

1 Case No. 10-001-2201

FILED

2 **STATE BAR OF NEVADA**

3 **SOUTHERN NEVADA DISCIPLINARY BOARD**

MAR 18 2011

4 STATE BAR OF NEVADA,)
 5 Complainant,)
 6 vs.)
 7 THOMAS C. COOK, ESQ.)
 8 Respondent.)
 9 _____)


 STATE BAR OF NEVADA

10 **PUBLIC REPRIMAND**

11 TO: THOMAS C. COOK, ESQ.

12 You were retained by Don Maddalon ("Maddalon"), President of Integrity Stock
 13 Transfer and the grievant herein, to pursue a contract action against Sushi Trend Co.
 14 Maddalon paid you a retainer fee in the amount of \$5,000.

15 On February 29, 2008, you filed a Complaint in a case entitled *Stock Transfer v. Sushi*
 16 *Trend Co.*, Eighth Judicial District Court, Case No. 08A55812.

17 Maddalon contacted you on at least fifteen (15) occasions between February and
 18 September 2008, both verbally and in writing, requesting information regarding the status of
 19 the litigation. You, on each occasion, assured Maddalon that you were communicating with
 20 opposing counsel and that a court date would be scheduled. Since September 2008, you
 21 have failed to communicate with Maddalon regarding the status of the litigation.

22 The District Court docket indicates that the matter is still active. A Complaint dated
 23 February 29, 2008 is the only pleading on record. There has been no information presented
 24 by you that the Complaint was ever properly served on Sushi Trend Co. or that any other
 25 steps were taken to prosecute this action.

1 On September 2, 2009, the State Bar sent correspondence to you forwarding a copy
2 of the grievance and requesting a written response to the specific issues raised by
3 Maddalon. You failed to respond to the State Bar resulting in another letter being sent via
4 certified mail, return receipt requested, on September 24, 2009, advising that should you fail
5 to respond the State Bar would open a file. The return receipt card was signed by "P.
6 Linden."

7 You responded to the State Bar on October 8, 2009 stating that if Maddalon "feels I
8 have mishandled this case, I am more than willing to discuss the return of his retainer to
9 him." [See Exhibit "A" attached hereto] You did not provide any explanation or documents to
10 refute Maddalon's allegations concerning your handling of the case.

11 Your response was sent to Maddalon on October 16, 2009. Maddalon subsequently
12 provided the State Bar with a copy of a letter he sent to you dated October 29, 2009, wherein
13 he requested that you return the \$5,000 retainer and all documentation regarding *Sushi*
14 *Trend* and another case that occurred in California. These items were to be ready by
15 October 30, 2009.

16 Maddalon retrieved documents from you on October 30, 2009, but the neither the
17 *Sushi Trend* file or \$5,000 retainer refund check were included in the documentation
18 provided by you to Maddalon.

19 On November 13, 2009, the State Bar sent another letter to you requesting that you
20 provide the State Bar with an update regarding the return of the \$5,000 retainer. You did not
21 respond to the State Bar and on December 3, 2009, another letter was sent via certified mail,
22 return receipt requested. The return receipt card was signed by "P. Linden."

23 You did not respond to the State Bar's letter of December 3, 2009. The State Bar then
24 sent another letter on January 5, 2010, return receipt requested, notifying you that a file had
25 been opened. The return receipt card was signed by "P. Linden."

1 The State Bar did not receive a response from you and on February 12, 2010, another
2 letter was sent via certified mail, return receipt requested, advising you that this was your last
3 chance to respond before this matter was presented to a Screening Panel. The return
4 receipt card was signed by "Yolanda Hill."

5 In light of the foregoing, you violated Rule of Professional Conduct ("RPC) 1.3
6 (Diligence), RPC 1.4 (Communication), 1.15 (Safekeeping Property) and RPC 8.1 (Bar
7 Admission and Disciplinary Matters) and are hereby PUBLICLY REPRIMANDED.

8 Dated this 18th day of March, 2011.

9
10 
11 _____
12 BERNARD ZADROWSKI, ESQ.
13 Formal Hearing Panel Chair
14 Southern Nevada Disciplinary Board

25

EXHIBIT A

THE LAW OFFICES OF
THOMAS C. COOK, LTD.

ATTORNEY AND COUNSELOR AT LAW
500 N. RAINBOW BLVD., SUITE 300
LAS VEGAS, NEVADA 89107
(702) 221-1925
FAX (702) 221-1963

October 8, 2009

Phillip J. Pattee, Assistant Bar Counsel
State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, Nevada 89104

RECEIVED OCT 14 2009

Re: Thomas C. Cook, Bar No. 5266
Grievance/Don Maddalon

Dear Mr. Pattee,

I am in receipt of your correspondence dated September 24, 2009, regarding the complaint filed by Don Maddalon. Below I will address each of his complaints in turn:

1. Luvoo International

I was involved with representing Luvoo International in an attempt to get Luvoo's common stock trading on the Pink Sheets. While Don Maddalon's firm, Integrity Stock Transfer, was the transfer agent for Luvoo, there was at no time any agreement that I was aware of that stated that any portion of the fees paid to my firm or to Mr. Taulli's company were to be paid to Integrity or to Mr. Maddalon personally. Further, I have had no communications with Mr. Maddalon regarding Luvoo or the payment of any fees that he feels is due to him. In fact, I am only aware of any complaint from Mr. Maddalon regarding this issue because of the complaint that Mr. Maddalon sent to the State Bar. At no time has Mr. Maddalon made any requests for his "distribution" to my office or anyone else connected to my office.

2. Sushi Trend Co, Inc.

If Mr. Maddalon feels that I have mishandled this case, I am more than willing to discuss the return of his retainer to him.

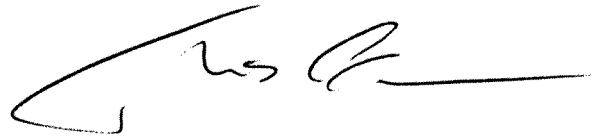
3. California litigation

A few points to consider are in order. First, I have had more than one telephonic conversation with Plaintiff's counsel in this case, where we discussed the fact that Mr. Maddalon would be more of value to this case as a witness for the Plaintiff than as a Defendant. Secondly, Mr. Maddalon did not "contract" with my firm to represent him in

this case. The only retainer agreement signed between us pertained to the Sushi Trend case, and no retainer was ever paid by Mr. Maddalon for the California litigation.

It is my sincere hope to cooperate fully with the State Bar to resolve these issues raised by Mr. Maddalon. Should you have any further questions, please do not hesitate to contact me at (702) 221-1925 (office) or (702) 524-9151 (cell).

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas C. Cook', with a long horizontal flourish extending to the right.

Thomas C. Cook, Esq.