

RICHARD I. FINE, In Pro Per
Prisoner ID # 1824367
c/o Men's Central Jail
441 Bauchet Street
Los Angeles, CA 90012
(Former Counsel for Petitioner and
Defendant in the Contempt Proceeding)

DOCKETED ON 8-27-10

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

MARINA STRAND COLONY II
HOMEOWNERS ASSOCIATION,

Petitioner,

vs.

COUNTY OF LOS ANGELES, et al,

Respondents.

DEL REY SHORES JOINT
VENTURE; DEL REY SHORES
JOINT VENTURE NORTH,

Real Parties In Interest.

Case No. BS 109420

**NOTICE OF MOTION AND
MOTION TO VOID AND
ANNUL ALL ORDERS AND
JUDGMENTS, INCLUDING
THOSE IN THE CONTEMPT
PROCEEDING;
MEMORANDUM OF POINTS
AND AUTHORITIES;
DECLARATION OF RICHARD
I. FINE**

DATE: 9/16/10

TIME: 9:00 AM

COURTROOM: Dept. 86

CASE FILED: 6/14/07

CONTEMPT TRIAL

DATE: 12/22/08

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on September 16, 2010, at 9:00 AM in
Dept. 86 of the above-mentioned Court located at 111 North Hill Street, Los

1 Angeles, California, 90012, Richard I. Fine (hereinafter “Fine”), former counsel
2 for Petitioner and Defendant in the contempt proceeding, will move and hereby
3 moves for an order voiding and annulling all orders and judgments, including
4 those in the contempt proceeding.
5

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7 This Motion is made upon the direction of LA Superior Court Counsel
8 Frederick R. Bennett, who stated in an 8/12/10 letter to Fine: “Judge Yaffe is
9 available to consider such motion.”
10

11 This Motion is made solely for the convenience of the Superior Court; Fine
12 does not waive any claim that Judge Yaffe did not have subject matter
13 jurisdiction to enter any order or judgment in the case or in the contempt
14 proceeding due to fraud upon the Court. This Motion is being made to
15 accommodate Mr. Bennett, who argues in his 8/12/10 letter that only Judge
16 Yaffe can void and annul his orders and judgments. Fine does not accept this
17 argument, but is willing to bring the Motion as directed by Mr. Bennett to allow
18 Judge Yaffe to enter the order voiding and annulling all orders and judgments,
19 including those in the contempt proceeding.
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24 In the event that Judge Yaffe does not enter such an order, this Motion is
25 withdrawn as Mr. Bennett’s direction was deliberately false and misleading.
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27 The substantive grounds for the Motion are set forth in the “Notice that All
28 Orders and Judgments in the Marina Strand Case are Void Based Upon Judge

1 Yaffe's Admission of Fraud Upon the Court and Obstruction of Justice in the
2 7/13/10 Minute Order of This Court" filed 8/9/10 (hereinafter the "8/9/10
3 Notice"), and incorporated herein by reference as if set forth in full. The 7/13/10
4 Minute Order exposed the fraud upon the court through Judge Yaffe's admission
5 therein.
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7
8 LA County and its attorneys committed the first fraud upon the court by
9 not disclosing that LA County was making payments to Judge Yaffe. Judge
10 Yaffe joined in this fraud upon the court by not disclosing such in violation of
11 Code of Judicial Ethics Canon 3E(2). He further violated Canon 3E(1) and CCP
12 Section 170.1(a)(6)(A)(iii) by not disqualifying himself. He also violated Canon
13 4D(1) by accepting the LA County payments.
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15
16 During his tenure as a LA Superior Court judge from 1987 through the
17 present, it is estimated that Judge Yaffe received approximately \$500,000 in
18 payments from LA County.
19

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21 The LA County payments to judges were held to violate Article VI,
22 Section 19, of the California Constitution in the case of *Sturgeon v. County of*
23 *Los Angeles*, 167 Cal.App.4th 630 (2008), rev. denied 12/23/08. They were
24 recognized as criminal in California Senate Bill SBx2-11, which gave
25 retroactive immunity to "a governmental entity and officers and employees of a
26 governmental entity," including judges, from criminal prosecution, civil liability
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1 and disciplinary action for paying or receiving “judicial benefits” from counties,
2 effective 5/21/09.
3

