

**ORIGINAL FILED**

AUG 09 2010

**LOS ANGELES  
SUPERIOR COURT**

1 RICHARD I. FINE, In Pro Per  
2 Prisoner ID # 1824367  
3 c/o Men's Central Jail  
4 441 Banchet Street  
5 Los Angeles, CA 90012  
6 (Former Counsel for Marina Strand  
7 Colony II Homeowners Association)

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10 **MARINA STRAND COLONY II**  
11 **HOMEOWNERS ASSOCIATION,**

12 **Petitioner,**

13 vs.

14 **COUNTY OF LOS ANGELES, et al,**

15 **Respondents.**

16 \_\_\_\_\_  
17 **DEL REY SHORES JOINT**  
18 **VENTURE; DEL REY SHORES**  
19 **JOINT VENTURE NORTH,**

20 **Real Parties In Interest.**  
21 \_\_\_\_\_

Case No. BS 109420

**NOTICE THAT ALL ORDERS  
AND JUDGMENTS IN THE  
MARINA STRAND CASE ARE  
VOID BASED UPON JUDGE  
YAFFE'S ADMISSIONS OF  
"FRAUD ON THE COURT" AND  
"OBSTRUCTION OF JUSTICE"  
IN THE JULY 13, 2010 MINUTE  
ORDER OF THIS COURT**

DATE: August 5, 2010  
TIME: Not Applicable  
COURTROOM: Dept. 86

Trial Date: 12/22/2008

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24 **NOTICE OF VOID ORDERS AND JUDGMENTS**

25 On July 13, 2010, three years and one month after the June 14, 2007 filing  
26 of the Marina Strand case, Judge Yaffe admitted in a Minute Order.  
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1 "It has been brought to the court's attention that its order  
2 striking Notice of Disqualification dated and filed March 27, 2008,  
3 refers to an earlier March 18, 2008 draft order that was not filed . . .

4 \* \* \*

5 The Court did not intend to make any finding as to whether Mr. Fine  
6 had standing to file a verified statement of disqualification pursuant to  
7 CCP section 170.3. . . ."

8 These admissions demonstrated that Judge Yaffe and Los Angeles County  
9 had engaged in extrinsic "fraud upon the court" from the outset of the Marina  
10 Strand case on June 14, 2007 by concealing the illegal L.A. County payments to  
11 Judge Yaffe from Petitioner and its counsel, Fine.

12 This concealment resulted in Judge Yaffe presiding over a case in which he  
13 received payments from the party appearing before him.

14 The U.S. Supreme Court has held such fraudulent activity vitiates any  
15 judgment:

16 "There is no question of the general doctrine that fraud vitiates the  
17 most solemn contracts, documents and even judgments". (See U.S. v.  
18 Throckmorton, 98 U.S. 61, 64 (1878)).

19 "Fraud vitiates everything, and a judgment equally with a contract ..."  
20 (Id. at 66, citing Wells, Res Adjudicata, Section 499).

21 "Courts are constituted by authority and they cannot [act] beyond the  
22 power delegated to them. If they act beyond that authority and  
23 certainly in contravention of it, their judgments and orders are regarded  
24 as nullities. They are not voidable, but simply void, and this even prior  
25 to reversal. Elliott v. Peirsol, 1 Pet. 328, 340; Old Wayne Life Ass'n v.  
26 McDonough, 204 U.S. 8, 27 Sup. Ct. 236; (See Valley v. Northern  
27 Fire & Marine Ins. Co., 254 U.S. 348, 353-354 (1920)).

1 "If the underlying judgment is void, the judgment based upon it  
2 is also void." See Austin v. Smith, 312 F. 2d 337, 343 (1962)).

3 This concealment also denied due process to Petitioner. The U.S. Supreme  
4 Court stated in Caperton v. A.T. Massey Coal Co. Inc., 556 U.S. \_\_\_ (2009) Slip  
5 Opinion page 7, citing Tuney v. Ohio, 273 U.S. 510, 532 (1927):

6 "Every procedure which would offer a possible temptation to the  
7 average man as a judge to forget the burden of proof required to  
8 convict the defendant, or which might lead him not to hold the balance  
9 nice, clear and true between the state and the accused, denies the latter  
10 due process of law."

11 The Supreme Court held in Caperton, at Slip Opinion page 16 in relevant  
12 part:

13 "Just as no man is allowed to be a judge in his own cause,  
14 similar fears of bias can arise, when without the consent of the other  
15 party, a man chooses the judge in his own case. . ."

