

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

THE DISCIPLINARY PROCEEDING OF
MICHAEL A. YOUNGE

Disciplinary Proceeding No. 2:18-mp-00106-
BR

Bankruptcy Case No. 8:15-bk-10083-CB

**MEMORANDUM OF DECISION IN
DISCIPLINARY PROCEEDING
AGAINST MICHAEL A. YOUNGE**

The matter before the court is a disciplinary proceeding ("Proceeding") commenced against attorney Michael A. Younge ("Younge") pursuant to Fifth Amended General Order 96-05 of the United States Bankruptcy Court for the Central District of California (the "General Order").

Statement of Procedure and Notice of Hearing

Pursuant to the Order to Show Cause filed on August 21, 2018 (docket 88), in In re Amany Simmonds, chapter 13 case no. SA 15-10083 CB (the “Simmonds Case”), a continued hearing (“OSC Hearing”) was held by the Bankruptcy Court (the Honorable Catherine E. Bauer, presiding) on October 10, 2018 to show cause why attorney Michael A. Younge should not be referred to State Bar and Disciplinary Panel of the Bankruptcy Court for disciplinary action regarding Mr. Younge’s involvement in the unauthorized transfer of interest in certain real property located at 527 Westminster Ave., Newport Beach, California 92663 (the “Property”). As a result of the OSC Hearing, on December 4, 2018, the Bankruptcy Court entered its (1) Findings of Fact and Conclusions of Law in Support of The Order to Show Cause Referring Attorney Michael A. Younge (SBN 170929) made by Judge Bauer to the Disciplinary Panel for Bankruptcy Courts of the Central District of California (“Bankruptcy Court Findings”), and (2) Order Referring Mr. Younge to the Disciplinary Panel (“Referral Order”). Pursuant to the Referral Order and that certain Statement of Cause issued by Judge Bauer on December 12, 2018 (“Statement of Cause”), the Proceeding was referred to a disciplinary panel established under the General Order.

In accordance with the procedure set forth in the General Order, the Clerk of the Bankruptcy Court designated a panel of three bankruptcy judges from this district to hear the Proceeding. The members of the panel are the Honorable Barry Russell, the Honorable Robert N. Kwan, and the Honorable Mark Houle (collectively, the “Panel”). A Notice of Assignment of Hearing Panel, the General Order, and Statement of Cause (with Referral Order attached thereto) were served on Mr. Younge. Pursuant to the General Order, Mr. Younge had until the expiration

1 of a period of 14 days after service of the foregoing notice to move to recuse one or more of the
2 judges assigned to the Panel. No motion to recuse was filed.

3 Pursuant to a Notice of Disciplinary Hearing served on Mr. Younge, he was given notice
4 of the attorney disciplinary hearing to be held before the Panel on March 25, 2019, at 10:00 a.m.
5 (“Disciplinary Hearing”). Mr. Younge filed his “Attorney Brief in Opposition of Discipline,
6 Memorandum of Points and Authorities and Declaration of Michael A. Younge” (“Younge
7 Response”), and Mr. Younge appeared at the Disciplinary Hearing.
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9 **Referral to the Panel Pursuant to General Order**

10 The conduct that gave rise to the referral to the Panel is set forth in the attached
11 Statement of Cause and, in particular, the Bankruptcy Court Findings attached thereto, which
12 contain a thorough discussion of Mr. Younge’s practice and actions at issue. In summary, Judge
13 Bauer found that Mr. Younge’s client Surat Singh (“Singh”) transferred his interest in the
14 Property to Amany Simmonds, who was also Mr. Younge’s wife and employee as well as the
15 Debtor in the Simmonds Case, and that Mr. Singh’s and Ms. Simmonds’ actions by the transfer
16 were done in order to improperly prevent Mr. Singh’s creditor from foreclosing on the Property.
17 As to Mr. Younge, Judge Bauer found that he filed pleadings in the Simmonds Case for the
18 purpose of harassing the creditor, causing unnecessary delay, needlessly increasing costs of
19 litigation, and/or without any fundamental legal basis. Judge Bauer also found that Mr. Younge
20 failed to properly supervise Ms. Simmonds as his employee by failing to monitor and oversee the
21 surreptitious actions between Mr. Singh and Ms. Simmonds involving the Property.
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24 Based on the foregoing actions of Mr. Younge, by the Statement of Cause, among other
25 things, Judge Bauer referred Mr. Younge to this Panel. In addition, pursuant to the General
26 Order, Mr. Younge was also referred to this Panel by another bankruptcy judge, the Honorable
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1 Neil Bason related to legal representation by Mr. Younge before Judge Bason in certain matters
2 unrelated to the Statement of Cause issued by Judge Bauer.

