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RE: Request for Federal and State Grand Jury Investigations and Indictments for Obstruction of Justice and Other Crimes Caused By and Related to the $300 million of Illegal Payments by Los Angeles County and Other California Counties to the State Trial Court Judges in LA County and Other Counties.

Gentlemen:

I. Introduction

This formal complaint seeks grand jury investigations and corresponding federal and state indictments of judges, county supervisors, attorneys and others who participated in the largest judicial corruption and bribery scheme and "cover up" in American history.

The corruption and bribery scheme consisted of payments from LA County to state-elected trial court judges who presided over cases in which Los Angeles County was a party in the Superior Court of the State of California for the County of Los Angeles.

The payments began in the late 1980s and have continued through the present. Neither LA County nor its attorneys disclosed the payments in any case in which LA County was a party. The judges receiving the payments from LA County also did not disclose such in the cases in which they were presiding and in which LA County was a party, nor did they disclose such payments on their Form 700 Statement of Economic Interest, a mandatory disclosure form.

As of the present time, LA County's payments are $57,000 per year per judge, or approximately $23 million per year for the 430 LA Superior Court judges if all of them are accepting the payments. The $57,000 is in addition to every judge's state salary of $178,800 per year, plus state health benefits and a state retirement plan. Excluding the value of the state retirement plan, the LA Superior Court judges are taking home approximately $250,000 per year. In contrast, the salary of the Chief Justice of the U.S. Supreme Court is approximately $218,000 per year.

Since the late 1980s, LA County has paid approximately $300 million to the state-elected trial court judges of the LA Superior Court. These payments have been held to violate Article VI, Section 19, of the California Constitution in the case of *Sturgeon v. County of Los Angeles*, 167 Cal.App.4th 630 (2008), rev. denied 12/23/08. The payments have also been acknowledged to be criminal in California Senate Bill SBx2-11, effective 5/21/09 (see *infra*).

Documents show that LA Superior Court judges did not decide cases against LA County. In fiscal year 2005/2006 to 2008/2009, only three cases were decided against LA County by the LA Superior Court, according to the LA County Counsel Annual Litigation Cost Management Reports. Approximately 700-750 cases were filed each year. This miniscule percentage indicates that the judges were influenced by the illegal payments, for which they received retroactive immunity under SBx2-11 (effective 5/21/09) from state criminal prosecution. They did not receive immunity from obstruction of justice for presiding over the case; nor did they receive immunity from receiving payments after 5/21/09; nor did they receive immunity from Federal prosecution.

In my own personal experience as an attorney in cases in which LA County has been the opposing party, the judge and LA County have never disclosed the LA County payments to the judge. This has resulted in hundreds of millions of dollars of loss to the taxpayers.

II. Cases

A. *Veltman v. County of Los Angeles, et al*.

In the case of *Veltman v. County of Los Angeles and the Metropolitan Transit Authority*, I represented Raymond Veltman in a taxpayer lawsuit. We prevailed in the trial court before LA Superior Court Judge Richard Hubbell in 1997 and obtained an injunction preventing LA County from taking $100 million cash and borrowing $150 million of transportation tax funds from the MTA.

On appeal, LA Superior Court Judge J. Stephen Czuleger was appointed to the panel by designation. Neither Judge Czuleger nor LA County disclosed that he was receiving payments from LA County. I did not know such. The judgment was reversed. The taxpayers lost $250 million.

B. *Silva v. Garcetti*

In the case of *Silva v. Garcetti and LA County*, LASC Case No. BC 205645, I represented John Silva against LA District Attorney Gil Garcetti, who was illegally withholding $14 million of child support monies beyond the six-month statutory limit and refusing to distribute such. Neither LA County, it lawyers, nor Judge James C. Chalfant disclosed the LA County payments to LA Superior Court Judge Chalfant. Garcetti's office admitted that it had the child support money and had not distributed it. At the end of the trial, Judge Chalfant dismissed the case.

Upon finding out about the payments to Judge Chalfant after the dismissal, I raised the issue in the appeal, App. No. B 150641. The Appellate Court refused to hear the issue. I then became aware that Justice Kathryn Doi Todd, who had recently been appointed an appellate justice, had received LA County payments when she was a LA Superior Court judge. Neither Justice Todd nor LA County or its lawyers disclosed this information in the appeal. I raised the issue in my Petition for Review to the California Supreme Court (S.Ct. Case No. 105221). The California Supreme Court denied review.

LA County women and children lost $14 million, which they should have timely received.

C. *LACAOEHS v. LA County Board of Supervisors, et al*

In March of 2002, I filed the Federal civil rights case of *LACAOEHS v. County of LA Board of Supervisors, Lewin, et al.*, U.S.D.C. Case No. CV-02-02190 AHM (JTLx) (hereinafter referred to as the "*Lewin*" case) alleging that the LA County payments to the LA Superior Court judges violated Article VI, Section 19, of the California Constitution, Canons of the Code of Judicial Ethical, and the First, Fifth and Fourteen Amendments. The complaint showed that Judge Lewin had received LA County payments. The court dismissed the complaint as it sought damages, but did not discuss the issue of fraud upon the court as neither LA County nor Judge Lewin had discussed the LA County payments to Judge Lewin in the underlying case of *Amjadi and LACAOEHS v. County of Los Angeles et al.*, LASC Case No. BC 110446.

In such case, I represented Mr. Amjadi and LACAOEHS. We obtained an injunction stopping LA County from taking environmental inspection fees (which amounted to approximately $45 million per year) and placing them in the California General Fund. We established a special fund for such fees, dedicated to environmental purposes, transferred $11 million remaining in the General Fund to the Special Fund and froze the amount of the fees until the $11 million was expended. Judge Lewin had refused to award attorneys' fees, arguing "no public benefit", among other things.

As of the present, the taxpayers have received approximately $500 million in the Special Fund and continue to receive approximately $45-50 million per year.

