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10 Attorneys for Plaintiffs,
THE PEOPLE OF THE STATE OF CALIFORNIA,
11 and Real Party in Interest,
THE CITY AND COUNTY OF SAN FRANCISCO
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN FRANCISCO
15 UNLIMITED JURISDICTION

16 THE PEOPLE OF THE STATE OF
CALIFORNIA, acting by and through San
17 Francisco City Attorney Dennis J. Herrera,

18 Plaintiff,

19 vs.

20 MARTIN R. GUAJARDO; CHRISTOPHER
STENDER; IMMIGRATION PRACTICE
21 GROUP, P.C.; and DOES 1 through 20,
inclusive,

22 Defendants.
23

Case No.

**DECLARATION OF HECTOR HERNANDEZ
IN SUPPORT OF THE PEOPLE'S
APPLICATION FOR PRELIMINARY
INJUNCTION**

1 I, HECTOR HERNANDEZ MANCERA, declare as follows:

- 2 1. I am a citizen of Mexico and I currently live in Tuxpan, Michoacan, Mexico. I came to the
3 United States in July of 1995.
- 4 2. I speak English fluently.
- 5 3. My father is Jaime Hernandez.

6 I Tried to Become a U.S. Citizen

- 7 4. In 1997, my father began helping me get my green card. On September 9, 1997, the INS
8 approved my visa petition. When my father became a United States citizen in 2001, I
9 submitted an I-485 Application for Adjustment of Status.
- 10 5. At the time when the I-485 application was submitted to the INS, I lived with my mother Hilda
11 Mancera in San Francisco. In May of 2003, my mother purchased a house in Concord,
12 California, and I moved to that address with her.
- 13 6. In August of 2003, I appeared at the immigration office in San Francisco to provide my new
14 address to the INS and to renew my employment authorization. I believed that, by submitting
15 an employment authorization application with my new address to the INS, I would satisfy the
16 requirement of updating my address with the INS.

17 I Was Sent Back to Mexico on October 15, 2007

- 18 7. On October 15, 2007, I went to the immigration office in San Francisco again. I made an
19 appointment at the San Francisco office through the USCIS website to inquire into the status of
20 my I-485 application and to submit an application for employment authorization. By that time,
21 I had been waiting for a decision on my I-485 application for six years.
- 22 8. After I explained the purpose of my visit to the immigration office at the window, I was
23 arrested and put in jail. On that same day I was deported to Mexico.

24 My Father Hired Guajardo to Help Me

- 25 9. The day after I was deported to Mexico, my father visited me in Mexico and told me that he
26 had retained an attorney named Martin Guajardo to help me legally return to the United States.

1 10. Over the next approximately fifteen months, I estimate that I spoke to Guajardo on the phone
2 about 10 times. We spoke every few months. When we spoke, I was usually on speaker phone
3 and my father was in Guajardo's office.

4 11. I have since learned from people in my family that Guajardo stopped being a lawyer in April
5 2008. Neither he nor anyone at this firm ever told me, either orally or in writing, that he
6 stopped being a lawyer. I believe that about five of my conversations with Guajardo occurred
7 after he stopped being a lawyer.

8 12. All of my conversations with Guajardo, both before and after he stopped being a lawyer, were
9 basically the same. He would talk to me about my case. He would tell me that he was working
10 on my case, and that he was waiting for a response from the government. I believed he was a
11 lawyer the entire time, and he never gave me any reason to believe otherwise or even to be
12 suspicious of him.

13 13. On one occasion, in January of 2009, Guajardo called me on the phone and said that
14 Christopher Stender was going to work on my case. I said "hi" to Stender, but did not discuss
15 my case with him. Stender did not ask me any questions at that time or at any time and I have
16 never talked to him again.

17 14. When Guajardo told me about Stender, I had the impression that Guajardo was the head of the
18 office and that he had people working for him, one of whom was Stender. I did not believe
19 that Guajardo was no longer my lawyer. Guajardo never told me that he was going to stop
20 being my lawyer.

21 15. Even after this conversation with Stender, I continued to speak with Guajardo and he continued
22 to discuss my case with me.

23
24 I declare under penalty of perjury under the laws of the State of California that everything in this
25 declaration is true and correct to the best of my knowledge and recollection on November 13,
26 2010.



Hector Hernandez Mancera

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