaintiff discovered the extent to which Defendants
11 made false and derogatory representations about him to individuals in California. The
12 statements concerned Plaintiff's past, present and future.

13 81. Mayne and Lees defamed Plaintiff to Mr. O'Bryan to the extent they claimed to
14 represent British criminal prosecution authorities investigating Mr. Mireskandari for criminal
15 offenses including the bribing of a judge. Mayne and Lees also stated that Plaintiff has a
16 criminal record in California and that he would soon be imprisoned in England. Mr. O'Bryan
17 received the impression that Mr. Mireskandari's guilt was so irrefutable that he would likely
18 plead guilty to the charges against him. Finally, Mayne and Lees impliedly defamed Plaintiff
19 by hinting that Mr. O'Bryan could be sullied by association with Mr. Mireskandari since this
20 matter was so serious that the British government would be grateful for Mr. O'Bryan's
21 cooperation. Each of these statements was untrue. Each denigrated Plaintiff's integrity,
22 casting his character and credibility in a negative light.

23 82. These defamatory statements resulted in false and misleading "evidence" that
24 allowed the investigation, inspection and intervention to proceed. Without this "evidence," the
25 investigation would have foundered. At a minimum, Plaintiff would have been in a vastly
26 better position to respond to the other allegations against him if the persons deciding his fate
27 had not already been shown "evidence" implying he was of a fundamentally deceitful
28 disposition. Inevitably, this "evidence" colored the way others viewed Plaintiff's candor, even

1 on issues completely unrelated to the content of Mr. O'Bryan's statement(s).

2 83. These slanderous falsehoods also added tension to Mr. Mireskandari's personal
3 relationships. Mr. O'Bryan shied away from contact with him. Even Mr. Greenbaum, who has
4 staunchly stood by Plaintiff, tried to shield him from distress by not revealing the statements
5 made to Anthony Baron until discussions in the summer of 2011. Plaintiff is informed and
6 believes, and on that basis alleges, that Defendants also defamed him to Howard Schechter,
7 which encouraged Mr. Schechter to make derogatory statements concerning Plaintiff to the
8 Daily Mail.

9 84. By Defendants' acts and omissions described herein, Defendants are the direct,
10 legal and proximate cause of Mr. Mireskandari's damages including suspension of his right to
11 practice law, loss of reputation, loss of profits, loss of future profits, emotional distress and
12 other damages, all in amounts to be proven at trial.

13 **THIRD CAUSE OF ACTION**

14 **ABUSE OF PROCESS**

15 (Brought Against All Defendants)

16 85. Mr. Mireskandari hereby re-alleges and incorporates by reference every
17 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
18 herein.

19 86. Like any firm, Dean & Dean had of course received complaints from clients.
20 Plaintiff does not dispute that certain disgruntled individuals also contacted the SRA.
21 However, the SRA has not pointed to or pursued any consumer complaint that would explain
22 or justify the breadth of their investigation, let alone the manner in which it was conducted.
23 This investigation was characterized by all the hallmarks of improper purpose.

24 87. Four factors indicate that this investigation and eventual intervention were, as a
25 whole, an abuse of process. First, the complaints received and revealed by the SRA do not
26 account for the extent of their efforts to suspend Plaintiff. Second, the timing is multiply
27 suspect: Plaintiff became the SRA's "top priority" the same month that Townsend had to
28 attend a meeting at the House of Commons concerning his organization's discrimination, and a

1 year later the SRA took concrete steps against Plaintiff only days after being threatened by a
2 tabloid newspaper infamous for printing ruinous – and dubious – exposés. Third, Defendants
3 gathered “evidence” through unlawful means in violation of every standard of professional
4 conduct. Fourth, at least three independent reports have documented the SRA’s discriminatory
5 bias against BME solicitors.

6 88. Defendants abused their statutory authority to investigate, inspect and intervene
7 into Mr. Mireskandari’s practice by employing that authority to ruin the career and reputation
8 of a BME solicitor who had achieved a position from which he could call into question
9 Defendants’ discriminatory policies and practices.