16 By making illegal payments to Judge Yaffe and concealing such, L.A.  
17 County "chose the judge in its own case" and denied Petitioner and Fine due  
18 process in the Marina Strand case and in the contempt proceeding.

19 Judge Yaffe and L.A. County concealed the illegal L.A. County payments  
20 until March 20, 2008, when Judge Yaffe admitted to such at a hearing under  
21 questioning by Fine.

22 Prior thereto, Judge Yaffe had made a January 8, 2008 Order. In such  
23 order, Judge Yaffe ordered Fine to pay attorney's fees to L.A. County and its co-  
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1 applicants the Real Party in Interest, Del Rey Shores Joint Venture and Del Rey  
2 Shores Joint Venture North (hereinafter "Del Rey Shores"), without notice to  
3 Fine and without Fine being present at the January 8, 2008 hearing.

4  
5 On March 20, 2008, Judge Yaffe attempted to strike Fine's February 19,  
6 2008 Motion to Disqualify L.A. Superior Court Judges Receiving Money From  
7 L.A. County. Judge Yaffe knew at such time that paragraph 12 of the Declaration  
8 of Richard I. Fine in support of such motion stated:  
9

10 "In the instant case, Los Angeles County is a party. The court  
11 [Judge Yaffe] has not disclosed if it is presently receiving money from  
12 L.A. County".

13 Paragraph 13 of the Declaration stated:

14 "In the case of Sturgeon v. L.A. County, et al., Case No. BC  
15 351286, in which plaintiff brought suit to enjoin L.A. County from  
16 making payments to L.A. Superior Court judges, the case was  
17 transferred out of the jurisdiction of the L.A. Courts."

18 On March 20, 2008, Judge Yaffe knew that he could not strike the February  
19 19, 2008 Motion as being a motion personal to him, that he was still concealing  
20 the L.A. County payments. Yet the March 21, 2008 Notice of Ruling of the  
21 March 20, 2008 hearing stated: "The court struck the challenge pursuant to CCP  
22 § 170.3 by Richard I. Fine to the judges of the Superior Court for the County of  
23 Los Angeles." The March 21, 2008 Notice of Ruling did not have any March 20,  
24 2008 Minute Order attached to it.  
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1 In the July 13, 2010 Minute Order, Judge Yaffe stated that "as intended to  
2 the final order that was filed March 20, 2008" should have been the Order  
3 referenced in the March 27, 2008 Order Striking Notice of Disqualification. This  
4 statement to substitute the March 20, 2008 Order for the false March 18, 2008  
5 Order was a sham and an impossibility: Firstly, the March 20, 2008 Minute  
6 Order was never served. Secondly, the March 27, 2008 Order Striking Notice of  
7 Disqualification relied solely on the false March 18, 2008 Order.  
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10 The March 27, 2008 Order Striking Notice of Disqualification concluded by  
11 stating:  
12

13 "In the final paragraph of the March 18, 2008 Order the court  
14 reminded Mr. Fine that this determination of the question of disqualification  
15 is not an appealable order and may be reviewed only by a writ of mandate  
16 from the Court of Appeal brought within ten days of notice to the parties of  
17 the decision. CCP section 170.3(d). However, Mr. Fine did not timely file  
18 such writ in the court of appeal. Accordingly, that March 18, 2008 order  
19 determining the question of disqualification is final. Mr. Fine's March 25,  
20 2008 Notice of Disqualification is incorrect and stricken."

21 As shown by the March 27, 2008 Order Striking Notice of Disqualification,  
22 the March 20, 2008 Order could not be substituted for the false March 18, 2008  
23 Order inasmuch as the "ten days" had not passed from March 20 to March 27.  
24 As a matter of note, the "ten days" had not passed between March 18, 2008 and  
25 March 27, 2008, only nine days had passed.

26 Finally, the March 27, 2008 Order Striking Notice of Disqualification did  
27

1 not have a certificate of service and was not served. Based upon the July 13,  
2 2010 Minute Order, the March 27, 2008 Order Striking Notice of Disqualification  
3 was a sham and a nullity.  
4

