

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,  
Complainant,

v.

DAVID JAMES STERN,  
Respondent.

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Supreme Court Case  
No.

SC11-1192

The Florida Bar File  
No. 2011-51,328(17I)

FILED  
TRAVIS D. HALL  
2011 JUN 17 AM 10:52  
BY

**COMPLAINT**

The Florida Bar, complainant, files this Complaint against David James Stern, respondent, pursuant to the Rules Regulating The Florida Bar and alleges:

1. Respondent is, and at all times mentioned in the complaint was, a member of The Florida Bar, having been admitted on November 27, 1991, and is subject to the jurisdiction of the Supreme Court of Florida.

2. On May 20, 2011, the Seventeenth Judicial Circuit Grievance Committee "I" found probable cause to file this complaint pursuant to Rule 3-7.4, of the Rules Regulating The Florida Bar, and this Complaint has been approved by the presiding member of that committee.

3. Respondent's law firm represented SunTrust Bank in a mortgage foreclosure action under appeal styled Mortgage Electronic Registration Systems,

Inc., v. SunTrust Bank et al, Case No. 5D11-197, in the District Court of Appeal of the State of Florida, Fifth District.

4. On or about February 16, 2011, the Court entered an Order to Show Cause requiring respondent to show cause why sanctions should not be entered against him for his failure to timely file certain documents in accordance with a prior Order of the Court. A true and correct copy of the February 16, 2011 Order is attached hereto and incorporated herein by reference as The Florida Bar's Exhibit A.

5. Respondent failed to produce the documents and has otherwise failed to respond.

6. On or about March 14, 2011, the Court referred this matter to The Florida Bar for "investigation and consideration of appropriate disciplinary action for failing to comply with the February 16, 2011 Order." A true and correct copy of the March 14, 2011 Order is attached hereto and incorporated herein by reference as The Florida Bar's Exhibit B.

7. By the conduct set forth above, respondent violated the following R. Regulating Fla. Bar:

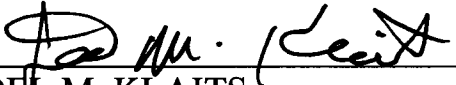
A. Rule 3-4.2 [Violation of the Rules of Professional Conduct as adopted by the rules governing The Florida Bar is a cause for discipline.];


B. Rule 4-3.4(c) [A lawyer shall not knowingly disobey an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists.]; and

C. Rule 4-8.4(a) [A lawyer shall not violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.].

WHEREFORE, The Florida Bar respectfully requests this Court enter an Order appropriately disciplining the respondent in accordance with the applicable provisions of the Rules Regulating The Florida Bar as amended.

Respectfully submitted,

  
\_\_\_\_\_  
JOEL M. KLAITS  
Bar Counsel,  
The Florida Bar  
Lake Shore Plaza II  
1300 Concord Terrace, Suite 130  
Sunrise, Florida 33323  
(954) 835-0233  
Florida Bar No. 108359

  
\_\_\_\_\_  
KENNETH LAWRENCE MARVIN  
Staff Counsel  
The Florida Bar  
651 East Jefferson Street  
Tallahassee, Florida 32399-2300  
(850) 561-5600  
Florida Bar No. 200999

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have served the original of the foregoing Complaint to Thomas D. Hall, Clerk of the Supreme Court of Florida, Supreme Court Building, 500 South Duval Street, Tallahassee, Florida, 32399-1927; a copy of the foregoing, by certified mail No. 7004 0750 0003 4586 9433, return receipt requested, to Jeffrey Alan Tew, Counsel for Respondent, at Tew Cardenas, L.L.P., 1441 Brickell Avenue, Floor 15, Miami, Florida 33131-3429; and a copy of the foregoing by first-class mail to Joel M. Klaitis, Bar Counsel, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, on this 16th day of June, 2011.