10 89. In addition, Defendants engaged in the willful abuse of specific procedures as
11 part of their investigation. Namely, Defendants fraudulently sought – and in some cases
12 obtained – witness statements for use in High Court and SDT proceedings in England. Mr.
13 O’Bryan is again the most egregious example. Defendants made numerous misrepresentations
14 to Mr. O’Bryan to obtain his compliant cooperation. Mr. O’Bryan provided four confused and
15 contradictory statements. Defendants employed one of these statements to support their
16 allegation that Plaintiff is dishonest, thereby misleading Justice Pitchford and others within the
17 SRA. If that Justice had known (1) how the September 30, 2008 statement was obtained
18 and/or (2) that three other statements undermined the credibility of the one presented, it could
19 have changed the course of events, avoiding Plaintiff’s harm.

20 90. By Defendants’ acts and omissions described herein, Defendants are the direct,
21 legal and proximate cause of Mr. Mireskandari’s damages including suspension of his right to
22 practice law, loss of reputation, loss of profits, loss of future profits, emotional distress and
23 other damages, all in amounts to be proven at trial.

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2 **FOURTH CAUSE OF ACTION**

3 **BREACH OF FIDUCIARY DUTY**

4 (Brought Against All Defendants)

5 91. Mr. Mireskandari hereby re-alleges and incorporates by reference every
6 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
7 herein.

8 92. In acting as regulators of a legal profession, Defendants had a duty to act
9 responsibly and impartially for the greater good of the public. As such, Defendants occupied a
10 station of special trust and confidence with respect to all solicitors and to Plaintiff. Solicitors
11 disclose personal and detailed information to Defendants in order to enter the profession, rely
12 on Defendants' determination as to their suitability, and thereafter conduct their professional
13 lives under Defendants' aegis.

14 93. Defendants breached these fiduciary duties to Mr. Mireskandari through
15 conduct that was not in the public's interest, and that was unduly prejudicial to him. Even
16 though Plaintiff's credentials had already been verified on *three* separate occasions,
17 Defendants abused their position to gain access to his background files, scrutinizing each
18 document in the hope of discovering inconsistencies or falsehoods. They then employed the
19 information therein to approach individuals like Mr. O'Bryan and to lend credence to their
20 misrepresentations. In turn, Defendants breached their duties to Plaintiff and the Court by
21 misleading Justice Pitchford with evidence fraudulently, maliciously, recklessly and
22 negligently obtained.

23 94. Defendants further breached their duties to Plaintiff by conducting the
24 investigation, inspection and intervention so hurriedly that he never had an opportunity to
25 defend himself. Defendants have yet to proffer any credible reason why it was necessary, or
26 beneficial to the public good, for this matter to be handled within such a short timeframe.

27 95. This breach culminated when Defendants intervened into Mr. Mireskandari's
28 practice after barely considering the matter. Hegarty's Panel was meant to evaluate a 31-page

1 executive summary, a 126-page preliminary forensic report and hundreds of pages of
2 attachments. During their conference call meeting on the morning of December 12, 2008, they
3 could not have performed even a cursory examination of the key documents. When Plaintiff
4 discovered this during April 2011 cross-examination, Townsend admitted that it would take a
5 “fast reader” at least eight to ten hours to understand the matter. Yet Defendants decided the
6 future of Plaintiff and the 40 employees of Dean & Dean in time for lunch.

7 96. Defendants also had a duty to keep confidential Mr. Mireskandari’s records and
8 all sensitive information related to their investigation. Nonetheless, an SRA spokesman
9 communicated with the Daily Mail, which then reprinted a letter sent in confidence to
10 Townsend. The Daily Mail articles display such detailed knowledge of the nature and focus of
11 the SRA investigation that Plaintiff believes the SRA must have disclosed confidential
12 information to reporters. Certain facts or allegations contained in the articles involve
13 information only known to the SRA, by virtue of Mr. Mireskandari’s application files.

14 97. After Plaintiff filed suit against the SRA for discrimination in May 2008, the
15 SRA had a duty to treat Mr. Mireskandari impartially and so as not to take advantage of their
16 position to gain advantage in mounting a defense to his discrimination claim. Flouting this
17 duty, Defendants instead retained the same firm of solicitors for both their defense and the
18 intervention, and created a situation whereby their counsel had access to privileged material
19 relevant only to the discrimination claim.

20 98. Finally, Defendants offended their duties to Plaintiff and to the legal profession
21 by acting in a manner contrary to the dignity of their office and the law.

