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11

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

16 PEOPLE OF THE STATE OF CALIFORNIA,
acting by and through DAVID CHIU AS
CITY ATTORNEY OF SAN FRANCISCO,

17 Plaintiff,

18 vs.

19 LEONARD LACAYO; ADA LACAYO;
20 LACAYO & ASSOCIATES, an
unincorporated business entity of unknown
21 form; and DOES 1 THROUGH 20,

22 Defendants.
23
24
25
26
27
28

Case No. CGC-16-553699

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF MOTION TO
ENFORCE INJUNCTION PURSUANT TO
CALIFORNIA BUSINESS & PROFESSIONS
CODE SECTION 17207**

Hearing Date: August 30, 2022
Time: 9:30 a.m.
Department: 302

Date Action Filed: August 15, 2016
Trial Date: Not set

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Superior Court of California,
County of San Francisco

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1 **I. INTRODUCTION**

2 Leonard Lacayo and his business partnership Lacayo & Associates (collectively “Defendants”)
3 are unlawfully providing immigration-related services for compensation in brazen violation of the
4 Stipulated Injunction (“Injunction”) entered by this Court. For many years, before and after the
5 Injunction, Defendants have preyed upon vulnerable, mostly low-income, immigrants seeking
6 assistance on life-altering immigration matters. Not knowing where to turn for honest legal assistance,
7 many immigrants turned to Defendants. Defendants have provided immigration services more than
8 400 times since they were prohibited from doing so, and they do so despite the order of this Court, and
9 despite repeated admonitions from the California State Bar to cease their unauthorized practice of law.

10 None of this should have happened. In September 2017, this Court entered an Injunction
11 prohibiting defendants Leonard Lacayo, Ada Lacayo,¹ and Lacayo & Associates from providing *any*
12 immigration-related services, except that Defendants were permitted to provide translation and
13 secretarial services to attorneys in certain circumstances. Yet, Defendants have comported themselves
14 as if the Injunction did not exist, as if Leonard Lacayo is an attorney, and unlawfully lining their
15 pockets, all while doing irreversible injury to hundreds of vulnerable individuals, and harming the
16 reputation of the legal profession and legal system.

17 This must stop. The People hereby move to enforce the existing Injunction against Defendants
18 as to their violations of the Injunction as detailed below. The People seek an order from this Court
19 implementing the Injunction’s provision for extension of its terms for an additional 60 months, and
20 modifying the Injunction to extend Defendants’ reporting requirements under Paragraph C from three
21 years to the Injunction’s full 60-month renewed term. The People also seek an order directing
22 Defendants to: (1) immediately stop providing immigration-related services of any kind as required by
23 the Injunction; (2) notify all persons to whom they have provided immigration, translation, or
24 secretarial services since September 6, 2017 of the Court’s order on this motion and the notice
25 described in Paragraph B.1.c of the Injunction; (3) hand over client documents and files to Defendants’
26 immigration-related clients upon their request; (4) certify compliance with the previous three

27 _____
28 ¹ Defendant Ada Lacayo passed away on January 5, 2022. (Declaration of Borys Procak
 (“Procak Decl.”) at ¶6, Ex. D.).

1 directives; (5) provide a report to the People of the amount of compensation Defendants have received
2 from attorneys to whom Defendants have provided services from July 1, 2021 to June 30, 2022; (6)
3 provide to the People for inspection Defendants’ business records related to their provision of
4 translation and secretarial services; (7) pay civil monetary penalties; and (8) pay attorneys’ fees and
5 costs as allowed under the Injunction. The requested relief is consistent with the Injunction and
6 providing it will ensure that Defendants do not continue to shamelessly disregard their obligations
7 under it and harm the public.

8 **II. PROCEDURAL HISTORY.**

9 **A. Earlier Proceedings In This Action.**

10 On August 15, 2016, the People of the State of California (the “People” or “Plaintiff”) filed a
11 civil Complaint in San Francisco Superior Court seeking injunctive relief, civil penalties, and
12 restitution pursuant to California Business & Professions Code §§ 17200 *et seq.*, 17500 *et seq.*, and
13 22440 *et seq.* (*See People of the State of California v. Leonard Lacayo et al.*, S.F. Super. Ct. Case No.
14 CGC-16-553699.) At heart, the Complaint alleged that Defendants engaged in a large fraudulent
15 immigration scam, purporting to provide immigration legal services when none of the Defendants
16 were lawyers or otherwise qualified to provide legal advice. (*See Declaration of Kristine A. Poplawski*
17 (“Poplawski Decl.”), Ex. 2 (Complaint), at ¶¶ 1-5, 15-27.)

