

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

Robert Reza Rezvani

Debtor.

John Lebrun

Plaintiff,

v.

Robert Reza Rezvani

Defendant.

CHAPTER 7

Case No.: 2:14-bk-23510-TD

Adv No.: 2:14-ap-01676-TD

**ORDER REGARDING MOTION FOR
RECONSIDERATION AND REQUEST TO
VACATE THE DISMISSAL**

On January 15, 2015, Plaintiff John Lebrun filed a *Motion for Reconsideration of Order Dismissing Adversary Proceeding for Lack of Prosecution and Request for a Hearing* (Motion). Plaintiff seeks an order to reconsider the order dismissing the adversary proceeding which was entered on January 15, 2015.

The court's dismissal order was entered based on Plaintiff's failure to appear at a

1 scheduled status conference hearing, file a status conference report as required by LBR
2 7016-1(a)(2), serve an amended summons, and serve the complaint in compliance with
3 FRBP 7004 and In re Villar, 317 B.R. 88 (9th Cir. BAP 2004).

4 Plaintiff's attorney of record, Zakeya Leona Brookins (Brookins), submitted no
5 evidence in support of the Motion, but Brookins states in her argument that
6 noncompliance with the court was not intentional but (apparently) occurred because
7 "she was distracted during the course of this matter due to a bitter break-up of an
8 almost-50 year personal relationship." Brookins apologizes and asks that "the Plaintiff
9 be allowed to proceed in a competent and good faith manner."

10 The shocking thing to the court is that Plaintiff Lebrun is a judgment creditor of
11 chapter 7 debtor Robert Reza Rezvani, based on a 2004 San Bernardino Superior
12 Court judgment totaling \$324,107.42 for serious personal injuries incurred by Lebrun in
13 2002. The judgment was renewed on October 15, 2013, with interest and costs after
14 judgment, and now totals \$638,211.68. From the record available to this court,
15 Brookins appears to be the latest in a string of attorneys who have represented Lebrun
16 with respect to his 2002 injury claims, apparently commencing with her filing of this
17 adversary proceeding on October 21, 2014, three months after Defendant Robert
18 Rezvani filed his voluntary chapter 7 petition seeking discharge of his prepetition debts.

19 It seems that several irregularities occurred in this adversary. First, when the
20 adversary was filed on October 21, 2014, the court failed to send Plaintiff's attorney
21 Brookins a summons and notice of a status conference hearing date. Second, when
22 that oversight was recognized, an amended summons and notice was issued and
23 mailed to Brookins notifying her of a January 14, 2015 hearing date. Third, Brookins
24 apparently ignored the amended summons and hearing date. The amended summons,
25 notice and complaint were not served, as required by LBR 7004-1(b). No status
26 conference report was filed, as required by LBR 7016-1(a)(2). No one appeared at the
27 January 14 hearing. The court dismissed the adversary proceeding for lack of
28 prosecution based on FRBP 7016, FRCivP16(f)(1) and LBR 7016-1(g).

1 The court's order dismissing the adversary for lack of prosecution was entered
2 January 15, 2015. Brookins, on January 15, filed Plaintiff's Motion. On January 27,
3 2015, Brookins filed a Notice of Appeal on behalf of Plaintiff from the court's order
4 dismissing the adversary, prior to any ruling by the court on Plaintiff's Motion for
5 Reconsideration.

6 Under the circumstances of this adversary proceeding, it seems that this court
7 lacks the authority to grant Plaintiff's motion in light of Plaintiff's pending appeal. If the
8 court had such authority, it would grant Plaintiff's Motion and vacate the order
9 dismissing Plaintiff's adversary proceeding. Although the court believes there was
10 authority to dismiss the adversary proceeding based on lack of prosecution, the court
11 also believes that the Plaintiff should not be denied an opportunity to prosecute his case
12 because of his attorney's personal issues. It seems more appropriate to grant the
13 Motion and vacate the dismissal, based on FRBP 9024 and FRCivP 60(b)(6).

14 The court acknowledges that a summons was issued upon the filing of the
15 Plaintiff's adversary complaint, but the summons was apparently not sent to Plaintiff's
16 attorney. That deficiency was corrected on November 24, 2014, when an amended
17 summons was issued by the court and sent to Brookins, notifying Brookins directly that
18 the status conference hearing was continued to January 14, 2015.