\_\_\_\_\_  
KENNETH LAWRENCE MARVIN  
Staff Counsel

**NOTICE OF TRIAL COUNSEL**

PLEASE TAKE NOTICE that the trial counsel in this matter is Joel M. Klaitis, Bar Counsel, whose address and telephone number are The Florida Bar, Lake Shore Plaza II, 1300 Concord Terrace, Suite 130, Sunrise, Florida 33323, (954) 835-0233. Respondent need not address pleadings, correspondence, etc. in this matter to anyone other than trial counsel and to Staff Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300.

**MANDATORY ANSWER NOTICE**

RULE 3-7.6(h)(2), RULES OF DISCIPLINE, EFFECTIVE MAY 20, 2004, PROVIDES THAT A RESPONDENT SHALL ANSWER A COMPLAINT.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,

Appellant,

v.

CASE NO. 5D11-197

SUNTRUST BANK, ET AL.,

Appellee.

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DATE: February 16, 2011

**BY ORDER OF THE COURT:**

ORDERED that Laura M. Carbo, Esq. counsel for Appellant and David J. Stern, Esq. counsel for Appellee shall file with this Court and show cause within ten days from the date hereof, why they should not be sanctioned for failing to timely file a Mediation Questionnaire and Confidential Statement.



*Identify that the foregoing is  
the original Court order.*

SUSAN WRIGHT, CLERK

cc: Laura M. Carbo, Esq. and Serena Kay Tibbitt, Esq.  
David J. Stern, Esq.  
Scott A. Livingston, Esq. and Daniel M. Eisel, Esq.  
Paul A. Baltzar

THE FLORIDA BAR'S  
EXHIBIT  
A

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC,

Appellant,

v.

CASE NO. 5D11-197

SUNTRUST BANK, ET AL.,

Appellee.  
\_\_\_\_\_ /

DATE: March 14, 2011

**BY ORDER OF THE COURT:**

ORDERED that David J. Stern, Esq. is hereby referred to The Florida Bar for investigation and consideration of appropriate disciplinary action for failing to comply with the February 16, 2011 Order of this Court. A copy of the relevant Order is provided herewith to The Florida Bar.

*I hereby certify that the foregoing is  
(a true copy of the original Court order.*

  
SUSAN WRIGHT, CLERK



cc: The Florida Bar (with copy of February 16, 2011 Order)  
Laura M. Carbo, Esq. and Serena Kay Tibbitt, Esq.  
David J. Stern, Esq.  
Scott A. Livingston, Esq. and Daniel M. Eisel, Esq.  
Paul A. Baltzar

THE FLORIDA BAR'S  
EXHIBIT

B  
\_\_\_\_\_

**POSSIBLE VENUE**

FILED  
TUESDAY JUN 17 2011  
2011 JUN 17 AM 10:52  
BY \_\_\_\_\_

The Florida Bar v. David James Stern

The Florida Bar File No. 2011-51,328(17I)

- 1. Residence: Broward County
- 2. Offense: Broward County
- 3. Office: Broward County

SC11-1192

**OTHER PENDING COMPLAINTS AT SUPREME COURT**

**CASE NUMBER                      FILE NUMBER                      REFEREE**

None

ESTIMATED TRIAL TIME: 1 ½ days



## THE FLORIDA BAR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

FILED  
THOMAS D. HALL  
2011 JUN 17 AM 10:52  
BY \_\_\_\_\_ 850/561-5600  
WWW.FLORIDABAR.ORG

June 16, 2011

The Honorable Thomas D. Hall, Clerk  
Supreme Court of Florida  
Supreme Court Building  
500 South Duval Street  
Tallahassee, FL 32399-1927

SC11-1192

Re: The Florida Bar v. David James Stern  
The Florida Bar File No. 2011-51,328 (17I)

Dear Mr. Hall:

Pursuant to Rule 3-3.2(b), Rules of Discipline, I have enclosed the original formal complaint for filing along with one copy and request that the court assign a referee.

Sincerely,

Tameika Gainous  
Administrative Secretary I  
Lawyer Regulation

Enclosures

cc: Mr. Jeffrey Allen Tew; Certified Mail RRR # 7004 0750 0003 4586 9433  
Mr. Joel M. Klaitz, Bar Counsel – Ft. Lauderdale Branch Office