3 **The Hearing**

4 The Disciplinary Hearing regarding Mr. Younge was held before the Panel on March 25,
5 2019. Mr. Younge filed the Younge Response prior to the Disciplinary Hearing and appeared in
6 person at the Disciplinary Hearing. The Office of the United States Trustee also filed pleadings
7 in support of the Statement of Cause and appeared at the Disciplinary Hearing. Specific
8 appearances are as noted on the record of the Disciplinary Hearing.
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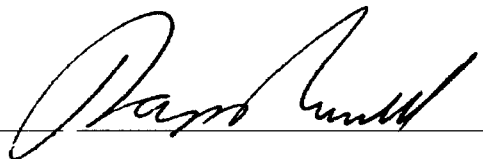
10 **Findings**

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12 At the Disciplinary Hearing, in response to questioning by the Panel, Mr. Younge
13 provided evidence as to his actions in connection with the Property as outlined in the Statement
14 of Cause. Aided by the Statement of Cause, the Panel reviews the matter de novo. Having
15 reviewed Judge Bauer's Findings, the Referral Order, the Statement of Cause, and the other
16 pleadings filed in support of the Statement of Cause and having considered the Younge Response
17 and the testimony of Mr. Younge, the Panel adopts Judge Bauer's findings in the Bankruptcy
18 Court Findings with one exception. While Judge Bauer found it credible that Mr. Younge was
19 unaware of the transfer of the interest in the Property at the time of the transfer, after extensive
20 questioning from the Panel regarding, among other things, the circumstances of the transfer, the
21 practices of Mr. Younge's office, Ms. Simmonds' training, a past office incident in 2017
22 involving an improper action taken by Ms. Simmonds, and the relationships between Mr. Singh,
23 Mr. Younge, and Ms. Simmonds prior to and at the time of the transfer, the Panel finds Mr.
24 Younge's testimony not credible that he was not involved in the transfer, and finds that he was
25 involved in and otherwise had knowledge of the transfer at the time it was made. On the basis of
26 this and the other findings made by the Panel, the Panel concludes that Michael A. Younge
27 should be suspended from practicing before the United States Bankruptcy Court for the Central
28 District of California, including prohibiting Mr. Younge from utilizing electronic CM/ECF filing

1 privileges, effective as of the entry date of the Order on Disciplinary Proceeding of Michael A.
2 Younge entered concurrently herewith, for a period of five (5) years. Mr. Younge may apply for
3 reinstatement to practice before the bankruptcy court in accordance with the provisions of the
4 General Order. Without limitation to other conditions that may be imposed upon Mr. Younge in
5 connection with prospective reinstatement, Mr. Younge is ordered to complete five (5) hours of
6 continuing legal education in the subject of legal ethics offered by a provider of continuing legal
7 education recognized by the State Bar of California, and submit written proof of completion
8 thereof, before he may be reinstated to practice before the United States Bankruptcy Court for
9 the Central District of California. Copies of this Memorandum of Decision and the order issued
10 concurrently herewith shall be served by the Clerk of this Court on each Bankruptcy Judge
11 sitting in the Central District of California, on the Clerk of the United States District Court for
12 the Central District of California, and on the State Bar of California.

13 As to referral to the Panel of certain matters referred by Judge Bason involving Mr.
14 Younge, the Panel determines the record factually undeveloped to serve as a basis for any
15 specific recommendation.

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18 DATED: June 27, 2019



Barry Russell, Presiding

United States Bankruptcy Judge

22
23 DATED: June 27, 2019



Robert N. Kwan

United States Bankruptcy Judge

DATED: June 27, 2019

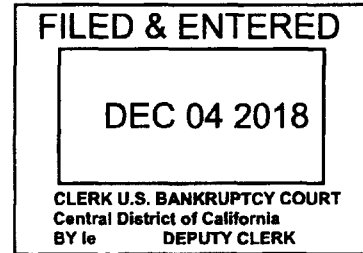
A handwritten signature in black ink, appearing to read "Mark D. Houle", written over a horizontal line.

Mark D. Houle

United States Bankruptcy Judge

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Peter C. Anderson
United States Trustee
Frank M. Cadigan, SBN 095666
411 West Fourth Street, Suite 7160
Santa Ana, CA 92701-8000
Tel: 714-338-3400
Fax: 714-338-3421
frank.cadigan@usdoj.gov



CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

AMANY SIMMONDS,

Debtor.

