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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

PIERCE BAINBRIDGE BECK PRICE &  
HECHT LLP, a limited liability partnership,

Plaintiff,

v.

DONALD LEWIS, an individual,

Defendant.

**Case No. 19STCV16890**

Assigned for all purposes to Dept. 24  
Hon. Patricia Nieto

**DECLARATION OF DONALD LEWIS**

**In Support of Defendant's Motion for  
Sanctions Pursuant to CCP § 128.7**

Hearing Date: 10/29/2019  
Hearing Time: 8:30 a.m.  
Reservation No.: 999780189388

Action Filed: May 15, 2019  
Trial Date: none set

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

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	:	Case No. 19STCV16890
PIERCE BAINBRIDGE BECK PRICE & HECHT LLP, a limited liability partnership,	:	Judge: Hon. Patricia D. Nieto
<i>Plaintiff,</i>	:	
<i>-against-</i>	:	DECLARATION OF
	:	DONALD LEWIS, ESQ.
	:	FILED IN SUPPORT OF MOTION
	:	FOR DEMURRER AND SANCTIONS
	:	(CCP §128.7)
DONALD LEWIS, an individual,	:	
<i>Defendant.</i>	:	Action Filed: May 15, 2019
	:	Trial Date: None
	:	
	x	

Donald Lewis, an attorney duly admitted to practice law before the Courts of the State of New York, affirms as follows:

1. I am an attorney at law of the State of New York and the Defendant in this action. I am also a Plaintiff in two New York actions filed against the Pierce Bainbridge firm,<sup>1</sup> and recently became aware that I was also Defendant in a New York action, similar to the present action, which was filed *ex parte* and under seal by PB some three months ago.<sup>2</sup>

2. I am fully familiar with the facts and circumstances hereinafter set forth. This Declaration is submitted in support of the demurrer and motion for sanctions pursuant to California Civil Procedure Code § 128.7.

3. I did not engage in any misconduct with the False Accuser; it is an abject lie.

4. I blew the whistle on financial misdeeds at PB and the firm set out to silence and defame me; silencing failed and PB shifted to a full-blown nationwide defamation and discredit campaign, which included the filing of this sham complaint (the “LAC”).

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<sup>1</sup> Both New York actions are titled *Lewis v. Pierce Bainbridge Beck Price & Hecht, LLP, et al.* (“PB”), the first action under Index No. 652931/2019 and the second action under Index No. 1556861/2019.

<sup>2</sup> *Pierce Bainbridge Beck Price & Hecht, LLP v. Lewis, et al.*, Index No. 154910/2019 (the “PB-NY Action”).

## THE COVER-UP AND EFFORTS TO SILENCE ME

5. PB's cover-up commenced after I told Managing Partner John Pierce to cut out financial malfeasance.

6. There are a multitude of signs which, standing alone, strongly suggests a cover-up<sup>3</sup>:
- attempts to immediately demonize me and shatter my credibility through abject lies, including false allegations of sexual misconduct;
  - forced isolation which overrode the will of the partners to allow me to work from home during the "investigation;"
  - immediately locking me out of all of my accounts;
  - bogus threats of criminal charges in an effort to coerce my agreement with resignation and a lifetime gag order;
  - offer to "negotiate the investigation findings" in exchange for a lifetime gag order;
  - constitutionally violative gag order specified in my illegal termination letter;
  - the gag order that remains on all PB employees to this day;
  - e-mail threat from Pierce shortly after I was terminated to "let it go" or "I'll see you on a witness stand someday" (See Exhibit 34 attached to the Jones Declaration);<sup>4</sup>
  - an anime Facebook page in False Accuser's name with a comment by that same person just three days after I was banished stating: "I'm cashing in tonight." (See Exhibit 31); and
  - the reported illegal expulsion of a partner two months after I was expelled, and thirty minutes after the former partner said I got a "raw deal."

7. Then during 50-Day Negotiations PB threatened me with "#MeToo backlash" and "Career Killer" admonitions.

8. Aware their threats were failing, on May 15 at 12:00 am (16 hours before the LAC was filed) PB secretly filed the "PB-NY Action" based on the same nucleus of facts as the LAC.

9. PB did not inform me, this Court or the courts in New York of its filing; PB-NY Action sought to enjoin me from filing my Complaint, the subject of the 50-Day Negotiations.