5 The July 13, 2010 Minute Order also supported Judge Yaffe's  
6 disqualification based upon his failure to respond to the March 25, 2008 Verified  
7 CCP § 170.3 Objection filed by Fine. As of April 4, 2008, Judge Yaffe was  
8 disqualified under operation of law pursuant to CCP § 170.3(c)(4). A Notice of  
9 Disqualification was handed to Judge Yaffe at the April 10, 2008 hearing and the  
10 clerk entered the Notice of Disqualification on April 11, 2008. The March 25,  
11 2008 Verified Objection was based upon Judge Yaffe's admission at the March  
12 20, 2008 hearing that he was receiving payments from L.A. County.  
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15 Later, on December 22, 2008, as the first witness in the contempt  
16 proceeding, Judge Yaffe testified that he was receiving L.A. County payments,  
17 that he did not disclose such, and that he could not remember any case in the last  
18 three years he decided against L.A. County.  
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21 In the contempt proceeding, Judge Yaffe also violated due process by  
22 "judging his own action". (See In Re Murchison, 349 U.S. 133, 136 (1955) – "no  
23 man can be a judge in his own case . . . no man is permitted to try a case where  
24 he has an interest in the outcome". Cited in Caperton, supra, Slip Opinion page  
25 10.)  
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1 In a June 18, 2010 Minute Order, which was not served until July 13, 2010,  
2 Judge Yaffe continued his false statements and concealments. He stated that Fine  
3 filed a Verified Statement of Disqualification for Cause pursuant to CCP §  
4 170.3(c)(1), which was stricken by the Court pursuant to the authority to do so set  
5 forth in CCP § 170.3(d). As shown on the docket in the Marina Strand case,  
6 Judge Yaffe never struck the March 25, 2008 Verified Statement of  
7 Disqualification, otherwise known as a CCP § 170.3 Verified Objection.  
8

9  
10 In the same June 18, 2010 Minute Order, Judge Yaffe cited the "void" case  
11 of Fine v. Superior Court, 97 Cal.App.4<sup>th</sup> 651 (2002), which affirmed the  
12 September 24, 2001 Contempt Order. The September 24, 2001 Contempt Order  
13 had been voided and annulled on August 21, 2002 by the Superior Court after the  
14 U.S. District Court in the case of Fine v. Superior Court, U.S.D.C. Case No CV-  
15 02-4647 GLT (SGL) issued an Order to Show Cause on August 12, 2002 re:  
16 immediately issuing a writ of habeas corpus.  
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19  
20 The District Court stated on August 26, 2002:

21 "Respondent superior court has ruled its September 24, 2001  
22 Judgment and Order of Contempt to be void and annulled."

23 This August 21, 2002 voiding and annulling voided the Court of Appeal  
24 decision of Fine v. Superior Court. See Throckmorton, supra; Valley, supra, and  
25 Austin, supra.  
26  
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1 Also, in the June 18, 2010 Minute Order, knowing that Fine had been  
2 unlawfully incarcerated since March 4, 2009, Judge Yaffe admitted to summarily  
3 rejecting Fine's May 17, 2010 Motion for a hearing to be released from jail  
4 pursuant to the case of In Re Farr, 36 Cal.App.3d 577, 584 (1974). The Farr  
5 case held that when confinement does not serve the purpose of the order of  
6 confinement, the confinement becomes "penal" and is limited to the five days set  
7 forth in CCP Section 1218.  
8

9  
10 As of March 4, 2009, when Judge Yaffe entered the Order of Contempt,  
11 Judge Yaffe was still engaging in "fraud upon the court" and "obstruction of  
12 justice" by relying upon the March 18, 2008 and the March 27, 2008 Orders as a  
13 basis for the judgment and Order of Contempt.  
14

15  
16 In the March 4, 2009 Judgment and Order of Contempt, Judge Yaffe was  
17 also falsely arguing that Fine should have disqualified Judge Yaffe at the outset of  
18 the Marina Strand case, while judge Yaffe knew that he should have disqualified  
19 himself. The truth was that Judge Yaffe and L.A. County were concealing the  
20 illegal payments to Judge Yaffe, and Judge Yaffe was under a duty to disqualify  
21 himself under CCP § 170.1(a)(6)(A)(iii).  
22

23  
24 Further, at the outset of the Marina Strand case, Judge Yaffe violated the  
25 Code of Judicial Ethics: Canon 4D(1) - by taking the payments from L.A.  
26 County, who was a party appearing before him; Canon 3E(2) - by not disclosing  
27



1 the payments; and Canon 3E(1) by not disqualifying himself for having taken the  
2 payments.

3 Additionally, the L.A. County payments were "bribes" inasmuch as Judge  
4 Yaffe testified on December 22, 2008 that he could not remember deciding any  
5 case against L.A. County in the last three years. This link between the L.A.  
6 County payments and Judge Yaffe's deciding cases in favor of L.A. County  
7 clearly established "bribes". The fact that Judge Yaffe was bribed by L.A.  
8 County also denied Petitioner and Fine due process.