CASE NUMBER: 8:15-bk-10083-CB

CHAPTER 13

ORDER ON ORDER TO SHOW CAUSE
REFERRING ATTORNEY MICHAEL A.
YOUNGE (CA. STATE BAR NO.: 170929) TO
THE DISCIPLINARY PANEL FOR
BANKRUPTCY COURTS OF THE CENTRAL
DISTRICT OF CALIFORNIA

DATE: October 10, 2018

TIME: 10:00 a.m.

CTRM: 5D

A continued hearing was held on October 10, 2018, at 10:00 a.m., before the Honorable Catherine E. Bauer, United States Bankruptcy Judge for the Central District of California, in Courtroom 5D located at 411 West Fourth St., Santa Ana, CA, on Court's Order to Show Cause Why Attorney Michael A. Younge Should Not be Referred to the Disciplinary Panel for Bankruptcy Courts for the Central District of California filed August 21, 2018 as Docket #88. Appearances were made as noted on the record.

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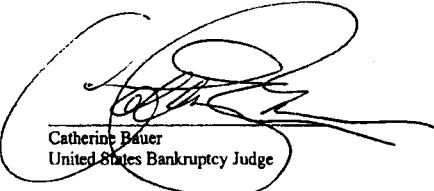
The Court having heard the statements of counsel, noted the opposition, made the concurrently filed Findings of Fact and Conclusions of Law and with good cause shown,

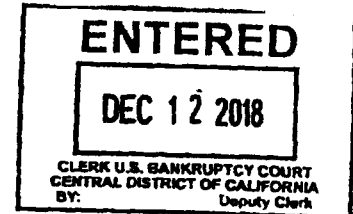
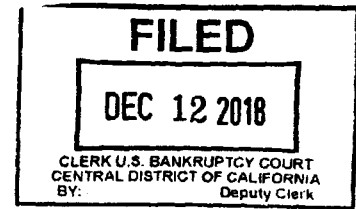
IT IS ORDERED:

1. Attorney Michael A. Younge shall be referred to the Disciplinary Panel for Bankruptcy Courts for the Central District of California.
2. The Court will prepare and file with the Clerk of the Court a separate Statement of Cause setting forth the basis for recommending discipline and the description of the discipline the Court believes is appropriate.

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Date: December 4, 2018


Catherine Bauer
United States Bankruptcy Judge



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re

MICHAEL A. YOUNGE,

SBN: 170929

In re:

AMANY SIMMONDS,

Debtor.

Case No. 8:15-bk-10083-CB

Chapter 13

STATEMENT OF CAUSE

Date: October 10, 2018

time: 10:00 a.m.

Courtroom: 5D

Address: 411 W 4th Street
Santa Ana, CA 92701

To the Disciplinary Panel of the Bankruptcy Courts for the Central District of California:

The undersigned Judge of the Bankruptcy Court of the Central District of California, Santa Ana Division, required attorney Michael A. Young (CA State Bar number 170929) ("Young") to appear on October 10, 2018 at 10:00 a.m. to show cause why he should not be referred to the Bankruptcy Court's Disciplinary Panel pursuant to the Fourth Amended General Order 96-05. Evidence at the hearing showed that Young was the attorney of record in this case and in the case of Surat Singh ("Singh"), case number 8:17-bk12885-TA.

1 The Findings of Fact and Conclusions of Law in Support of the Order to Show Cause
2 Referring Younge to the Disciplinary Panel for the Bankruptcy Courts of the Central District of
3 California, attached as Exhibit A, detail how Younge failed to supervise his office staff (Amany
4 Simmonds, the debtor in this case, is also Younge's wife) and failed to perform a reasonable
5 inquiry into whether every paper, pleading, petition or written motion was not being presented
6 for an improper purpose.

7 In the Singh case, after Bayview Loan Servicing, LLC's ("Bayview") relief from stay
8 motion was granted on the Newport Beach property¹ and a day after Younge's second
9 unsuccessful attempt to obtain a temporary restraining order in Superior Court relating to the
10 foreclosure of the Newport Beach property, Singh executed a quit claim deed on the Newport
11 Beach property to the Debtor. The transfer of the Newport Beach property to the Debtor three
12 years into her Chapter 13 bankruptcy was done without consideration and without the
13 knowledge or consent of Bayview or this Court.