D. ***Silva v. County of Los Angeles***

In June 2002, I filed the case of *Silva v. County of Los Angeles, Chalfant, Boren, Nott, Todd, and Mitchell*, U.S.D.C. Case No. CV-02-04645 AHM (JTLx) (hereinafter the "*Silva*" case). This case was a taxpayer, civil rights defendants, class action case to enjoin LA County payments. I represented John Silva. The complaint alleged that the LA County payments to the LA Superior Court judges violated Article VI, Section 19, of the California Constitution, Canons of the Code of Judicial Ethical, and the First, Fifth and Fourteen Amendments.

Judge Chalfant represented the subclass of judges receiving payments. Justice Kathryn Doi Todd represented the subclass of former Superior Court judges, now Appellate Court justices, who had received payments. Justices Roger W. Boren and Michael G. Nott represented the subclass of Appellate Court justices who concealed that their colleague had received payments, and Commissioner Bruce E. Mitchell, as a temporary judge, represented the subclass of court commissioners who received the payments and were presiding over cases in which LA County was a party.

Documents showing the payments to Judge Chalfant, Justice Todd and Commissioner Mitchell were attached to the complaint. The court dismissed the case, claiming Mr. Silva did not have constitutional standing, even though he currently had a case (to receive a refund for child support payments) in the LA Superior Court against LA County.

E. ***Di Flores et al. v. EHG, et al***

In 1999, during the same period of time that Judge Lewin denied attorneys' fees in the *Amjadi and LACAOEHS* case and Judge Chalfant dismissed the *Silva* case, Commissioner Mitchell unlawfully delayed the claims administration procedure in the case of *Di Flores, et al, v. EHG, et al*, LASC Case No. BC 150607 (hereinafter the "*Di Flores*" case). This is the same Commissioner Mitchell who would later become a defendant in the Federal *Silva* case.

At the time, the events did not appear connected. Hindsight shows them to be related as a scheme of retaliation for challenging LA County and the LA County payments which were being concealed.

The *Di Flores* case was a class action case which I brought in 1996 and settled for $7.86 million in June 1999. Commissioner Mitchell was the "temporary judge" for "pretrial proceedings" which ended August 28, 1999, when the judgment became final and non-appealable.

At such time, Commissioner Mitchell refused to leave the case, as required by the Local Rules. In November 1999, he entered an Order to Show Cause to remove me as "class counsel" when the final judgment did not have a settlement class counsel. In December 1999, he unlawfully stopped the claims administration process, which was to be completed in January 2000, and on September 24, 2001, he issued a Judgment and Order of Contempt against me in which he claimed to have jurisdiction to act as a "temporary judge" in the *Di Flores* case for post-judgment proceedings.

In March 2002, Justices Boren, Nott, and Todd, the same justices who ruled in the *Silva v. Garcetti* case and who were defendants in the Federal *Silva* case, affirmed the Judgment and Order of Contempt in the case of *Fine v. Superior Court*, 97 Cal.App.4th 651 (2002). In June 2002, I filed a Writ of Habeas Corpus in Federal court, *Fine v. Superior Court*, U.S.D.C. Case No. CV-02-4647 GLT (SLG). On August 12, 2002, the U.S. District Court issued a Stay of Execution of Sentence and an Order to Show Cause Re Immediate Habeas Corpus Relief. On August 21, 2002, Commissioner Mitchell voided and annulled the September 24, 2001 Judgment and Order of Contempt.

The U.S. District Court stated on August 26, 2002:

> Respondent Superior Court has ruled its 9/21/01 Judgment and Order of Contempt to be void and annulled.

Despite this voiding and annulling, the California Court did not void and annul *Fine v. Superior Court*, even though it was void due to lack of subject matter jurisdiction. (*See infra*).

Commissioner Mitchell still did not leave the *Di Flores* case. On the same day, August 21, 2002, he unlawfully removed all 385 of my individual clients in the case. He later, in 2003, fraudulently represented himself to be the "temporary judge" in the case in a second contempt proceeding against me. This time, Judge J. Stephen Czuleger (the same judge as in the *Veltman* appeal), presided. I was again convicted, with Judge Czuleger relying upon the void decision of *Fine v. Superior Court*.

In 2006, this contempt was voided by Judge Czuleger's having not responded to a CCP Section 170.3 Verified Statement of Disqualification showing the "fraud upon the court" engaged in by Commissioner Mitchell and Judge Czuleger to invoke the jurisdiction of the court. See August 26, 2006 Notice of Disqualification, *Di Flores et al. v. EHG et al.*, LASC Case No. BC 150607.

Commissioner Mitchell continued his illegal activity by refusing to pay my corporation approximately $1.4 million in earned legal fees, as set forth by formula in the Final Judgment in the *Di Flores* case.

Commissioner Mitchell further illegally misappropriated approximately $2 million from the *Di Flores* Class Action Settlement Fund for his own benefit by having the Fund purchase all claims that I had against "Bruce E. Mitchell, the Superior Court, and other judicial officers," for $80,000 in a settlement and mutual release dated April 1, 2005. He then paid $300,000 to Luce Forward and attorneys, John Moe II and Peter Leeson IV (now with the Leeson Law Group, P.C.), to defend the purchase and later paid $1.6 million to other attorneys in the case (which they could not receive under the Final Judgment) under the condition that they would withhold 34% ($566,684.65) to further defend the purchase, and then paid approximately $600,000 to others in violation of the Final Judgment. (See Exhibit "A" to the 6/26/06 Order.)

It is well-settled U.S. Supreme Court precedent that a judge cannot judge his own actions or try a case in which he has an interest in the outcome. (*See infra*). *See* the August 26, 2006 Notice for details of Commissioner Mitchell's activities in misappropriating funds from the *Di Flores* Class Action Settlement Fund.

F. *Winston v. Fine*

Commissioner Mitchell also illegally allowed Winston Financial Group, Inc. to place a fraudulent claim against my firm's fees in the *Di Flores* case. Winston Financial Group, Inc. was a false lender on my home. Their attorneys, Robert P. Goe & Marc C. Forsythe, admitted in 2007 (in the proceeding to void the settlement in the case of *Winston Financial Group, Inc., v. Fine et al.*, LASC Case No. BC 237891) that Winston had falsely foreclosed upon my home and that it was not the real lender. The retaliation of the LA Superior Court against me was further manifested by LA Superior Court Judge John P. Shook's refusal to overturn the settlement, even though Winton and its attorneys had committed fraud upon the court and all orders and judgments were void. (*See infra*).

