

No. 68164 _____

Before the Board of Disciplinary Appeals
Appointed by
The Supreme Court of Texas



F I L E D
Jan 18 2024

THE BOARD of DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

PEJMAN MAADANI,
STATE BAR OF TEXAS CARD No. 24052152,
APPELLANT

V.

COMMISSION FOR LAWYER DISCIPLINE,
APPELLEE

**RESPONSE TO: APPELLEE'S OPPOSED MOTION FOR
EXTENSION OF TIME TO FILE BRIEF**

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TO THE HONORABLE BOARD OF DISCIPLINARY APPEALS:

Appellee, the Commission for Lawyer Discipline, a committee of the State Bar of Texas, asks the Court, under the authority of Rule 1.09, Supreme Court of Texas Board of Disciplinary Appeals Internal Procedural Rules, for an extension of time to file the Appellee's brief. The Appellant Maadani was unopposed if the Appellee would agree to reinstate the Appellant Maadani immediately and take 2-3 minutes to review the Brief and Records and enter the agreed order of reversal of all

terms due to improper number of Attorney to Public Ration on the Panel. Instead, the Appellee determined to file this motion to ask for an extension of time as opposed.

I.

Movant claimed in their motion that:

“On August 14, 2023, an Evidentiary Panel of the State Bar District No. 4 Grievance Committee entered a Judgment of Partially Probated Suspension against Appellant in *Commission for Lawyer Discipline v. Pejman Maadani*, No. 202102105.” This statement is either false and misleading with intent to deceive the Board or shows neglect of the Commission for Lawyer Discipline’s attorney. In Alternative it is an admission of CFLD and agreement of CFLD that the sentence is now reduced to a partially probated sentence until completion of appeal. **The sentence was Four Years of Active Suspension, however, based on admissions of CFLD Appellant moves for an order to reduce this sentence at this time to a partially probated sentence without prejudice to his appeal rights.** See the order attached as *Exhibit 1*.

The appellant previously filed a motion to temporarily abate this Four Years of Active Suspension, which does not allow Appellant Pejman Maadani to practice law, so his docket of 100 plus clients would not be prejudiced. The panel was incorrectly set with two members of the public and two attorneys, as fully explained

in the Appellant's brief here attached as Exhibit 1, due to incorrect and misleading arguments of CFLD counsel who just alleged public danger without any reasons or cause or facts.

II.

Appellant filed a notice of appeal on August 14, 2023. The reporter's records were filed on November 17, 2023. The clerk's record was filed on November 22, 2023. Appellant's brief was filed on December 20, 2023, See *Exhibit 2*, which was six days before the deadline of December 26, 2023. Appellee deadline was January 19, 2024. Appellee filed this last-minute request to extend time.

III.

The Appellee has presented that: "Appellee's counsel, the undersigned, needs additional time to file the brief due to a heavy briefing and oral argument schedule, including the following:

- No. 23-0684, *Annette R. Loyd v. Commission for Lawyer Discipline*, before the Supreme Court of Texas; Appellee's Brief filed January 12, 2024.
- No. 14-23-00646-CV, *In the Matter of Kennitra M. Foote*, before the Fourteenth Court of Appeals; Appellee's Brief due January 29, 2024.
- No. 05-23-00497-CV, *Commission for Lawyer Discipline v. Sidney Powell*, before the Fifth Court of Appeals; Oral Argument set for February 7,

2024.” Appellant claims each reason is not relevant and not enough reason to raise to the level needed to grant the motion to extend time.

First, the Appellee claims the Case “No. 23-0684, *Annette R. Loyd v. Commission for Lawyer Discipline*, before the Supreme Court of Texas; Appellee’s Brief filed January 12, 2024, is the reason why he needs an additional 30 days. The deadline falls well before the deadline to file this brief. CFLD had prepared a response to appeal in the same case to BODA. See Exhibit 3, and Exhibit 4 attached. These briefs are substantially the same. Both sets of facts, issues, and arguments are about the same. As counsel for CFLD for both appeals is the same person, and he was familiar with all records, he should have finished this brief well before he was served with Appellant Maadani’s Brief on December 20th, 2023. Appellee knew or should have known that he would receive the Appellant brief within 30 days from the time that he filed the clerk’s record, which was November 22, 2023. Based on the evaluation of two appellate briefs in No. 23-0684, *Annette R. Loyd v. Commission for Lawyer Discipline*, before the Supreme Court of Texas; no more than 20-25 hours of work was needed to complete the appellate brief which is the small modification of lower Court brief. Therefore, the fact that Appellee neglected and wasted time on deadlines that were well before this deadline, does not raise to level of good cause or relevant fact to the level that would satisfy Rule 1.09. The Appellee’s brief in this