14 Debtor admitted that she has never been to the Newport Beach property and that she
15 was trying to help Singh fight Bayview. And, while Younge disclaimed involvement with the
16 execution of the quit claim deed, on August 19, 2018 he filed an opposition to Bayview's relief
17 from stay motion brought in this case.

18 On December 4, 2018, the Court entered its Order on Order to Show Cause Referring
19 Younge to the Disciplinary Panel for Bankruptcy Courts of the Central District of California
20 (Docket #116).

21 Pursuant to the Fourth Amended General Order 96-05, the undersigned United States
22 Bankruptcy Judge for the Central District of California, Santa Ana Division issues this
23 Statement of Cause and refers attorney Michael A. Younge, State Bar Number 170929 to the
24 Disciplinary Panel for the Central District of California for appropriate discipline, with the
25 recommendation that he be prohibited from practicing before the Bankruptcy Courts in the
26 Central District of California.

27 ¹ Real property address: 527 Westminster Ave, Newport Beach, CA 92663 ("Newport Beach
28 property").

1 In aggravation, the undersigned Judge notes that Younge is currently on probation with
2 the State Bar of California for failing to supervise Simmonds on an immigration matter.

3 In support of this referral, in addition to the Findings of Fact and Conclusions of Law
4 attached as Exhibit A, please refer to the documents filed on the docket in this case (which has
5 incorporated documents from the Singh case as exhibits), particularly the following:

- 6 1. Notice of Motion and Motion for Relief from Automatic Stay with Supporting
7 Declarations filed by Bayview Loan Servicing, LLC (Docket #77).
- 8 2. Notice of Opposition and Opposition to Motion to Relief from Stay filed by Michael A.
9 Younge (Docket #86).
- 10 3. Order to Show Cause re: Debtor to Appear and Explain the Unauthorized Transfer of
11 the Property Located at 527 Westminster Avenue, Newport Beach CA 92663
12 recorded on July 20, 2018 (Docket #88).
- 13 4. Motion and Notice of Motion to Show Cause (OSC) Why Attorney Michael A.
14 Younge (Ca. State Bar No.: 170929) Should Not Be Referred to the Disciplinary
15 Panel for Bankruptcy Courts of the Central District of California or in the Alternative
16 Impose Discipline Pursuant to Local Rule 83-3.1 of the Local Rules of the Central
17 District Of California (Docket #100).
- 18 5. Request for Judicial Notice in Support of United States Trustees Motion to Show
19 Cause Why Attorney Michael A. Younge (Ca. State Bar No.: 170929) Should Not Be
20 Referred to the Disciplinary Panel for Bankruptcy Courts of the Central District of
21 California or in the Alternative Impose Discipline Pursuant to Local Rule 83-3.1 of
22 the Local Rules of the Central District of California (Docket #101).
- 23 6. Declaration of Michael A. Younge (Docket #107).
- 24 7. United States Trustees Reply to the Declaration of Michael A. Younge to the Motion
25 to Show Cause Why Attorney Michael A. Younge (Ca. State Bar No.: 170929)
26 Should Not Be Referred to the Disciplinary Panel for Bankruptcy Courts of the
27 Central District Of California or in the Alternative Impose Discipline Pursuant to Local
28 Rule 83-3.1 of the Local Rules of the Central District of California (Docket #108).

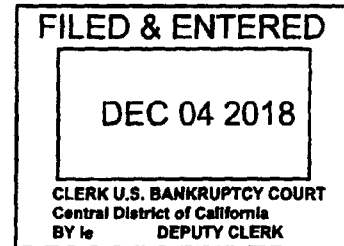
- 1 8. Supplemental Request for Judicial Notice in Support of United States Trustees
- 2 Motion to Show Cause Why Attorney Michael A. Younge (Ca. State Bar No.:
- 3 170929) Should Not Be Referred to the Disciplinary Panel for Bankruptcy Courts of
- 4 the Central District of California or in the Alternative Impose Discipline Pursuant to
- 5 Local Rule 83-3.1 of the Local Rules of the Central District of California Filed by U.S.
- 6 Trustee United States Trustee (Docket #109).
- 7 9. Request for judicial notice re: *Order to Show Cause* Filed by Creditor Bayview Loan
- 8 Servicing, LLC (Docket #110).
- 9 10. Order on order to show cause referring attorney Michael A. Younge (CA. State Bar
- 10 No.: 170929) to the Disciplinary Panel for Bankruptcy Courts of the Central District of
- 11 California (Docket #116).