4 The retroactive immunity did not extend to “fraud upon the court” or the
5 obstruction of justice of not disclosing the payments. Nor does it extend to
6 judges presiding over cases in which the county who paid them was a party
7 before the judges. After 5/21/09, no immunity existed for the payments.
8

9 In LA County, the payments from LA County to State LA Superior Court
10 judges from the late 1980s, when the payments began, through the present were
11 over \$300 million.
12

13 A second fraud upon the court occurred by LA County and its attorneys
14 and Real Parties in Interest (“Del Rey Shores”) and its attorneys not disclosing
15 that the LA County Supervisors’ 5/15/07 vote approving their co-application for
16 an Environmental Impact Report (“EIR”) to redevelop the Del Rey Shores
17 apartment complex in Marina del Rey, California, was illegal.
18

19 This made LA County’s certification of the EIR false and illegal, which
20 they also did not disclose.
21

22 The illegality occurred because LA Supervisors Antonovich and Knabe
23 voted for the EIR illegally. They had received contributions greater than
24 \$500.00 in April of 2007 from Jerry B. Epstein (Trustee of the Epstein Family
25 Trust), the Epstein Family Trust (managing partner of Del Rey Shores) and
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1 David D. Levine (“chief of staff” for Jerry B. Epstein). The Political Reform
2 Act and the case of BreakZone Billiards v. City of Torrance, 81 Cal.App.4th
3 1205 (2000), prohibited Supervisors Antonovich and Knabe from voting on the
4 EIR.
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6
7 The EIR received four votes. Three were needed for approval, but after
8 removing the votes of Antonovich and Knabe, the EIR failed to pass. LA
9 County and its counsel and Del Rey Shores and its counsel knew that the EIR
10 did not pass, and that the certification was illegal. They committed fraud upon
11 the court by not disclosing such.
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14 U.S. Supreme Court precedents hold that fraud upon the court vitiates the
15 case, that all orders and judgments are regarded as nullities and void. (See U.S.
16 v. Throckmorton, 98 U.S. 61, 64, 66 (1878); Valley v. Northern Fire & Marine
17 Ins. Co., 254 U.S. 348, 353-354 (1920)).
18

19 This motion is based upon the Notice of Motion, the Memorandum of
20 Points and Authorities, the Declaration of Richard I. Fine, the 8/9/10 Notice, the
21 file in this case, and in the contempt proceeding, and upon such other documents
22 and evidence which may be presented at the hearing.
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1 Dated this 27th day of August, 2010

Respectfully submitted,

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4 BY: _____
5 RICHARD I. FINE,
6 *In Pro Per*

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. PREFATORY STATEMENT**

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4 Moving Party (“Fine”), former counsel for Petitioner and Defendant in the
5 contempt proceeding, seeks an order voiding and annulling all orders and
6 judgments in this case and in the contempt proceeding.
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8 As stated in the Notice of Motion, the Motion is brought at the direction of
9 LA Superior Court Counsel Frederick R. Bennett set forth in his letter dated
10 August 12, 2010 to Fine. The Notice of Motion is incorporated herein as if set
11 forth in full.
12

13
14 In the event that Judge Yaffe does not grant this Motion and enter an order
15 voiding and annulling all orders and judgments in this case, including those in
16 the contempt proceeding, this Motion is withdrawn.
17

18 This Motion is brought solely to accommodate the direction of Mr.
19 Bennett, and by bringing such Motion Fine does not waive his position that
20 Judge Yaffe does not have subject matter jurisdiction in this case due to fraud
21 upon the Court by LA County, its attorneys, Real Parties in Interest Del Rey
22 Shores Joint Venture and Del Rey Shores Joint Venture North (“Del Rey
23 Shores”) and their attorneys Armbruster and Goldsmith, R.J. Comer and Joshua
24 L. Rosen, and Judge Yaffe himself.
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1 **II. LA COUNTY PAYMENTS TO STATE TRIAL COURT JUDGES IN**
2 **LA COUNTY**