10. A quick timeline illustrates the deceit of PB and its New York counsel.
- On May 8, by letter to Jeanine Conley of Littler Mendelson (PB's Counsel), I agreed to mediate, subject to an opening offer of seven-figures; PB time for response was May 13.
  - On May 13, PB's counsel Conley missed the deadline, claimed to have "misread" our one-page letter and asked for an extension. (See Exhibit 38). I agreed to extend.

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<sup>3</sup>Additional background information is provided in my counsel Neal Brickman's concurrently submitted Declaration.

<sup>4</sup> All exhibit number references are to Exhibits attached to the concurrently submitted Jones Declaration.

- On May 14, Conley referred to negotiations as “amicable” and “good faith” negotiations (see Exhibit 42); the PB-NY Action affidavits were executed that day; it appears Conley was engaged in deceitful stall tactics while her clients were secretly scheming.
- On May 14, Conley cut negotiations short because she had a “Gala to attend.”
- On May 15 at 12:00 a.m., PB surreptitiously filed the PB-NY action.
- On May 15, we resumed negotiations and Conley never mentioned the PB-NY Action.
- On May 15, I filed my complaint (the “LNYC”) at 11:40 a.m.
- On May 15, at 12:12 p.m., Conley requested I withdraw my complaint stating, PB “could get to Lewis’ number if you provide more time.” (See Exhibit 39). Unbeknownst to us, PB had already filed a complaint against me – the PB-NY Action.
- On May 15 at 2:12 p.m., we withdrew the LNYC, Conley thanked my counsel and then requested a filed-stamped copy of the withdrawn LNYC. (See Exhibit 40).
- On May 15 at 6:12 p.m., PB filed the sham LAC and included a filed-stamped copy of the withdrawn complaint; the LAC was never mentioned over the 50-Day Negotiations.
- A reporter from *The American Lawyer* called me shortly thereafter and sent us a copy which attached the filed-stamped copy we provided Conley.
- The LAC alleges: “[Lewis] deleted the filing as a tactic, furthering his scheme to extort [PB]. (LAC ¶ 3).

#### **THE COVER-UP FAILED AND PB RESORTS TO SCORCHED EARTH DEFAMATION**

11. In summary, on May 15, the same day the LAC was filed, PB filed a covert PB-NY Action which contains false statements of facts in sworn affidavits from two PB partners; PB’s counsel (Conley) negotiated all morning as if that filing never happened; PB asked us to withdraw our complaint mid-day and thanked us for doing so; PB represented they were trying to get to my number even though they had already filed the secret PB-NY Action; we withdrew the complaint; PB’s counsel thanked us for doing so; PB’s counsel requested a filed-stamped copy and said she was still working on her clients; four hours later I got a call from a reporter asking me about the complaint in Los Angeles for “extortion;” I had no idea what he was talking about, he sent me a copy and I saw right up front it said I filed and withdrew my complaint as “part of a scheme to extort;” and attached the filed-stamped copy we gave Conley hours earlier; the next morning the entire legal community received an article labeling me as an “Extortionist,” and having engaged in “Sexual Misconduct.”

12. The plan to obliterate my reputation and livelihood was apparently hatched once PB realized its months of defamatory and coercive silencing tactics had failed. The LAC served as a

catalyst to defame me nationwide as an “Extortionist,” a “Terrorist,” a “Credibly Accused Sexual Assaulter,” and a “Credibly Accused Sex Predator,” which Pierce called me on LinkedIn. (See Exhibit 55).

13. The PB smear campaign was facilitated by the misconduct of Michael D. Yim of Putney Twombly Hall & Hirson LLP, and Jeanine Conley of Littler Mendelson P.C.

14. The lengths to which PB will go to discredit me apparently knows no bounds.

15. As noted, I am in possession of materials that prove both Denver G. Edwards and Christopher N. LaVigne submitted sworn affidavits in the clandestine PB-NY Action which contain false statements of fact, directly related to claims in the LAC.<sup>5</sup>

16. The falsehoods in these affidavits are not innocent lies; they were submitted, just as the instant LAC, with extreme malice, to destroy my reputation and legal career.

#### **THE ALLEGED “CREDIBLE” FINDING IS NONSENSE / SHAM INVESTIGATION**

17. The first paragraph of the LAC alleges a “credible finding of sexual assault;” the LAC later says that Putney Twombly made this finding on November 30, 2018. (LAC ¶ 37).