19 Brookins responded to the court's January 14 dismissal order saying that her
20 noncompliance "was not intended," that she was "distracted" during the course of this
21 matter "due to the bitter break-up of an almost-50 year personal relationship." Brookins'
22 statements in Plaintiff's motion seems inadequate to explain her conduct in this matter
23 given the California Rules of Professional Conduct adopted by the State Bar of
24 California. "A member shall not intentionally, recklessly, or repeatedly fail to perform
25 services with competence." Rule 3-110(A). Competence in relation to legal services
26 shall mean to apply to the "1) diligence, 2) learning and skill, and 3) mental, emotional,
27 and physical ability reasonably necessary for the performance of such service." Rule 3-
28 110(B). "These . . . rules shall be binding upon all members of the State Bar." Rule 1-

1 100(A).

2 The public records of the State Bar of California reflect that Brookins, Bar No.
3 212900, has been disciplined in 2004 and 2008, as follows:

4 In 2004, she was "suspended for one year, stayed, placed on three years
5 probation . . . and was ordered to make restitution. . . ." Brookins stipulated to
6 misconduct in six consolidated cases where, in short, "she failed to perform services
7 competently;" in a wrongful death matter in which her client was the plaintiff, she "did
8 not oppose the defendant's motion for summary judgment or appear at a hearing" and
9 did not inform her client of the ruling granting the motion; in representing an identity theft
10 defendant, she "failed to take any steps to set aside a bench warrant for the client's
11 arrest, failed to appear at eight hearings [and . . .] did not refund any portion of a \$4,000
12 advance fee;" and in a divorce case "filed an answer . . . but did no further work
13 [and] did not release the file to a new attorney" A copy of the State Bar discipline
14 summary with respect to attorney Brookins, dated March 11, 2015, is attached.

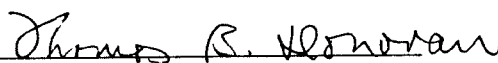
15 Brookins' conduct in this court suggests that she has not learned from her past
16 shortcomings and disciplinary proceedings. Rather, from the record in this adversary
17 proceeding Brookins appears to have accepted the representation of Plaintiff seeking to
18 recover on a \$638,211.68 judgment, filed an adversary proceeding on October 21,
19 2014, against a debtor seeking to discharge the judgment in chapter 7, then completely
20 disregarded her responsibilities to Plaintiff, her client, in this lawsuit until January 15,
21 2015, without any explanation other than to cite her "distraction" due to the break up of
22 a lengthy personal relationship.

23 Although Brookins' explanation is totally inadequate to explain why she
24 disregarded her responsibilities, Plaintiff seems to have a serious claim and the
25 circumstances here seem to warrant vacating the dismissal of Plaintiff's adversary
26 proceeding and allowing Plaintiff to proceed with his nondischargeability complaint,
27 pursuant to FRBP 9024 and FRCivP 60(b)(6).

28 If the foregoing relief is appropriate after notice and a hearing, it also would seem

1 that Plaintiff might be well-advised to seek a new attorney.

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24 Date: March 11, 2015


Thomas B. Donovan
United States Bankruptcy Judge



Wednesday, March 11, 2015

ATTORNEY SEARCH

Zakeya Leona Brookins - #212900

Current Status: Active

This member is active and may practice law in California.

See below for more details.

Profile Information

The following information is from the official records of The State Bar of California.

Bar Number:	212900		
Address:	Zakeya L. Brookins, Attorney at Law 4555 W Martin Luther King Jr Blvd Ste 224 Los Angeles, CA 90016	Phone Number:	(213) 210-2215
		Fax Number:	(708) 745-3201
		e-mail:	zakeyabrookins@yahoo.com
County:	Los Angeles	Undergraduate School:	Roosevelt Univ; Chicago IL
District:	District 2		
Sections:	None	Law School:	Howard Univ SOL; Washington DC

Status History

Effective Date	Status Change
Present	Active
2/23/2010	Active
2/22/2010	Inactive
7/1/2009	Not Eligible To Practice Law
7/17/2008	Inactive
7/1/2008	Not Eligible To Practice Law
2/1/2007	Inactive
7/8/2005	Active
9/16/2004	Not Eligible To Practice Law
5/25/2001	Admitted to The State Bar of California

Explanation of member status

Actions Affecting Eligibility to Practice Law

Effective Date	Description	Case Number	Resulting Status
Disciplinary and Related Actions			

Overview of the attorney discipline system.

1/5/2008	Discipline, probation; no actual susp.	06-O-12011	
11/20/2004	Discipline w/actual suspension	03-O-00770	Not Eligible To Practice Law

Administrative Actions

7/1/2009	Suspended, failed to pay Bar membr. fees	Not Eligible To Practice Law
7/1/2008	Suspended, failed to pay Bar membr. fees	Not Eligible To Practice Law
9/16/2004	Suspended, failed to pay Bar membr. fees	Not Eligible To Practice Law

Copies of official attorney discipline records are available upon request.