12
13 DATE: 12/12/18


Catherine E. Bauer
United States Bankruptcy Judge

EXHIBIT "A"

Peter C. Anderson
United States Trustee
Frank M. Cadigan, SBN 095666
411 West Fourth Street, Suite 7160
Santa Ana, CA 92701-8000
Tel: 714-338-3400
Fax: 714-338-3421
frank.cadigan@usdoj.gov



CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re:

AMANY SIMMONDS,

Debtor.

Case No: 8:15-bk-10083-CB

Chapter 13

FINDINGS OF FACT AND CONCLUSIONS OF
LAW IN SUPPORT OF THE ORDER TO
SHOW CAUSE REFERRING ATTORNEY
MICHAEL A. YOUNGE (SBN 170929) TO THE
DISCIPLINARY PANEL FOR BANKRUPTCY
COURTS OF THE CENTRAL DISTRICT OF
CALIFORNIA

Date: October 10, 2018

Time: 10:00 a.m.

Courtroom: 5D

Address: 411 W 4th St.
Santa Ana, CA 92701

A continued hearing was held on October 10, 2018, at 10:00 a.m., before the Honorable
Catherine E. Bauer, United States Bankruptcy Judge for the Central District of California, in Courtroom
5D located at 411 West Fourth St., Santa Ana, CA, on Court's Order to Show Cause Why Attorney
Michael A. Younger Should Not be Referred to the Disciplinary Panel for Bankruptcy Courts for the
Central District of California filed August 21, 2018 as Docket #88. Appearances were made as noted on
the record.

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1 The Court having heard the statements of counsel, noted the opposition and with good cause
2 shown, makes the following Findings of Fact and Conclusions of Law in support of the Order to Show
3 Cause.

4 **FINDINGS OF FACT:**

5 **The Bankruptcy Filings of Amany Simmonds**

6 1. The current Chapter 13 case of Amany Simmonds ("Simmonds") was filed on January 7, 2015
7 and identified as Case No.: 8:15-bk-10083-CB. See Electronic PACER Docket of In re Simmonds, a
8 true and correct copy of which is marked as **Exhibit A** in the Request for Judicial Notice ("RJN") filed
9 with the Order to Show Cause as Docket #101, in the main case of In Re: Simmonds.

10 2. The Attorney of record for this Chapter 13 filing is Michael A. Younge ("Younge").

11 3. Simmonds filed four previous bankruptcy cases since 2011 identified as follows:

12 •Case No.: 8:11-bk-18649-RK, a Chapter 13 case filed on June 19, 2011, converted on August 2,
13 2011 to Chapter 7 and later dismissed on November 14, 2011 for failure to appear at a 341(a) Meeting of
14 Creditors;

15 • Case No.: 8:12-bk-11494-CB, a Chapter 7 case filed on February 6, 2012, in which the Debtor
16 received a standard discharge on May 29, 2012;

17 •Case No.: 8:12-bk-18746-CB, a Chapter 13 case dismissed on August 8, 2012, for failure to
18 appear at a 341(a) Meeting of Creditors;

19 •Case No.: 12-bk-21133-CB, a Chapter 13 case filed on September 21, 2012 and dismissed at the
20 confirmation hearing on December 14, 2012 with a 180-day bar to refiling.

21 See RJN, Exhibit A at bates stamp page 000002, [Docket Entry Date 01/08/2015].

22 4. In all the previous bankruptcy cases filed by this Debtor, including the current case, Younge
23 was the attorney of record.

24 5. The current Chapter 13 case, Case No.: 15-bk-10083-CB, was dismissed on August 13, 2018
25 after the Chapter 13 Trustee filed a Motion to Dismiss for failure to make plan payments. See [Docket
26 #83] of Exhibit A of RJN at bates stamp page 000012.

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The Bankruptcy Filing of Surat Singh

6. On July 20, 2017, Surat Singh ("Singh") filed 8:17-bk-12885-TA, a Chapter 13 case. The case was later converted to a case under Chapter 7 on March 9, 2018. See Electronic PACER Docket of Singh bankruptcy case marked **Exhibit B to RJN**. The attorney of record in this case is Younge.

7. On August 9, 2018, Bayview Loan Servicing, LLC servicing agent for The Bank of New York Mellon fka The Bank of New York as Trustee for the Benefit of the Certificate Holders of the CWALT Inc., Alter-Native Loan Trust 2005-59, Mortgage Pass Through Certificates, Series 2005-59 (collectively "Bayview") filed a motion for relief from the automatic stay on property located at 527 Westminster Avenue, Newport Beach, CA 92663 (the "Subject Property").