The same held true for LA Superior Court Judge Richard Stone, who allowed my family to be illegally evicted from our home based upon the false foreclosure. U.S. Bankruptcy Judge Sheri Bluebond also allowed Winston's and its attorneys' fraudulent conduct in clear violation of the law. She also approved Mitchell's action of purchasing "Fine's claims" against "Bruce E. Mitchell, the Superior Court, and other judicial officers" while knowing that such act was illegal. Her comment at the time was that it was a state law problem. She was totally not cognizant of the Federal constitutional issue, or she was complicit with the actions of the Superior Court.

In either circumstance, she, like Commissioner Mitchell and Judges Stone and Shook, violated their oath of office and obstructed justice.

G. Commissioner Mitchell's Actions in Other Cases

Commissioner Mitchell continued his actions against me by using his illegal removal of me as "class counsel" in the *Di Flores* case:

(1) To overturn a settlement in the case of *McCormick v. Reddi Brake Supply Corp.*, LASC Case No. BC 180840, which I negotiated. The settlement had a $20 million judgment and the assignment to the rights of a $5 million insurance policy. The subsequent counsel settled for $1.5 million;

(2) To decertify the class in *Debbs v. California Department of Veterans Affairs*, LASC Case No. BC 151476, in which approximately 50,000 veterans had been overcharged on their mortgages. The veterans received nothing;

(3) to decertify the class in the case of *Churchfield v. Wilson*, LASC Case No. BC 175955, in which small and minority business owners who were not paid during the 1996 California budget crisis would receive interest due to them under law. The business owners received nothing. In a previous case which I brought, they received 100%; and

(4) To deny class certification in the cases of *Professional Servicers Organization ("PSO") v. Sharp*, *PSO v. Sony*, and *PSO v. Toshiba*. Sony, Sharp, and Toshiba had already lost an appeal on class certification. Almost all other consumer electronics manufacturers had settled and the warranty service industry had been restructured to conform to the Song-Beverly Act.

H. 2003 State Bar Case

By 2003, LA Superior Court Judge James A. Basque, a presiding or former presiding LA Superior Court Judge, had complained to the State Bar about me. The State Bar brought charges in April 2003. Commissioner Mitchell was the designated witness.

I moved to dismiss the case. The State Bar responded by dismissing the case "in the furtherance of justice" on February 2, 2004.

I. "Consolidated Coalition to Save the Marina" and "MTA" Cases

1) Description

In May 2004 through 2005, I brought four cases against LA County and developers in Marina del Rey, California seeking to void the LA County Master Lease with the developers as an unconstitutional gift of public land to private parties. The cases were consolidated under the case *Coalition to Save the Marina and Marina Tenants Association et al. v. County of Los Angeles et al.*, LASC Case No. BS 089838.

The cases were taxpayer class action cases seeking declaratory relief and damages. It was estimated that in the 10 years prior to the bringing of the cases, LA County and the developers had undervalued the lease payments from the developers to LA County by approximately $700 million.

The developers were receiving approximately $300-350 million per year in rent and LA County was only receiving $30-35 million per year for the value of the land. Comparative values in Marina del Rey showed that LA County should have been receiving at least $100 million a year for the land.

The judge was Soussan G. Bruguera. I moved to disqualify her and transfer the case to San Francisco, which is one of the three California counties that does not make payments to judges.

Judge Bruguera "struck" the Motion while admitting that she was receiving payments from LA County. I took writs of mandate to the California Court of Appeals, Appeal No. B 178404, and the California Supreme Court, S.Ct. Case No. S 128428. They were summarily denied.

2) Appellate Justices and Payments

Nearly all of the justices on the California Court of Appeals, Second Appellate District, are former LA Superior Court judges and have received LA County payments.

Five of the seven current California Supreme Court justices received County payments when they were Superior Court judges, as stated in their biographies as Superior Court judges and the time that the payments were being made. These are: Chief Justice George, Associate Justices Chin, Corrigan, Kennard, and Moreno.

Additionally, Chief Justice George is the Chairman of the Judicial Council of California and Justice Baxter is a member. The Administrative Office of the Courts, which drafted Senate Bill SBx2-11, is part of the Judicial Council of California.

In a report to the California Legislature, the Administrative Office of the Courts estimates that 90% of the judges in California receive payments from counties.

In 2007, Judge Bruguera dismissed the consolidated case in response to a Demurrer to a Consolidated Amended Complaint. She did so after waiting beyond the 90-day mandatory time period to decide the case, thereby depriving plaintiff of certain appeal rights under California Rules of Court, Appeal No. B 198659, S.Ct. Case No. 157640.

3) Political Contributions

Campaign contribution records to LA County Supervisors from 1998 through 2006, as compiled by the LA Times, show contributions from developers in the lawsuits. These contributions need to be correlated to the dates that the LA Supervisors approved the "lease extensions" or "options" for the developers. If those relationships are shown to exist and to be within one year of the vote for extension or option, and the contribution to be greater than $500, then a fraud upon the court exists by LA County and the developer, in addition to the illegal payments to Judge Bruguera, her presiding over the case and deciding in favor of LA County, i.e., obstruction of justice.

J. ***Marina Pacific Associates*** Cases

In 2005, I brought the case of *Coalition to Save the Marina, et al. v. County of Los Angeles*, LASC Case No. BS 092794 (hereinafter the "*Marina Pacific Associates*" case). The original case sought to declare the LA County "unseaworthy ordinances" unconstitutional. The suit was amended to include Marina Pacific Associates, a LA County lessee in Marina del Rey who was evicting boaters from boat slips which it had developed on LA County property (water) under the Master Lease.

Neither LA County nor its attorneys disclosed if LA County was making payments to the trial judge, LA Superior Court Judge Elihu Berle. Judge Berle did not disclose if he was receiving payments from LA County.

Marina Pacific Associates was a general partnership. Its managing partner was the Epstein Family Trust. Jerry B. Epstein and Pat Epstein were the trustees. During the years 2001 onwards, Marina Pacific Associates had received LA County approval to redevelop the boat slips and apartment complex.