3 As stated in the case of *Sturgeon v. County of Los Angeles*, 167 Cal.App.4th
4 630 (2008), rev. denied 12/23/08, LA County began making payments to State
5 LA Superior Court judges in the late 1980s. The *Sturgeon* case held that these
6 payments violated Article VI, Section 19, of the California Constitution.
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9 However, as far back as 1988, both LA County and the LA Superior Court
10 knew that the LA County payments were illegal. A November 10, 1988 letter
11 from Roger M. Whitby, Senior Assistant, LA County Counsel, approved by
12 DeWitt W. Clinton, LA County Counsel, to Frank S. Zolin, County
13 Clerk/Executive Officer, Superior Court, was produced as evidence in the
14 appellate phase of the *Sturgeon* case.
15

16
17 Such letter showed that: (1) only the State Legislature could “prescribe”
18 the “compensation” of judges, under Article VI, Section 19, of the California
19 Constitution; (2) “compensation” encompassed fringe benefits, according to two
20 California Attorney General opinions; (3) the Legislature’s duty was not
21 delegable to any other body, according to California case law; (4) Superior Court
22 judges are State Constitutional Officers; and (5) “The Board of Supervisors has
23 evidently found that in order to attract and retain qualified judges to serve in this
24 [LA] County it is necessary and appropriate to provide them with benefits such
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1 as the flexible benefit plan contribution and the 401(k) match . . . ”, in addition
2 to their State salary, State benefits and State retirement.
3

4 The November 10, 1988 letter showed that at all times LA County and the
5 judges knew that the payments were illegal. They further knew that the
6 payments could not “attract” a judge who was already in office and could not
7 “retain” a judge who could only remain in office by winning an election.
8

9 The payments’ sole purpose could only be to influence the judges to rule in
10 favor of LA County, which was often a party before the judges who accepted the
11 money.
12

13 In an analogous situation, Don Blankenship, the Chief Executive Officer of
14 A.T. Massey Coal Co., Inc., contributed \$3 million to the campaign committee
15 of Mr. Benjamin who was running to become a judge of the highest court in
16 West Virginia. A.T. Massey Coal Co. had a \$50 million judgment against it
17 which it was appealing to such court. Judge Benjamin won his election and the
18 judgment was later reversed by a 3-2 vote, Judge Benjamin being the deciding
19 vote.
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23 The U.S. Supreme Court held that Judge Benjamin should have recused
24 himself. It stated in Caperton v. A.T. Massey Coal Co., Inc., 556 U.S. ____
25 (2009), Slip Opinion page 16, in relevant part:
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1 Just as no man is allowed to be a judge in his own cause, similar fears
2 of bias can arise when—without the consent of the other parties—a
3 man chooses the judge in his own cause.

4 From the late 1980s through the present, LA County has paid over \$300
5 million to LA Superior Court judges, (Declaration of Richard I. Fine, paragraph
6 11) without the consent of the other parties to the litigation.
7

8 Code of Judicial Ethics Canon 4D(1) prohibits judges from entering into
9 financial dealings that:
10

11 (a) may reasonably be perceived to exploit the judge’s judicial
12 position, or

13 (b) involve the judge in frequent transactions or continuing business
14 relationships with . . . persons likely to appear before the court on
15 which the judge serves.

16 CCP Section 170.1(a)(6)(A)(iii) mandated such judge’s disqualification.

17 Such Section states:
18

19 A judge shall be disqualified if any one or more of the following is
20 true: [] A person aware of the facts might reasonably entertain a doubt
21 that the judge would be able to be impartial.

22 Canon 3E(2) requires the judge to:

23 disclose on the record information that is reasonably relevant to the
24 question of disqualification under Code of Civil Procedure section
25 170.1, even if the judge believes there is no actual basis for
26 disqualification.