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11 In Offutt v. United States, 348 U.S. 11, 14 (1954), the U.S. Supreme Court  
12 stated:

13  
14 "A judge receiving a bribe from an interested party over which  
15 he is presiding does not give the appearance of justice."

16 Further, in the Marina Strand case, L.A. County and Del Rey Shores and  
17 their attorneys committed fraud upon the court by concealing the fact that the  
18 L.A. Board of Supervisors' May 15, 2007 Certification of the Environmental  
19 Impact Report ("EIR") approving the L.A. County and Del Rey Shores'  
20 Application for the Redevelopment of the Del Rey Shores' apartment complex  
21 was illegal.

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24 L.A. County, Del Rey Shores and their attorneys knew that the votes of  
25 L.A. County Supervisors Antonovich and Knabe were illegal under the California  
26  
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1 Political Reform Act and the case of BreakZone Billiards v. City of Torrance, 81  
2 Cal.App.4th 1205 (2000). Both L.A. County Supervisors Antonovich and Knabe  
3 had received contributions over \$500 over the twelve months prior to the vote  
4 from Del Rey Shores' principals or employees, Jerry B. Epstein, the Epstein  
5 Family Trust and David O. Levine (Chief of Staff for Jerry B. Epstein).  
6

7 These two illegal votes reduced the four affirmative votes for certification to  
8 two affirmative votes. Three affirmative votes were needed to certify the EIR.  
9 The certification was illegal as it only had two votes.  
10

11 L.A. County, Del Rey Shores and their attorneys concealed this illegality  
12 throughout the entire Marina Strand case and through the contempt proceeding  
13 until Fine exposed the illegality in the contempt proceeding. Such exposure was  
14 only possible due to the County having made available contribution reports  
15 "online" in the year 2009.  
16

17 Despite this exposure of the fraud of L.A. County, Del Rey Shores and its  
18 attorneys, Judge Yaffe did not strike the EIR. This action of Judge Yaffe of not  
19 striking the EIR despite the proof of the fraud upon the Court by L.A. County,  
20 Del Rey Shores and its attorneys was further proof of the bribery by L.A. County  
21 to Judge Yaffe in the Marina Strand case.  
22

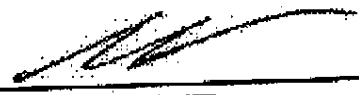
23 The ultimate result of the fraud upon the Court, the bribery, and the  
24 obstruction of justice was the unlawful incarceration of Fine on March 4, 2009.  
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Based upon Judge Yaffe's admission of fraud upon the Court and  
obstruction of justice in the July 13, 2010 Minute Order, the Marina Strand  
case and the contempt proceeding are vitiated and all orders and judgments of  
Judge Yaffe are void under the U.S. Supreme Court precedents of  
Throckmorton, supra, and Valley, supra.

DATED: August 5, 2010

Respectfully Submitted,

BY:   
RICHARD I. FINE,  
*In Pro Per*

**PROOF OF SERVICE**

1  
2  
3 STATE OF CALIFORNIA,  
4 COUNTY OF LOS ANGELES

5 I, Robin DeMichael, hereby declare under penalty of perjury, that the following  
6 is true and correct: I am over eighteen years of age, and not a party to the within  
7 cause. My mailing address is 22139 Burbank Boulevard, #5 Woodland Hills, CA  
8 90020.

**SEE ATTACHED SERVICE LIST**

9  
10  
11 On August 9, 2010, I served the foregoing document described as NOTICE  
12 THAT ALL ORDERS AND JUDGMENTS IN THE MARINA STRAND CASE  
13 ARE VOID BASED UPON JUDGE YAFFE'S ADMISSIONS OF "FRAUD  
14 UPON THE COURT" AND "OBSTRUCTION OF JUSTICE" IN THE JULY  
15 13, 2010 MINUTE ORDER OF THIS COURT on interested parties in this action by  
16 depositing a true copy thereof, which was enclosed in a sealed envelope, with postage  
17 fully prepaid, in the United States Mail, addressed as follows:

18 I certify and declare, under penalty of perjury under the laws of the United  
19 States of America and the State of California, that the foregoing is true and correct.

20 Executed on this 9th day of August, 2010, at Woodland Hills, California.

21  
22   
23 \_\_\_\_\_  
24 Robin DeMichael

**SERVICE LIST**

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