Campaign contribution reports showed that during 1998-2006, Epstein interests had exceeded the $500 campaign contribution to make a supervisor's vote legal as follows: 1998 – Knabe and Burke; 1999 – Knabe, Burke, and Antonovich; 2000 – Knabe (by their lawyers) and Antonovich; 2001 – Knabe, Yaroslavsky, Burke, Molina, and Antonovich; 2002 – Burke and Antonovich; 2003 – Knabe, Burke, and Antonovich; 2004 – Knabe, Yaroslavsky, Burke, and Antonovich; 2005 – Knabe, Yaroslavsky, Burke, and Molina; 2006 – Knabe, Burke, and Antonovich.

In the years 1999-2000, 2001-2002, 2003-2004, 2004-2005, 2005-2006, and 2006-2007, depending on the last month of a contribution, the LA Supervisors would not have three legal votes for any Epstein project. In the remaining years, if four votes were cast, depending on the last month of a contribution, the LA Supervisors would not have three votes for any Epstein project.

The approval for the redevelopment of the boat slips may well have been illegal as it may have occurred in 2001. LA County, its attorneys, and Esptein and his attorneys, Sheldon H. Sloan and the lawfirm of Lewis Brisbois Bisgaard & Smith may have committed fraud upon the court by not disclosing that the LA Supervisors' vote to approve the redevelopment was illegal.

Judge Berle decided in favor of LA County on the "unseaworthy" issue on a Motion for Summary Judgment in 2007. The eviction issue was set for trial along with a Marina Pacific cross claim. The individual plaintiffs settled the cross claim.

Hoffman, the evicted boater, went to trial and lost. The Court of Appeals reversed.

I was not available for the trial nor the appeal.

K. Second State Bar Case and Their Current Cases

1) *Marina Strand* Case

On October 17, 2007, Judge Richard A. Honn of the State Bar Court ordered me inactive. This required me to remove myself from all cases.

At that time, I was involved in the consolidated *Coalition to Save the Marina* cases, the *Marina Pacific Associates* case, and another case against Epstein investments, which began on June 14, 2007, *Marina Strand Colony II Homeowners Assoc. v. County of Los Angeles*, Del Rey Shores Joint Venture and Del Rey Shores Joint Venture North, Real Parties in Interest (hereinafter collectively referred to as "Del Rey Shores"), LASC Case No. BS 109420 (hereinafter the "*Marina Strand* case").

The managing partner of Del Rey Shores was the Epstein Family Trust, of which Jerry B. Epstein and Pat Epstein were the trustees. The case involved the redevelopment of the Del Rey Shores apartment complex in Marina del Rey, California.

LA County and Del Rey Shores were co-applicants for the certification for an Environmental Impact Report ("EIR") by the LA County Board of Supervisors to redevelop its property.

I was retained by the Homeowners Association to oppose the EIR as it was deficient.

I remained on the case from June 14, 2007 until October 17, 2007. I was brought into the case again on January 8, 2008 when LA Superior Court Judge David P. Yaffe unlawfully ordered me to pay attorneys' fees to LA County and Del Rey Shores without notice to me and without my being present at the hearing. This violated due process, as set forth in *In Re Ruffalo*, 390 U.S. 544 (1968), and also violated the California Public Resources Code and the "excusable neglect" case holdings under CCP Section 473(b).

A further discussion of the *Marina Strand* case is related below.

2) *Playa Vista* Case

A third case in which I was involved was *Environmentalism Through Inspiration and Non-Violent Action ("ETINA") et al. v. City of Los Angeles, Playa Capital Co., LLC, et al.* LASC Case No. BS 073182 (hereinafter the "*Playa Vista* case"). I was retained by the Grassroots Coalition to enforcing a writ against the City of Los Angeles requiring it to re-circulate an EIR regarding the Playa Vista Development in Playa Vista, California, as part of the City of Los Angeles next to Marina del Rey, California.

I left the *Playa Vista* case on October 17, 2007 while in the midst of setting hearings regarding whether the EIR must be re-circulated or whether the City could use an alternative method. I had shown that approximately 11 of the 15 City Council Members had received contributions from Playa Vista within the previous 12 months prior to voting for an alternative method, and that such contributions were greater than $500.

I further had shown that Laura Chick, the City Controller, had a "behest" of $5,000 given in her name by Latham & Watkins, the lobbyists and attorneys for Playa Vista on June 6, 2007, one day after she released a report favorable to Playa Vista and during the time that such report was being considered for LA City Council action.

3) Relationship to State Bar Case

The *Marina Pacific Associates* case, the *Marina Strand* case, and the *Playa Vista* case each have a significant relationship to the State Bar action.

The State Bar case was filed on February 6, 2006, the month after I appeared at a LA County Regional Planning Commission hearing opposing the LA County and Epstein redevelopment of Del Rey Shores.

A member of the State Bar Board of Governors, President-Elect and President from September 2006-2007, was Sheldon H. Sloan, the lawyer for Epstein in the *Marina Pacific Associates* case. He had an interest in my being removed from practice. He did not disclose this interest, which was a misdemeanor.

A second member of the State Bar Board of Governors, and President after Sheldon H. Sloan, was Jeffery Bleich, a former partner at Munger, Tolles & Olson (and currently the US Ambassador to Australia). Munger, Tolles & Olson represented LA County in negotiating the lease extension with Epstein to redevelop Del Rey Shores. Jeffery Bleich, his law firm, and his client had an interest in my being removed from practice. He did not disclose this interest, which was a misdemeanor.

A third member of the State Bar Board of Governors was Laura Chick, the LA City Controller who I caught having an illegal behest given in her name. She was appointed as a "public member" to the Board by the Governor. She was also a LA City Councilperson at the time of the case of *Shinkle et al. v. City of Los Angeles*, LASC Case No. 154805, which I brought to lower the sewer service charges that LA charged its residents, and to recover damages. After the complaint was filed, the City Council lowered the sewer service charges. However, Commissioner Mitchell, serving as a "temporary judge" for pretrial purposes, unlawfully denied class certification. My filing a writ regarding the disqualification of Commissioner Mitchell was one of the issues in the disbarment case.