18. This alleged “investigation” was an absolute sham.

19. Documents proving my innocence were buried; lies in the False Accuser’s fictitious statements were apparently disregarded; I was not afforded due process; and extortionate threats of bogus arrest were made. Yim orally provided a time of incident; I proved I was not in the vicinity, following which Yim then claimed he misspoke. Former NYPD detectives have said the “investigation” was a farce. (See Brickman Decl. ¶¶ 16-60 for more on the sham investigation).

20. On November 7, 2018, lead “investigator” Yim promised to provide me the final report. I was illegally expelled five days later, hours after I sent an email to my partners detailing

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<sup>5</sup> I learned about the LAC (same day it was filed) and the PB-NY Action (three months after it was filed), in both instances from a reporter. See New York ECF filing details dated May 15 and August 21, 2019, Exhibit 56.

concerns about the sham investigation and misconduct at the firm. I never heard from Yim again.

21. On or around December 9, 2018, after a hockey game we played together, LaVigne told me General Counsel Carolynn Beck was “showing people a report,” but that it was “inconclusive” and Putney “punted.”

22. As noted, during the 50 days my LNYC was negotiated, I was threatened by PB and its representatives that I should not go public because of “#MeToo backlash” and “Career Killer” fall out if I were to file. Never once did anyone on the PB side mention a “credible” finding.

23. The LAC was filed and it claims a “**credible**” finding and shortly thereafter Pierce brands me a “**credibly** accused sexual assaulter” and “**credibly** accused sex predator” on LinkedIn where he has 30,000 connections including certain of our Harvard Law School classmates and other mutual professional contacts. (See Exhibit 55).

24. Putney's own counsel has hinted that the report does not say what PB claims it says. This is consistent with LaVigne's comments to me that the Putney report is inconclusive and that nobody at the firm believes the False Accuser.

#### **FALSE ACCUSER’S WORK ISSUES AND LACK OF CREDIBILITY**

25. The day before the False Accuser allegedly made the False Allegations, she had been accused of “lying,” was the subject of harsh criticism from several personnel for deficient work, and the firm agreed to interview a candidate to oversee the responsibilities of False Accuser. (See Exhibit 9). False Accuser was very likely aware of this criticism and the scheduled interviews as she apparently had access to Pierce’s email.

26. LaVigne, the bookkeeper and another associate of the firm referred to False Accuser as a “liar.” (See *e.g.*, Exhibit 9). LaVigne also had expressed concern that False Accuser was unstable and should not be permitted around certain firm files. (See Exhibit 9). An associate at the firm expressed the same view.

27. After I was illegally expelled, LaVigne said to me on several occasions in sum and substance: “Everyone knows she is lying; no one thinks you did this.”

#### **RACIST DOUBLE STANDARD OF PIERCE AND BECK**

28. Beck claimed I was placed on leave “due to the nature of the allegations.” I am African American and the actions against me were racially charged.

29. Around two weeks before I was placed on leave, I blocked the candidacy of a Caucasian lateral partner whom a female partner had referred to as a “creepy sexual harasser” who “makes my skin crawl,” concerns which were known to Pierce and LaVigne. (See Exhibit 2).

30. A few days after I was banished, Pierce and Beck reportedly invited this Caucasian “creepy sexual harasser” lateral partner candidate to interview with the firm. (See Exhibit 2).

#### **THE JOHN PIERCE ISSUES**

31. John Pierce has spearheaded this all. As the primary perpetrator, Pierce most needed to cover-up the financial misconduct.

32. In light of the surreal level of misconduct against me certain characterizations of Pierce are relevant to understanding his reprehensible and desperate misconduct.

33. LaVigne has written that Pierce is a “bully,” a “snake” and “loses track of his lies;” LaVigne has also referred to Pierce as a “lunatic.” (See Exhibit 3).

34. A former partner of characterized Pierce as a “narcissistic sociopath at the helm.” (See Exhibit 4). Partners Jonathan Sorkowitz and LaVigne and the bookkeeper agreed.

35. Pierce’s 24/7 personal assistant Lauren Schaefer-Green (“LSG”) has written “all John does is lie to me;” Pierce responded: “I didn’t lie about anything this time.” (See Exhibit 5).

36. The firm’s bookkeeper, while opining that Pierce would “likely only respond to a guy” as CFO, added: “‘Fiduciary duty’ means nothing to him.” (See Exhibit 6).