18 The parties reached a negotiated settlement in late August 2017. (*See Poplawski Decl.*, Ex. 1,
19 Notice of Entry of Stipulated Injunction and Judgment.) The Court approved and entered the
20 Stipulated Injunction and Stipulated Judgment on September 6, 2017. (*Id.*, Ex. 1, A, B.) The following
21 day, Plaintiff served notice of the September 6, 2017 entry of the Stipulated Judgment and Stipulated
22 Injunction on Defendants by first class mail and email. (*Id.*, Ex. 1.)

23 **B. The September 6, 2017 Injunction.**

24 Among other things, the September 6, 2017 Injunction expressly prohibits Defendants from:

- 25 • providing *any* immigration-related services in California (*see Poplawski Decl.*, Ex. 1-
26 A, Injunction at ¶ B.1);
- 27 • having direct contact with clients of attorneys to whom Defendants provide translation
28 or secretarial services except in the attorney’s presence (*see id.*, at ¶ B.1.a);

- accepting payment from clients for filing fees or for any services provided by the attorney or by Defendants (*see ibid.*);
- referring any person to an attorney for an immigration-related matter, including offering or displaying business cards for immigration attorneys (*see id.*, at ¶ B.5).

Defendants also have several affirmative obligations pursuant to the Injunction. As relevant here, Defendants are required to promptly return all original documents and complete files to former clients to whom Defendants have provided immigration-related services upon the former client’s request (*see Poplawski Decl., Ex. 1-A. at ¶ B.6 (Injunction)*). Defendants also were required to report to Plaintiff twice a year, for three years, the amount of compensation they received from attorneys to whom Defendants provided services. (*See id.*, at ¶ C.) Defendants are also required to permit Plaintiff’s representatives to inspect Lacayo & Associates’ records upon request, and to send “testers” posing as clients to Lacayo & Associates to determine compliance with the Injunction. (*See id.*, at ¶ D.)

The Injunction provides for enforcement pursuant to Business and Professions Code Section 17207. (*see Poplawski Decl., Ex. 1-A, at ¶ E (Injunction).*) Moreover, the Injunction specifies that if after noticed motion and hearing the Court finds that Defendants violated the Injunction: (1) the Injunction’s provisions are to continue for an additional 60 months from the date of entry of such an order (*see id.*, at ¶ G); and (2) the People “shall be entitled to reasonable attorney’s fees and costs incurred in enforcing” and/or “monitoring” compliance with the Injunction. (*see id.*, at ¶ E.)

III. STATEMENT OF FACTS

A. Defendants Continue To Unlawfully Provide Immigration Services In Violation Of The Injunction.

Undaunted, Defendants continue to violate the Injunction with their unlawful activities. Proof of Defendants’ intentional and ongoing violations include the sworn declarations of two government agencies – one federal, one state; two members of the public to whom Defendants offered immigration-related services; and two testers as allowed by Paragraph D of the Injunction, to whom Defendants also offered immigration-related services.

1 **1. Hundreds Of Applications And Petitions Filed With U. S. Citizenship And**
2 **Immigration Services List Defendants’ Address.**

3 Between September 6, 2017, the date the Injunction was entered, and July 20, 2022, United
4 States Citizenship and Immigration Services (“USCIS”) received 414 applications and petitions for
5 immigration benefits bearing Defendants’ business address of 3330 Mission Street, San Francisco, CA
6 as the applicants’ mailing or residential address. (Declaration of Sterling Garnett (“Garnett Decl.”) at ¶
7 3.) Of these, 25 applications and petitions were filed in the remaining months of 2017, that is
8 *immediately after* the Court entered the Injunction. (*Id.*, at ¶ 4.) In 2018, 131 applications and petitions
9 were filed, 95 in 2019, 118 in 2020, 33 in 2021, and as of July 20 there have been 12 in 2022. (*Ibid.*)
10 These 414 applications and petitions were associated with no fewer than 258 different immigrants.
11 (*Id.*, at ¶ 3.) In the past 10 years not a single California-licensed attorney has identified 3330 Mission
12 Street as their business address to the California State Bar. (Declaration of California State Bar
13 Attorney Augustin Hernandez (“A. Hernandez Decl.”) at ¶ 5.) And there are no indications that
14 anyone other than Defendants use the one-story, commercial building at that address. (Procak Decl. at
15 ¶¶ 4.a, 5, 6, Exs. B, C.)

16 **2. Defendants Have Continued To Offer Immigration-Related Services To**
17 **Members Of The Public.**

18 Two community members’ experiences, and two “tester” visits, confirm that Defendants
19 engage in the unauthorized practice of law and offer immigration-related services in violation of the
20 Injunction.