Laura Chick had an interest in my being removed from practice. She did not disclose this interest, which was a misdemeanor.

L. Second State Bar Case – A Sham and a Fraud

The State Bar was working in collusion with the LA Superior Court to file a sham complaint. The State Bar made a false declaration, stating that the State Bar complaint (known as Notice of Disciplinary Charges ("NDC")) was based solely on its own research, to avoid having the NDC dismissed.

This occurred in 2004. In 2006, I received a letter from the State Bar stating that the NDC started with a complaint in September 2004. The State Bar never identified the complaining party. In 2007, during the State Bar trial, Commissioner Mitchell appeared in the courtroom. Upon being asked to identify himself by State Bar court Judge Honn, he stated that he was LA Superior Court Commissioner Bruce E. Mitchell, the complaining party in the case. (*See* State Bar reporter's transcript, Volume 4, Pages 60-64). Before I could question him on the stand, the court took a recess. The State Bar removed him from the building and he never returned.

The NDC was a fraud and a sham. It contained one charge – moral turpitude. It has 22 counts. All counts were based upon documents filed in court. Three counts alleged false statements. Those were dismissed by the hearing judge, Honn. All other counts were protected by the First Amendment as they were truthful statements made in court documents.

The Review Department dismissed more counts. However, it still left counts protected by the First Amendment. It also left counts which it knew were blatantly false. For example, it held that the filing of the federal case was frivolous because of the allegations that the LA County payments violated Article VI, Section 19, of the California Constitution , when it knew that the *Sturgeon* case had held such.

This example also showed that the purpose of the NDC was to punish me for challenging the illegal County payments. It further demonstrates that the State Bar, the State Bar chief trial counsel, the State Bar Board of Governors, the State Bar court Judges Honn, Remke, Epstein, and Stovitz (who are not judges of a court of record) have engaged in obstruction of justice and fraud upon the court in recommending disbarment to the California Supreme Court.

A federal civil rights suit against these entities and persons was filed in the U.S. District Court, Central District of California (except Honn, Remke, Epstein, and Stovitz, who act in the stead of the Board of Governors), *Fine v. State Bar et al.*, USDC Case No. CV-10-0048.

Based upon this fraud upon the court, the California Supreme Court did not have subject matter jurisdiction to act. (*See infra*).

M. Return to *Marina Strand* Case

After receiving notification of Judge Yaffe's 1/8/08 Order in the *Marina Strand* case, I filed a Motion on 2/19/08 to disqualify all LA Superior Court judges who were receiving money from LA County and to dismiss the 1/8/08 Order.

My Declaration in Support of the Motion stated at paragraph 12:

> In the instant case Los Angeles County is a party. The Court [Judge Yaffe] has not disclosed if it is receiving [presently receiving money] payments from LA County.

Paragraph 13 stated:

> In the case of *Sturgeon v. County of Los Angeles, et al.*, Case No. BC 351286, in which plaintiff brought suit to enjoin LA County from making payments to LA Superior Court judges, the case was transferred out of the jurisdiction of the LA Court.

III. History of LA County Payments to State Court Trial Judges

As stated above, the LA County payments to State Court trial judges had been held to violate Article VI, Section 19, of the California Constitution in the case of *Sturgeon v. County of Los Angeles*, 167 Cal.App.4th 630 (2008), rev. denied 12/23/08. According to the *Sturgeon* case, the LA County payments began in the late 1980s.

A November 10, 1988 letter from Roger W. Whitby, Senior Assistant, LA County Counsel, approved by DeWitt W. Clinton, LA County Counsel, to Frank S. Zolin, County Clerk/Executive Officer Superior Court, showed that both LA County and the LA Superior Court knew that the LA County payments were illegal.

The letter showed their understanding that: (1) only the State Legislature could "prescribe" the "compensation" of the judges under Article VI, Section 19, of the California Constitution; (2) "compensation" included fringe benefits, according to two Attorney General Opinions - 59 Ops.Cal.Atty.Gen. 496; 61 Ops.Cal.Atty.Gen. 388; (3) the Legislature could not delegate its function or duty to another person or body (*County of Madera v. Superior Court*, 39 Cal. App. 3d 665 (1974); (4) Superior Court judges are State Constitutional Officers; and (5) "The Board of Supervisors has evidently found that in order to attract and retain qualified judges to serve in this [LA] County, it is necessary and appropriate to provide them with benefits such as the flexible benefit plan contribution and the 401(k) match . . . ."

As of 1988, the LA Supervisors and the Superior Court judges knew from the aforementioned November 10, 1988 letter that the LA County payments could not "attract" a judge who was already in office and could not "retain" a judge who had to be elected by the public to regain his office. And since the payments to judges have been kept secret for two decades, they could not have served to attract new judicial candidates.

The November 10, 1988 letter was evidence at the appellate stage of the *Sturgeon* case, where it was first produced by LA County.

If the payments were considered "political contributions," irrespective of other violations of the County making political contributions to judges or other persons, the judges receiving the payments would have had to recuse themselves from any LA County case.

The U.S. Supreme Court case of *Caperton v. A. T. Massey Coal Co., Inc.*, 556 U.S. ___ (2009), stated at Slip Opinion page 7, citing to *Tumey v. Ohio*, 273 U.S. 510, 532 (1927):

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

This required a recusal based just upon the payments alone.

The Supreme Court continued at Slip Opinion page 16 in relevant part:

> Just as no man is allowed to be a judge in his own cause, similar fears of bias can arise when—without the consent of the other parties—a man chooses the judge in his own cause.

This required a recusal for "buying the court."

The Supreme Court referred to *In Re Murchison*, 349 U.S. 133, 136 (1955), at Slip Opinion page 10:

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

IV. Effect and Amount of LA County Payments to State Trial Court Judges

The LA County payments may be concluded to have had an effect upon the decisions of LA Superior Court judges in cases in which LA County was a party before them. LA County Counsel Annual Litigation Cost Management Reports for the fiscal years 2005 to 2009 show that only three cases were decided against LA County when a LA Superior Court judge made the decision.