27 Canon 3E(1) requires the judge to “disqualify himself or herself in any
28 proceeding in which disqualification is required by law.”

1 Any judge who received a LA County payment was bound to disclose such
2 and disqualify himself.
3

4 If the judge did not, the judge could be facing a bribery charge. After the
5 Sturgeon decision, the legislature enacted Senate Bill SBx2-11, which
6 recognized that the County payments to judges were criminal. Senate Bill
7 SBx2-11 gave retroactive immunity, effective 5/21/09, from criminal
8 prosecution, civil liability and disciplinary action to a “governmental entity,
9 officer, or employee of a governmental entity,” including judges who were paid
10 or received “judicial benefits.” The retroactive immunity did not extend to the
11 judge’s actions of presiding over cases in which the county who paid them was a
12 party. Nor, did it extend to county payments received after 5/21/09.
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17 At all times, judges who accepted “bribes” from an interested party were
18 biased. The U.S. Supreme Court has ruled and has reaffirmed the principle that
19 “justice must satisfy the appearance of justice,” Levine v. United States, 362 U.S.
20 610, 616, 80 S.Ct. 1038 (1960), citing Offutt v. United States, 348 U.S. 11, 14,
21 75 S.Ct. 11, 13 (1954). Therefore, a judge receiving a bribe from an interested
22 party over which he is presiding does not give the appearance of justice.
23
24

25 Further, the judge receiving the payment may be prosecuted for violating
26 the intangible right to honest services under Federal law, 18 U.S.C. § 1346. The
27 U.S. Supreme Court held in Skilling v. United States, 561 U.S. ____ (decided
28

1 6/24/2010), Slip Opinion pages 48-49, that § 1346 encompasses bribery and
2 kickbacks. LA County Counsel Annual Litigation Cost Management Reports
3 for the fiscal years 2004/2005 to 2006/2007 show that only two cases were
4 decided against LA County when a LA Superior Court judge made the decision.
5 (See Exhibit 6 to 3/25/08 CCP § 170.3 Verified Statement of Disqualification.
6
7 The Report for fiscal year 2008/2009 shows one case.
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10 **III. THE FRAUDS UPON THE COURT**

11 **A. Judge Yaffe's Admission of Fraud Upon the Court and Obstruction of** 12 **Justice in His 7/13/10 Minute Order.**

13 On 7/13/10 Judge Yaffe issued a Minute Order in which he admitted fraud
14 upon the Court and obstruction of justice by stating:
15

16 It has been brought to the Court's attention that its Order striking
17 Notice of Disqualification dated and filed March 27, 2008, refers to an
18 earlier March 18, 2008 draft order that was not filed

19 The Court did not intend to make any finding as to whether Mr.
20 Fine has standing to file a Verified Statement of Disqualification
pursuant to Code of Civil Procedure Section 170.3.

21 For a full explanation of the effect of the 7/13/10 Minute Order and the
22 reasons to void and annul all orders and judgments see "Notice that All Orders
23 and Judgments in the Marina Strand Case are Void Based Upon Judge Yaffe's
24 Admission of Fraud Upon the Court and Obstruction of Justice in the 7/13/10
25 Minute Order of This Court" filed 8/9/10 (hereinafter the "8/9/10 Notice"),
26
27 incorporated herein by reference as if set forth in full.
28

1 The significance of the admission is that no 3/18/08 Order ever existed and
2 no finding ever existed that Fine could not disqualify Judge Yaffe. This
3 admission supercedes and voids Judge Yaffe's argument at paragraph 2, page 13
4 of the March 4, 2009 Judgment and Order of Contempt in which Judge Yaffe:
5

6
7 rejects Mr. Fine's contention that he can disqualify Judge Yaffe from
8 hearing a contempt proceeding against him and from punishing him
9 for contempt, because part of Judge Yaffe's remuneration as a judge is
10 paid by the County of Los Angeles. The contention has no merit,
11 because Mr. Fine did not present a Statement of Disqualification on
12 that ground at the earliest practicable opportunity after discovery of
13 the facts constituting the ground for disqualification, as required by
14 Code of Civil Procedure Section 170.3(c)(1). Mr. Fine knew that all
15 judges of this Court receive compensation from the County of Los
16 Angeles on June 14, 2007, when he filed the case on behalf of Marina
17 Strand Colony II Homeowners Association

18 Judge Yaffe knew when he made the above statement on 3/4/09 that he and
19 LA County had committed fraud upon the Court by not having disclosed the
20 payments to him, and that he had violated CCP § 170.1(a)(6)(A)(iii) and Canons
21 3E(2) and (1) by not having disqualified himself.

