

RICHARD I. FINE
Prisoner ID # 1824367
c/o Men's Central Jail
441 Bauchet Street
Los Angeles, CA 90012

July 15, 2010

United States Supreme Court
One First Street NE
Washington, DC 20543-0001

Re: U. S. Supreme Court Case No. 09-1250
Ninth Circuit Case No. 09-56073
U. S. District Court Case No. CV-09-1914 (JFW)(CW)

NEW INFORMATION OF L.A. SUPERIOR COURT JULY 13, 2010
MINUTE ORDER ADMITTING THAT THE L.A. SUPERIOR COURT
DID NOT ENTER A MARCH 18, 2008 ORDER AS REPRESENTED IN
THE L.A. SUPERIOR COURT'S MARCH 27, 2008 ORDER AND
RELIED UPON BY THE U.S. DISTRICT COURT IN ITS DENIAL OF
THE PETITION FOR WRIT OF HABEUS CORPUS.

Dear Justices:

Enclosed herewith please find a copy of a July 13, 2010 L.A. Superior Court Minute Order filed in the U.S. District Court by the L.A. Superior Court and Judge Yaffe in Case No. CV-09-1914 JFW (CW) in Opposition to Petitioner's Motion to Vacate the Denial of the Petition for Writ of Habeus Corpus.

The July 13, 2010 Minute Order confirms that Judge Yaffe deliberately made false statements in his March 27, 2008 Order that referenced and relied upon a March 18, 2008 Order. The July 13, 2010 Minute Order confirms that no such March 18, 2008 Order existed. These false statements made the March 27, 2008 Order a nullity as the March 27, 2008 Order relied entirely on a non-existent March 18, 2008 Order. The deliberate false statements of Judge Yaffe were made to fraudulently induce any subsequent court to rely upon such false statements and base its judgment upon such false statements.

The U.S. District Court, in turn, relied upon the March 27, 2008 Order as a basis for its judgment. The U.S. District Court found at page 19, lines 7-15 (SER 0242) of the Report and Recommendation of the Magistrate Judge, adopted by the

U.S. District Court, that “Fine” did not have standing to file a disqualification against Judge Yaffe. The July 13, 2010 Minute Order shows this conclusion to be false.

The U.S. District Court also falsely stated that the March 27, 2008 Order struck both the March 25, 2008 Notice of Disqualification and the March 25, 2008 Code of Civil Procedure section 170.3 Objection to Judge Yaffe (Id., lines 14-15). The March 27, 2008 Order only mentioned the March 25, 2008 Notice of Disqualification and did not mention the March 25, 2008 CCP section 170.3 Objection to Judge Yaffe.

A handwritten note on the March 25, 2008 Notice of Disqualification by Connie L. Hudson, the Deputy Clerk, shows this to be the document stricken as ordered by the March 27, 2008 Order (SER 0083).

The July 13, 2010 Minute Order refers to a March 20, 2008 Minute Order as the actual document striking the February 19, 2008 “Motion to Disqualify L.A. Superior Court Judges Receiving Money from L.A. County.” Such March 20, 2008 Minute Order (SER 0077-0078) did not give any valid ground for striking in the four grounds that were set forth in the Minute Order. The February 19, 2008 Motion was not vitiated by the March 20, 2008 Minute Order as, (1) it was not directed at all judges of the superior court, only those who had received payments from L.A. County, a party to the case (Judge Yaffe had not disclosed whether he had received such payments as of February 19, 2008); (2) it was not a motion for reconsideration; and (3) it was not a CCP section 170.3 Objection as it was not directed to a single judge as the L.A. Superior Court judges who had received payments from L.A. County had previously transferred a case out of L.A. County as shown in the case of *Sturgeon v. County of Los Angeles*, LASC Case No. BC 351286 as set forth in the February 19, 2008 motion (SER 0047).

The March 25, 2008 Notice of Disqualification was based upon the March 20, 2008 Minute Order. (SER 0083-0084.) It showed that if Judge Yaffe believed the February 19, 2008 Motion to be a CCP section 170.3 Objection to him personally, he was bound under the law to strike the motion within ten days of filing. He did not do such and waited until 30 days later consequently causing his disqualification.

In summary, 28 months or approximately two and one-fourth years after the March 27, 2008 Order, Judge Yaffe has finally admitted that he deliberately made false statements in his March 27, 2008 Order. Judge Yaffe’s admission of the false statements is crucial to the Habeas Corpus proceeding. The U.S. District Court based its judgment, and relied upon Judge Yaffe’s deliberate false statements. The Ninth Circuit affirmed the U.S. District Court’s decision and the

U.S. Supreme Court denied certiorari without questioning Judge Yaffe's deliberate false statements. Finally, Judge Yaffe does not deny that he and L.A. County committed "fraud upon the court" by not disclosing the L.A. County payments to Judge Yaffe at the outset of the case on June 14, 2007. Judge Yaffe further does not deny that he should have immediately disqualified himself on June 14, 2007 based upon the payments from L.A. County, a party appearing before him.

This information is being sent to the U. S. Supreme Court immediately after being discovered on Pacer in the U.S. District Court case, and prior to being received by mail from the L.A. Superior Court, Judge Yaffe and its counsel in the U.S. District Court case or being received by mail from the L.A. Superior Court in the underlying case.

Please consider this information in your deliberations on the Petition for Rehearing.

Respectfully submitted,



RICHARD I. FINE
Enclosures

PROOF OF SERVICE

STATE OF CALIFORNIA,)
COUNTY OF LOS ANGELES)

I, the undersigned, hereby declare under penalty of perjury, that the following is true and correct:

I am over eighteen years of age, and not a party to the within cause. I am a resident of the County of Los Angeles, State of California. My mailing address is 22139 Burbank Boulevard, #5, Woodland Hills, CA 91367.

On July 16, 2010, I served the foregoing documents described as:

Letter to U.S. Supreme Court Justices with Enclosure, and letter and cover letter to U. S. Supreme Court Clerk, William K. Suter

on the interested parties in this action by depositing a true copy thereof, which was enclosed in a sealed envelope, with postage fully prepaid, in the United States Mail, addressed as follows:

Aaron Mitchell Fontana; Paul B. Beach
LAWRENCE, BEACH, ALLEN & CHOI, PC
100 West Broadway, Ste. 1200
Glendale, CA 91210-1219

Kevin M. McCormick
BENTON, ORR, DUVAL & BUCKINGHAM
39 N. California Street
P.O. Box 1178
Ventura, CA 93002

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

Executed on this 16th day of July 2010, in the city of Los Angeles California.

Robin DeMichael