From 1987 through 2009, it is estimated that LA County paid over $300 million illegally to the LA Superior Court judges. This estimate is based upon $127,250,409 that was paid from fiscal year 1999/2000 through fiscal year 2005/2006, and adding the amounts paid for fiscal year 2006/2007 through fiscal year 2008/2009, which were approximately $70,000,000, and estimating the amounts from fiscal year 1987/1988 to fiscal year 2004/2005 to a minimum of $100,000,000. The $127,250,409 was evidence in the *Sturgeon* case and the later amounts are available in budgets, as well as other amounts.

Judge Yaffe had been a LA Superior Court judge since 1987. It is estimated that he has received approximately $500,000 in illegal LA County payments.

With $300 million being paid to the LA Superior Court judges and $500,000 being paid to Judge Yaffe, one may conclude that the payments were "bribes."

On October 22, 2008, Judge Yaffe testified that he could not remember any cases in the last three years that he decided against LA County. The LA County Counsel Annual Litigation Reports show comparable results for the fiscal years 2005/2006 to 2008/2009.

California legislation has confirmed that the county payments of county-paid "benefits" to judges are criminal by giving retroactive immunity effective 5/21/09 to a "governmental entity, or officer or employee of a governmental entity" from criminal prosecution, civil liability or disciplinary action "because of benefits provided to a judge under the official action of a governmental entity prior to the effective date of this act on the ground that those benefits were not authorized under law." (2009 Cal.Legis.Serv., 2d Ex.Sess. Chapter 9 (S.B. 11) (also referred to as "Senate Bill SBx2-11"). Senate Bill SBx2-11 did not extend retroactive immunity to the "obstruction of justice" of a judge deciding a case of a county who had paid him and was a party before him; nor did it give immunity to any payments after 5/21/09, the effective date; nor did it give immunity from any Federal crimes or violations.

Senate Bill SBx2-11 also allowed county payments to recommence starting 6/21/09 on the same terms and conditions as existed as of 7/1/08. The LA County payments are still illegal. The trial court operations section for the fiscal year 2009/2010 budget claims the payments are based upon the 1997 Lockyer-Isenberg Trial Court Funding Act, which *Sturgeon* held violated Article VI, Section 19, of the California Constitution.

The U.S. Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice," *Levine v. United States*, 362 U.S. 610, 616, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). Therefore, a judge receiving a bribe from an interested party over which he is presiding does not give the appearance of justice.

On June 24, 2010, the U.S. Supreme Court decided *Skilling v. United States*, 561 U.S. ____ (2010), Slip Opinion pages 48-49, in which it held that bribery and kickbacks violate 18 U.S.C. Section 1346, the intangible right to honest services. I had argued that Judge Yaffe was in violation of Section 1346 during the *Marina Strand* case and the contempt proceeding.

V. Fraud Upon the Court

While knowing all of this background, in the *Marina Strand* case neither respondent LA County nor its attorneys disclosed that LA County was making payments to Judge Yaffe, from the outset of the case on June 14, 2007 throughout the entire case.

This was a "fraud upon the court" which vitiated the entire *Marina Strand* case and the contempt proceeding, and regarded as nullities and voided all of Judge Yaffe's orders and judgments in the *Marina Strand* case and the contempt proceeding.

Judge Yaffe also engaged in this "fraud upon the court" by not disclosing the LA County payments until a first hearing with me, nine months later on March 20, 2008, when Judge Yaffe admitted to such LA County payments under questioning by me.

The U.S. Supreme Court has stated in *U.S. v. Throckmorton*, 98 U.S. 61, 64 (1878):

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

The Court continued at 98 U.S. at 66:

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

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

> Courts are constituted by authority, and they cannot [act] beyond the 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 even prior to reversal. *Elliott v. Lessee of Piersol*, 26 U.S. (1 Pet.) 328, 340; *Old Wayne Life Assn. v. McDonough*, 204 U.S. 8, 27 S.Ct. 236.

Additionally, respondent LA County and its attorneys and Real Parties in Interest in the *Marina Strand* case, Del Rey Shores, and its attorneys, Armbruster & Goldsmith, LP, by R. J. Comer, and Joshua L. Rosen Law Offices by Joshua L. Rosen, committed fraud upon the court. They did not disclose that the EIR, to which LA County and Del Rey Shores were co-applicants, was illegal and not certified.

The EIR had only received two legal votes from LA County Supervisors. It needed three. Two votes of Supervisors Antonovich and Knabe were illegal because they each had received contributions greater than $500 in April 2007, six weeks before the May 15, 2007 vote on the EIR. The contributions came from the Epstein Family Trust – the managing partner of Del Rey Shores, Jerry B. Epstein – a trustee of the Epstein Family Trust, and David D. Levine – the "chief of staff" for Jerry B. Epstein. These contributions were approximately $4,700.

These contributions violated the Political Reform Act and the case of *BreakZone Billiards v. City of Torrance*, 81 Cal.App.4th 1205 (2000).

Judge Yaffe also violated CCP Section 170.1(a)(6)(A)(iii) by not disqualifying himself at the outset of the *Marina Strand* case, Code of Judicial Ethics Canon 4D(1) by accepting the LA County payments as LA County was an entity likely to appear before him; Canon 3E(2) by not disclosing the LA County payments on the record; and Canon 3E(1) by not disqualifying himself.

Judge Yaffe ignored the law and instead further obstructed justice by referring to a non-existent 3/18/08 Order in a 3/27/08 Order striking Notice of Disqualification which he never served. The significance of his reference to the non-existent 3/18/08 Order was that, in it, he claimed that I did not have standing to disqualify him as I was not a party to the case.

Judge Yaffe then did not respond to my 3/25/08 CCP 170.3 Verified Statement of Disqualification and refused to leave the case and turn over the files to the Supervising Judge for reassignment when he was automatically disqualified under CCP Section 170.3(c)(4) for not responding within ten days after he was served. On 4/10/08, at a hearing, I handed Judge Yaffe a Notice of Disqualification, and the Clerk filed such on 4/11/08.

Judge Yaffe ignored it. and on 4/15/08 entered an Order for me to pay Del Rey Shores a specific sum in attorneys' fees.