case could have been completed, finished, and filed before he even received the current Appellant Brief on December 20, 2023. Therefore, the deadline that was well before this deadline has no relevance to this case, and the Appellee's extension of time is due to sloth and neglect.

Second, the Appellee claims:

“No. 14-23-00646-CV, *In the Matter of Kennitra M. Foote*, before the Fourteenth Court of Appeals; Appellee’s Brief due January 29, 2024” is another reason why he needs additional time. This statement is misleading and simply not excusable that a deadline that falls after the current deadline is a reason for the delay of the current deadline. Appellant filed her brief on December 28, 2023, after only asking for three extensions of time. Appellee CFLD may easily ask for an extension of time in that case, and devote his time to his current deadline of 01/19/2024, as it is apparent that since the Appellant received three extensions it would be prejudicial to not grant an extension to CFLD Appellee in that case. Also, another Appellant attorney is working on that same case whose name is: Robert Khadijia as it appears from Court records. See *Exhibit 5* attached. Therefore, this deadline which falls well after the deadline of this matter has no relevance to this deadline of 01/19/2024.

Third, the Appellee claims:

- No. 05-23-00497-CV, *Commission for Lawyer Discipline v. Sidney Powell*, before the Fifth Court of Appeals; Oral Argument set for February 7, 2024.”

Another false and misleading statement made by CFLD. This brief was filed on 07/21/2023 and No ORAL Argument was requested. See *Exhibit 6*. It also shows this case is set for Submission docket which means CFLD has ZERO work to do on this file. See *Exhibit 7*. It is unclear how CFLD claims a deadline on 07/20/2023 which was met is relevant to the deadline of 01/19/2024, which was four months later than the previous deadline. CFLD claims preparation for oral argument is necessary and that is false and misleading because the deadline is a submission deadline, which means no oral arguments will be made.

As CFLD has a pattern of being dishonest with their request for an extension of time and presented false facts, including a sentence of Appellant, the deadline that was four months before this deadline, and a deadline that is 10 days after this deadline, it is fair and reasonable to deny this motion for extension of time. It is clear that this motion for an extension of time is made with neglect as it contains false facts and information and it should be denied.

The motion of the Appellee is due to sloth or neglect and made for delay of justice.

Appellee's counsel has conferred with Appellant, who is representing himself Pro Se, regarding this request, and Appellant has indicated he is unopposed if:

- a. Sentence to be abated;
- b. CFLD agreed to enter an order of reversal and dismissal if the Panel Ratio was incorrect

However, at that time, the Appellant did not know that CFLD intended to present false facts to obtain an extension of time and CFLD has not presented this motion to the Appellant for review. Furthermore, it is unclear from the motion if the facts presented are within the knowledge of the appellee. Therefore, the request for an extension of time as it is not verified and does not contain language that declares the facts are within the knowledge of the person who signed the motion as mandated by Texas Rule of Appellate Procedure 10.2, the motion to extend the deadline is defective and should not be granted.

IV.

For these reasons, the Appellant prays that the BODA denies the Appellee's Motion For an Extension of time and keeps the deadline of the Appellee to 01/19/2024. Furthermore, the Appellant moves to reduce the sentence of the Appellant based on the Admission of CFLD in their own motion without prejudice to the rights of the Appeal of the Appellant.

RESPECTFULLY SUBMITTED,

/s/ Pejman Maadani

Pro Se

SBN: 24052152 (Actively Suspended)

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CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Appellee's Motion for Extension of Time to File Brief has been served on Appellant via electronic mail to [CFLD](#) on [01/19/2024](#).

/s/ Pejman Maadani