22 99. By Defendants’ acts and omissions described herein, Defendants are the direct,
23 legal and proximate cause of Mr. Mireskandari’s damages including suspension of his right to
24 practice law, loss of reputation, loss of profits, loss of future profits, emotional distress and
25 other damages, all in amounts to be proven at trial.

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2 **FIFTH CAUSE OF ACTION**

3 **FAILURE TO SUPERVISE**

4 (Brought Against SUPERVISORY DEFENDANTS)

5 100. Mr. Mireskandari hereby re-alleges and incorporates by reference every
6 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
7 herein.

8 101. SUPERVISORY DEFENDANTS each had a duty to supervise the acts and
9 omissions of their subordinates. SUPERVISORY DEFENDANTS collectively and
10 individually violated that duty. Their negligent, reckless and malicious supervision led to Mr.
11 Mireskandari being harmed by events prior to the intervention, as well as by the intervention
12 itself and his subsequent inability to practice law.

13 102. SUPERVISORY DEFENDANTS were aware of the racially discriminatory
14 policies, practices and acts of the SRA, whereby the SRA represented an unreasonable risk of
15 harm to BME solicitors. On a greater or smaller scale, each was in a position to remedy the
16 routine violation of BME solicitors' equal rights. Each SUPERVISORY DEFENDANT had a
17 duty to the SRA and to the law to prevent and correct such discrimination through regulating
18 their own acts and – to the extent of their ability – those of the organization. Instead,
19 SUPERVISORY DEFENDANTS participated in and conspired to further those wrongs by
20 creating or employing evidence that each SUPERVISORY DEFENDANT knew or should
21 have known was unreliable.

22 103. SUPERVISORY DEFENDANTS neither exercised reasonable care to prevent
23 their subordinates' wrongful conduct nor took reasonable precautions to prevent harm to
24 Plaintiff and others similarly situated.

25 104. By SUPERVISORY DEFENDANTS' acts and omissions described herein,
26 SUPERVISORY DEFENDANTS are the direct, legal and proximate cause of Mr.
27 Mireskandari's damages including suspension of his right to practice law, loss of reputation,
28 loss of profits, loss of future profits, emotional distress and other damages, all in amounts to be

1 proven at trial.

2 **SIXTH CAUSE OF ACTION**

3 **INDUCING BREACH OF CONTRACT**

4 (Brought Against All Defendants)

5 105. Mr. Mireskandari hereby re-alleges and incorporates by reference every
6 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
7 herein.

8 106. Plaintiff was party to numerous valid contracts related to his practice. These
9 included contracts with clients in California and other American states. In addition, Plaintiff
10 was party to contracts with domestic and international partners that represented steps toward
11 the opening of Dean & Dean branch offices in Mayfair, Mecca and Moscow. As a direct and
12 indirect result of Defendants' conduct, other parties breached these contracts with Plaintiff.
13 Mr. Mireskandari thereby suffered a twofold harm.

14 107. First, he lost the benefits for which he had bargained.

15 108. Second, the timing of these breaches, coupled with the significant sums
16 involved, hindered Plaintiff's ability to answer the allegations against him. Dean & Dean's
17 account balances would have been at least £200,000 higher, and as much as £850,000 higher, if
18 the SRA had not induced Dr. Rahnema to withhold payment of fees owed. This not only
19 placed financial and emotional stress on Plaintiff, the SRA also thereby created a situation that
20 they then alleged as a basis for inspection and intervention. Middleton represented in an
21 October 2008 witness statement that one of the SRA's reasons for urgent concern was that the
22 firm was under financial pressure. Middleton supported this statement by pointing to the Daily
23 Mail articles that contained leaked information, and which also alleged Dean & Dean suffered
24 from economic woes. Again, Justice Pitchford relied on these representations in his decision to
25 allow the inspection to proceed. The inspection and intervention disrupted myriad contracts
26 between Plaintiff and other parties, including parties in the United States.

27 109. Defendants therefore induced the breach of various contracts by (1)
28 discouraging one or more clients from paying fees owed; (2) leaking (false) information to the

1 press that harmed Plaintiff's reputation and caused parties to breach; and (3) ending his
2 practice.