A series of debtor's examinations ensued in which I refused to answer questions based upon, *inter alia*, the fact that Judge Yaffe did not have jurisdiction to enter any 1/8/08 Order or subsequent orders, and that he was disqualified.

On 11/3/08, Judge Yaffe entered an Order to Show Cause Re Contempt which I also opposed on the same grounds, and also on the ground that Judge Yaffe could not lawfully "judge his owns actions."

On 12/22/08, the contempt trial began over my objections. Judge Yaffe was the judge. I called him as the first witness. He testified and at the same time acted as judge.

Judge Yaffe testified that he received LA County payments, that he did not disclose such on his Form 700 Statement of Financial Interest, that he did not have an employment contract with LA County or any agreement to perform services for them, that he could not deposit the LA County payments in his campaign account, and he did not remember any case in the last three years that he decided against LA County.

During the contempt trial, when R.J. Comer was testifying, I showed the Epstein Group contributions to Supervisors Antonovich and Knabe.

Judge Yaffe held me in contempt, falsely arguing in the 3/4/09 Judgment and Order of Contempt that I should have disqualified him at the outset of the case. He ignored his obligation to disqualify himself, to disclose the payments and the fraud upon the court by LA County, its attorneys, Del Rey Shores and its attorneys.

He totally ignored the 3/25/08 CCP Section 170.3 CCP Verified Statement of Disqualification and his "judging his own actions" in the contempt proceeding. He incarcerated me on 3/4/09, even though a Writ of Habeas Corpus was pending in the California Supreme Court. It was denied on 3/5/09.

I have been in solitary confinement in a "coercive confinement" for 18 months.

VI. ***Farr*** **Request**

I have requested a hearing under the case of *In Re Farr*, 36 Cal.App.3d 577, 584 (1974), which holds that when the confinement does not serve the purpose of the order, the confinement is "penal" and is limited to the 5 days set forth in Code of Civil Procedure Section 1218. Judge Yaffe refused to calendar the Motion, even though the fees were paid and the time was set. He acknowledged such refusal in a Minute Order dated 6/18/10.

This denial of the Motion in which I informed Judge Yaffe that I would not be answering questions violated U.S. Supreme Court precedent which holds that confinement beyond a time that bears a reasonable relationship to the purpose for which the person is committed is a denial of due process. (*See* *Jackson v. Indiana*, 406 U.S. 715 (1972); *McNeil v. Director, Patuxent Institution*, 407 U.S. 245 (1972)). A reasonable relationship was interpreted in the *Jackson* and *McNeil* cases to mean "penal" confinement, which in California is 5 days.

On 3/4/09, I told Judge Yaffe that I would not answer any questions while the Writ of Habeas Corpus proceeded. He knew that the confinement would not serve its purposes.

VII. Judge Yaffe's Admission of Fraud Upon the Court and Obstruction of Justice

On 7/13/10, after committing fraud upon the court and obstruction of justice for 2¼ years, Judge Yaffe finally admitted that there was not any 3/18/08 Order and that he never intended to make any finding that I could not disqualify him.

Judge Yaffe stated in a 7/13/10 Minute Order in relevant part:

> It has been brought to the Court's attention that its Order striking Notice of Disqualification dated and filed March 27, 2008, refers to an earlier March 18, 2008 draft order that was not filed . . . .
>
> The Court did not intend to make any finding as to whether Mr. Fine had standing to file a Verified Statement of Disqualification pursuant to Code of Civil Procedure Section 170.3.

With this admission, any defenses that Judge Yaffe may have had for his actions have been emasculated.

Judge Yaffe has admitted that he has committed fraud upon the court in the *Marina Strand* case and had obstructed justice in such case.

He further has admitted that he, the LA Superior Court and their attorney, Kevin McCormick, have committed fraud upon the court and obstructed justice before the U.S. District Court in the case of *Fine v. Sheriff of LA County*, USDC Case No. CV-09-1914 JFW (CW) in which they filed the 3/27/08 Order Striking Disqualification referring to the false 3/18/08 Order and the Appeal to the 9th Circuit, Appeal No. 09-56073, in which the same document was filed.

This obstruction of justice since 5/1/09, when a copy of the 3/27/08 Order Striking Disqualification was first filed, demonstrates the callous disregard and lack of respect of Judge Yaffe, the LA Superior Court, and Mr. McCormick for the judicial system.

VIII. Federal Court Response to Judge Yaffe's Admission

A. District Court

While Judge Yaffe, the Superior Court, and Mr. McCormick defrauded them, the Federal Judges were all too willing to be complicit in the illegal payment scheme by violating the law whenever possible.

In the District Court case, the respondent Sheriff violated 28 U.S.C. Section 2243 and did not show cause why the writ of habeas corpus should not be issued. He moved to be dismissed, which motion was denied. The writ should have been granted for lack of deposition.

Instead, Magistrate Judge Carla M. Woehrle violated the time schedule set forth in 28 U.S.C. Section 2243 and instead requested the Superior Court (who this Sheriff had not listed as an interested party) to respond. Such response did not show cause why the writ should not issue, it only attached the 3/27/08 Order which was not part of the contempt trial, along with another document which was not part of the trial, and the 3/4/09 Reporter's Transcript, and the 3/4/09 Judgment and Order with Remand Order.

Magistrate Judge Woehrle was bound to hold a trial, which she did not do, if she considered the 3/27/08 Order Striking Disqualification different from the Petition. The Petition did not mention it as it did not exist in the trial and had not been served. Nor did it show a proof of service.

Instead, Magistrate Judge Woehrle relied upon the 3/27/08 Order Striking Notice of Disqualification and the referenced 3/18/08 false Order in her Report and Recommendation, which became the opinion of Judge Walter, over my strenuous objection.

However, more outrageous, upon being informed of the 7/13/10 Minute Order which admitted that the District Court had been defrauded and subjected to obstruction of justice, Magistrate Judge Woehrle did nothing and refused to vacate their judgment denying the Petition.