22 He also knew that he and LA County had actively concealed the payments
23 even after Fine had stated in a 2/19/08 Declaration that "the Court [Judge Yaffe]
24 has not disclosed if it is receiving payments from LA County." (Fine
25 Declaration, paragraph 9, quoting 2/19/08 Declaration, paragraph 12).

26 The result is that paragraph 2, page 13, of the 3/4/09 Judgment and Order
27 of Contempt is false and a sham.
28

1 Additionally, Judge Yaffe does not contest in the 3/4/09 Judgment and
2 Order of Contempt that he was disqualified ten days after Fine filed and served
3 the 3/25/08 Verified Statement of Disqualification to which Judge Yaffe did not
4 respond.
5

6 **B. LA County and Its Attorneys' Fraud Upon the Court**
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8 LA County and its attorneys have never disclosed to this day that LA
9 County has made payments to Judge Yaffe.
10

11 All disclosures have been made by Judge Yaffe. The first disclosure
12 occurred on 3/20/08 at a hearing in response to questions by Fine. (Paragraph 2
13 of Fine Declaration). The second disclosure occurred on the first day of the
14 contempt trial in which Judge Yaffe unlawfully “judged his own actions.” The
15 U.S. Supreme Court stated in *In re Murchison*, 349 U.S. 133, 136 (1955), cited
16 in *Caperton*, supra, at Slip Opinion page 10:
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18

19 no man can be a judge in his own case . . . no man is permitted to try
20 cases where he has an interest in the outcome.
21

22 Judge Yaffe testified on 12/22/08 that he received payments from LA
23 County, that he did not disclose such on his Form 700 Statement of Financial
24 Interest, that he did not have any contract or agreement to perform services for
25 LA County, and that he could not remember any case in the last three years that
26 he decided against LA County.
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1 Based upon his biography, Judge Yaffe has been a LA Superior Court
2 Judge since 1987. Assuming that he had received LA County payments from
3 1987 through the present, it is estimated that he received approximately
4 \$500,000.00 in payments from LA County. (Fine Declaration, paragraph 12).
5

6
7 **C. LA County’s, Its Attorneys’, Del Rey Shores’ and Its Attorneys’
8 Fraud Upon the Court**

9 LA County, its attorneys, Del Rey Shores and its attorneys concealed the
10 illegality of the 5/15/07 vote of the LA County Supervisors to approve the
11 Environmental Impact Report (“EIR”) to redevelop the Del Rey Shores
12 apartment complex in Marina Del Rey, California. LA County and Del Rey
13 Shores were the co-applicants.
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15
16 In April 2007, six weeks before the vote to approve the EIR, Jerry B.
17 Epstein (Trustee of the Epstein Family Trust), the Epstein Family Trust
18 (managing partner of Del Rey Shores) and David O. Levine (“Chief of Staff” for
19 Jerry B. Epstein) contributed greater than \$500.00 to each of the LA County
20 Supervisors Antonovich and Knabe. These Supervisors then voted for the EIR
21 on 5/15/07. (Fine Declaration, paragraphs 5-7).
22

23
24 These votes violated the Political Reform Act and the case of BreakZone
25 Billiards v. City of Torrance, 81 Cal.App.4th 1205 (2000), as the contributions
26 were greater than \$500.00 and were made within a year prior to the vote.
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1 Four votes were cast in favor of the EIR. Three were needed for
2 certification. Since Supervisors Antonovich and Knabe's two votes were illegal,
3 the EIR was not certified.
4