8. The original borrower under the loan documents, in connection with the acquisition of the Subject Property, was Singh. **A full and complete copy of Bayview's motion for relief from stay is attached to the Request for Judicial Notice filed concurrently with this Order to Show Cause at Exhibit C bates stamp page 000048-000139.**

9. Bayview obtained relief from the automatic stay in the Singh bankruptcy case. Younge was attorney of record in that case. The order dismissing the Singh Chapter 7 bankruptcy case, entered on June 7, 2018, included a 180-day bar to re-filing. **(Exhibit F to the RJN at bates stamp pages 00057-00058).**

10. The Court finds that, pursuant to the Court's Order entered in the Singh bankruptcy case, the Subject Property was no longer protected by the automatic stay.

11. Singh, in a final effort to protect his property from foreclosure, retained Younge to seek a Temporary Restraining Order ("TRO") in the Superior Court of the State of California to stop the sale of the Subject Property scheduled for July 23, 2018. The hearing on the TRO was scheduled for July 9, 2018 at 1:30 p.m. **(See Ex Parte Application for Temporary Restraining Order Exhibit A at bates stamp pages 001-018 to the Supplemental Request for Judicial Notice ("SRJN") filed concurrently with this Reply).**

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1 12. The Superior Court entered a minute order on July 9, 2018 denying the Ex Parte application
2 for a Temporary Restraining Order without prejudice. (See SRJN at Exhibit B at bates stamp page
3 019).

4 13. On July 18, 2018 Singh, represented by Younge, filed a second Ex Parte Application for
5 Temporary Restraining Order ("TRO") in Superior Court to prevent the foreclosure sale on the Subject
6 Property set for July 23, 2018. (See SRJN at Exhibit C, at bates stamp page 020-045).

7 14. On July 18, 2018 Simmonds filed her declaration giving Notice of the hearing on the Ex
8 Parte Application to parties in interest. (See SRJN at Exhibit D at bates stamp page 046-047 and
9 RJN Exhibit C, at bates stamp page 000121).

10 15. On July 19, 2018 the Superior Court entered a minute Order denying the Ex Parte
11 Application and commenting that the second Ex Parte Application was effectively a motion for
12 reconsideration of the first Ex Parte Application. (See Minute Order attached to the SRJN at Exhibit
13 E, at bates stamp page 048).

14 16. On July 20, 2018, which was the day after the Superior Court denied the second Ex Parte
15 Application for TRO, Singh transferred the Subject Property to Simmonds, Younge's wife, and recorded
16 the Quitclaim Deed in the Orange County Recorder's Office at 11:05 a.m. on July 20, 2018. (See
17 Exhibit F attached to the SRJN at bates stamp page 049, and Exhibit C to the RJN at bates stamp
18 page 000120)

19 **The Transfer of the Subject Property to Amany Simmonds**

20 17. In an undated handwritten note identified in RJN at Exhibit C, at bates stamp page 000119
21 and Exhibit G to the SRJN at bates stamp page 050, and presumably sent to Bayview, the recipient of
22 that note is informed that the Subject Property has been transferred to Simmonds.

23 18. Since Simmonds was in her own chapter 13 bankruptcy case, the automatic stay in her case
24 prevented Bayview from foreclosing on the Subject Property until they obtained relief from stay.
25 Younge represented his wife, Simmonds, in her bankruptcy case, which was eventually dismissed on
26 August 13, 2018. Bayview's motion granting relief from stay on the Subject Property was entered on
27 August 22, 2018.

1 19. The Court finds that the transfer of Singh's interest in the Subject Property to Simmonds'
2 Chapter 13 estate was done post-petition, was done without court approval or the knowledge of the
3 Chapter 13 Trustee.

4 20. The transfer was made without consideration and the Court finds that the transfer was done
5 solely for the purpose of hindering, delaying and frustrating Bayview's July 23, 2018 foreclosure sale on
6 the Subject Property.

7 21. The actions of Singh and Simmonds, who were both represented by Younger, caused the
8 scheduled foreclosure sale to be postponed and further caused Bayview to seek relief from stay in
9 Simmonds' bankruptcy case in order to proceed with the foreclosure sale.