This action demonstrates a violation of the District Court Judge's and Magistrate Judge's oath of office to obey and follow the Constitution and the laws of the United States, clearly demonstrates that they are not acting in "good behavior," and themselves are "obstructing justice." Their actions show that they are acting in complicity with the obstruction-of-justice acts of Judge Yaffe, the Superior Court, and Mr. McCormick, and with the illegal payments and bribes being given to the State trial judges by LA County.

B. 9th Circuit

The Justices in the 9th Circuit present an even more serious problem. The case was assigned to Justices Reinhardt, Trott, and Wardlaw. They never should have presided over the appeal.

Justice Reinhardt is married to Ramona Ripston, who is the Executive Director of the ACLU of Southern California. The ACLU of Southern California watches over the LA Men's Central Jail and, in an interview, has been called the "partner of the Sheriff" who is the respondent in the *habeas corpus* case. The ACLU of Southern California receives money from LA County under a court decree for its work at the jail.

Justice Trott is a former member of the LA District Attorney's Office. According to his Financial Disclosure Report, he receives approximately $12,000 per year from LA County in pension payments.

Justice Wardlaw, according to a magazine interview with her husband, William "Bill" Wardlaw, is a family friend of LA County Supervisor Zev Yaroslavsky. In 2004, Bill Wardlaw attempted to convince Yaroslavsky to run for LA City Mayor. Bill Wardlaw is a contributor to Yaroslavsky's campaigns. Bill Wardlaw is a partner in the investment firm of Freeman Spogli, which invests money for governments. Justice Wardlaw's financial disclosure documents do not disclose the Freeman Spogli investments, nor her County investments, as parts are blanked out.

The panel affirmed the denial of the writ while my Motion to Disqualify the Panel was being considered. After the Panel affirmed the denial of the writ, it then denied my Motion to Disqualify them. The Panel was the judge of its own disqualification and unlawfully judged their own actions.

Astoundingly, no justice on the 9th Circuit voted to hear the writ *en banc*. This demonstrated a complicity with the judges receiving the illegal payments.

However, even worse, a 9th Circuit Clerk, Mr. Rosen, refused to circulate my Petition for the entire 9th Circuit to rule on the Disqualification of the Panel. This refusal was a direct obstruction of justice.

After receiving Judge Yaffe's 7/13/10 Minute Order, I filed a Petition with the 9th Circuit to vacate their Order based upon Judge Yaffe, the Superior Court, and Mr. McCormick's fraud upon the court and obstruction of justice. The 9th Circuit panel of Reinhardt, Trott, and Wardlaw refused.

This refusal further shows that they are intent upon "covering up" the illegal payments and bribes at the expense of violating their oaths of office and action in "good behavior."

These acts clearly demonstrate "obstruction of justice" as they are beyond any definition of "judicial discretion, opinion of law or competence." Every U.S. Supreme Court precedent is against the actions of the panel.

I have petitioned for an *en banc* review, however, based upon the last action of Mr. Rosen, further obstruction of justice may be anticipated.

As a matter of note, two Motions to free me from incarceration, one Motion for Reconsideration, and one Motion to Grant the Writ on the Opening Brief were filed. None were opposed. The 9th Circuit denied all of them.

This shows how strong the 9th Circuit complicity is to "cover up' the illegal payments and bribes. The 9th Circuit Memorandum Opinion states it is "not for publication" and "not precedent." This is an attempt to limit the opinion to only my case as they know it violates all Supreme Court precedent.

However, Fed. Rule of App. Procedure, Rule 32.1, states that any case may be cited. The 9th Circuit has effectively made bribing judges acceptable and judges judging their own actions acceptable.

C. U.S. Supreme Court

The U.S. Supreme Court denied *certiorari*, thereby allowing the 9th Circuit opinion to stand and, under Rule 32.1, be cited. The U.S. Supreme Court does not give a reason when it denies *certiorari*.

One can only assume that they Supreme Court Justices are comfortable and complicit with the judges receiving $300 million in bribes.

Upon receiving Judge Yaffe's 7/13/10 Minute Order, I immediately sent a copy to the U.S. Supreme Court as a supplement to my Petition for Rehearing after the denial of the Petition for Certiorari. The Court Clerk stated that the supplement had to be in a booklet form. In another call, he said that it was not necessary to send the booklet. I sent the booklet anyway. The receipt with signature shows that the booklet arrived on 7/22/10. I later received the 40 booklets back with a letter stating that they arrived on 7/26/10, the day that the denial of the Petition for Rehearing was published.

This shows that obstruction of justice even occurs in the Office of the Clerk of the U.S. Supreme Court.

It is clear from the Supreme Court's denial of the Petition for Rehearing with the knowledge of Judge Yaffe's fraud upon the court and obstruction of justice set forth in the 7/13/10 Minute Order and the resultant fraud upon the Federal courts and obstruction of justice by Judge Yaffe, the Superior Court, and Mr. McCormick that the Justices of the Supreme Court are not concerned with the total denigration of the judicial system in the United States and are only too willing to allow corruption and bribery to have free reign.

IX. Conclusion

Since the judiciary has clearly shown itself both incapable and unwilling to root out the corruption within its ranks, the responsibility falls upon each of you as the respective leaders of our law enforcement agencies to prosecute the wrongdoers. Rid our Federal, State and Municipal governments of corrupt politicians and remove all corrupt judges from office.

At the present time, our judiciary is akin to one which has been "purchased" by the cartels in Mexico or subject to the corruption in Iraq, Iran, or Afghanistan.

The State trial court judges in LA County have been "purchased" over the last 23 years for $300 million. Judge Yaffe has been "purchased" for $500,000. Ninety percent of the California trial judges in 55 of the 58 counties have been "purchased." The Federal judiciary, up through the U.S. Supreme Court, has been complicit and has allowed this to happen, irrespective of all Supreme Court precedent forbidding such.

I have provided you with the basic facts to start your grand juries. As a former Justice Department lawyer who indicted GM and Ford for price fixing and investigated international pulp, paper and newsprint cartels through the use of grand juries, I have complete confidence that, with a concerted effort, each of you will be successful.

Once that success is achieved, the United States will again have the finest judicial system in the world.

I will be available to render all assistance which you may need.

Sincerely,

RICHARD I. FINE
RIF/sa/mlm

cc: Full Disclosure Network