5 LA County, its attorneys, Del Rey Shores and its attorneys did not disclose
6 this information. The 2007 contribution information did not become available
7 under the latter part of 2008. When Fine presented the contribution evidence at
8 the contempt trial, R.J. Comer, the attorney for Del Rey Shores, still did not
9 disclose the illegality (*Id*). To this day the disclosure has not been made.
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12 **D. U.S. Supreme Court Cases Mandate That the Order Voiding and**
13 **Annuling All Orders and Judgments be Entered Based Upon Fraud**
14 **Upon the Court**

15 The U.S. Supreme Court, which the Superior Court is bound to follow,
16 stated in *U.S. v. Throckmorton*, 98 U.S. 61, 64 (1878):
17

18 There is no question of the general doctrine that fraud vitiates the
19 most solemn contracts, documents, and even judgments.

20 The Court continued at page 66:

21 Fraud vitiates everything, and a judgment equally with a contract
22 (citing *Wells, Res Adjudicata*, Section 499).
23

24 The U.S. Supreme Court further stated in *Vallely v. Northern Fire &*
25 *Marine Ins. Co.*, 254 U.S. 348, 353-354 (1920):
26

27 Courts are constituted by authority, and they cannot [act] beyond the
28 power delegated to them. If they act beyond that authority, and
certainly in contravention of it, their judgments and orders are
regarded as nullities. They are not voidable, but simply void, and this

1 even prior to reversal. *Elliott v. Lessee of Piersol*, 26 U.S. (1 Pet.)
2 328, 340; *Old Wayne Life Assn. v. McDonough*, 204 U.S. 8, 27 S.Ct.
3 236.

4 The District of Columbia Court of Appeals, in *Austin v. Smith*, 312 F.2d
5 337, 343 (1962), in light of F.R.C.P. Rule 60(b)(5), held:

6 if the underlying judgment is void, the judgment based upon it is also
7 void.
8

9 **IV. CONCLUSION**

10
11 It took Judge Yaffe two and a quarter years to admit that he made a false
12 Order on 3/18/08 and that Fine had standing to disqualify him. It has been over
13 three years since the case was filed, and LA County, its attorneys, and Del Rey
14 Shores and its attorneys are still holding to their fraud upon the court regarding
15 the illegality of the EIR, and LA County and its attorneys are still holding to
16 their fraud upon the court regarding the payments to Judge Yaffe. This
17 obstruction of justice must not be allowed to continue. It has already destroyed
18 the integrity of the California judicial system. Unless it is stopped now, it will
19 destroy what little remains of the California judicial system. A report from the
20 Administrative Office of the Courts shows that 90% of the judges receive
21 County payments.
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26 Unlawfully incarcerating Fine and unlawfully disbaring him has only
27 resulted in arousing the anger of the citizenry and the media. Calls for
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1 prosecution of the judges and the supervisors have begun and will not stop until
2 this problem is resolved and the judicial system is reformed.
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4 It is time for the Superior Court to obey the law and void and annul all the
5 orders and judgments in the case and in the contempt proceeding, and
6 immediately release Fine from the unlawful incarceration.
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9 Dated this 27th day of August, 2010