21 **a. Defendants Accept Payment To Work On Immigration Matters For**
22 **Ms. Hernandez And Do Not Return Her Documents.**

23 Maria Ana Hernandez is a 49-year-old Salvadoran woman who arrived in the United States in
24 December 2016. (*See* Declaration of Maria A. Hernandez (“M. Hernandez Decl.”) at ¶ 2.) A friend
25 referred her to Leonard Lacayo, and believing him to be an attorney, Ms. Hernandez went to see him
26 at his Mission street office in early 2017, before entry of the Injunction in this action. (*Id.*, at ¶ 3-4.) In
27 early 2017, Ms. Hernandez paid Mr. Lacayo over \$4,000 in both cash and card for help with asylum
28 applications for herself and her son. (*Id.*, at ¶ 4.) Also, in early 2017, Mr. Lacayo assisted Ms.
Hernandez in the preparation and submission of an application for a U-Visa, for which he charged her
\$1,200. (*Id.*, at ¶ 7.) Ms. Hernandez stopped working with Mr. Lacayo because a non-profit

1 organization subsequently took on Ms. Hernandez’s and her son’s asylum cases. (*Id.*, at ¶ 6.)

2 In August 2019, after the Injunction had been entered, Ms. Hernandez’s husband asked Mr.
3 Lacayo for help with seeking to adjust her immigration status based on their marriage. (*Id.*, at ¶ 8.) Her
4 husband paid Mr. Lacayo to prepare and file a family-based petition. (*Ibid.*) In August 2019, Ms.
5 Hernandez and her husband met with a woman in Defendants’ office named Sylvia, to whom Mr.
6 Lacayo had directed them. (*Ibid.*) Ms. Hernandez did not and does not know if Sylvia is an attorney.
7 (*Ibid.*) Tragically, Ms. Hernandez’s husband passed away in January 2020 before the family-based
8 petition process could run its course. (*Ibid.*)

9 In May 2022, Ms. Hernandez called Mr. Lacayo’s office twice to ask for the return of her
10 original documents. (M. Hernandez Decl. at ¶ 9.) Each time she called, however, she was told she
11 could not get them back because one person, Sylvia, was out of the office. (*Ibid.*) She last tried to get
12 those documents back in mid-June 2022 but has yet to get them back. (*Ibid.*)

13 **b. Mr. Lacayo Assures Ms. Cruz He Can Assist With Asylum Cases.**

14 Like Ms. Hernandez, Jaritza Zeledon Cruz is a recent immigrant from Central America. Ms.
15 Cruz is a young Nicaraguan mother who came to the United States with her husband and son in
16 November 2021. (*See* Declaration of Jaritza Zeledon Cruz (“Cruz Decl.”) at ¶ 2.) Soon after Ms. Cruz
17 arrived in the Bay Area, a member of her church told her that Mr. Lacayo could help her with
18 immigration issues. (*Id.*, at ¶ 4.) In early April 2022, she called to schedule an appointment with
19 Lacayo & Associates. (*Ibid.*) When she called, Ms. Cruz asked to speak to Mr. Lacayo, spoke with
20 him, and asked if he was a lawyer and if he could take her case. (*Ibid.*) He represented himself as an
21 attorney and said he could take her case. (*Ibid.*) Days after the call, Ms. Cruz went to the Lacayo &
22 Associates office at 3330 Mission Street. (*Ibid.*) She met with Mr. Lacayo and he again told her he was
23 an attorney and could take her case. (*Ibid.*) He also noted, apparently in an attempt to demonstrate his
24 qualifications, that he always wins his cases because he is well-connected and knows all the judges.
25 (*Id.*, at ¶ 5.) He said it would cost \$6,500 for him to take her case, along with her husband’s and son’s
26 cases, and that \$1,500 of that amount was the cost of filing the asylum forms, and the remainder was
27 for Mr. Lacayo’s fee. (*Id.*, at ¶ 6.) Mr. Lacayo explained that his fee was negotiable. (*Ibid.*) Knowing
28 that Ms. Cruz’s next immigration court hearing was coming up on April 19, 2022, Mr. Lacayo

1 pressured her by asserting that she would be immediately deported if she appeared at the hearing
2 without an attorney, and conditioning his appearance for her at that hearing upon her prompt payment
3 of \$3,000. (*Id.*, at ¶¶ 4, 6)

