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April 12, 2022

**Via TrueFiling**

Daniel P. Potter, Clerk  
California Second District Court of Appeal  
300 South Spring Street  
Second Floor, North Tower  
Los Angeles, CA 90013

**Re: *Mireskandari v. Edwards Wildman Palmer LLP et al.*  
2d Dist. Case No. B301785; LASC Case No. BC517799**

Dear Mr. Potter,

We are in receipt of the Court's April 8, 2022, opinion in this matter, and are writing to respectfully request that the Court issue a minor, but crucial, correction to clarify that appellant Shahrokh Mireskandari's former firm, James & Associates, committed the rule violations described in the opinion, not his current firm, Dykema Gossett LLP.

As described in Mr. Mireskandari's supplemental letter brief of December 3, 2021, Mr. Mireskandari has been represented by two separate firms during the course of this appeal: James & Associates, a two-attorney boutique practice in Los Angeles County, and Dykema Gossett LLP, a large firm with a national presence. The substantial difference in size and resources was material to the events giving rise to the rule violations at issue. (See, e.g., Appellant's Suppl. Ltr. Br., Burnett Decl. ¶¶ 4-5 ["At all times relevant to this appeal, James & Associates was a boutique firm consisting of founding owner Ms. Becky James, myself, and one support staffer [...] I and the firm's [i.e. James & Associates's] sole support staffer were responsible for compiling the appellant's appendix for this appeal. I was also simultaneously responsible for creating a first draft of the opening brief."]; 24 ["Specifically, as a two-attorney firm dealing with

continued major logistical burdens associated with the pandemic, we [James & Associates] did not have the resources to unbundle the writ appendices or separately label each constituent document in the embedded writ appendices within the time allotted for filing [the opening brief and appendix].”.)

Dykema, of course, does not, did not, and has not experienced these challenges and applies the highest standards of quality control in its appellate filings. The opinion does not indicate that there was a significant change of firm months after the offending opening brief and appendix had been filed. In particular, each reader first reads the name of the law firm in the appellate counsel listing under the caption, and subsequent references to appellant’s counsel do not give any hint that the firm listed in the caption is different from the firm that committed the violations. This creates an inaccurate picture of Dykema’s resources and approach to appellate litigation.

This case breaks new ground in California law regarding professional negligence, and for that reason has captured the attention of various media outlets and blogs. It would be remiss to leave practitioners and the general public with the incorrect understanding that a firm of Dykema’s experience and ability would somehow lack the resources to comply with the California Rules of Court. This misunderstanding unfortunately appears to be uniformly held by all reasonable readers – even sophisticated ones – based on how the current opinion is constructed. (See, e.g., University of San Diego law professor Shaun Martin’s article on the “California Appellate Report” blog, <https://calapp.blogspot.com/2022/04/mireskandari-v-edwards-wildman-palmer.html> [“I’ll mention, by the way, that the appellate counsel who's getting slammed isn't some schlub, either; she's Becky James at Dykema Gossett, a certified appellate specialist -- but working out of Texas.”].)

Accordingly, we respectfully request that the opinion be modified to correct the record and reflect Mr. Mireskandari’s change of firm after the rule violations had been committed. Specifically, we request the following:

- On page two of the slip opinion, after footnote 1, add: “The opening brief and appendix were filed by James & Associates. Months after Respondents filed their substantive brief and moved for sanctions, and shortly before the deadline to file the Appellant’s Reply Brief, Mr.

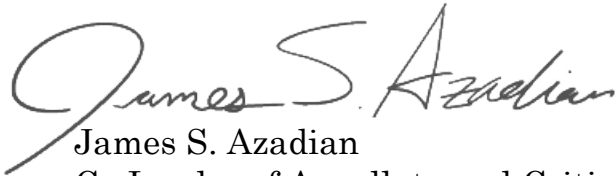
Mireskandari retained Dykema Gossett, which was not involved in drafting the opening brief or appendix.”

- On page 55 of the slip opinion, revise heading 7 to read: “Mr. Mireskandari’s original appellate counsel, James & Associates, violated rules governing the Appellant’s Appendix and Opening Brief, but extraordinary circumstances generated by the pandemic make sanctions inappropriate.”

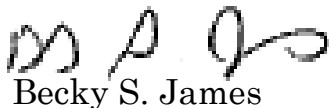
We trust that this Court will appreciate the importance of clarity and truth in this matter, and thank you for your consideration of this request.

Sincerely,

**Dykema Gossett LLP**



James S. Azadian  
Co-Leader of Appellate and Critical Motions Practice



Becky S. James

cc: John Moscarino; Katherine Balatbat

<p><b>STATE OF CALIFORNIA</b>                  California Court of Appeal, Second                  Appellate District</p>	<p><b><i>PROOF OF SERVICE</i></b></p> <p><b>STATE OF CALIFORNIA</b>                  California Court of Appeal, Second                  Appellate District</p>
<p>Case Name: <b>Mireskandari v. Edwards Wildman Palmer LLP                  et al.</b></p> <p>Case Number: <b>B301785</b></p> <p>Lower Court Case Number: <b>BC517799</b></p>	

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

4/12/2022

Date

/s/Lisa Burnett

Signature

Burnett, Lisa (324293)

Last Name, First Name (PNum)

Dykema Gossett

Law Firm