3 110. By Defendants' acts and omissions described herein, Defendants are the direct,
4 legal and proximate cause of Mr. Mireskandari's damages including suspension of his right to
5 practice law, loss of reputation, loss of profits, loss of future profits, emotional distress and
6 other damages, all in amounts to be proven at trial.

7 **SEVENTH CAUSE OF ACTION**

8 **INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE**

9 (Brought Against All Defendants)

10 111. Mr. Mireskandari hereby re-alleges and incorporates by reference every
11 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
12 herein.

13 112. In addition to contracts extant in and about 2008, Plaintiff was in economic
14 relationships with other parties that probably would have resulted in financial benefit to
15 Plaintiff. Namely, Plaintiff was engaged in negotiations that would have led to the
16 establishment of Dean & Dean offices in Mayfair, Mecca, Moscow, New York, Washington
17 D.C. and Los Angeles to serve the Iranian communities therein. Middleton, who directed the
18 inspection and intervention, gave an October 2008 witness statement that clearly indicated he
19 was acquainted with the Daily Mail articles. Those articles had discussed Plaintiff's intention
20 to open branch offices in Moscow and Mecca. Other records indicate that Defendants were
21 widely aware of the content of the articles, and by extension the existence of the instant
22 economic relationships, even before they had access to all of Plaintiff's files.

23 113. Defendants had then already engaged in – and continued on a course of –
24 wrongful conduct such that these relationships were disrupted by harm to Plaintiff's reputation
25 and the suspension of his right to practice law.

26 114. By Defendants' acts and omissions described herein, Defendants are the direct,
27 legal and proximate cause of Mr. Mireskandari's damages including suspension of his right to
28 practice law, loss of reputation, loss of profits, loss of future profits, emotional distress and

1 other damages, all in amounts to be proven at trial.

2 **EIGHTH CAUSE OF ACTION**

3 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

4 (Brought Against All Defendants)

5 115. Mr. Mireskandari hereby re-alleges and incorporates by reference every
6 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
7 herein.

8 116. The above-described conduct by Defendants, and each of them, was outrageous,
9 intentional and malicious, and was done with reckless disregard of the probability of causing
10 Mr. Mireskandari to suffer humiliation, mental anguish, and emotional distress.

11 117. As a sole, direct and proximate result of the above-described conduct of
12 Defendants, and each of them, Shahrokh Mireskandari was injured and hurt in his health,
13 strength and activity and suffered extreme humiliation and emotional distress, all of which
14 have required medical care and treatment. In addition to the foregoing, Plaintiff is informed
15 and believes and, upon such information and belief, alleges that he has suffered other, as yet
16 undiagnosed, injuries as well as shock and injury to his nervous system and person, all of
17 which injuries have caused and continue to cause him great physical, mental and nervous pain
18 and suffering, all to his general and non-economic damages in an amount that is in excess of
19 this Court's minimum jurisdictional amount and which will be stated according to proof,
20 pursuant to California *Code of Civil Procedure* § 425.10.

21 118. As a further, direct and proximate result of the injuries sustained as a sole, direct
22 and proximate result of the above-mentioned conduct of Defendants, and each of them,
23 Shahrokh Mireskandari was required to submit to, undergo and endure medical care and
24 treatment and has also sustained other injuries for which he has and will suffer severe pain,
25 suffering, fear, worry and anguish in connection therewith, all to his further general and non-
26 economic damages. Plaintiff is informed and believes, and thereon alleges, that some of these
27 injuries will be permanent, all to his general damages in an amount which is in excess of this
28 Court's minimum jurisdictional amount and which will be stated according to proof, pursuant

1 to California *Code of Civil Procedure* § 425.10.

2 **NINTH CAUSE OF ACTION**

3 **NEGLIGENCE**

4 (Brought Against All Defendants)

5 119. Mr. Mireskandari hereby re-alleges and incorporates by reference every
6 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
7 herein.

8 120. Defendants owed a duty of care to Plaintiff to competently, impartially and
9 lawfully manage the regulation of solicitors in England and Wales.