4 Ms. Cruz went to Mr. Lacayo’s office again before her immigration hearing. (*Id.*, at ¶ 7.)
5 Several other people were waiting along with Ms. Cruz in Mr. Lacayo’s office that day and all
6 appeared to be waiting to speak with Mr. Lacayo. (*Ibid.*) While waiting, Ms. Cruz heard a man ask
7 someone who appeared to work for Mr. Lacayo for a refund because his case was not advancing.
8 (*Ibid.*) The man asking for the refund was told that he needed to speak to Mr. Lacayo. (*Ibid.*)
9 Witnessing this exchange prompted Ms. Cruz to wonder whether there were problems at Mr. Lacayo’s
10 office and to seek assistance elsewhere. (*Ibid.*) She did not pay Mr. Lacayo anything. (*Ibid.*)

11 At her April 19, 2022 hearing, the immigration judge inquired about Ms. Cruz’s efforts to
12 obtain an attorney. (*Id.*, at ¶ 8.) Ms. Cruz explained that she did not bring an attorney because she did
13 not have money to hire the one she found. (*Ibid.*) The immigration judge asked her for the attorney’s
14 name and Ms. Cruz showed him Mr. Lacayo’s business card. (*Ibid.*) After the hearing, a woman who
15 worked at the immigration court suggested that Ms. Cruz not hire Mr. Lacayo because he was not a
16 lawyer, could not appear before the immigration court, nor take Ms. Cruz’s case. (*Ibid.*) Thankfully,
17 Ms. Cruz has since secured a licensed attorney. (*Ibid.*)

18 **c. Mr. Lacayo Offers To Provide Immigration-Related Legal Services**
19 **To The People’s First “Tester.”**

20 On July 27, 2022, Borys Procak, an investigator from the San Francisco City Attorney’s Office
21 (“CAO”) visited Lacayo & Associates’ offices, pursuant to the Injunction’s “tester” provision, to
22 determine whether Defendants were complying with the Injunction. (Procak Decl. at ¶ 3; Poplawski
23 Decl., Ex. 1-A at ¶ D (Injunction).) The investigator used an alias, introducing himself as “Steve”
24 when he entered Lacayo’s office that morning. (Procak Decl. at ¶ 4.b.) Although he saw no visible
25 signs advertising immigration services, he asked the front desk if they handled “immigration stuff” and
26 was told that he would “have to see Leo.” (*Id.*, at ¶ 4.a.) The individual at the front desk then motioned
27 “Steve” to an office. (*Ibid.*) The man sitting in that office introduced himself to “Steve” as “Leo.” (*Id.*,
28 at ¶ 4.b.) “Steve” then told “Leo,” whom the investigator recognized as Mr. Lacayo, a cover story

1 about “Steve” planning to wed a woman who had come to the United States on a tourist visa four years
2 earlier and overstayed her visa. (*Id.*, at ¶¶ 4.a, b.) Mr. Lacayo responded by providing a detailed
3 overview of the process of becoming a legal permanent resident and, referring to himself and others at
4 Lacayo & Associates, assured “Steve” that “we’ve been doing this for 40 years.” (*Id.*, at ¶ 4.c.) In
5 response to “Steve’s” question whether his fiancée’s having worked while in the United States would
6 cause problems with the immigration application, Mr. Lacayo told “Steve” that he would need to earn
7 a minimum of \$24,000 to show that he could support his future wife. (*Id.*, at ¶ 4.d.)

8 As to cost, Mr. Lacayo told “Steve” that the “initial paperwork” would cost \$1,740 and the
9 total cost for the process would be about \$5,600, which “Steve” could pay “half up front” and then
10 make an additional payment or two. (*Id.*, at ¶ 4.e.) Mr. Lacayo also explained that his paralegals would
11 perform the work and that a lawyer was unnecessary, but that he had four lawyers at the office and that
12 he would guarantee the work. (*Id.*, at ¶ 4.f, g.) Mr. Lacayo never informed “Steve” that he is not a
13 lawyer or that Lacayo & Associates is not a law firm. (*Id.*, at ¶ 4.f.) Mr. Lacayo also never provided
14 “Steve” with the written notification described in paragraph B.1.c of the Injunction stating that Mr.
15 Lacayo is not an attorney and cannot provide immigration advice. (*Ibid.*)

16 “Steve’s” meeting with Mr. Lacayo was interrupted by a call that Mr. Lacayo put on speaker
17 phone. (*Id.*, at ¶ 4.i.) “Steve” overheard the person on the line identify herself as “Rebecca” and say to
18 Mr. Lacayo that the immigration document she had submitted on her husband’s behalf had been
19 rejected because information about “criminal stuff” was not included. (*Ibid.*) Responding to Mr.
20 Lacayo’s question of who completed the document, “Rebecca” said Mr. Lacayo had completed the
21 form. (*Ibid.*) Mr. Lacayo then instructed “Rebecca” to bring the paperwork in to his office. (*Ibid.*)

22 Before leaving Mr. Lacayo’s office, “Steve” asked Mr. Lacayo for his card, which Mr. Lacayo
23 provided and told “Steve” to call his cell phone anytime. (*Id.*, at ¶ 4.j, Ex. A.)