Respectfully submitted,

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12 BY: _____
13 RICHARD I. FINE,
14 *In Pro Per*
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1 and the 3/20/08 Minute Order shows that little similarity exists between the
2 substance of the two documents.
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4 5. At no time from the beginning of the case through the present has
5 either LA County, its attorneys, Del Rey Shores Joint Venture, Del Rey Shores
6 Joint Venture North (hereinafter “Del Rey Shores”), or its attorneys, Armbruster
7 and Goldsmith, R.J. Comer and Joshua L. Rosen ever disclosed the contributions
8 by Jerry B. Epstein, the Epstein Family Trust, and David D. Levine, to LA
9 County Supervisors Antonovich and Knabe in April 2007, approximately six
10 weeks prior to their votes in favor of the co-application of LA County and Del
11 Rey Shores for an Environmental Impact Report (“EIR”) to redevelop the Del
12 Rey Shores apartment complex in Marina del Rey, California.
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16 6. As shown by the 3/25/08 CCP § 170.3 Verified Statement of
17 Disqualification, the Epstein interests contributed \$2,000.00 to Supervisor
18 Antonovich in 2006, and \$1,050.00 to Supervisor Knabe in 2006. The 2007
19 contributions were not available by LA County online until the latter part of
20 2008. At such time, I found the April 2007 contributions from Jerry B. Epstein,
21 the Epstein Family Trust, and David D. Levine – the “Chief of Staff” for Jerry
22 B. Epstein. I introduced this evidence at the contempt trial. R.J. Comer
23 responded that Supervisor Antonovich had received a letter from the Fair
24 Political Practices Commission stating that the contributions were legal. Neither
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1 the letter nor Mr. Comer addressed the fact that Supervisor Antonovich's vote
2 and Supervisor Knabe's vote in favor of the EIR was illegal under the Political
3 Reform Act and the case of BreakZone Billiards v. City of Torrance, 81
4 Cal.App.4th 1205 (2000), as the contributions to each of them were greater than
5 \$500.00 and occurred within one year prior to the vote. Four votes were cast for
6 the EIR. Three were needed for approval, but with Antonovich and Knabe's
7 votes being illegal, the EIR was not approved and not certified.
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11 7. LA County, its attorneys, and Del Rey Shores and its attorneys had
12 this information from the outset of the Marina Strand case and never disclosed
13 it.
14

15 8. LA County, its attorneys, and Judge Yaffe knew at all times that
16 Judge Yaffe was receiving payments from LA County and never disclosed such.
17 I did not know that Judge Yaffe was specifically receiving LA County payments
18 until I elicited the information from him at my first court appearance on 3/20/08.
19
20

21 9. Prior thereto, I filed a Declaration in Support of the 2/19/08 Motion
22 which stated at paragraph 12: "In the instant case Los Angeles County is a party.
23 The Court [Judge Yaffe] has not disclosed if it is receiving payments from LA
24 County."
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26 10. From this statement, LA County, its attorneys, and Judge Yaffe
27 knew they were committing a fraud upon the court by not disclosing the
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1 payments. Judge Yaffe also knew that he violated the Code of Judicial Ethics,
2 Canon 4D(1), by taking the payments from LA County, who was a party “likely
3 to appear before the court on which the judge [he] serves;” Canon 3E(2) by not
4 disclosing the payment; and Canon 3E(1), and CCP § 170.3(a)(6)(A)(iii) by not
5 disqualifying himself.
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8 11. The case of Sturgeon v. County of Los Angeles, 167 Cal.App.4th 630
9 (2008), rev. denied 12/23/08, states that the LA County payments to LA
10 Superior Court judges began in the late 1980s. Sturgeon held the payments
11 violated Article VI, Section 19, of the California Constitution. A 2/22/08 letter
12 to the Court of Appeal from Judicial Watch in response to the Court’s questions
13 showed that the LA County payments to “State Trial Judges” from fiscal year
14 1999/2000 to fiscal year 2005/2006 were \$127,250,409. (See Exhibit “5” to the
15 3/25/08 CCP § 170.3 Verified Statement of Disqualification). Based upon this
16 letter, the annual payments per judge of \$46,388.00 in 2007 and 2008 as shown
17 in the Sturgeon case, or approximately \$23 million per year, and now with the
18 current payments of \$57,000.00 per judge, I have calculated that LA County has
19 paid the State trial judges in LA County over \$300 million since 1987, without
20 the consent of the other party to the litigation.
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26 12. Based upon his biography, Judge Yaffe has been a Judge since 1987.
27 I have calculated that he has received approximately \$500,000.00 in payments
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1 from LA County from 1987 to present, without the consent of the other party to
2 the litigation.
3

4 I declare under the penalty of perjury under the laws of the State of
5 California that the foregoing is true and correct.
6

7 Executed this 27th day of August 2010, at Los Angeles, California.
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10 BY: _____
11 RICHARD I. FINE
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