Explanation of common actions

State Bar Court Cases

NOTE: *The State Bar Court began posting public discipline documents online in 2005. The format and pagination of documents posted on this site may vary from the originals in the case file as a result of their translation from the original format into Word and PDF. Copies of additional related documents in a case are available upon request. Only Opinions designated for publication in the State Bar Court Reporter may be cited or relied on as precedent in State Bar Court proceedings. For further information about a case that is displayed here, please refer to the State Bar Court's online docket, which can be found at: <http://apps.statebarcourt.ca.gov/dockets/dockets.aspx>*

DISCLAIMER: *Any posted Notice of Disciplinary Charges, Conviction Transmittal or other initiating document, contains only allegations of professional misconduct. The attorney is presumed to be innocent of any misconduct warranting discipline until the charges have been proven.*

Effective Date	Case Number	Description
6/30/2011	03-O-00770	Order re Costs {PDF}
2/9/2010	06-O-12011	Order re Costs {PDF}
11/18/2009	06-O-12011	Order re Costs {PDF}
7/1/2009	03-O-00770	Order re Costs {PDF}
11/20/2008	03-O-00770	Stipulation {PDF}
6/12/2008	03-O-00770	Order re Costs {PDF}
1/5/2008	06-O-12011	Stipulation {PDF}
12/10/2007	03-O-00770	Order re Costs {PDF}
12/7/2007	03-O-00770	Order re Costs {PDF}
6/20/2007	03-O-00770	Order {PDF}
9/13/2006	03-O-00770	Order re Costs {PDF}
9/16/2005	03-O-00770	Order re Costs {PDF}

California Bar Journal Discipline Summaries

Summaries from the California Bar Journal are based on discipline orders but are not the official records. Not all discipline actions have associated CBJ summaries. Copies of official attorney discipline records are available upon request.

June 12, 2008

ZAKEYA LEONA BROOKINS [#212900], 56, of Chicago Probation was extended for three more years and she was ordered to make restitution. The order took effect June 12, 2008.

She was suspended and placed on probation in 2004 after stipulating to misconduct in six cases, including failing to perform legal services competently, refund unearned fees or provide a client's file to a new lawyer.

She also was disciplined in January 2008 for failing to perform legal services competently in a personal injury lawsuit she filed for her client.

January 5, 2008

ZAKEYA LEONA BROOKINS [#212900], 55, of Chicago was suspended for one year, stayed, and placed on one year of probation. The order took effect Jan. 5, 2008.

Brookins stipulated that she failed to perform legal services competently in a personal injury lawsuit she filed for her client against the Los Angeles Metropolitan Transportation Authority (MTA). Although she advised the court that she intended to withdraw as counsel, she never did so. But she failed to respond to discovery or appear or arrange for someone else to appear at her client's deposition.

Brookins contended that she introduced her client to another attorney whom she believed would pursue the case. She provided the file to the new lawyer and says his office manager provided assurances that he would handle the case.

Brookins moved to Georgia without notifying her client, opposing counsel or the court and without formally substituting out of the case.

She was disciplined in 2004 after stipulating to misconduct in six consolidated cases.

In mitigation, Brookins suffered from emotional and personal problems and did not have steady employment and thus was under financial stress.

November 20, 2004

ZAKEYA LEONA BROOKINS [#212900], 52, of Marietta, Ga. was suspended for one year, stayed, placed on three years of probation with a 90-day actual suspension and was ordered to make restitution, take the MPRE within one year and comply with rule 955. The order took effect Nov. 20, 2004.

Brookins stipulated to misconduct in six consolidated cases.

In three matters, she allowed her employee to retain clients on her behalf, often without her knowledge. She was rarely in the office to supervise the employee, and as a result, failed to perform legal services competently.

She substituted in to a wrongful death matter on behalf of the plaintiff, but did not oppose the defendants' motion for summary judgment or appear at a hearing, and summary judgment was granted. Brookins did not inform her client, who learned about it several months later when reviewing the court file.

A woman who had identity theft problems hired Brookins to help resolve them, but she failed to substitute in to a pending criminal case or to take any steps to set aside a bench warrant for the client's arrest. Brookins failed to appear at eight hearings. She did not refund any portion of a \$4,000 advance fee.

In a divorce case, Brookins filed an answer to the petition for dissolution but did no further work. She did not release the file to a new attorney and although the client won a small claims judgment of \$3,000, the client received no money.

In mitigation, Brookins cooperated with the bar's investigation and demonstrated remorse for her misconduct.

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