24 **d. Mr. Lacayo Offers To Provide Immigration-Related Legal Services**
25 **To The People’s Second “Tester.”**

26 On the afternoon of August 1, 2022, a second CAO investigator visited Lacayo & Associates’
27 office, pursuant to the Injunction’s “tester” provision. (Declaration of Christopher Manitsoudis
28 (“Manitsoudis Decl.”) at ¶ 3; Decl., Ex. 1-A. at ¶ D (Injunction).) Although the second investigator did

1 not observe visible indications that Defendants provide immigration-related services, he too was
2 verbally assured by a man sitting at the front desk that such services were offered there. (Manitsoudis
3 Decl. at ¶ 4.a.)

4 The second investigator, who introduced himself as “Vangelis,” also presented a made-up
5 backstory. (*Id.*, at ¶¶ 1, 3, 4.b.) He explained to a woman who assisted him that he was looking for
6 help with regularizing his “fiancée Anna’s” immigration status. (*Id.*, at ¶ 4.b.) The woman let him
7 know that their office would assist with filing immigration paperwork for a green card for his fiancée.
8 (*Ibid.*) “Vangelis” then asked if she was an attorney and she said no, and when he asked if anyone else
9 could assist him if he returned later, she responded that Leo and Sylvia could assist. (*Ibid.*)

10 The woman with whom “Vangelis” had been speaking went to speak with a man who then
11 approached “Vangelis,” introduced himself as Leo Lacayo, and invited “Vangelis” into his office. (*Id.*,
12 at ¶ 4.c.) Mr. Lacayo launched into an explanation of the immigration process “Anna” would go
13 through. (*Ibid.*) Because Mr. Lacayo was reciting a lot of information, “Vangelis” asked Mr. Lacayo to
14 write the information down, which he did and then provided the written information to “Vangelis.”
15 (*Id.*, at ¶ 4.c, Ex. A.) Mr. Lacayo told “Vangelis” that he had been in the immigration business for
16 forty years and quoted different prices for immigration services depending on if the fiancée had
17 entered the country legally or illegally. The prices ranged from \$5,340 to \$7,340, of which \$3,000 was
18 Mr. Lacayo’s fee for services. (*Id.*, at ¶¶ 4.d, e.) Mr. Lacayo told “Vangelis” he could file the
19 immigration paperwork within 24 hours of payment of the fees, and he also offered to marry
20 “Vangelis” and his fiancée for \$600, saying that would speed up the immigration paperwork. (*Id.*, at ¶¶
21 4.e, f.)

22 “Vangelis” asked follow-up questions about whether an attorney was needed and if Mr. Lacayo
23 was an attorney. (*Id.*, at ¶ 4.f.) Mr. Lacayo told “Vangelis” he was not a lawyer but that they would not
24 need a lawyer. (*Ibid.*) Mr. Lacayo told “Vangelis” that law school was too long to finish, but also
25 assured “Vangelis” that he had a J.D., and noted that he has four attorneys working in the office.
26 (*Ibid.*)

27 Mr. Lacayo also informed “Vangelis” that because of his income he would not qualify for
28 application fee waivers, advised him that marrying “Anna” would help her immigration case, told

1 “Vangelis” what documents he would need, and advised that if “Anna” had entered the United States
2 on a visa, she would have to travel back and forth to Mexico for at least one day as part of the
3 immigration process. (*Id.*, at ¶¶ 4.f, g.) “Vangelis” then asked for and received Mr. Lacayo’s business
4 card, on which Mr. Lacayo pointed out his phone number, and as he did with the first investigator, said
5 to call at any time. (*Id.*, at ¶¶ 4.h, Ex. B.) Mr. Lacayo also assured “Vangelis” that there would be no
6 problems with the immigration application if he hired him. (*Id.*, at ¶ 4.g.)

7 **B. Defendants Are Aware Their Provision Of Immigration Advice And Preparation**
8 **Of Immigration Forms Constitute Unauthorized Practice Of Law And Violate the**
9 **Injunction.**

10 **1. The California State Bar Notifies Defendants To Stop Providing Immigration-**
11 **Related Services To The Public.**