10 **Sum and Substance of the Transcript of Proceedings of the Order to Show Cause Re:**
11 **Explanation of Unauthorized Transfer Dated August 29, 2018 at 10:00 a.m.**

12 22. In the Transcript of Proceedings, Younger acknowledges that he represents both Singh and
13 Simmonds. See Transcript Exhibit D to Request for Judicial Notice ("RJN") at bates stamp page
14 000143, lines 17-18.

15 23. Simmonds acknowledges that Younger introduced her to Singh. See Transcript at bates
16 stamp page 000143 lines 13-16 and lines 19-21 and page 000146 at lines 5-7. Simmonds
17 acknowledges that she paid no consideration for the transfer of the Subject Property to her name via
18 Quitclaim Deed. She stated she was just trying to help Singh out and to fight the bank. See Transcript
19 at bates stamp page 000144, lines 4-22.

20 24. Simmonds admits that she has never been to the Subject Property. See Transcript at bates
21 stamp page 000145, lines 8-15. Simmonds admits that she is a legal assistance for Younger. See
22 Transcript at bates stamp page 000145, lines 17-19. Younger admits that Simmonds is his spouse. See
23 Transcript at bates stamp page 000145, lines 20-21. Simmonds testified that her attorney, spouse and
24 supervisor Younger prepared her declaration in support of the Opposition to Bayview's Motion for Stay
25 Relief. See Transcript at bates stamp page 000147, line 18.

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The Opposition Filed by Attorney Michael A. Younge to Bayview's Stay Relief Motion

25. The Court finds that the Opposition filed by Younge to Bayview's Stay Relief Motion (RJN Exhibit G) argues the same points raised in the Superior Court Applications for Temporary Restraining Orders, which were denied. The Court also finds that the arguments presented in the Opposition were previously raised in an adversary proceeding presided over by the Honorable Theodor C. Albert in the matter of *Singh v. Bank of New York Mellon et al*, Adversary Case No.: 8:17-ap-01135-TA and related to the main bankruptcy case of *In re: Singh*, Case No.: 8:17-bk-12885-TA.

26. The Court finds that the November 9, 2017 tentative ruling for Bayview's relief from stay motion on calendar as #8.00 and later adopted as the final ruling, resolved all arguments raised in the Opposition to Bayview's relief from stay motion, since these same arguments and defenses were previously adjudicated in Adversary Case No.: 8:17-ap-01135-TA.

27. The Court finds that the Opposition filed by Younge as Docket #86 filed August 19, 2018 in Case No.: 8:15-bk-10083-CB, was without undertaking reasonable inquiry under the circumstances and was filed for an improper purpose solely to harass and/or to cause unnecessary delay and/or to cause a needless increase in the cost of litigation.

28. The Court finds that the Declaration of Simmonds filed in support of Younge's Opposition as Docket #95, and which was admittedly prepared by Younge, was filed for an improper purpose and lacked any fundamental legal basis for opposing Bayview's Motion for Stay Relief.

29. The Court finds that the Declaration of Simmonds was filed solely for the purpose of harassing and/or causing unnecessary delay and/or causing a needless increase in the cost of litigation and was prepared by Younge and subsequently filed without making a reasonable inquiry under the circumstances.

30. The Court finds that in the Declaration of Younge, filed in response to the Court's OSC as Docket #107, Younge is credible when he states that prior to the transfer of the Subject Property from Singh to Simmonds, he was not aware that there was going to be a transfer of the Subject Property, nor was he aware that the parties had discussions on the matter. [Younge Declaration paragraph 3 lines 5-7 at page 2 of 6.]

1 31. The Court finds that the only response to the Court's OSC filed by Younger was his
2 Declaration at Docket #107, and the Declaration filed by Simmonds as Docket #95. The Court finds that
3 neither declaration addresses the substantive allegations of *F.R.B.P. Rule 9011* violations.

4 32. The Court takes judicial notice of the prior State Bar Proceedings captioned In The Matter of
5 Michael Anthony Younger, Case No.: 15-0-15386 ("State Bar Proceedings"), wherein Younger was
6 disciplined for failing to properly supervise a staff member in his law office, which was his spouse and
7 staff member Simmonds.

8 33. The Court takes judicial notice of the findings made in the State Bar Proceedings, where the
9 State Bar Court found that Younger failed to supervise Simmonds, who had misplaced his client's
10 immigration paperwork, resulting in delay in his client obtaining permanent legal resident status. The
11 State Bar Court concluded, and this Court takes judicial notice of the findings of the State Bar Court that
12 Younger failed to perform competently perform his duty to supervise Simmonds, in willful violation of
13 the Rules of Professional Conduct, and specifically Rule 3-110(A). **See Supplemental Request for**
14 **Judicial Notice ("SRJN") at Exhibit I at bates stamp page 066.**

15 34. The Court finds that the Opposition to Bayview's motion for relief from stay was filed
16 without reasonable inquiry under the circumstances being made by Younger.