10 121. Defendants breached this duty through the discriminatory and wrongful acts
11 alleged herein. In the broadest terms, Defendants did not exercise reasonable care to (1)
12 identify Mr. Mireskandari as a solicitor whose practice required investigation; (2) investigate
13 or supervise the investigation of their suspicions (pretextual or actual); (3) ensure that the
14 investigation remained confidential; (4) accurately, diligently and impartially represent the
15 evidence (fraudulent or otherwise) garnered by the investigation; or (5) take the time to
16 evaluate that evidence. Instead, this investigation culminated when the Intervention Panel
17 headed by Hegarty agreed to intervene into Plaintiff's practice and terminate the employment
18 of 40 individuals after considering the matter for as little as a half-hour.

19 122. By Defendants' acts and omissions described herein, Defendants are the direct,
20 legal and proximate cause of Mr. Mireskandari's damages including suspension of his right to
21 practice law, loss of reputation, loss of profits, loss of future profits, emotional distress and
22 other damages, all in amounts to be proven at trial.

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2 **TENTH CAUSE OF ACTION**

3 **VIOLATION OF THE UNFAIR COMPETITION LAW**

4 ***Business & Professions Code § 17200 et seq.***

5 (Brought Against All Defendants)

6 123. Mr. Mireskandari hereby re-alleges and incorporates by reference every
7 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
8 herein.

9 124. Defendants have engaged in unlawful, unfair and/or fraudulent business acts or
10 practices as defined in California *Business & Professions Code § 17200 et seq.* by committing
11 the acts alleged herein.

12 125. Namely, Defendants acted with the authority of the SRA to falsely and
13 maliciously investigate Plaintiff for the purpose of terminating his right to engage in the
14 practice of law. Defendants also sought to discredit Mr. Mireskandari, thereby crippling his
15 ability to lead efforts to reform the SRA and end Defendants' discriminatory regulation of
16 BME solicitors. In doing so, Defendants secured their tenure in remunerative positions of
17 considerable authority.

18 126. Specifically, Defendants misrepresented their authority and mandate, and the
19 nature and basis of their investigation. Defendants further misled persons in both California
20 and England by mounting a lengthy and expensive campaign against Plaintiff, such as would
21 only be warranted by the most serious ethical and financial breaches. Defendants thereby
22 expressly and impliedly gave the impression that Mr. Mireskandari was suspected of wrongs
23 akin to the serious criminality of bribing a judge. Defendants have spent millions of pounds
24 pursuing Plaintiff, largely on the basis of statements (Mr. O'Bryan's) whose inconsistency
25 should have immediately revealed their untruth. After stripping Plaintiff of his livelihood,
26 Defendants' financial resources have given them an inestimable and unfair advantage in
27 ensuring that Mr. Mireskandari cannot prevail at the SDT hearing and return to practice.

28 127. Defendants also misled Plaintiff insofar as they chose – when fully aware of the

1 American University of Hawaii's accreditation – to admit him to practice. The SRA
2 reaffirmed that decision twice more, in 2000 and 2005. However, when Mr. Mireskandari
3 emerged as a prominent solicitor and leader of the BME community, suddenly his credentials
4 no longer sufficed. Adding insult to injury, the SRA accused him of having lied about
5 accreditation on his applications (later retracting that allegation). It is manifestly unfair and
6 misleading to issue a professional license, which induced Mr. Mireskandari to invest years of
7 his life building his expertise, his reputation and the firm of Dean & Dean, and then to
8 announce that the SRA has changed its mind as to his qualifications.

9 128. The acts and practices described above were and are false or likely to mislead
10 and are therefore unfair, false and misleading within the meaning of *Business & Professions*
11 *Code* § 17200. The unfair, false and misleading practices of Defendants are continuing, and
12 will continue, to mislead so as to prevent Plaintiff from exonerating himself and re-establishing
13 his good name.

14 129. Mr. Mireskandari is entitled to restitution of all money acquired by Defendants
15 through these unfair business acts and practices, all in an amount to be proven at trial.

16 130. As a direct and proximate result of Defendants' violations of *Business &*
17 *Professions Code* § 17200, Mr. Mireskandari has been forced to retain an attorney to prosecute
18 this action. The necessity and financial burden of private enforcement is such as to make an
19 award of attorneys' fees and costs appropriate. Defendants, therefore, should be ordered to pay
20 the reasonable value of Mr. Mireskandari's attorneys' fees and costs in this action.