12 During the effective period of the Injunction, the California State Bar’s Office of Chief Trial
13 Counsel (“Bar”) has twice put Defendant Leonard Lacayo on notice² to stop providing immigration
14 services. The Bar first put Mr. Lacayo on notice in a cease and desist letter dated June 20, 2018 that
15 stated it believed he had been “engaging on an ongoing basis, in the unauthorized practice of law” and
16 noted that he is not a registered immigration consultant. (A. Hernandez Decl. at ¶ 3 & Ex. A, June
17 2018 Cease and Desist Notice at 1, 2.) The letter listed two instances where persons hired Mr. Lacayo
18 to handle immigration matters. (*Id.*, at page 2.) To one person, Mr. Lacayo represented himself as an
19 attorney and agreed to help with a family-based immigration matter. (*Ibid.*) The other person alleged
20 he paid Mr. Lacayo \$2,000 for immigration services but Mr. Lacayo took no action and the person’s
21 wife was ordered deported. (*Ibid.*)

22 On October 20, 2021, the Bar notified Mr. Lacayo that it had concluded that he had engaged in
23 the unauthorized practice of law after an investigation and despite Mr. Lacayo’s protestation that he
24 was merely providing translation services. (*Id.*, at ¶ 4 & Ex. B at p. 2.) Mr. Lacayo had again held
25 himself out as an attorney and completed asylum forms for one person, signing as the “preparer.”
26 (*Ibid.*) The Bar again noted that Mr. Lacayo is not a registered immigration consultant or accredited
27 representative. (*Ibid.*)

28 ² The Bar notes in both its letters to Mr. Lacayo that the Bar does not have the authority to
order Mr. Lacayo to discontinue providing his services and that only a court can remedy violations.
(A. Hernandez Decl. Exs. A at page 2, and B at page 2.)

1 **2. Post-Injunction Communication.**

2 On June 26, 2020, Plaintiff wrote Defendants regarding their failure to comply with their
3 obligation under Paragraph C of the Injunction to report the names of any attorneys to whom
4 Defendants provided services, the amount of compensation received for such services, and the nature
5 of the services provided. (*See* Poplawski Decl., Ex. 3, Poplawski Letter to Lacayo re Violation of
6 Injunction.) Defendant Leonard Lacayo responded three days later stating he had not received any
7 compensation from attorneys, and denying that he provides services to attorneys or provides
8 immigration-related services for a fee. (*See Id.*, at Ex. 4, Lacayo Letter to Poplawski.) He claimed that
9 former clients use his 3330 Mission Street address on immigration forms they file, and that he
10 immediately forwards to these former clients any mailing he receives from the USCIS. (*See Ibid.*)

11 Along with this Motion, on August 8, 2022, Plaintiff is hand-serving upon Defendants a
12 demand for information pursuant to Paragraph D of the Injunction. (*Id.*, at Ex. 5, Gradilla Letter to
13 Lacayo.)

14 **IV. ARGUMENT**

15 **A. The Court Has The Authority To Enforce And Modify The Injunction.**

16 California Code of Civil Procedure section 128, subdivision (a)(4) empowers the Court to
17 “compel obedience to its judgments, orders and process, and the orders of a judge out of court in an
18 action or proceeding pending therein.” (Code Civ. Proc. §128, subd. (a)(4).) “Every court has power to
19 compel obedience to its judgments and orders [], and a court of equity retains inherent jurisdiction to
20 oversee and enforce execution of its decrees.” (*Vanderstok v. Bank of America* (1972) 29 Cal.App.3d
21 731, 734.) A noticed motion is a proper method to enforce the Injunction under Code of Civil
22 Procedure section 187’s provision that “any suitable process or mode of proceeding may be adopted”
23 to carry out the Court’s powers to enforce obedience to an injunction. (Code Civ. Proc. § 187; *see*
24 *also, Kent v. Super. Ct.* (1951) 106 Cal.App.2d 593, 595 [“One method of enforcement is the contempt
25 proceeding [], but a court or judge is not necessarily limited to that method. Section 187 of the Code of
26 Civil Procedure recognizes the power of a court or judge in the exercise of jurisdiction conferred,
27 when the course of proceeding is not specifically pointed out by statute, to adopt any suitable process
28 or mode of proceeding that may appear most conformable to the spirit of the code.”].)

1 **B. Defendants’ Violations Of The Injunction Are Intentional.**

2 Defendants have intentionally violated the Injunction many times and inflicted serious harm on
3 some of our community’s most vulnerable members.

4 Defendants have intentionally violated the Injunction by: (1) offering immigration-related
5 advice and legal services for a fee to Ms. Hernandez in August 2019 (violating ¶ B.1 of the
6 Injunction); (2) failing to return Ms. Hernandez’s original documents despite her two requests for them
7 in 2022 (violating ¶ B.6 of the Injunction); (3) offering to provide immigration-related legal services to
8 Ms. Cruz and her husband and son for a fee (three separate violations of ¶ B.1 of the Injunction);
9 offering to provide immigration-related legal advice and services to the CAO testers, “Steve” and
10 “Vangelis,” for a fee (two separate violations of ¶ B.1 of the Injunction); (4) failing to provide “Steve”
11 and “Vangelis” written notice that they cannot provide legal services (two separate violations of ¶
12 B.1.c of the Injunction); and (5) assisting “Rebecca” with immigration-related matters (violating ¶ B.1
13 of the Injunction). (*Ante*, Section III.A.2.)

