

March 3, 2017

Sam S. Phillips
Deputy Chief Disciplinary Counsel
Office of Chief Disciplinary Counsel
3327 American Avenue
Jefferson City, Missouri 65109-1016

RE: Complaint against Dan Brogdon
OCDC File # 17-121-XV

Dear Mr. Phillips:

Please accept these comments in response to answers supplied by Dan Brogdon to my complaint.

Paragraph 3:

First correction is the date. We appeared in court on August 27, 2015. I was asked to leave the court room. Dan Brogdon and Rudy Arambulo did meet privately with the judge. He did not tell me what was discussed. When we were brought back into the court room the judge told me I had 10 days to vacate my home and he ordered me to stay at my leased apartment in NJ. I could not believe that he not only ordered me out of my home but also out of the state. The judge further said I was only to take some clothing and a few personal toiletries. I did return to NJ in order to comply with court order, then returned to MO for December 18, 2015 court date. Then for the next year I lived with a friend --and in a 16 year old travel trailer, in MO. Having no items from my home, I was forced to buy or borrow everything I needed to survive for almost a year. I was literally homeless. I don't know what Dan told the judge that the judge ordered me from my home. I still don't understand how the judge could remove me from my home based on a discussion with my attorney.

Paragraph 4:

Dan admits he submitted the incorrect form with my husband's figures. That is true. First page of that form has the big numbers on it and if he would even have looked at that form he would have known it was wrong. I don't believe he reviewed the document at all.

Paragraph 5:

He states that before we went on the record he advised the judge and me of the error he made. That is a lie. I did not know what had happened until June 15, 2015...after the trial.. when the judge ordered "Each party to bring to court a timeline of when the form 2's were filed with opposing party and a copy of each form 2 in the same condition as it was filed with the opposing party. Each party to send a copy of this timeline and attachments to opposing party by June 15, 2016. Each timeline to be supported by an affidavit signed by the party." Docket entry 4/21/2015. If he had told the judge what happened, the judge would not have ordered these documents.

When my new attorney, Matt Miller received the documents from Rudy Arambulo, that is when I found out what had happened. In the original complaint I submitted a copy of the form 2 he submitted to Attorney Smith and a version that he submitted to me. Then the form 9 that was presented to us on day of trial. Numerous times during hearings and trial I testified that these were not my figures and they were wrong. If he would have told the judge what happened, maybe the judge would have given us an opportunity to redo and correct the form 2, which then would have had corrected figures on the form 9.

The judge stated that opposing counsel had a right to use the documents that my attorney had presented to him on my behalf. During the trial Dan never asked me or my husband questions to refute my husband's testimony, even having a huge pile of supporting documents on desk in front of him.

On July 14, 2016 Docket entry, judge said court decided this case using discovery that was on file with their respective counsel. If Dan would have corrected his error, the new corrected document would have been on file with opposing counsel and the court. It was not.

The judge stated he would use the apartment content figure we originally submitted. I testified my sister lived at the apartment full time for years and had furnished it with what she needed. I testified that it was a leased unit and you could not remove the appliances, they were part of the apartment. I testified that I only stayed there when I came to NJ to visit family. I testified that it was not real estate. I testified that I listed the apartment contents that were in the apartment and that belonged to me. Judge asked my husband if he knew if my sister lived in apartment, and John told him yes, as most visits to NJ he was with me. Judge chose to declare the leased apartment as real estate even though no deed could be produced. Dan needed to submit the lease and share of stock. He needed to ask my husband if he could produce a deed. Judge did indicate that he believed I lied and called my list of apartment contents sparse. During the trial Dan had all the information to substantiate my testimony. But he did not. Rudy Arambulo asked questions to get his desired answers. I was not allowed to expand on answers. Dan could have and should have asked questions to dispute Rudy Arambulo's examination and submit the documents he had into evidence, but he did not.

Paragraph 6:

Yes he did get my list of appraised items entered. However he never questioned my husband about his list of apartment contents and appliances. Many items on my husband's list either did not exist, did not belong to me or were part of the lease. And all were extremely overvalued. Dan had pictures he chose not to use. If asked about the lease, my sisters property, the appliances not being able to be removed and the fact that it was a lease and not real estate, it would have helped prove I was truthful. As a last ditch effort when he saw how badly he was losing he told the judge he had my original handwritten first copy of my form 2 and the judge did take it. However, being I was not at my home when I did the first copy and was living between the apartment, my sister's house a friend's house and hotel rooms, I did submit a second handwritten updated copy for him to use that was more complete and some item values were changed. He did not use either of these handwritten copies when he prepared documents for court. He did not submit that copy or the typed form 2 he made from those figures... which he had sent to me and that was the form I thought had been submitted to the court. Nor did he do follow up questions to me so I could testify to the above or present the documents he had at his disposal.

Further, he only addresses his error in submitting the wrong document, which I still maintain he never admitted to or attempted to correct. Nor did he address the lease that was not real estate, or the \$25,000 plus in guns my husband has, nor all the items my husband listed as non marital. There were duplicate items on the form 9 and many items that just did not exist. Values stated were excessive. He never attempted to correct the form 9 that Rudy Arambulo submitted on day of trial. He kept telling me the Judge would correct it at trial. I believe that if my second attorney, Matt Miller had represented me I would be living in my home at this time and the judgment would have been far different.

We went over time lines when my husband and I did trips together and we both went to NJ to see the kids. He never asked me questions or gave me an opportunity to testify to these trips. When my

husband was on the stand he never asked him if we took these trips together, if he stayed with me in the apartment, or about our time together when we were at home in MO. As a result, the judge said we were separated since 2012. This is not true.

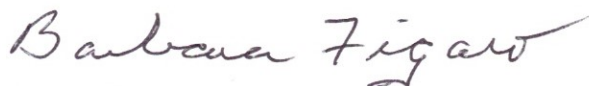
Dan did no or extremely poor representation during hearings, filing of documents, and the trial. He made a grave error on the submission of documents, and did not correct that error. He lied to the CDC about that. He never even attempted to respond to the other allegations in my complaint. He chose to reference "parts" of docket entries to his benefit. He accepts no responsibility how we got to those docket entries. He is not fit to be an attorney: not scholastically, not responsibly, not morally, not ethically.

Please review the enclosed briefs that my new attorney, Matt Miller, submitted to the court in an attempt to rectify some of the errors and misrepresentations that Dan made during the trial and hearings. There were so many things that went wrong ... that should not have happened. There was nothing fair or impartial about this whole process. It was Dan's job to represent me, ask the right questions of me and my husband during testimony, and present all of the supporting documentation he had available. I paid for my home, and lost it to my husband. I ended up with a grossly unfair judgment. Dan never tried to protect my assets, never tried to uncover my husband's assets.

I have numerous documents. I have all of the recordings from the hearings and the trial if you want copies.

Also, please note that as I am living in an old travel trailer in a campground in MO at this time, and it is far from suitable to live in during the cold weather, I am back in NJ for about 2 more weeks. My mail is being forwarded to my sister's address, 13B Texas Blvd., Whiting NJ 08759. Because of the time to deliver forwarded mail is longer than direct mail, I just received your correspondence, Thursday, March 2, 2017 at about 4:40 pm. I will overnight this response to you and hope it gets there prior to the date of March 6, 2017 that you specified.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Barbara Figaro". The signature is written in black ink and is positioned above the typed name.

Barbara Figaro