17 35. The Court finds that filing of the Opposition to Bayview's motion for relief from stay was
18 filed for an improper purpose such as to harass and/or to cause unnecessary delay and/or to cause a
19 needless increase in the cost of litigation.

20 36. The Court finds that the Declaration of Simmonds and prepared by Younger, in response to
21 the Court's OSC was prepared without Younger making a reasonable inquiry under the circumstances
22 and that it was filed for an improper purpose such as to harass and/or to cause unnecessary delay and/or
23 to cause a needless increase in the cost of litigation.

24 37. The Court finds that the actions of Younger did in fact cause unnecessary delay and/or
25 needless increase in the cost of litigation to Bayview.

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1 38. The Courts finds that Younge failed to properly supervise his office staff member, namely
2 Simmonds, by failing to monitor and oversee the surreptitious actions between Singh and Simmonds
3 involving the Subject Property.

4 39. The Court finds that based upon past California State Bar disciplinary actions involving
5 Younge, including his conduct in the current matter involving Singh and Simmonds, Younge has
6 demonstrated a pattern and practice of failing to properly supervise law office staff.

7 40. The Court concludes that Younge presents a potential danger to the public as a result of his
8 failure to properly supervise law office staff.

9 41. The Court concludes that Younge should be referred to the Disciplinary Panel for
10 Bankruptcy Courts for the Central District of California.

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12 **CONCLUSIONS OF LAW:**

13 A. The Court concludes that it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157
14 and 1334.

15 B. The Court concludes Younge violated *FRBP 9011*, which requires ever attorney or
16 unrepresented party to form a reasonable inquiry, based on that person's knowledge, information and
17 belief that every paper, pleading, petition or written motion is not being presented for an improper
18 purpose such as to harass, or cause unnecessary delay or needless increase in the cost of litigation.

19 C. The Court concludes that Younge violated his obligation to develop appropriate office
20 procedures and to supervise law office staff. *See Trousil v. State Bar* (1985) 38 Cal. Ed 337, 342
21 (lapses in office procedure ... [may be] deemed 'willful' for disciplinary purposes"); *Gabba v. State*
22 *Bar* (1990) 50 Cal. 3d 344, 353 (duty to supervise other lawyers); *Waysman v. State Bar* (1986) 41 Cal.
23 3d 452, 455 (duty to supervise law office staff).

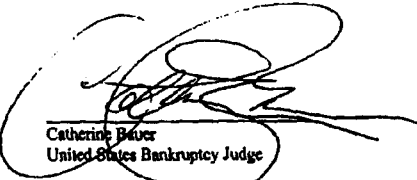
24 D. The Court concludes that Younge violated his duties under California Rules of
25 Professional Conduct, and specifically Rule 3-110(A), which makes it incumbent upon an attorney to
26 properly supervise law office staff.

27 E. This Order constitutes a final order within the meaning of 28 U.S.C. §158(a).

1 F. To the extent that any Conclusions of Law set forth above constitute a Finding of Fact or
2 vice versa, this Court also concludes and finds as appropriate.

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23 Date: December 4, 2018

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Catherine Brewer
United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
255 E. Temple Street, Los Angeles, CA 90012

A true and correct copy of the foregoing document entitled (*specify*): Case No; 2:18-mp-00106-BR
Memorandum of Decision in Disciplinary Proceeding Against Michael A. Younge

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 06/27/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Frank Cadigan frank.cadigan@usdoj.gov
Ron Maroko ron.maroko@usdoj.gov
United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 06/27/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The State Bar of California, Office of the Chief Trial Counsel
Intake Department
845 South Figueroa St.
Los Angeles, CA 90017-2515

Kiry K. Gray
United States District Court, U.S. Courthouse
350 West 1st Street STE 4311, 5th Floor
Los Angeles, CA 90012-4565

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 06/27/2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Overnight Mail: Michael A. Younge, 24881 Alicia Parkway, Suite E541, Laguna Hills, CA 92653

EMAIL: All Judges of the U.S. Bankruptcy Court, Central District of California

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

06/27/2019
Date

Jennifer Kohout
Printed Name

Jennifer Kohout
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.