

BEFORE THE HEARING BOARD
OF THE
ILLINOIS ATTORNEY REGISTRATION
AND
DISCIPLINARY COMMISSION

In the Matter of:

KHA NGUYEN

Attorney-Respondent,

No. 6315605.

Commission No. 2025PR00077

COMPLAINT

Lea S. Gutierrez, Administrator of the Attorney Registration and Disciplinary Commission, by her attorney, Morgan B. Handwerker, pursuant to Supreme Court Rule 753(b), complains of Respondent, Kha Nguyen, who was licensed to practice law in Illinois on May 1, 2014, and alleges that Respondent has engaged in the following conduct which subjects Respondent to discipline pursuant to Supreme Court Rule 770:

(Knowingly Making Material Misrepresentations to the Court)

1. At all times alleged in this complaint, Respondent practiced law at a firm in Chicago which was called Allied Law Counsel, where Respondent practiced primarily in the area of taxation, immigration, and criminal defense.
2. Between September 2021 and August 2023, Respondent represented an individual with the initials L.N. and L.N.'s business, LT & LE Holdings Limited LLC, who were the respondents in a private arbitration matter arising from a breach of contract dispute. The arbitration was adjudicated by ADR Systems Arbitrations. On August 30, 2023, a Final Arbitration Award totaling approximately \$291,949.20 was entered in favor of the plaintiff, Bubble ABA LLC ("Bubble") by the arbitrator at ADR Systems Arbitration.

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ARDC Clerk

3. On or about September 7, 2023, Bubble filed a complaint against L.N., LT & LE Holdings Limited LLC (“LT & LE Holdings”), in the Twenty Second Judicial Circuit Court of McHenry County to confirm the August 30, 2023 final arbitration award and enter judgment in favor of Bubble (“McHenry Case”). The complaint in the McHenry Case also alleged, in part, that L.N.’s wife, A.N., had been involved with the fraudulent transfer of certain property in violation of section 160/5(a)(1) of the Uniform Fraudulent Transfer Act.

4. On September 27, 2023, the complaint filed by Bubble was up for initial presentment before the Honorable David Gervais. Respondent appeared on September 27, 2023, because he had been retained to represent A.N. with the goal of getting her dismissed as a defendant from the McHenry Case.

5. When Respondent appeared before Judge Gervais in the McHenry Case for the presentment of Bubble’s complaint, Respondent stated that he was appearing “on behalf of [L.N.] and the defendants.” Respondent also told the Court that he, on behalf of L.N. and his company, LT & LE Holdings, was not objecting to entry of judgment against L.N. and L.N.’s company in favor of Bubble.

6. Respondent’s statement to the court that he represented L.N. and LT & LE Holdings, as described in paragraph 5, above, was false because Respondent knew that he had not been retained by L.N. or LE & LT Holdings in connection with the McHenry Case nor was he authorized to appear on behalf of either L.N. or LE & LT Holdings on September 27, 2023, and consent to the entry of judgment against them.

7. Respondent knew that his statement that he was appearing “on behalf of [L.N.] and the defendants” was false because prior to September 27, 2023, Respondent and L.N. had at least one conversation wherein it was expressly agreed that Respondent would not represent L.N. in the McHenry Case.

8. On October 2, 2023, the Court, in reliance on Respondent’s September 27, 2023, statement granted Bubble’s motion to confirm the arbitration award and entered judgment against L.N. and LT & LE Holdings.

9. On November 1, 2023, Respondent filed his appearance in the McHenry Case on behalf of A.N.

10. On July 2, 2024, an agreed final judgment order was entered which resolved the pending claims in the McHenry Case as it related to A.N.

11. On August 19, 2024, Kevin Bruning of Bruning & Associates, P.C. filed an appearance on behalf of L.N. in the McHenry Case. On or about August 20, 2024, Bruning & Associates, P.C. filed a motion to vacate the October 2, 2023, judgment against L.N. (“Motion to Vacate”), as described in paragraph 8, above.

12. Attached to the Motion to Vacate was an affidavit executed by the Respondent. The affidavit stated, in pertinent part,

4. I am the attorney that represented [L.N.] in the arbitration proceedings before Hon. Brigid McGrath in the ADR Systems File #53412CAMG.

5. That my representation of [L.N.] terminated upon the entry of the Final Arbitration Award on August 30, 2023.

6. That I never intended to represent [L.N.], nor did I represent [L.N.] in the matter *Bubble ABA LLC vs. LT & LE Holdings Limited LLC, et al.*, McHenry County Case 23 CH 56 (McHenry Case).

7. I informed [L.N.] that I would not represent him in the McHenry Case.

8. I advised Plaintiff’s attorney...prior to September 27, 2023, that [L.N.] had not retained me to represent him in the McHenry Case.

13. That I never agreed to nor intended to represent [L.N.] in the McHenry Case.

14. That on September 27, 2023, at the hearing for the presentment of Plaintiff’s Motion to Confirm Arbitration Award and Enter Judgment, I attended the hearing on behalf of [A.N.]. I did not and was not authorized to attend the hearing on behalf of [L.N.] My statements at the hearing indicating that I represented the defendant, LE & LT Holdings, and [L.N.] were made by mistake and were not an accurate or authorized representation on behalf of LE & LT Holdings, and [L.N.]

13. On October 9, 2024, the Court entered a Memorandum Decision and Order denying L.N.’s motion to vacate. In the Memorandum Decision and Order, the Hon. Gervais found Respondent’s “affidavit in general and specifically his claim that his appearance on behalf of [L.N.] at the September 27, 2023 court proceeding was a ‘mistake’ to be utterly without any credibility.”

14. By reason of the conduct described above, Respondent has engaged in the following misconduct:

- a. knowingly making a false statement of law or fact to a tribunal, by conduct including representing to Judge David Gervais of the Twenty Second Judicial Circuit Court of McHenry County that Respondent was authorized to appear on behalf of L.N. and LT & LE Holdings and consent to entry of judgment against them in favor of Bubble on September 27, 2023, in violation of Rule 3.3(a)(1) of the Illinois Rules of Professional Conduct (2010);
- b. conduct involving dishonesty, fraud, deceit or misrepresentation, by misrepresenting to Judge David Gervais of the Twenty Second Judicial Circuit Court of McHenry County Respondent's authority on behalf of L.N. and LT & LE Holdings in violation of Rule 8.4(c) of the Illinois Rules of Professional Conduct (2010); and
- c. engaging in conduct that is prejudicial to the administration of justice, by conduct including but not limited to making false, material misrepresentations on which Judge David Gervais of the Twenty Second Judicial Circuit Court of McHenry County relied in entering judgment in favor of Bubble in the McHenry Case which caused or resulted in additional litigation, expenditure of unnecessary court resources, and plaintiff to incur additional unnecessary expenses in the McHenry case, in violation of Rule 8.4(d) of the Illinois Rules of Professional Conduct (2010).

WHEREFORE, the Administrator respectfully requests that this matter be assigned to a panel of the Hearing Board, that a hearing be held, and that the panel make findings of fact and law, and a recommendation for such discipline as is warranted.

Respectfully submitted,

Lea S. Gutierrez, Administrator
Attorney Registration and
Disciplinary Commission

By: /s/ Morgan B. Handwerker
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