21 **ELEVENTH CAUSE OF ACTION**

22 **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT –**

23 **California Civil Code § 51 et seq.**

24 (Brought Against All Defendants)

25 131. Mr. Mireskandari hereby re-alleges and incorporates by reference every
26 allegation contained in the preceding paragraphs of this Complaint as though fully set forth
27 herein.

28 132. Defendants repeatedly and persistently discriminated against Plaintiff and other

1 BME solicitors on the basis of their race, color, religion, ancestry and national origin.
2 Defendants have denied these persons the full and equal advantages, privileges and services of
3 an organization that provides services to its members, employs individuals who thereby earn a
4 livelihood, and otherwise possesses businesslike attributes.

5 133. Every fact alleged herein speaks to the ways Defendants contravened this
6 statute. Defendants control, manage or conduct the affairs of an organization that has been
7 described as institutionally racist by no fewer than three independent reports. When Plaintiff
8 emerged as an individual with the standing to pose a significant threat to that organization and
9 the persons within it who had permitted and perpetuated this culture of discrimination,
10 Defendants sought to discredit him. They did so through all of the tortious and unlawful acts
11 described in this Complaint, obtaining “evidence” that any responsible and impartial party
12 would have known was unreliable if allowed to view it in full. Instead, Defendants have
13 carefully controlled the “evidence” available to the Courts and to Plaintiff, giving their actions
14 a fraudulent appearance of legitimate concern. As a consequence, until March – April 2011,
15 Plaintiff remained unaware of many of Defendants’ material acts and believes that further
16 wrongs will be uncovered in the course of this action.

17 134. By Defendants’ acts and omissions described herein, Defendants are the direct,
18 legal and proximate cause of Mr. Mireskandari’s damages including suspension of his right to
19 practice law, loss of reputation, loss of profits, loss of future profits, emotional distress and
20 other damages, all in amounts to be proven at trial as allowed by *California Civil Code* § 52.

21 135. As a direct and proximate result of Defendants’ violations of *California Civil*
22 *Code* § 51, Mr. Mireskandari has been forced to retain an attorney to prosecute this action.
23 The necessity and financial burden of private enforcement is such as to make an award of
24 attorneys’ fees and costs appropriate. Defendants, therefore, should be ordered to pay the
25 reasonable value of Mr. Mireskandari’s attorneys’ fees and costs in this action.

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2 **PRAYER FOR RELIEF**

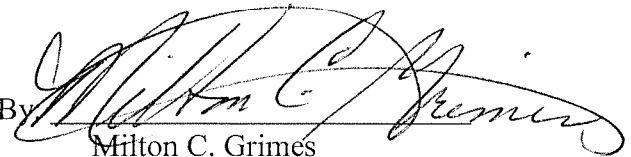
3 Wherefore, Plaintiff Shahrokh Mireskandari prays for judgment and relief as against
4 Defendants, and each of them, as follows:

- 5 1. For general, special and compensatory damages in an amount to be proven at trial;
- 6 2. For injunctive relief as allowed by law;
- 7 3. For restitution in an amount to be proven at trial as to the Tenth Cause of Action;
- 8 4. For punitive damages according to proof;
- 9 5. For prejudgment interest as allowed by law;
- 10 6. For costs and reasonable attorneys' fees; and
- 11 7. For such other relief as is just and equitable.

12
13 Dated: February 17, 2012

THE LAW OFFICES OF MILTON C. GRIMES

14
15
16 By



Milton C. Grimes
Attorney for Plaintiff

SHAHROKH MIRESKANDARI

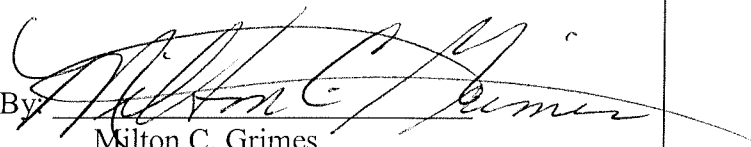
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20 **DEMAND FOR JURY TRIAL**

21 Plaintiff Shahrokh Mireskandari hereby demands a trial by jury on all issues triable to a jury.

22
23 Dated: February 17, 2012

THE LAW OFFICES OF MILTON C. GRIMES

24
25
26 By



Milton C. Grimes
Attorney for Plaintiff

SHAHROKH MIRESKANDARI