37. Pierce announced firm wide “all Los Angeles women are stick-up artists,” he has also referred to women as “whack jobs” and psycho females.” (See Exhibit 7).

38. Pierce has suggested publicly that Delta Airlines is engaged in an “extortion plot” (Exhibit 1, ¶ 1) and messaged General Counsel Beck about his personal assistant: “I will be thrilled to prosecute [LSG] for dozens of counts of extortion if she f\*\*ks with me. I am done being abused and blackmailed by psycho females. Done.” (See Exhibit 7).

39. Pierce, upon learning that a male judge “was the target of an investigation for allegedly using sexist and abusive language in his dealing with attorneys,” remarked – in writing – in a message available to the entire firm: “Ha now THAT’s my kind of judge. Nice.” Pierce was not done, he chimed in again: “Perfect.” (See Exhibit 7).

40. Pierce’s view of women as “stick up artists,” “extortionists,” “whack jobs,” and “psycho females” to be “verbally abused” does not comport with his rush to judgment against me. (See Exhibit 7). I am in no way endorsing Pierce’s views or suggesting allegations of sexual misconduct should not be taken seriously, however his rank hypocrisy comports with a cover-up.

41. The LAC claims that the statement that “one of the firm’s partners has a substance abuse problem” is defamatory. (LAC ¶ 31(b)).

42. This is false. Pierce is the unidentified partner. Given the subject matter, I defer to the Sanctions Addendum and the primary source communications therein. The screenshots speak for themselves. (See Sanctions Addendum, Point 1).

43. The LAC alleges the statement “one of the partners has a ‘dire’ financial situation, due to among other things, alimony payments” is somehow defamatory. This is false.

44. Pierce amassed almost \$1,500,000 in tax liens in less than two years. (See Exhibit 50).

45. Pierce had late payments on his \$21,000 alimony obligation, and reportedly directed the firm bookkeeper to make alimony payments from firm bank accounts. (See Exhibit 51).

**PB’S SHAM LOS ANGELES COMPLAINT**

46. The LAC was filed *pro se* by Pierce and Edwards; Edwards signed the LAC. It was a retaliatory PR stunt, with the exclusive objective to defame and discredit me.

47. The first three paragraphs of the LAC set the stage.

- LAC ¶ 1 – “credible allegation of sexual assault” -- As discussed, this is simply not believable; Pierce seems to have made it up. (See Sanctions Addendum Point 14)
- LAC ¶ 2, 51 – “sought to extort a sum of \$65 million multiple times” – Edwards’s own e-mails refute this lie and illustrate his understanding and agreement from virtually Day 1 that we sought to reach a resolution in the seven-figure “range.” (See Exhibit 37). Edwards initially asked if \$65 million was needed to resolve this, my counsel said, “of course not.”
- LAC ¶ 3 – “Lewis deleted the filing as a tactic, furthering his scheme to extort” -- PB’s own counsel, Conley, requested by e-mail that we withdraw the complaint and thanked us by e-mail for doing so. (See Exhibit 40).

#### **The LAC’s Revelation of New Details & Lies About False Accuser**

48. The LAC revealed new details that are irrelevant to PB’s claims, solely to disparage me, including an allegation about a purported “engorged penis.” (See *e.g.*, LAC ¶ 18).

49. The LAC unnecessarily reveals intimate details about False Accuser’s past which are irrelevant to the LAC claims; PB exploited False Accuser to disparage and discredit me.

50. The LAC alleges I revealed the “False Accuser’s” two names, which “was not information False Accuser discloses publicly” exposing her to harm. (LAC ¶ 24.) This is false.

51. The False Accuser’s two names were no secret at PB, the firm’s bookkeeper characterized it as “trivia” (see Exhibit 44); several partners knew.

52. False Accuser had Twitter and Couchsurfing.com profiles with both names.

53. I pointed these pages out generally a few days before I was illegally expelled; they were deleted days later. The Twitter page is available. (See Exhibit 30).

54. The LAC contains multiple falsehoods and/or grossly misleading statements. The accompanying “Sanctions Addendum” contains a multitude of egregious examples. (See Exhibit 1).

#### **POST TERMINATION COMMUNICATIONS WITH PB PARTNER CHRIS LAVIGNE**

55. Post-expulsion, I continued to communicate and play hockey with LaVigne. LaVigne, who shared my firm knowledge, routinely asked when I was going to “drop the bomb?”

