



FILED

OCT 13 2020

STATE BAR OF NEVADA
BY: B. Felix
OFFICE OF BAR COUNSEL

Case No: OBC20-0444

STATE BAR OF NEVADA
SOUTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,
vs.
Complainant,
THOMAS C. MICHAELIDES, ESQ.,
Nevada Bar No. 5425,
Respondent.

COMPLAINT

PLEASE TAKE NOTICE that pursuant to Supreme Court Rule (“SCR”) 105(2), a **VERIFIED RESPONSE OR ANSWER** to this Complaint **must be filed** with the Office of Bar Counsel, State Bar of Nevada (“State Bar”), 3100 W. Charleston Boulevard, Suite 100, Las Vegas, Nevada 89102, **within twenty (20) days of service of this Complaint**. Procedure regarding service is addressed in SCR 109.

General Allegations

1. Complainant, State Bar of Nevada, alleges that the Respondent, Thomas C. Michaelides, Esq. (“Respondent”), Nevada Bar No. 5425, is currently an active member of the State Bar of Nevada and at all times pertinent to this complaint had his principal place of business for the practice of law located in Clark County, Nevada.

2. Respondent engaged in acts of professional misconduct warranting the imposition of professional discipline as set forth below.

3. Darren Chaker retained Respondent on a child custody matter.

4. Chaker was unhappy with Respondent's representation. As a result, in or about 2018, Chaker posted negative online reviews about Respondent.

5. On August 7, 2018, Respondent filed a Complaint in the Eighth Judicial District Court against Chaker for claims of defamation, business disparagement, civil conspiracy, and injunctive relief.

6. Respondent obtained permission from the Court to serve Chaker via publication.

7. On November 19, 2018, Respondent filed a Notice of Entry of the Default.

8. Thereafter on May 28, 2019, Respondent filed an Application for Entry of Default Judgment.

9. At some point Chaker became aware of the case and retained counsel to set aside the default.

10. A Motion to Set Aside Default was filed on January 28, 2020, by Chaker's attorney.

11. According to the court docket, nothing was filed after the Application and before the Motion to Set Aside Default, and no hearing on the Application was ever held.

12. On or about February 27, 2020, Respondent, or his agent sent a falsified court Order to Google in an attempt to have Google remove the negative online reviews.

13. On March 31, 2020, Chaker filed a grievance with the State Bar of Nevada.

14. The grievance explained that on February 27, 2020, Respondent's paralegal, Pete Novak, emailed him a falsified default judgment directing that he remove the negative online reviews about Respondent.

15. In communication with the State Bar, Respondent admitted that he or his agent, Pete Novak, had sent the default judgment to Chaker in hopes that he would agree to a compromise.

16. Supporting his claim that the default judgment was falsified, Chaker noted that:

a. No default judgment was reflected on the Court's docket;

- b. The file stamp on the default judgment is for the exact same date and time as the file stamp on the May 28, 2019, Application;
- c. The file stamp on the default judgment appears to have been copied and pasted from the Application, as you can see an errant pleading paper line that was not deleted;
- d. The May 28, 2019, date file-stamped on the default judgment makes no sense given that the date the document was purportedly executed was May 30, 2019; and
- e. The signature of Judge Crockett on the default judgment appears to have been copied from the Order Granting Motion for Publication filed September 19, 2019.

17. On March 24, 2020, out of an abundance of caution, Chaker’s counsel filed a supplement to the Motion to Set Aside and to strike the default judgment received by Chaker, even though it was not on the Court’s docket.

18. At the hearing on April 2, 2020, Respondent represented to the Court that his goal in the case was to get a judgment to take to Google, but the judgment he received was not specific enough for Google to remove the posts.

COUNT I

RPC 3.3(a)(1) – Candor Toward the Tribunal

19. RPC 3.3(a)(1) states in relevant part:

(a) A lawyer shall not knowingly:

(1) Make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer.

20. Respondent represented to the court a court that his goal was to get a judgment to take to Google but failed to inform the court that he had already sent Google a falsified order.

21. Respondent knew or should have known his conduct was improper.

22. Respondent's conduct resulted in potential harm to legal profession and to the courts.

23. In light of the foregoing including, without limitation, paragraphs 1 through 18, Respondent has violated RPC 3.3 (Candor Toward the Tribunal).

COUNT II

RPC 3.4(b) – Fairness to Opposing Party and Counsel

24. RPC 3.4(b) states:

(b) Falsify evidence, counsel or assist a witness to testify falsely, or offer an inducement to a witness that is prohibited by law.

25. Respondent improperly sent a falsified default judgment to Darren Chaker to coerce him into removing negative online reviews about Respondent.

26. Respondent's conduct resulted in harm to the legal profession.

27. In light of the foregoing including, without limitation, paragraphs 1 through 18, Respondent has violated RPC 3.4 (Fairness to Opposing Party and Counsel).

COUNT III

RPC 4.1(a) – Truthfulness in Statements to Others

28. RPC 4.1(a) states:

In the course of representing a client a lawyer shall not knowingly:

(a) Make a false statement of material fact or law to a third person.

29. Respondent made a false statement to Google when he or his agent sent them a falsified default judgment in an attempt to have them remove the negative online reviews about him.

30. Respondent's conduct resulted in harm to the legal profession.

31. In light of the foregoing including, without limitation, paragraphs 1 through 18, Respondent has violated RPC 4.1 (Truthfulness in Statement to Others).

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COUNT IV

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RPC 4.2 – Communication with Persons Represented by Counsel

3 32. RPC 4.2 states:

4 In representing a client, a lawyer shall not communicate about the subject of the
5 representation with a person the lawyer knows to be represented by another
6 lawyer in the matter, unless the lawyer has the consent of the other lawyer or is
7 authorized to do so by law or a court order.

8 33. Respondent improperly contacted Darren Chaker by sending him the falsified default
9 judgment knowing that he was represented by counsel.

10 34. Respondent's conduct resulted in harm to the legal profession.

11 35. In light of the foregoing including, without limitation, paragraphs 1 through 18,
12 Respondent has violated RPC 4.2 (C0mmunications with Persons Represented by
13 Counsel).

14 **WHEREFORE**, Complainant prays as follows:

15 40. That a hearing be held pursuant to Nevada Supreme Court Rule 105;

16 41. That Respondent be assessed the actual and administrative costs of the disciplinary
17 proceeding pursuant to SCR 120; and

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42. That pursuant to SCR 102, such disciplinary action be taken by the Southern Nevada Disciplinary Board against Respondent as may be deemed appropriate under the circumstances.

DATED this 13 day of October, 2020.

STATE BAR OF NEVADA
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Complaint - Michaelides OBC20-0444

Final Audit Report

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