14 Further, it is clear that the experience of Ms. Cruz, Ms. Hernandez, and the two CAO testers
15 are not isolated violations of the Injunction, as shown by the USCIS records of that agency’s receipt of
16 414 applications bearing the business address of Lacayo & Associates between September 6, 2017 and
17 July 20, 2022. (*Ante*, Section III.A.1.) There is no reason, compliant with the Injunction, for
18 Defendants’ 3330 Mission Street address to appear on hundreds of immigration applications and
19 petitions submitted after entry of the Injunction. Even if Mr. Lacayo’s incredible June 2020
20 explanation that former clients continue to use his business address on their immigration forms and
21 that he forwards to them notices he receives from USCIS (Poplawski Decl. Ex. 4) were to be believed,
22 his continued involvement in their applications for immigration benefits and relief violates the
23 Injunction, which prohibits Defendants from providing any immigration-related services. (*Id.*, at Ex. 1-
24 A (Injunction) at ¶ B.)

25 Defendants simply never stopped offering immigration-related services after this Court entered
26 the Injunction. Evidence of continued violations throughout that five-year period are legion: over 400
27 applications and petitions with Defendants’ address were filed with USCIS; multiple offers of
28 immigration services for a fee made to Ms. Cruz and Ms. Hernandez; and twice in the two weeks

1 preceding this filing, Mr. Lacayo himself offered immigration-related services to CAO investigators.
2 (*Ante*, Section III.A.) In light of the contemporaneous evidence from USCIS and the California Bar,
3 Mr. Lacayo’s June 2020 statement that he and Lacayo & Associates complied with the Injunction
4 (Poplawski Decl. Ex. 5.) can only be understood as a boldfaced lie.

5 **C. The Court Should Extend And Modify The Injunction.**

6 **1. The Court Should Extend The Injunction By 60 Months.**

7 Paragraph G of the Injunction provides that if, after hearing on a regularly noticed motion, the
8 Court finds that Defendants have violated the Injunction, then the Injunction restarts for another 60
9 months. (Poplawski Decl. Ex. 1-A at ¶ G (Injunction).) Given the serious nature of the Defendants’
10 conduct and the clear disregard for their obligations under the Injunction, the Court should invoke this
11 provision of the Injunction and extend it for 60 months. (*Ibid.*)

12 **2. Business & Professions Code § 17207(a) Mandates Additional Civil Penalties.**

13 Paragraph E of the Injunction, to which Defendants stipulated, also provides that it is “subject
14 to enforcement pursuant to Business and Professions Code Section 17207.” (Poplawski Decl. Ex. 1-A
15 at ¶ E.) Business & Professions Code section 17207 provides: “Any person who intentionally violates
16 any injunction prohibiting unfair competition issued pursuant to Section 17203 shall be liable for a
17 civil penalty not to exceed six thousand dollars (\$6,000) for each violation. Where the conduct
18 constituting a violation is of a continuing nature, each day of that conduct is a separate and distinct
19 violation.” (Bus. and Prof. Code §17207, subd. (a).) Section 17207 does not define what constitutes a
20 single violation, “leaving it to the courts to determine appropriate penalties on a case-by-case basis.”
21 (*People v. Toomey* (1984) 157 Cal.App.3d 1, 22 (discussing Bus. and Prof. Code §§ 17206 and 17536
22 in a case affirming the imposition of penalties for the violation of a UCL injunction); *see also People*
23 *v. Witzerman* (1972) 29 Cal.App.3d 169, 180 (applying Bus. and Prof. Code § 17206’s provision for
24 civil penalties for each violation) (disagreed with on other grounds in *Nationwide Biweekly Admin.,*
25 *Inc. v Super. Ct.* (2020) 9 Cal.5th 279).) Instead, “[f]or the purpose of calculating civil penalties, what
26 constitutes a violation of the UCL . . . depends on the circumstances of the case, including the type of
27 violations, the number of victims, and the repetition of the conduct constituting the violation.” (*People*
28 *v. Sarpas* (2014) 225 Cal.App.4th 1539, 1566.) This same logic should apply equally to the

1 determination of civil penalties for violations of an injunction issued under the UCL. (*Hewlett v.*
2 *Squaw Valley Ski Corp.* (1997) 54 Cal.App.4th 499, 535 (violating a temporary restraining order
3 issued under the UCL is itself an unlawful business practice).)