56. Illustratively, upon learning Pierce reportedly had siphoned \$200,000 in two months and directed the F to pay alimony with firm funds, LaVigne said it was “very serious” and advised me to “download all this stuff ... and give it to a lawyer.” (See Exhibit 8). LaVigne is a white-collar attorney.

57. The LAC claims LaVigne and I did not play hockey together from November 12 until April 24; this is a lie. (LAC ¶ 39). I have photos and texts to prove it. (See *e.g.*, Exhibit 53).

58. The LAC grossly mischaracterizes the nature of an April 24, 2019 conversation I had with LaVigne after a hockey game.

59. The LAC’s fictionalized version that I “threatened” LaVigne and “followed him down the street for 45 minutes” is absurd. (LAC ¶¶ 38-45). We hung out in one of our regular post-hockey bar for about two hours after our conversation and intermittently continued our PB conversation.

60. Salient facts have been omitted:

- a. Lavigne asked me: “What will it take to make this go away, \$2 million?” I said “\$3.5 million.” For the LAC to claim this was “extortion” is in remarkably poor faith; I simply responded to his question.
- b. LaVigne attempted to get an understanding of my analysis of relevant fiduciary law and liability of individual PB partners.
- c. We discussed the potential for the judgment proof Pierce cratering the firm and leaving the partners holding the liability bag.
- d. LaVigne said the partners have “no idea what is going on,” because Pierce had “shielded them off” and they are “all afraid of him.”
- e. LaVigne said he “almost got fired” when I sent the draft LNYC.

#### **SANCTIONS ARE WARRANTED**

61. Edwards executed the LAC. He lied in the LAC about issues contradicted by his own e-mails. He said one thing in a sworn affidavit in New York and contradicted himself in this filing. He served the LAC even after receiving our defamation Complaint and continued to pursue the action after receiving our frivolous pleading notice letter; both of those documents include e-mails, texts and Slack messages showing that a multitude of the allegations are outright lies.

62. PB and its NY counsel have engaged in a whirlwind of bad faith and deluge of lies. Since I blew the whistle, PB first sought to cover-up its malfeasance by manufacturing and/or exploiting false allegations of sexual misconduct, using them to make extortionate threats against me and coercing me into agreeing to resign my partnership and agree to a lifetime gag order.

63. When that did not work, PB attempted to impose on me a ridiculous gag order directive in my termination letter. (See Exhibit 35). When that didn't work, Pierce banned all employees at the firm from ever speaking to me again; and according to LaVigne, Pierce threatened to "kill anybody if I hear they are communicating with Don." PB continued to try to mute me through threats of career destruction if I filed my complaint publicly.

64. PB then attempted to enjoin me from filing the LNYC through the clandestine PB-NY Action, and enlisted its counsel (Conley) to engage in deceitful stall tactics. As a last ditch effort, PB filed the LAC to defame and discredit me nationwide so no one would believe the gross misconduct set forth in the LNYC, which PB knew would be re-filed the next morning.

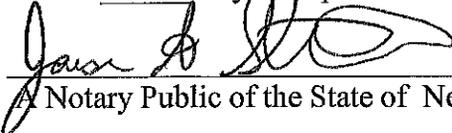
65. The LAC was conceived with extreme malice, it was facilitated by deception, constitutes retaliation, and is premised on demonstrable lies, certain of which are contradicted in PB's own filings, including sworn affidavits, in the PB-NY Action. The LAC has been the centerpiece for a nationwide defamatory smear campaign against me and its claims are wholly without merit.

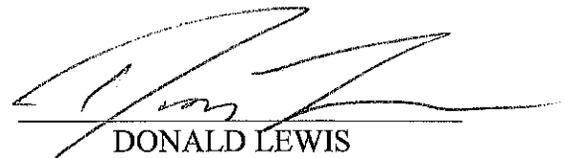
I declare under penalty of perjury of the laws of California that the foregoing is true and correct.

Dated: September 4, 2019

State of New York  
County of New York

Subscribed and sworn to before me  
on this 4<sup>th</sup> day of September 2019.

  
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Notary Public of the State of New York

  
DONALD LEWIS

JASON A. STEWART  
Notary Public, State of New York  
No. 02ST6389232  
Qualified in Kings County  
Commission Expires March 25, 2023