4 Defendants' repeated and ongoing misconduct directly contravenes the Injunction, exhibits a
5 contempt for this Court's authority, and demands stringent civil penalties to protect the public. (*See*
6 *Toomey, supra*, 157 Cal.App.3d at p. 25 (noting that "the Unlawful Business Practices Act seeks to
7 protect the public from continued violations").) Given the egregiousness of Defendants' ongoing
8 conduct, the Court should impose substantial penalties in an amount up to the \$6,000 per violation
9 maximum. (Bus. and Prof. Code §17207, subd. (a); *Sarpas, supra*, 225 Cal.App.4th at p. 1566.)

10 **3. The Court Should Extend The Time That The Injunction's Reporting**
11 **Provision Is In Force To The Injunction's Full 60-Month Term.**

12 The People request the Court modify the Injunction to extend the operative time the reporting
13 requirement of Paragraph C of the Injunction is in force to the full 60-month term of the Injunction.
14 This court has broad discretion under Bus. and Prof. Code Section 17200 *et seq.* to fashion suitable
15 remedies. (*People v. JTH Tax* (2013) 212 Cal.App.4th 1219, 1257, quoting *Consumers Union of U.S.,*
16 *Inc. v. Alta-Dena Certified Dairy* (1992) 4 Cal.App.4th 963, 972 ("Probably because false advertising
17 and unfair business practices can take many forms, the Legislature has given the courts the power to
18 fashion remedies to prevent their 'use or employment' in whatever context they may occur"); Bus. &
19 Prof. Code §17205 ("Unless otherwise expressly provided, the remedies or penalties provided by this
20 chapter are cumulative to each other and to the remedies or penalties available under all other laws of
21 this state.")) In view of the strong evidence that Defendants have never stopped their unlawful
22 business practices, requiring Defendants to report to the CAO their provision of services to
23 immigration attorneys is necessary to enforce the Injunction's provisions and Defendants' adherence
24 to them.

25 **D. The Court Should Grant Other Immediate Relief.**

26 **1. The Court Should Order Defendants To Return Clients' Original Documents**
27 **And Files.**

28 This Court should exercise its power to enforce the Injunction by directing Defendants to
return Ms. Hernandez's original documents to her. (*Alpine Palm Springs Sales, Inc. v. Super. Ct.*

1 (1969) 274 Cal.App.2d 523, 538 (noting that “where a court has issued a prohibitory injunction and it
2 has been violated and the effect of the violation can be cured by a further direction to the contemnor to
3 perform that curative act, such an order can validly be made.”).) The Court should order the
4 Defendants to certify their compliance with this request.

5 This Court should also direct Defendants to hand over to immigration-matter clients all
6 documents and files relating to them upon their request as allowed by the Injunction. (*Alpine Palm
7 Springs Sales, supra*, 274 Cal.App.2d at p. 538; Poplawski Decl. Ex. 1-A at ¶ B.6.) The Court should
8 order Defendants to certify their compliance with this request.

9 **2. The Court Should Order Defendants To Immediately Make Business Records
10 And Information Available For Inspection By The People.**

11 The same day this motion is filed the People are serving Defendants with a letter demanding
12 they provide business records relating to services provided to attorneys, as provided in Paragraph D of
13 the Injunction. (Poplawski Decl., at ¶ 6, Ex. 5.) The People also seek the names of attorneys to whom
14 Defendants have provided services and the amount of compensation Defendants have received from
15 those attorneys. (*Id.*, at Ex. 5.) This inspection of Defendants’ business records and the information
16 sought are necessary for the People to investigate Defendants’ conduct in the face of Defendants’
17 ongoing defiance of the Injunction.

18 **3. The Court Should Order Defendants To Take Other Steps To Remedy Harm.**

19 Given the Defendants’ numerous violations as detailed above, the Court should order
20 Defendants to take other actions to stop harming the community and begin to remedy the harm
21 inflicted. (*Alpine Palm Springs Sales, supra*, 274 Cal.App.2d at p. 538; Poplawski Decl., Ex. 1-A.)
22 Those actions include: (1) immediately stop providing immigration-related services of any kind; (2)
23 notify all persons to whom they have provided immigration, translation, or secretarial services since
24 September 6, 2017 of the Court’s order resulting from this proceeding and include the notice described
25 in Paragraph B.1.c of the Injunction; (3) certify compliance with the previous two directives; and (4)
26 provide a report to the People of the amount of compensation Defendants have received from attorneys
27 to whom Defendants have provided immigration-related services from July 1, 2021 to June 30, 2022.
28

